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The matter of punishment was referred to the jury upon the election of Defendant in accordance with art. 37.07 §2(b) of the Code of Criminal Procedure. The verdict of the jury as to the proper punishment was as stated above.

Defendant is adjudged guilty of the offense stated above in accordance with the jury's verdict and it is ordered that Defendant be punished in accordance with the jury's verdict as to the proper punishment.

The Court makes **affirmative findings** as follows:

A deadly weapon as defined in Section 1.07, Penal Code, was used or exhibited during the commission of the offense or during immediate flight therefrom and Defendant used or exhibited the deadly weapon.

The deadly weapon was a firearm.

The State of Texas shall have and recover from Defendant all costs and fees permitted by Chapter 102 of the Code of Criminal Procedure and any fine assessed, for which execution will issue.

The County of this prosecution shall have and recover from Defendant the sum of \$1000.00, being the amount the Court finds Defendant is able to pay, to offset the costs of the legal services provided to Defendant, including any expenses incurred for purposes of investigation and expert testimony.

Having asked whether Defendant had anything to say why sentence should not be pronounced against Defendant, and Defendant having answered nothing in bar thereof, the Court, in the presence of Defendant and Defendant's counsel, pronounced that Defendant shall be punished by confinement and payment of any fine as stated above.

The Defendant is given credit on the sentence for 253 days, being the time Defendant has spent in jail in this cause from the time of Defendant's arrest until this date.

The amount of restitution due and owing under art. 42.037 (b) of the Code of Criminal Procedure as of this date is as shown above. If no amount is shown, the Court has found there was insufficient evidence presented to determine whether to order restitution or the amount of restitution. The Defendant shall make restitution to the victim(s) not later than five years after the end of the term of imprisonment imposed. The name of the victim(s) or person(s) that will accept and forward payments to the victim and last known permanent mailing address(es) is (are):

N/A

It is ORDERED that Defendant be taken by the authorized agent of the State or the Sheriff and be safely conveyed and delivered to the Texas Department of Criminal Justice, Institutional Division, there to be confined for the period stated and Defendant is remanded to the custody of the Sheriff until such time as the Sheriff can obey the directions of this sentence.