

APPENDIX

- APPENDIX 1** **The Memorandum Opinion issued by the Texas Court of Appeals, Third District, at Austin**
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**APPENDIX 1 The Memorandum Opinion issued by the Texas Court of Appeals,
Third District, at Austin**

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

NO. 03-20-00007-CR

Roberto Degollado, Appellant

v.

The State of Texas, Appellee

**FROM THE 427TH DISTRICT COURT OF TRAVIS COUNTY
NO. D-1-DC-18-200831, THE HONORABLE TAMARA NEEDLES, JUDGE PRESIDING**

MEMORANDUM OPINION

Roberto Degollado was indicted for the first-degree felony offense of murder after stabbing his live-in girlfriend to death in front of her two minor sons. *See* Tex. Penal Code § 19.02(b), (c). Degollado pleaded guilty and seeks to appeal his murder conviction. However, the trial court has certified that Degollado waived the right of appeal, and the record of Degollado's plea-and-sentencing hearing supports the trial court's certification. Accordingly, this appeal is dismissed for want of jurisdiction. *See* Tex. R. App. P. 25.2(a)(2), (d).

Gisela D. Triana, Justice

Before Chief Justice Rose, Justices Baker and Triana

Dismissed for Want of Jurisdiction

Filed: January 24, 2020

Do Not Publish

TEXAS COURT OF APPEALS, THIRD DISTRICT, AT AUSTIN

JUDGMENT RENDERED JANUARY 24, 2020

NO. 03-20-00007-CR

Roberto Degollado, Appellant

v.

The State of Texas, Appellee

**APPEAL FROM THE 427TH DISTRICT COURT OF TRAVIS COUNTY
BEFORE CHIEF JUSTICE ROSE, JUSTICES BAKER AND TRIANA
DISMISSED FOR WANT OF JURISDICTION-- OPINION BY JUSTICE TRIANA**

This is an appeal from the judgment of conviction rendered by the trial court. Having reviewed the record, it appears that the Court lacks jurisdiction over this appeal. Therefore, the Court dismisses the appeal for want of jurisdiction. Appellant shall pay all costs relating to this appeal, both in this Court and in the court below.

APPENDIX 2: The Refusal of the Petition for Discretionary Review by the Texas Court of Criminal Appeals.

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS **FILE COPY**
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711

6/17/2020

DEGOLLADO, ROBERTO Tr. Ct. No. D-1-DC-18-200831 COA No. 03-20-00007-CR PD-0228-20

On this day, the Appellant's petition for discretionary review has been refused.

Deana Williamson, Clerk

JAMES DARRELL LUCAS
2316 MONTANA AVE
EL PASO, TX 79903-3604
* DELIVERED VIA E-MAIL *

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6/17/2020

DEGOLLADO, ROBERTO Tr. Ct. No. D-1-DC-18-200831

COA No. 03-20-00007-CR

PD-0228-20

On this day, the Appellant's petition for discretionary review has been refused.

Deana Williamson, Clerk

3RD COURT OF APPEALS CLERK

JEFF KYLE

P O BOX 12547

AUSTIN, TX 78711

* DELIVERED VIA E-MAIL *

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711

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6/17/2020

DEGOLLADO, ROBERTO

Tr. Ct. No. D-1-DC-18-200831

COA No. 03-20-00007-CR

PD-0228-20

On this day, the Appellant's petition for discretionary review has been refused.

Deana Williamson, Clerk

DISTRICT ATTORNEY TRAVIS COUNTY
MARGARET MOORE
PO BOX 1748
AUSTIN, TX 78767

* DELIVERED VIA E-MAIL *

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6/17/2020

DEGOLLADO, ROBERTO Tr. Ct. No. D-1-DC-18-200831

COA No. 03-20-00007-CR

PD-0228-20

On this day, the Appellant's petition for discretionary review has been refused.

