

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

9/30/2020

COA No. 06-19-00263-CR

BEYER, DENNIS MARTIN JR. Tr. Ct. No. 28247

PD-0677-200

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

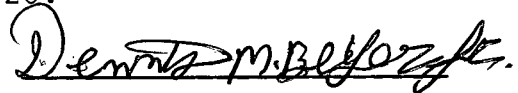
Deana Williamson, Clerk

DENNIS MARTIN BEYER JR.
TELFORD UNIT - TDC # 2298991
3899 STATE HWY 98
NEW BOSTON, TX 75570

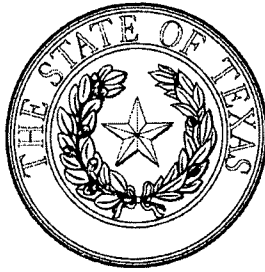
INMATE DECLARATION

I declare under penalty of perjury that the foregoing notice is a true and correct copy of the original, which is on file with the Court of Criminal Appeals of Texas.

Executed on the 16th day of December, 2020.



DENNIS MARTIN BEYER, JR.
PETITIONER



**In The
Court of Appeals
Sixth Appellate District of Texas at Texarkana**

No. 06-19-00263-CR

DENNIS MARTIN BEYER, JR., Appellant

V.

THE STATE OF TEXAS, Appellee

On Appeal from the 6th District Court
Lamar County, Texas
Trial Court No. 28247

Before Morriss, C.J., Burgess and Stevens, JJ.
Memorandum Opinion by Justice Burgess

Appendix B

MEMORANDUM OPINION

A Lamar County jury found Dennis Martin Beyer, Jr., guilty of continuous sexual abuse of a young child and imposed a sentence of ninety-nine years' imprisonment. The jury also found Beyer guilty of sexual assault of a child and imposed a sentence of twenty years' imprisonment and a \$10,000.00 fine. On appeal, Beyer argues that the indictment failed to allege a mens rea for continuous sexual abuse of a child and that the trial court erred in reopening the evidence in the punishment phase of the trial after both parties had rested. We find (1) that Beyer failed to preserve his complaint about the indictment and (2) that the trial court did not abuse its discretion by reopening the evidence. As a result, we affirm the trial court's judgments.

I. Beyer's Complaint About the Indictment Is Unpreserved

Section 21.02 of the Texas Penal Code states that a person commits the offense of continuous sexual abuse of a child if,

- (1) during a period that is 30 or more days in duration, the person commits two or more acts of sexual abuse, regardless of whether the acts of sexual abuse are committed against one or more victims; and
- (2) at the time of the commission of each of the acts of sexual abuse, the actor is 17 years of age or older and the victim is a child younger than 14 years of age, regardless of whether the actor knows the age of the victim at the time of the offense.

TEX. PENAL CODE ANN. § 21.02(b). This portion of the statute requires no additional mens rea because an "act of sexual abuse" under Section 21.02 "means any act that is a violation of one or more of the [listed] penal laws," including aggravated sexual assault of a child. TEX. PENAL CODE ANN. § 21.02(c). As a result, "Section 21.02 . . . is defined in terms of other acts that by their terms require a culpable mental state" and "need not prescribe some additional mental state

because its actus reus is merely the repeated commission of acts already requiring culpable mental states.” *Lane v. State*, 357 S.W.3d 770, 776 (Tex. App.—Houston [14th Dist.] 2011, pet. ref’d).

Even so, Beyer argues that the indictment was fundamentally defective because it did not specify any level of mens rea for the offense of continuous sexual abuse of a child or for any underlying offense. In response, the State argues that Beyer complains of a defect in form or substance, which was required to be raised below. We agree.

Article 1.14(b) of the Texas Code of Criminal Procedure states,

If the defendant does not object to a defect, error, or irregularity of form or substance in an indictment or information before the date on which the trial on the merits commences, he waives and forfeits the right to object to the defect, error, or irregularity and he may not raise the objection on appeal or in any other postconviction proceeding.

