

CAUSE NO. GN 100142

EDMUND BRYAN HEIMLICH
PLAINTIFF

vs.

STATE of TEXAS, by and through
GREG ABBOTT, the Attorney General
DEFENDANT

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§

IN THE DISTRICT COURT

353rd JUDICIAL DISTRICT

TRAVIS COUNTY, TEXAS

FINAL JUDGMENT

The trial court previously granted summary judgment as to liability in favor of the Plaintiff pursuant to Chapter 103 of the Texas Civil Practices and Remedies Code, and also as to the Takings Clause to the Texas Constitution (*viz.* Art. I §17). On July 25, 2005 and August 11, 2005, the Court called this case for trial. Plaintiff, EDMUND BRYAN HEIMLICH, appeared in person and through his attorney, Steve Gibbins, and announced ready for trial. Defendant, STATE OF TEXAS, appeared in person and through its attorney, Seth Dennis. The Court, without a jury, heard the evidence and the arguments of counsel. Plaintiff moved for judgment. The Court considered the motion and renders FINAL JUDGMENT for Plaintiff as follows:

1. This Court finally ORDERS, ADJUDGES AND DECREES that Plaintiff, EDMUND BRYAN HEIMLICH, shall have and recover from Defendant, STATE OF TEXAS, the FOLLOWING SUMS, which are to bear interest at the rate of 6.5% hereafter except as specified otherwise below:

- a. Pursuant to CPRC §103.105(a)(1): Expenses incurred by Plaintiff Edmund Bryan Heimlich, for Litigation and other legal expenses, including reasonable Attorneys' Fees for prosecuting this lawsuit, the sum of \$76,139.30, and
- b. Pursuant to CPRC §103.105(a)(2): Wages, Salary, and other earned income Lost as a result of Plaintiff's arrest, prosecution, or wrongful imprisonment, the sum of \$400,000.00; and
- c. Pursuant to CPRC §103.105(a)(3): Medical and Counseling Expenses resulting from the Wrongful Arrest of Plaintiff, the sum of \$55,102.78; and
- d. For Property Unconstitutionally Taken (*viz.* \$5,050.00), Plaintiff, pursuant to Art. I §17, of the Texas Constitution, shall have and recover said sum with interest thereon at the annual rate of 6.5%, which shall run from the date of the taking (*viz.* from Plaintiff's arrest September 7, 1993, when this money was taken from him) up until the date it is paid back to Plaintiff; the above said sum with such interests now being \$10,751.94; and
- e. Prejudgment interest on the foregoing other than for attorney's fees recovered for prosecuting this lawsuit, from August 2, 2001 (*viz.* 180 days after suit filed) until the day before the entry of this judgment at the rate of 6.5%, such sum being \$118,326.72; and
- f. Court Costs of \$285.00, thus bringing this FINAL JUDGMENT to a total award of \$660,605.74.

2. The Court ORDERS execution to issue for this Judgment.

3. The Court DENIES all relief not granted in this Judgment.

4. This JUDGMENT shall bear interests after the date of its signing at the rate of 6.5%.

SIGNED on SEPTEMBER 3, 2005.

05 OCT -3 AM 11:07

Amara Rodriguez-Aranda
DISTRICT CLERK
TRAVIS COUNTY, TEXAS


Margaret A. Cooper
Hon. Margaret A. Cooper--PRESIDING JUDGE
353rd Judicial District Court, Travis County, Texas



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Continued from First page-----*Heimlich vs. State of Texas* ----JUDGMENT:

APPROVED AS TO FORM & SUBSTANCE:



STEVE GIBBINS —Tx. St. Bar#07841500
Attorney for Plaintiff EDMUND HEIMLICH

APPROVED AS TO FORM:



SETH DENNIS—Asst. Attorney General
Attorney for Defendant STATE of TEXAS

Accepted

RECORDED

VL 7098PG212

I, AMALIA RODRIGUEZ-MENDOZA, District Clerk,
 Travis County, Texas, do hereby certify that this is
 a true and correct copy as same appears of
 record in my office. Witness my hand and seal of
 office on Dec. 12, 2005

AMALIA RODRIGUEZ-MENDOZA



DISTRICT CLERK

By Deput

Leo E. Martin