Deana Williamson, Clerk

STATE PROSECUTING ATTORNEY
STACEY SOULE
P. O. BOX 13046
AUSTIN, TX 78711

* DELIVERED VIA E-MAIL *

APPENDIX 3: The Indicted Charge

The State of Texas v. ROBERTO DEGOLLADO

INDICTMENT

MURDER - PC 19.02(c) - F1

Bond \$

Filed on
04/30/2018 4:00 PM
Travis County District Clerk
Velva L. Price
AL

In The 299TH Judicial District Court of Travis County, Texas

IN THE NAME AND BY THE AUTHORITY OF THE STATE OF TEXAS:

THE GRAND JURY, for the County of Travis, State of Texas, duly selected, empanelled, sworn, charged, and organized as such at the JANUARY Term, 2018, of the 299TH Judicial District Court for said County, upon its oath presents in and to said Court at said term, that **ROBERTO DEGOLLADO**, on or about the 3rd day of February, 2018, and before the presentment of this Indictment, in the County of Travis, and State of Texas, did then and there intentionally and knowingly cause the death of **EMILY MARTINEZ VILLARREAL**, an individual, by by stabbing **EMILY MARTINEZ VILLARREAL** with a knife,

PARAGRAPH II

and further, did then and there, with intent to cause serious bodily injury to an individual, namely, **EMILY MARTINEZ VILLARREAL**, hereafter styled the complainant, commit an act clearly dangerous to human life that caused the death of the **EMILY MARTINEZ VILLARREAL** by stabbing **EMILY MARTINEZ VILLARREAL** with a knife,

PARAGRAPH III

and further, did then and there intentionally and knowingly commit or attempt to commit an act clearly dangerous to human life, to-wit: stabbing a person with a knife, that caused the death of, **EMILY MARTINEZ VILLARREAL**, and the defendant was then and there in the course of

intentionally and knowingly committing a felony, to-wit: Aggravated Assault, and the death of EMILY MARTINEZ VILLARREAL was caused while the defendant was in the course of and in furtherance of, and immediate flight from the commission or attempt of the felony.

against the peace and dignity of the State,

Robert J. Otto

Foreperson of the Grand Jury

APPENDIX 4: Guilty Plea Colloquy Excerpts, pp. 1-23 (punishment phase and punishment witnesses excluded)

03-20-00007-CR

REPORTER'S RECORD
VOLUME 2 OF 4 VOLUMES
TRIAL COURT CAUSE NO. D-1-DC-18-20083
COURT OF APPEALS NO. 03-20-00007-CR
FILED IN
3rd COURT OF APPEALS
AUSTIN, TEXAS
1/21/2020 2:05:40 PM
JEFFREY D. KYLE
Clerk

THE STATE OF TEXAS § IN THE DISTRICT COURT
 §
VS. § 427TH JUDICIAL DISTRICT
 §
ROBERTO DEGOLLADO § TRAVIS COUNTY, TEXAS

PLEA
AND
SENTENCING HEARING

On the 23rd day of September, 2019, the
following proceedings came on to be heard in the
above-entitled and numbered cause before the Honorable
Tamara Needles, Judge Presiding, held in Austin, Travis
County, Texas:

Proceedings reported by machine shorthand.

Nikki Edwards, CSR
427th Judicial District Court

A P P E A R A N C E S

Mr. Joshua Reno
Assistant District Attorney
SBOT NO. 24046702

- and -

Ms. Lindsay Richards
Assistant District Attorney
SBOT NO. 24086198

TRAVIS COUNTY DA'S OFFICE
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BEENE REPOSA
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COUNSEL FOR THE DEFENDANT

Ms. Maria Calderon
License No. 2088
INTERPRETER

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30	By Mr. Reposa	36			2

1 DEBORAH TATE

2 By Mr. Reno

28

2

3 DIANA THAERNA

4 By Ms. Richards

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1 P R O C E E D I N G S

2 THE COURT: D-1-DC-18-200831, the State of
3 Texas vs. Roberto Degollado. Mr. Degollado is present
4 with Mr. Reposa. Mr. Reno and Ms. Lindsay Richards --
5 sorry -- is present for the State.