TEX. CODE CRIM. PROC. ANN. art. 1.14(b).

The State’s indictment alleged that Beyer was charged with continuous sexual abuse of a child, correctly referred to Section 21.02 of the Texas Penal Code as the statute of offense, and listed several predicate offenses of aggravated sexual assault with a child. Beyer’s argument is not that the indictment was so defective that it failed to allege the crime of continuous sexual abuse of a child—it is only that the indictment failed to allege a mens rea.

This Court has previously rejected the argument that a failure to allege a mens rea constitutes a fundamental defect. *Piland v. State*, 453 S.W.3d 473, 479–80 (Tex. App.—Texarkana 2014, pet. ref’d). This is because the “omission of an element of the offense . . . does not prevent the instrument from being an information.” *Smith v. State*, 494 S.W.3d 243, 247 (Tex. App.—Texarkana 2015, no pet.) (concluding that “[b]ecause the information is sufficient to

identify the penal statute under which the State intends to prosecute, the error is not a ‘fundamental’ error”) (quoting *Mantooth v. State*, 269 S.W.3d 68, 72 (Tex. App.—Texarkana 2008, no pet.)) (The Texas Court of Criminal Appeals held, in *Studer* [*v. State*, 799 S.W.2d 263, 272 (Tex. Crim. App. 1990)], that “the language in Art. V., § 12 [of the Texas Constitution], ‘charging a person with the commission of an offense,’ does not mean . . . that each element of the offense must be alleged in order to have an indictment or information as contemplated by Art. V, § 12.”).

As a result, Beyer “was required to assert any objection ‘to any defect, error, or irregularity of form or substance in [the] indictment’ before trial,” and the omission of a mens rea was such a defect. *Nguyen v. State*, 506 S.W.3d 69, 78 (Tex. App.—Texarkana 2016, pet. ref’d) (quoting TEX. CODE CRIM. PROC. ANN. art. 1.14(b)). By failing to raise the issue below, Beyer failed to preserve the complaint he now asserts for the first time on appeal. Accordingly, we overrule his first point of error.

II. The Trial Court Did Not Abuse Its Discretion by Reopening the Evidence

The decision to reopen is left to the trial court’s sound discretion.” *Cuba v. State*, 905 S.W.2d 729, 733 (Tex. App.—Texarkana 1995, no pet.) (citing *Cain v. State*, 666 S.W.2d 109 (Tex. Crim. App. 1984), *overruled on other grounds by Peek v. State*, 106 S.W.3d 72, 79 (Tex. Crim. App. 2003)). Article 36.02 “provides that the trial court ‘shall allow testimony to be introduced at any time before the argument of a cause is concluded, if it appears that it is necessary to a due administration of justice.’” *Peek*, 106 S.W.3d at 75 (quoting TEX. CODE CRIM. PROC. ANN. art. 36.02)).

Here, both parties rested and closed their punishment case before taking a lunch break. The charge had not been read to the jury and argument had not begun. After the break, the State asked to reopen the evidence to call Courthouse Deputy Monty Rodgers because it learned that Beyer was allowed to make a phone call during lunch and “was overheard very loudly saying he intended to make very vulgar and inappropriate comments to the victim at the conclusion of trial.” Over objection, the trial court allowed the State to reopen the evidence. Rodgers testified, “I heard him saying that he was going to turn and look at the victim and her family in the face and tell them to suck his dick He also said what are they going to do to me, hold me in contempt.”

