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⚖ Vol. 8, No. 24, June 19, 2000

Case Name: *Ronald Lemos v. The State of Texas*

- **OFFENSE:** Aggravated Robbery
- **COUNTY:** Webb
- **CA CASE No.** 04-99-0279-CR
- **DATE OF OPINION:** June 7, 2000
- **DISPOSITION:** Conviction Affirmed as Reformed

Case Note: Appellant was charged with murder and aggravated robbery, found not guilty of the murder, and subsequently a guilty finding on the robbery case was reversed in the original appeal. After a second trial for aggravated robbery, without a finding of a deadly weapon, Appellant got probation. Appellant's complaints concern the restitution order of the Court.

⚖ **410.022 Probation / Terms & Conditions / Restitution Orders** -- Nature Of Trial Court Order: Trial court ordered Appellant to pay in excess of \$25,000 which combined funeral expenses and other medical costs of the family as result of the death of the victim, and about \$20,000 for the loss of goods from the store. Court also ordered that Appellant pay \$180 a month for the next 10 years to the family for "loss of income", and \$2000 to members of the family to get mental-health services.

Holding: Court finds that because victim is the one to whom restitution is bordered, and the actual victim here was dead, court interprets statute to mean that since victim died as result of aggravated robbery, notwithstanding the murder charge, that the funeral expenses of the victim, part of the estate, which were unchallenged, are upheld; court finds that medical fees are similar to analysis as to funeral expenses, and in any event, Appellant waived his objection during trial to that order; as to the \$20,000 ordered for "perishable goods" from the store, court finds that Appellant is not responsible to pay the family for losses to the store which he did not cause, and here, the family simply could not "Take care of the store" after the crime, thus Appellant not responsible for those expenses; court then finds that family members are not classified as "victims", thus counseling services expenses are also stricken; further, court also orders that absent an objection, lost income can be payable to the deceased's estate, and thus these orders are proper, thus court reforms restitution order accordingly.