6 We are here today -- and we actually had
7 not had a jury. The jury had previously been waived in
8 this matter by the signing of the parties and a jury
9 waiver sometime back. I think the decision this morning
10 was going to be whether we were having a trial before
11 the court on the guilt/innocence or just have a simple
12 guilty plea with a punishment hearing.

13 I understand -- and I have in my hand
14 several things, one being a plea of guilty in this cause
15 and a trial court stipulation. Is defense ready to
16 proceed with the plea of guilty?

17 MR. REPOSA: Judge, I think we are. I do
18 have one small preliminary matter. Just because of the
19 procedural way that this case has gotten to the Court, I
20 don't know right now whether the punishment range would
21 be two to life. I don't think that the issue of sudden
22 passion has necessarily been waived. I'll let them
23 address it.

24 But just for appellate points, I want to
25 make sure that we're very clear with Mr. Degollado about

1 the bargain for -- because I believe that sudden passion
2 hasn't been waived. I don't think the two, three, four,
3 five is really what we're angling for here today. But
4 I'm worried about an appellate lawyer coming back with
5 regard to a sudden passion issue because I don't believe
6 it's been formally waived. Clearly, he's saying murder
7 on his plea form and pleading guilty.

8 So I just want to make sure that the
9 Court, the parties and everyone talks about it before we
10 get to the sentencing phase because we have not spoken
11 specifically on whether or not this deal means that we
12 have formally waived the sudden passion. We never
13 really discussed it, and I can see someone trying to
14 discuss it down the road.

15 MR. RENO: Judge, my understanding of the
16 agreement was that there was no agreement as to whether
17 or not sudden passion would or would not -- it would
18 simply be left up to the evidence for the Court to
19 consider it.

20 MR. REPOSA: Perfect. That's fine. That
21 leaves everything open and that's fine. Like I said, I
22 don't think it's going to be the issue of the day.

23 THE COURT: So does that mean that the
24 intention of the defendant, Mr. Degollado, is to plead
25 guilty to the indictment as it stands with paragraph --

1 as to murder, first-degree, with paragraphs two and
2 three as well?

3 MR. REPOSA: Correct. With the Court
4 retaining after hearing the evidence the ability to
5 consider any adequate cause should one exist.

6 THE COURT: Understood.

7 MR. REPOSA: I want to make sure -- this
8 is brought up as a preliminary matter, just something I
9 thought about. But I'm just worried about an appellate
10 lawyer or somebody saying that he didn't understand and
11 it was not clear. Currently, right now, I don't think
12 it's terribly clear. Also, I don't think it's going to
13 be terribly important other than just cleaning up a
14 possible appellate point. That's really all we're doing
15 here.

16 THE COURT: State's position? Anything
17 further?

18 MR. RENO: I don't have anything further,
19 Judge. I think it's -- if the evidence is raised and
20 the Court wants to consider it, I think it's still on
21 the table. We're going to cross that bridge once we get
22 there.

23 THE COURT: Understood. And just so that
24 the record is clear -- and this is what the docket sheet
25 represents -- is that on June 13th of '19, Mr. Degollado

1 was arraigned on a first-degree felony. I think the
2 State's offer had been 50. Defense had countered with
3 two.

4 MR. REPOSA: Judge, we counter with 20
5 today, just so we're clear.

6 THE COURT: And then on August 30th,
7 again, the parties were before this Court. The defense
8 countered with 20 TDC at that time. And the State
9 didn't make -- stood silent at that point, I think, and
10 was going to take that back to the family and discuss it
11 with the victim's families. And so I don't know that
12 there's an answer as to that.

13 Does the State still stand at their 50?

14 MR. RENO: We do, Your Honor.

15 THE COURT: Okay.

16 MR. REPOSA: And that has been discussed
17 this morning and we reconveyed our 20-year offer and
18 they re-rejected it. Now we're here on an open plea.