Beyer argues that the trial court erred in admitting this evidence under Article 36.02. Article 37.07 of the Texas Code of Criminal Procedure provides that during the punishment phase of trial, evidence as to any matter deemed relevant to sentencing may be admitted. TEX. CODE CRIM. PROC. ANN. art. 37.07, § 3(a)(1) (Supp.). Evidence is relevant to sentencing if it is “helpful to the jury in determining the appropriate sentence for a particular defendant in a particular case.” *Rodriguez v. State*, 203 S.W.3d 837, 842 (Tex. Crim. App. 2006). Such evidence includes the defendant’s character. TEX. CODE CRIM. PROC. ANN. art. 37.07, § 3(a)(1). Rodgers’s testimony provided material evidence bearing on Beyer’s character, including his attitude toward the victim, lack of remorse, and likelihood of non-rehabilitation. As a result, we find that the trial court did not abuse its discretion in concluding that Rodgers’s testimony was necessary to a due administration of justice.

Also, Article 36.02 “does not limit a trial court’s discretion to reopen a case at any time before argument has concluded.” *Swanner v. State*, 499 S.W.3d 916, 920 (Tex. App.—Houston

[14th Dist.] 2016, no pet.) (citing *Smith v. State*, 290 S.W.3d 368, 373 (Tex. App.—Houston [14th Dist.] 2009, pet. ref’d)). Instead, “[t]he statute merely mandates certain circumstances in which a trial court is *required* to reopen the evidence before argument is concluded.” *Id.*; see *Cuba*, 905 S.W.2d at 733 (“[T]he trial court must reopen a case when the witness is present and ready to testify, the request to open has been made before the charge was read to the jury and final arguments were made, and the judge has some indication of what the testimony will be and is satisfied that it is material and bears directly on the main issues in the case.”).

We conclude that the trial court did not abuse its discretion by granting the State’s request to reopen the evidence before closing arguments began. As a result, we overrule Beyer’s last point of error.

III. Conclusion

We affirm the trial court’s judgments.

Ralph K. Burgess
Justice

Date Submitted: July 2, 2020
Date Decided: July 9, 2020

Do Not Publish



**Court of Appeals
Sixth Appellate District of Texas**

J U D G M E N T

Dennis Martin Beyer, Jr., Appellant

No. 06-19-00263-CR v.

The State of Texas, Appellee

Appeal from the 6th District Court of
Lamar County, Texas (Tr. Ct. No. 28247).
Memorandum Opinion delivered by Justice
Burgess, Chief Justice Morriss and Justice
Stevens participating

As stated in the Court's opinion of this date, we find no error in the judgment of the court below. We affirm the judgment of the trial court.

We note that the appellant, Dennis Martin Beyer, Jr., has adequately indicated his inability to pay costs of appeal. Therefore, we waive payment of costs.

RENDERED JULY 9, 2020
BY ORDER OF THE COURT
JOSH R. MORRISS, III
CHIEF JUSTICE

ATTEST:
Debra K. Autrey, Clerk

IN THE SIXTH DISTRICT COURT OF LAMAR COUNTY, TEXAS

THE STATE OF TEXAS

ORDER APPOINTING ATTORNEY

VS. CAUSE NO. 28247

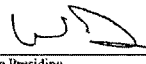
ON APPEAL

DENNIS MARTIN BEYER, JR.

DATE: NOVEMBER 26, 2019

IT IS HEREBY ordered that Honorable Troy Hornsby, is hereby appointed to represent the above named defendant on appeal herein.

SIGNED on this the 26th day of November, 2019.


 Judge Presiding

FILED FOR RECORD
 LAMAR COUNTY, TEXAS
 26 NOV 26 PM 1:26
 SHAWNTEL GOLDEN
 DISTRICT CLERK
 BY _____
 DEPUTY

11-26-19
 Def.

