

CAUSE NO. 4565CR

STATE OF TEXAS

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IN THE DISTRICT COURT

VS

KINNEY COUNTY, TEXAS

DESHAWN DAWAYNE GRIFFIN

63<sup>RD</sup> JUDICIAL DISTRICT

COURT'S PUNISHMENT CHARGE

FILED FOR RECORD  
at 6:30 o'clock PM

MAY 29 2024

*Alisa*  
COUNTY & DISTRICT CLERK, KINNEY CO.

MEMBERS OF THE JURY:

The defendant, DESHAWN DAWAYNE GRIFFIN, has been found guilty of 5 Counts of Smuggling of Persons, as charged in the indictment. It now becomes your duty to determine the punishment to be assessed against the Defendant.

I.

The State's Notice of Enhancement, paragraph 1, alleges that before the commission of the offense for which you have just found the defendant guilty, hereafter styled the primary offense, on the 7th day of September, 2011, in cause number 2009CR11452A in the 144th Judicial District Court of Bexar County, Texas, the Defendant was finally convicted of the felony offense of Aggravated Robbery.

To this allegation in Paragraph 1 of the State's Notice of Enhancement the defendant has "true".

Since the defendant has previously been finally convicted of one felony offense, as alleged in Paragraph 1 of the Indictment, you will so state by your verdict and assess the punishment of the defendant at confinement in the Texas Department of Criminal Justice, Institutional Division for any term of not more than 20 years or less than 2 years. In addition to imprisonment, you may assess a fine not to exceed \$10,000, and if you choose to assess a fine in addition to imprisonment, you will assess such fine and so state in your verdict. If you assess a fine, it is not paid to the victim, but is paid into the registry of the court.

## II.

The length of time for which a defendant is imprisoned may be reduced by the award of parole.

Under the law applicable in this case, the defendant, if sentenced to a term of imprisonment, may earn early parole eligibility through the award of good conduct time. Prison authorities may award good conduct time to a prisoner who exhibits good behavior, diligence in carrying out prison work assignments, and attempts at rehabilitation. If a prisoner engages in misconduct, prison authorities may also take away all or part of any good conduct time earned by the prisoner. Under the law applicable in this case, if the defendant is sentenced to a term of imprisonment, the defendant will not become eligible for parole until the actual time served plus any good conduct time earned equals one-fourth of the sentence imposed or 15 years, whichever is less. Eligibility for parole does not guarantee that parole will be granted.

It cannot accurately be predicted how the parole law and good conduct time might be applied to this defendant if sentenced to a term of imprisonment, because the application of these laws will depend on decisions made by prison and parole authorities.

You may consider the existence of the parole law and good conduct time. However, you are not to consider the extent to which good conduct time may be awarded to or forfeited by this particular defendant. You are not to consider the manner in which the parole law may be applied to this particular defendant.

## III.

You are further instructed that in determining the defendant's punishment, you may take into consideration all the facts shown by the evidence submitted before you in the full trial of this case and the law as submitted to you in this charge.

## IV.

The State has introduced evidence of extraneous crimes or bad acts other than the one charged in the indictment in this case. This evidence was admitted only for the purpose of assisting you, if it does, in determining the proper punishment for the offense for which you have found the defendant guilty. You cannot consider the testimony for any purpose unless you find

and believe beyond a reasonable doubt that the defendant committed such other acts, if any, were committed.

V.

When there are separate punishments on multiple counts such as those which you have found the defendant guilty, those sentences will run concurrently.

VI.

You are the exclusive judges of the facts proved, of the credibility of the witnesses and of the weight to be given to the testimony. Your verdict must be by a unanimous vote of all members of the jury. In arriving at your verdict, it will not be proper to fix the same by lot, chance, or any other method than by a full, fair and free exercise of the opinion of the individual jurors under the evidence admitted before you.