19 THE COURT: Understood.

20 All right, then. Mr. Degollado, if you
21 will raise your right hand.

22 (Defendant sworn)

23 THE COURT: You are familiar with the
24 indictment, I assume, that charged you with murder,
25 first-degree, April the 30th, 2018?

1 THE DEFENDANT: Yes.

2 THE COURT: Have you and your attorney
3 then decided that you will enter an open plea and have
4 the Court determine your sentencing in this matter?

5 THE DEFENDANT: Yes.

6 THE COURT: I'm going to show you what's
7 marked as State's Exhibit 1, the plea papers. Sir, this
8 document is in English. You are here with an
9 interpreter with Spanish. Did you understand and were
10 you explained this document in Spanish such that you
11 knew that you were waiving your rights in this case?

12 THE DEFENDANT: Like what rights?

13 THE COURT: Your right to have a jury
14 trial, your right to appeal.

15 THE DEFENDANT: Oh, yes.

16 THE COURT: Okay. Your right to call
17 witnesses and your right against self-incrimination.

18 THE DEFENDANT: Yes.

19 THE COURT: Okay. And then after you
20 understood that, did you initial and sign this document?

21 THE DEFENDANT: Yes.

22 THE COURT: Okay. And, sir, I'm going to
23 ask you. You understand that you're pleading to a
24 first-degree felony. First-degree felonies are
25 punishable from five up to 99 or life and up to a

1 \$10,000 fine possible in this case. Do you understand
2 that range of punishment?

3 THE DEFENDANT: Yes.

4 THE COURT: Sir, are you a U.S. citizen?

5 THE DEFENDANT: No.

6 THE COURT: Because your answer to that
7 question is "no," then I have to give you the following
8 admonishment that your plea of guilty in this matter
9 will result in your deportation and you never being able
10 to be a United States citizen. Do you understand that
11 admonition?

12 THE DEFENDANT: Yes.

13 THE COURT: Counsel, is there anything
14 further you would like to put on the record with your
15 client in regard to immigration status?

16 MR. REPOSA: No, Your Honor.

17 THE COURT: All right.

18 You obviously, again, are here with an
19 interpreter. So you do not read and write the English
20 language. Is that correct?

21 THE DEFENDANT: Yes.

22 THE COURT: I do understand that this
23 document was explained to you in Spanish. Is that
24 correct?

25 THE DEFENDANT: Yes.

1 THE COURT: Have you ever been treated for
2 mental illness?

3 THE DEFENDANT: Sometime ago. In Mexico
4 for a problem. I don't know what was going on or was
5 happening but I couldn't sleep for a long time, for like
6 over a year, two years.

7 THE COURT: And so have you been treated
8 currently for any mental health issues?

9 THE DEFENDANT: No.

10 THE COURT: And do you believe that you've
11 understood all the conversations with your attorney?

12 THE DEFENDANT: Yes, a little.

13 THE COURT: Is there anything that you
14 didn't understand when you talked to your attorney?

15 THE DEFENDANT: No. It's fine.

16 THE COURT: Counsel, do you believe your
17 client is competent to stand trial?

18 MR. REPOSA: Yes, Judge. I've had
19 conversations with him as well. And the Court had
20 appointed some experts that we do not intend to call but
21 through my conversations with experts and with
22 Mr. Degollado it's my belief that he has understood all
23 of the options that we've put before him and made
24 knowing and intelligent decisions given the options put
25 before him. And so I do believe that his decision to

1 plead guilty -- it is also with the advice of counsel --
2 but I do believe that given his limited options in this
3 situation, he understands them and he is making a free,
4 voluntary and informed decision to plead guilty rather
5 than not guilty.

6 THE COURT: Understood. And I believe
7 that -- I'm assuming that the experts you had examine
8 him, not one of them found him incompetent.

9 MR. REPOSA: Correct.

10 THE COURT: I will so find as well that he
11 is competent to stand trial.

12 Sir, on page three, you gave up your right
13 to have a jury trial. You've actually waived that on a
14 different occasion. But this document also waives that.
15 Do you still not wish to have a jury trial?