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REQUEST FOR JAILTIME

COMPLETE & RETURN TO THE DISTRICT CLERK'S OFFICE
 WITH A COPY OF JAIL CARDS ATTACHED

TO THE SHERIFF OF LAMAR COUNTY, TEXAS

DEFENDANT: DENNIS MARTIN BEYER, JR.
 CAUSE NO.: 28247
 JPM: H19-08
 DATE SENTENCED: 11/22/2019
 DATE OCCURRED: 01/10/2015; 01/10/2015; 09/01/2015; 04/15/2017; 06/15/2017;
 01/25/2018
 OFFENSE: SEX ABUSE OF CHILD CONTINUOUS: VICTIM UNDER 14;
 SEXUAL ASSAULT CHILD

Please advise the District Clerk's office immediately of the days the above named person has been in custody in your jail or in custody elsewhere under arrest or detainer in connection with the above mentioned cause or causes prior to the date of sentencing.

BEGINNING DATE:

ENDING DATE:

DAYS:

25 January 2019

26 January 2019

3

TOTAL DAYS: 3

Signed this 25 day of November, 2019

Scott Cass, Sheriff
 Lamar County, Texas

By: Shawnela R. Golden
 Deputy

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Both parties announced ready for trial. It appeared to the Court that Defendant was mentally competent to stand trial. A jury was selected, impaneled, and sworn, and Defendant entered a plea to the charged offense. The Court received the plea and entered it of record.

The jury heard the evidence submitted and argument of counsel. The Court charged the jury as to its duty to determine the guilt or innocence of Defendant, and the jury retired to consider the evidence. Upon returning to open court, the jury delivered its verdict in the presence of Defendant and defense counsel, if any.

The Court received the verdict and ORDERED it entered upon the minutes of the Court.

Punishment Assessed by Jury / Court / No election (select one)

☒ Jury. Defendant entered a plea and filed a written election to have the jury assess punishment. The jury heard evidence relative to the question of punishment. The Court charged the jury and it returned its verdict as indicated above.

☐ Court. Defendant elected to have the Court assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

☐ No Election. Defendant did not file a written election as to whether the judge or jury should assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

In accordance with the jury's verdict, the Court ADJUDGES Defendant GUILTY of the above offense. The Court FINDS that the Presentence Investigation, if so ordered, was done according to the applicable provisions of Subchapter F, Chapter 42A, Tex. Code Crim. Proc.

The Court ORDERS Defendant punished in accordance with the jury's verdict or Court's findings as to the proper punishment as indicated above. After having conducted an inquiry into Defendant's ability to pay, the Court ORDERS Defendant to pay the fine, court costs, and restitution, if any, as indicated above.

Punishment Options (select one)

☒ (Confinement in State Jail or Institutional Division. The Court ORDERS the authorized agent of the State of Texas or the County Sheriff to take and deliver Defendant to the Director of the Correctional Institutions Division, TDCJ, for placement in confinement in accordance with this judgment. The Court ORDERS Defendant remanded to the custody of the County Sheriff until the Sheriff can obey the directions of this paragraph. Upon release from confinement, the Court ORDERS Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fine, court costs, and restitution due.

☐ (County Jail - Confinement / Confinement in Lieu of Payment. The Court ORDERS Defendant committed to the custody of the County Sheriff immediately or on the date the sentence commences. Defendant shall be confined in the county jail for the period indicated above. Upon release from confinement, the Court ORDERS Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fine, court costs, and restitution due.

☐ Fine Only Payment. The punishment assessed against Defendant is for a FINE ONLY. The Court ORDERS Defendant to proceed immediately to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay the fine, court costs, and restitution ordered by the Court in this cause.

☐ Confinement as a Condition of Community Supervision. The Court ORDERS Defendant confined N/A days in Lamar County jail as a condition of community supervision. The period of confinement as a condition of community supervision starts when Defendant arrives at the designated facility, absent a special order to the contrary.

Execution / Suspension of Sentence

☒ The Court ORDERS Defendant's sentence EXECUTED. The Court FINDS that Defendant is entitled to the jail time credit indicated above. The attorney for the state, attorney for the defendant, the County Sheriff, and any other person having or who had custody of Defendant shall assist the clerk, or person responsible for completing this judgment, in calculating Defendant's credit for time served. All supporting documentation, if any, concerning Defendant's credit for time served is incorporated herein by this reference.