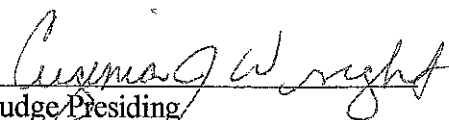
After the Court reads this charge, you may not separate from each other, nor may you talk with anyone not of your jury. After argument of counsel, you must retire and select one of your members as foreperson. It is his or her duty to preside at your deliberations and to vote with you in arriving at a unanimous verdict.

After you have retired to consider your verdict, no one has any authority to communicate with you except the officer who has you in charge. After you have arrived at your verdict, you must have your foreperson indicate the jury's verdict by signing the form that conforms to your verdict.

Furthermore, you may not communicate with anyone via cell phones during jury deliberations. Please refrain from making any phone calls, texts, or using your phones in any way during the deliberations of this case.

You may communicate with the Court in writing, signed by your foreperson, through the officer who has you in charge. Do not attempt to talk to the officer, the attorneys, or the Court concerning questions you may have.

Signed this the 29 day of May, 2024

  
Judge Presiding



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IN THE DISTRICT COURT

KINNEY COUNTY, TEXAS

63<sup>RD</sup> JUDICIAL DISTRICT

VERDICT FORM

COUNT 2

We, the Jury, having previously found the defendant, DESHAWN DAWAYNE GRIFFIN, guilty of the felony offense of Smuggling of Persons, as charged in the indictment, assess his punishment at imprisonment in the Texas Department of Criminal Justice for:

Since the Defendant plead true to the first enhancement allegation (Paragraph 1). We therefore assess his punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of 15 YEARS. (no more than 20 years, no less than 2 years) In addition, we assess:

- a.  No fine, OR  
b. \_\_\_\_\_ A fine of \$ \_\_\_\_\_ (Not more than \$10,000);

David Palmer  
Foreperson of the Jury

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KINNEY COUNTY, TEXAS

63<sup>RD</sup> JUDICIAL DISTRICT

VERDICT FORM

COUNT 3

We, the Jury, having previously found the defendant, DESHAWN DAWAYNE GRIFFIN, guilty of the felony offense of Smuggling of Persons, as charged in the indictment, assess his punishment at imprisonment in the Texas Department of Criminal Justice for:



Since the Defendant plead true to the first enhancement allegation (Paragraph 1). We therefore assess his punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of 15 YEARS. (no more than 20 years, no less than 2 years) In addition, we assess:

a. X No fine, OR

b. \_\_\_\_\_ A fine of \$ \_\_\_\_\_ (Not more than \$10,000);

David Palmer  
Foreperson of the Jury

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IN THE DISTRICT COURT

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63<sup>RD</sup> JUDICIAL DISTRICT

VERDICT FORM

COUNT 4

We, the Jury, having previously found the defendant, DESHAWN DAWAYNE GRIFFIN, guilty of the felony offense of Smuggling of Persons, as charged in the indictment, assess his punishment at imprisonment in the Texas Department of Criminal Justice for:

Since the Defendant plead true to the first enhancement allegation (Paragraph 1). We therefore assess his punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of 15 YEARS. (no more than 20 years, no less than 2 years) In addition, we assess:

- a.  No fine, OR  
b. \_\_\_\_\_ A fine of \$ \_\_\_\_\_ (Not more than \$10,000);

David Palmer  
Foreperson of the Jury

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IN THE DISTRICT COURT

KINNEY COUNTY, TEXAS

63<sup>RD</sup> JUDICIAL DISTRICT

VERDICT FORM

COUNT 5

We, the Jury, having previously found the defendant, DESHAWN DAWAYNE GRIFFIN, guilty of the felony offense of Smuggling of Persons, as charged in the indictment, assess his punishment at imprisonment in the Texas Department of Criminal Justice for:

Since the Defendant plead true to the first enhancement allegation (Paragraph 1). We therefore assess his punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for a term of 15 YEARS. (no more than 20 years, no less than 2 years) In addition, we assess:

a. X No fine, OR

b. \_\_\_\_\_ A fine of \$ \_\_\_\_\_ (Not more than \$10,000);

David Palmer  
Foreperson of the Jury