16 THE DEFENDANT: Yes.

17 THE COURT: You understand that you're
18 waiving your right against self-incrimination, that you
19 are testifying here today with the answers that you're
20 giving. Is that still okay with you?

21 THE DEFENDANT: Yes.

22 THE COURT: You understand that you have
23 an option to only have witnesses called on punishment on
24 your behalf but no witnesses will be called on guilt or
25 innocence. Do you understand that as well?

1 THE DEFENDANT: Yes.

2 THE COURT: And you also understand that
3 you've also waived your right to cross-examine the
4 State's witnesses in regard to guilt or innocence.

5 THE DEFENDANT: Yes.

6 THE COURT: All right. On page four, sir,
7 I see your initials and signature there telling me that
8 you want to plead guilty to murder. Do you still wish
9 to plead guilty?

10 THE DEFENDANT: Yes.

11 THE COURT: Are you pleading guilty
12 because you are guilty?

13 THE DEFENDANT: I don't remember. But if
14 the evidence is there that's because something happened.

15 THE COURT: Sir, I understand your answer.
16 However, I cannot accept your guilty plea unless you're
17 telling me that you are guilty of the crime of murder.

18 THE DEFENDANT: Well, I am guilty because
19 of the reason that the evidence is there. Like I said,
20 I do not remember that moment.

21 THE COURT: So let me ask you the question
22 this way. You are pleading guilty. Is that correct?

23 THE DEFENDANT: Yes.

24 THE COURT: Are you pleading guilty
25 because you believe you're guilty?

1 THE DEFENDANT: I believe so.

2 THE COURT: Did anybody threaten you,
3 force you, make you say you're guilty?

4 THE DEFENDANT: No.

5 THE COURT: Did anybody promise you
6 anything to get you to plead guilty?

7 THE DEFENDANT: No.

8 THE COURT: Because you understand, sir,
9 that you are pleading guilty to a punishment range of
10 five to 99 or life and up to a \$10,000 fine and that you
11 are totally leaving that decision up to this Court and
12 that I can sentence you to anything within that range of
13 punishment. Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: And let me make sure that I'm
16 super clear. That does not mean that I have to go along
17 with the State's 50 or that I have to go along with your
18 attorney's -- the defense's 20. It can be anything in
19 that range. Is that your understanding?

20 THE DEFENDANT: Yes.

21 THE COURT: And counsel, Mr. Reposa?

22 MR. REPOSA: I did just want to ask one
23 further question or ask the Court to direct this
24 inquiry. The Court had appointed Willie Fabila as an
25 investigator. I've worked with him. And I believe that

1 neither of us in our conversations with Mr. Degollado
2 were ever informed of any potential alternate
3 perpetrator, that it was never suggested at any point
4 that someone else may be responsible for this. So I
5 want to make it very clear that Mr. Degollado, based on
6 our discussions, has conveyed to me that he doesn't have
7 any reason to believe someone other than him committed
8 these murders and that he believes as we stand here that
9 it's true that he committed these murders. Because if
10 he doesn't believe that, then I cannot let him enter a
11 guilty plea.

12 My understanding was that he subjectively
13 thought that. And through his conversations with
14 Mr. Fabila and myself, never represented anything to the
15 contrary. But I did want that to be very clear because
16 that is integral to our plea of guilty, is that we
17 believe he committed the act, which I believe he
18 believes. I thought I understand him to believe that.
19 But if I'm wrong, I need to know that before we move
20 forward.

21 THE COURT: Mr. Degollado, do you
22 understand what Mr. Reposa is saying?

23 THE DEFENDANT: Yes.

24 THE COURT: And do you agree with what he
25 is saying?

1 THE DEFENDANT: Yes.

2 THE COURT: Do you have any other
3 concerns --

4 MR. REPOSA: That someone else may have.

5 THE COURT: Well, I was going to say, more
6 importantly, you understand, sir, that right now is the
7 moment that if you say you're guilty of this, that there
8 is never a moment for the rest of your life that you can
9 claim that you did not do this. Do you understand that
10 consequence?