Signed and entered on DECEMBER 11, 2019

X WTD
 JUDGE PRESIDING

Clerk: SHAWNTEL GOLDEN

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CASE NO. 28247 COUNTY ONE
 INCIDENT NO./TRN: 9147691846

THE STATE OF TEXAS

IN THE 6TH DISTRICT

V.

COURT

DENNIS MARTIN BEYER, JR.

LAMAR COUNTY, TEXAS

WHITE MALE DOB: 07/23/1970

STATE ID NO.: TX-03795296

JUDGMENT OF CONVICTION BY JURY

Judge Presiding: WES TIDWELL Date Sentence Imposed: NOVEMBER 22, 2019
 Attorney for State: KELSEY DOTY Attorney for Defendant: NICK STALLINGS

Offense for which Defendant Convicted:

SEX ABUSE OF CHILD CONTINUOUS: VICTIM UNDER 14

Charging Instrument:

Statute for Offense:

INDICTMENT

21.02 TEXAS PENAL CODE

Date of Offense:

Plea to Offense:

01/10/2015 THRU 6/15/2017

NOT GUILTY

Degree of Offense:

FIRST DEGREE FELONY

Verdict of Jury:

Findings on Punishment:

GUILTY

N/A

1st Enhancement

Finding on 1st Enhancement

Paragraph: N/A

N/A

2nd Enhancement

Finding on 2nd Enhancement

Paragraph: N/A

N/A

Punishment Assessed by:

Date Sentence Commences: (Date does not apply to confinement served as a condition of community supervision)

JURY

NOVEMBER 22, 2019

Punishment and Place of Confinement:

NINETY-NINE (99) YEARS INSTITUTIONAL DIVISION, TDCJ

THIS SENTENCE SHALL RUN: CONCURRENTLY.

☐ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A YEARS.
 (For sex offender registration purposes only) The age of the victim at the time of the offense was ELEVEN (11) YEARS.

☒ Defendant is required to register as sex offender in accordance with Chapter 62, CCP.

(For sex offender registration purposes only) The age of the victim at the time of the offense was ELEVEN (11) YEARS.

Fine: Court Costs: Restitution: Restitution Payable to: N/A
 \$ N/A \$ 704.00 \$ N/A (See special finding or order of restitution which is incorporated herein by this reference.)

Was the victim impact statement returned to the attorney representing the State? YES.

(For sex offender registration purposes only) Is Defendant presumptively entitled to diligent participation credit in accordance with Article 48A.559, Tex. Code Crim. Proc.? N/A

Total Jail Time Credit: If Defendant is to serve sentence in county jail or in prison, credit toward fine and costs, entry days credited below.

2 DAYS N/A DAYS NOTES: N/A

This cause was called for trial by jury and the parties appeared. The State appeared by her District Attorney as named above.

Counsel / Waiver of Counsel (select one)

☒ Defendant appeared with counsel.

☐ Defendant appeared without counsel and knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

☐ Defendant was tried in absentia.

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Appendix C

CAUSE NO. 28247

STATE OF TEXAS
VS
DENNIS MARTIN BEYER, JR.

IN THE 6TH DISTRICT COURT
OF
LAMAR COUNTY, TEXAS

CERTIFICATE OF THUMBPRINT

Defendant's Right Thumbprint



Dennis Martin Beyer, Jr.
Defendant's Signature

This is to certify that the thumbprint above is the above-named Defendant's thumbprint taken at the time of disposition of the above styled and numbered cause.

Signed the 22 day of NOV, 2019.