11 THE DEFENDANT: Yes.

12 MR. REPOSA: So understanding that, do you
13 want to have a jury trial or do you want to accept
14 responsibility for causing the death?

15 THE COURT: And to that question, sir, do
16 you wish to accept the responsibility for causing the
17 death of Ms. Emily Martinez Villarreal?

18 THE DEFENDANT: Yes.

19 MR. REPOSA: Okay. I'm satisfied with
20 that.

21 THE COURT: The other line of questioning
22 that I want to make sure that we're clear about with
23 Mr. Degollado is that I don't believe that the State has
24 agreed to a cap of 50. Is that correct?

25 MR. RENO: That is correct, Your Honor.

1 MR. REPOSA: That is correct, Your Honor.
2 It's an open plea.

3 THE COURT: So, Mr. Degollado, I just want
4 to make sure that we are extremely clear on the fact
5 that because there's no cap of 50, I could very well
6 sentence you to 60, 70, 80, 90, 99 or even life. Do you
7 understand that as well?

8 THE DEFENDANT: Yes.

9 THE COURT: And knowing that, do you still
10 wish to go forward with this open plea to this Court?

11 THE DEFENDANT: Yes.

12 THE COURT: You understand -- I just want
13 to make sure we're super clear. I can give you more
14 than the 50 and there would be no way for you to appeal
15 that or to argue that. Is that still what you wish to
16 do?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay.

19 State?

20 MR. RENO: Your Honor, we offer State's 1
21 for purposes of this hearing.

22 MR. REPOSA: Your Honor, we have no
23 objection to the admission of our plea of guilty.

24 THE COURT: State's 1 is admitted.

25 (State's Exhibit No. 1 admitted)

1 THE COURT: As to State's 2, the Morton
2 form, does the State have a motion for that?

3 MR. RENO: We offer State's 2.

4 MR. REPOSA: No objection.

5 THE COURT: State's 1, then, and State's 2
6 have both been admitted.

7 (State's Exhibit No. 2 admitted)

8 THE COURT: The last document I'm going to
9 show you, Mr. Degollado, is the trial court
10 certification. Is this your signature on the bottom of
11 that document?

12 THE DEFENDANT: Yes.

13 THE COURT: And again, this document is in
14 English. Was it explained to you by this interpreter
15 that if you signed this document, you were waiving all
16 rights to appeal?

17 THE DEFENDANT: Yes.

18 THE COURT: And that is still what you
19 wish to do, is to waive all your rights to appeal?

20 THE DEFENDANT: Yes.

21 THE COURT: Mr. Reposa, if you would,
22 there is also a blank that says the defendant has waived
23 the right to appeal. If you would hand this to your
24 client and have him initial that.

25 All right, then, sir. I will -- believing

1 that you have understood that you are waiving all your
2 rights to appeal, I will then also sign said trial court
3 certificate. All right.

4 One last document that I have as well
5 today is the stipulation of evidence. I have today's
6 date on the stipulation with the signature of the State
7 and defense and Mr. Degollado or what appears to be --
8 Mr. Degollado, is this your signature on the bottom of
9 this document?

10 THE DEFENDANT: Yes.

11 THE COURT: And did you understand that
12 when you signed this document -- again, it's in
13 English -- was it explained to you in Spanish that that
14 meant that you were giving the Court, giving me, a CD
15 with evidence from your case that you and the State
16 agreed for me to review?

17 THE DEFENDANT: Yes.

18 THE COURT: And do you still wish to
19 proceed forward with that stipulation that you signed
20 authorizing me to view the evidence that's on this CD?

21 THE DEFENDANT: Yes.

22 THE COURT: The State, then -- I assume
23 State or defense -- I want to make sure that we get the
24 exhibit into evidence such that it's part of the record.
25 So does the State have a motion for the stipulation CD?

1 We attach it in the file as part of the clerk's file,
2 which I would prefer it be in evidence as opposed to the
3 clerk's file, which then I think it needs to be an
4 exhibit.

5 MR. RENO: We would gladly mark that as
6 State's Exhibit 3, Judge. Part of the written
7 stipulation is that we did request the Court to seal
8 that item.

9 MR. REPOSA: Correct.

10 MR. RENO: And they can be unsealed later
11 on that if someone wishes. But that was part of the
12 request of the stipulation.

13 MR. REPOSA: That was the bargain for
14 consideration of this case, Judge, was that there would
15 be a stipulation made under seal. The Court would
16 review that in camera and that the scope of the
17 testimony would thereby be limited.

18 Is that a fair way to recite the nature of
19 our agreement?

20 MR. RENO: That is correct.

21 THE COURT: I believe that the record has
22 previously --

23 MR. REPOSA: Copiously covered that.

24 THE COURT: Agree. I just would prefer --
25 it can be sealed, I believe, with the court reporter's

1 as well, which I think for all security, I would just --
2 since there's going to potentially be other exhibits
3 entered today, I would prefer it being in the clerk's --
4 I mean in the court reporter's exhibits as opposed to
5 the --

6 MR. REPOSA: State's 3 is admitted by
7 agreement? Is that what you just said?

8 THE COURT: Yes.

9 (State's Exhibit No. 3 admitted)

10 MR. REPOSA: May we approach, Your Honor?

11 THE COURT: Yes, please.

12 MR. REPOSA: Judge, let the record reflect
13 that the State has tendered to me what has been marked
14 as State's Exhibit No. 3. I have inspected it. And it
15 is what it purports to be and we have no objection to
16 the admission of State's 3 by agreement.

17 THE COURT: State's 3, by agreement, is
18 admitted, will be reviewed by the Court in camera and
19 will be placed under seal with the court reporter --

20 MR. REPOSA: Thank you, Your Honor.

21 THE COURT: -- as per agreement with the
22 parties.

23 MR. REPOSA: Per the agreement of the
24 parties.

25 THE COURT: Is there anything else from

1 the State as far as the plea matters?

2 MR. RENO: Nothing further, Your Honor.

3 THE COURT: Anything else from the
4 defense?

5 MR. REPOSA: Nothing further.

6 THE COURT: At this time, does the State
7 or the defense need a break before we proceed to
8 punishment?

9 MR. RENO: We're ready to proceed.

10 MR. REPOSA: Ready.

11 THE COURT: State may call their first
12 witness.

13 MS. RICHARDS: State calls Diana Thaerna.

14 THE COURT: Raise your right hand.

15 (Witness sworn)

16 THE COURT: Now you may have a seat in the
17 witness chair. Feel free to adjust the chair and the
18 mic to make yourself comfortable.

19 Do you-all need to approach?

20 MR. RENO: I don't know -- through the
21 lengthy hearing, I don't know that you've formally
22 announced finding him guilty on the record.

23 THE COURT: You're correct.

24 Sir -- Mr. Degollado, if you would stand.
25 Having accepted the plea of guilty, I will find you

1 guilty of the murder of Emily Martinez Villarreal. I
2 will remand you to the custody of the sheriff. We will
3 proceed on a sentencing hearing where we will hear what
4 the sentence will be in that matter.

5 Anything further on that matter at this
6 point?

7 MR. RENO: No, Your Honor.

8 THE COURT: Were there any other -- for
9 punishment, I don't think -- did you-all have any issues
10 with the Rule? I don't think there's anything we can do
11 about that.

12 MR. REPOSA: Negative. We're ready.

13 THE COURT: Were there any other witnesses
14 that you-all would like me to swear in before or just do
15 them separately?

16 MR. RENO: We just have one more witness.

17 THE COURT: All right. Then that should
18 be fine.

19 Thank you, ma'am, for your patience.

20 State may proceed.

21 DIANA THAERNA,
22 having been first duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. RICHARDS:

25 Q All right, Diana. Can you just introduce