Shawntel Golden, District Clerk

Lamar County, Texas

By: *Deana Baker*, Deputy

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CASE NO. 28247
INCIDENT NO./TRN: 9147691846

COUNT SIX

THE STATE OF TEXAS
VS
DENNIS MARTIN BEYER, JR.
WHITE/MALE DOB: 07/23/1970
STATE ID NO.: TX-05706296

IN THE 6TH DISTRICT
COURT
LAMAR COUNTY, TEXAS

JUDGMENT OF CONVICTION BY JURY

Judge Presiding:	WES TIDWELL	Date Sentence Imposed:	NOVEMBER 22, 2019
Attorney for State:	KELSEY DOTY	Attorney for Defendant:	NICK STALLINGS
Offense for which Defendant Convicted: SEXUAL ASSAULT CHILD			
Charging Instrument:	INDICTMENT	Statute for Offense:	22.011(a)(2) TEXAS PENAL CODE
Date of Offense:	01/25/2018	Plea to Offense:	NOT GUILTY
Degree of Offense: SECOND DEGREE FELONY			
Verdict of Jury:	GUilty	Findings on Deadly Weapon:	N/A
1 st Enhancement Paragraph:	N/A	Finding on 1 st Enhancement Paragraph:	N/A
2 nd Enhancement Paragraph:	N/A	Finding on 2 nd Enhancement Paragraph:	N/A
Punishment Assessed by: JURY			
Date Sentence Commences: (Date does not apply to enhancement served as a condition of community supervision.) NOVEMBER 22, 2019			
Punishment and Place of Confinement: TWENTY (20) YEARS INSTITUTIONAL DIVISION, TDCJ			
THIS SENTENCE SHALL RUN CONSECUTIVELY.			
<input type="checkbox"/> SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR N/A YEARS. (The Boarder retains both the condition of community supervision as incorporated herein by this reference.)			
<input checked="" type="checkbox"/> Defendant is required to register as sex offender in accordance with Chapter 62, CCP. (For sex offender registration purposes only) The age of the victim at the time of the offense was FIFTEEN (15) YEARS.			
Fine:	\$10,000.00	Court Costs:	\$ N/A
Restitution:	\$ N/A	Restitution Payable By:	N/A
(See special finding or order of restitution which is incorporated herein by this reference.)			
Was the victim impact statement returned to the attorney representing the State? YES.			
(FOR STATE JAIL FELONY OFFENSES ONLY) Is Defendant presumptively entitled to diligent participation credit in accordance with Article 42A.559, Tex. Code Crim. Proc.? N/A			
Total Jail Time Credit:	2 DAYS	Is Defendant in or near sentence in county jail or is given credit toward fine and costs, enter days credited below.	2 DAYS
N/A DAYS NOTES: N/A			
This cause was called for trial by jury and the parties appeared. The State appeared by her District Attorney as named above.			
Counsel/Waiver of Counsel (select one)			
<input checked="" type="checkbox"/> Defendant appeared with counsel.			
<input type="checkbox"/> Defendant appeared without counsel and knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.			
<input type="checkbox"/> Defendant was tried in absentia.			

Judgment of Conviction by Jury.doc

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Both parties announced ready for trial. It appeared to the Court that Defendant was mentally competent to stand trial. A jury was selected, impaneled, and sworn, and Defendant entered a plea to the charged offense. The Court received the plea and entered it of record.

The jury heard the evidence submitted and argument of counsel. The Court charged the jury as to its duty to determine the guilt or innocence of Defendant, and the jury retired to consider the evidence. Upon returning to open court, the jury delivered its verdict in the presence of Defendant and defense counsel, if any.

The Court received the verdict and ORDERED it entered upon the minutes of the Court.

Punishment Assessed by Jury / Court / No election (select one)
☒ Jury. Defendant entered a plea and filed a written election to have the jury assess punishment. The jury heard evidence relative to the question of punishment. The Court charged the jury and it retired to consider the question of punishment. After due deliberation, the jury was brought into Court, and, in open court, it returned its verdict as indicated above.

☐ Court. Defendant elected to have the Court assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

☐ No Election. Defendant did not file a written election as to whether the judge or jury should assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

In accordance with the jury's verdict, the Court ADJUDGES Defendant GUILTY of the above offense. The Court FINDS that the Prosecution Investigation, if so ordered, was done according to the applicable provisions of Subchapter F, Chapter 42A, Tex. Code Crim. Proc.

The Court ORDERS Defendant punished in accordance with the jury's verdict or Court's findings as to the proper punishment as indicated above. After having conducted an inquiry into Defendant's ability to pay, the Court ORDERS Defendant to pay the fine, court costs, and restitution, if any, as indicated above.

Punishment Options (select one)

☒ Confinement in State Jail or Institutional Division. The Court ORDERS the authorized agent of the State of Texas or the County Sheriff to take and deliver Defendant to the Director of the Correctional Institutions Division, TDCJ, for placement in confinement in accordance with this judgment. The Court ORDERS Defendant remanded to the custody of the County Sheriff until the Sheriff can obey the directions of this paragraph. Upon release from confinement, the Court ORDERS Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fine, court costs, and restitution due.

☐ County Jail—Confinement / Confinement in Lieu of Payment. The Court ORDERS Defendant committed to the custody of the County Sheriff immediately or on the date the sentence commences. Defendant shall be confined in the county jail for the period indicated above. Upon release from confinement, the Court ORDERS Defendant to proceed without unnecessary delay to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay any fine, court costs, and restitution due.

☐ Fine Only Payment. The punishment assessed against Defendant is for a FINE ONLY. The Court ORDERS Defendant to proceed immediately to the District Clerk's office, or any other office designated by the Court or the Court's designee, to pay or to make arrangements to pay the fine, court costs, and restitution ordered by the Court in this cause.

☐ Confinement as a Condition of Community Supervision. The Court ORDERS Defendant confined N/A days in Lamar County jail as a condition of community supervision. The period of confinement as a condition of community supervision starts when Defendant arrives at the designated facility, absent a special order to the contrary.

Execution / Suspension of Sentence

☒ The Court ORDERS Defendant's sentence EXECUTED. The Court FINDS that Defendant is entitled to the jail time credit indicated above. The attorney for the state, attorney for the defendant, the County Sheriff, and any other person having or who had custody of Defendant shall assist the clerk, or person responsible for completing this judgment, in calculating Defendant's credit for time served. All supporting documentation, if any, concerning Defendant's credit for time served is incorporated herein by this reference.

Cumulation Order, Tex. Code Crim. Proc. art. 42.01 § 1(19)

The Court ORDERS the sentence in this judgment to run consecutively and to begin only when the judgment and sentence in the following case ceases to operate: Cause Number 28247-COUNT ONE, a judgment dated December 22, 2019 ordering a sentence of NINETY-NINE (99) YEARS IN THE TEXAS DEPARTMENT OF CRIMINAL JUSTICE - INSTITUTIONAL DIVISION for the offense of SEX ABUSE OF CHILD CONTINUOUS: VICTIM UNDER 14 in the 6th District Court of Lamar County, Texas.

Signed and entered on DECEMBER 11, 2019

Wes Tidwell
JUDGE PRESIDING

Clerk: SHAWNTEL GOLDEN

Judgment of Conviction by Jury.doc

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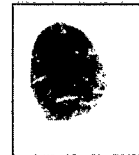
CAUSE NO. 28247

STATE OF TEXAS
VS
DENNIS MARTIN BEYER, JR.

IN THE 6TH DISTRICT COURT
OF
LAMAR COUNTY, TEXAS

CERTIFICATE OF THUMBPRINT

Defendant's Right Thumbprint



Dennis Martin Beyer, Jr.
Defendant's Signature

This is to certify that the thumbprint above is the above-named Defendant's thumbprint taken at the time of disposition of the above styled and numbered cause.

Signed the 22 day of NOV, 2019.

Shawntel Golden, District Clerk

Lamar County, Texas

By: *Deana Baker*, Deputy

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