

THE STATE OF TEXAS	§	IN THE 412th DISTRICT COURT
VS.	§	OF
JOSEPH ANTHONY LEE MOORE	§	BRAZORIA COUNTY, TEXAS

CHARGE OF THE COURT ON PUNISHMENT

MEMBERS OF THE JURY:

Having found the defendant, JOSEPH ANTHONY LEE MOORE, herein guilty of the lesser included offense of Murder, it now becomes your duty to assess the punishment in this case.

SPECIFIC INSTRUCTIONS

Our statute provides that the punishment for Murder is by confinement in the penitentiary for a period of not more than ninety-nine (99) years or less than five (5) years, or life. In addition to imprisonment, an individual adjudged guilty of Murder may be punished by a fine not to exceed \$10,000.00.

Our statute further provides that, where a defendant has previously been finally convicted of a felony other than a state jail felony, on conviction the defendant shall be punished by confinement in the penitentiary for a period of not more than ninety-nine years or less than fifteen (15) years, or life. In addition to imprisonment, an individual may be punished by a fine not to exceed \$10,000.00.

In Paragraph One of the enhancement allegations, it is alleged that prior to the commission of the offense for which you have just found the defendant guilty, on or about the 18th day of December, 2017, in Cause Number JV21961, in the County Court at Law

No. 3 and Probate Court of Brazoria County, Texas, the defendant was convicted of the felony offense of Aggravated Robbery.

To this enhancement allegation, the defendant, JOSEPH ANTHONY LEE MOORE, has pleaded "not true." It now becomes your duty under the law to determine whether this allegation is "true" or "not true," and to set punishment which should be assessed against this defendant.

Now, if you believe from the evidence beyond a reasonable doubt, that the defendant, JOSEPH ANTHONY LEE MOORE, was convicted of the felony offense alleged in the enhancement allegation, then you will assess the punishment of the defendant at confinement in the penitentiary for any term of years not more than ninety-nine (99) years or less than fifteen (15) years, or life. In addition, you may assess a fine not to exceed \$10,000.00.

However, if the State has failed to prove to your satisfaction beyond a reasonable doubt that the defendant, JOSEPH ANTHONY LEE MOORE, was convicted of the felony offense alleged in the enhancement allegation, you will assess the defendant's punishment at confinement in the penitentiary for any term of years not more than ninety-nine (99) years or less than five (5) years, or life. In addition, you may assess a fine not to exceed \$10,000.00.

GENERAL PRINCIPLES

Defendant's Right to Remain Silent

In a criminal case the law permits a defendant to testify in his own behalf but he is not compelled to do so, and the same law provides that the fact that a defendant does not testify shall not be considered as a circumstance against him. You will, therefore, not

consider the fact that the defendant did not testify as a circumstance against him and you will not in your retirement to consider your verdict allude to, comment on, or in any manner refer to the fact that the defendant has not testified.

Parole Law

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, if the defendant is sentenced to a term of imprisonment, the defendant will not become eligible for parole until the actual time served equals one-half of the sentence imposed or 30 years, whichever is less. Eligibility for parole does not guarantee that parole will be granted.

It cannot accurately be predicted how the parole law might be applied to this defendant if sentenced to a term of imprisonment, because the application of that law will depend on decisions made by parole authorities.

You may consider the existence of the parole law. You are not to consider the manner in which the parole law may be applied to this particular defendant.

Evidence

The State has introduced evidence of extraneous crimes or bad acts other than the offense 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.

It is not required that the prosecution prove guilt of any extraneous offense beyond

all possible doubt. It is required that the prosecution's proof excludes all "reasonable doubt" concerning the defendant's guilt.

You are further charged that in fixing the defendant's punishment, you may take into consideration all of the evidence submitted to you in the full trial of this case, that is, all of the evidence submitted to you in the trial of the first part of this case wherein you were called upon to determine the guilt or innocence of the defendant, and all of the evidence admitted before you in the second part of this trial wherein you are called upon to fix the defendant's punishment; and you will be bound by the charges of the court covering the first and second parts of this trial in determining what punishment shall be given to the defendant.

You are admonished that in deliberating upon the punishment to be assessed against the defendant in this case, you must not refer to, nor discuss any matter not in evidence before you. You must not arrive at the punishment to be assessed in this case by any lot or chance, or by putting down any figures and doing any dividing or by any system of averages. Under the instructions herein given, it will not be proper for you in determining the penalty to be assessed to fix the same by any method other than a full, fair, and free exercise of the opinions of the individual jurors under the evidence admitted before you.

During your deliberations you are instructed that you should not consider the remarks, rulings or actions of the judge presiding during this trial as any indication of the Court's opinion as to the existence or nonexistence of any fact or as an indication of the Court's opinion as to the punishment to be assessed against the defendant.

You are the exclusive judges of the facts proved and the credibility of the witnesses, and of the weight to be given their testimony, but you are bound to receive the law from the Court which is herein given you and be governed thereby.

Juror Notes

You have been permitted to take notes during the testimony in this case. In the event any of you took notes, you may rely on your notes during your deliberations. However, you may not share your notes with the other jurors and you should not permit the other jurors to share their notes with you. You may not use your notes as authority to persuade your fellow jurors. In your deliberations, give no more and no less weight to the views of a fellow juror just because that juror did or did not take notes. Your notes are not official transcripts. They are personal memory aids, just like the notes of the judge and the notes of the lawyers. Notes are valuable as a stimulant to your memory. On the other hand, you might make an error in observing or you might make a mistake in recording what you have seen or heard. Therefore, you are not to use your notes as authority to persuade fellow jurors of what the evidence was during the trial.

Occasionally, during jury deliberations, a dispute arises as to the testimony presented. If this should occur in this case, you shall inform the Court and request that the Court read the portion of disputed testimony to you from the official transcript. You shall not rely on your notes to resolve the dispute because those notes, if any, are not official transcripts. The dispute must be settled by the official transcript, for it is the official transcript, rather than any juror's notes, upon which you must base your determination of the facts and, ultimately, your verdict in the case.

RULES THAT CONTROL DELIBERATIONS

After argument of counsel, you will retire to deliberate. Your verdict must be unanimous. After you have arrived at your verdict, you may use the form attached hereto by having your presiding juror fill in the appropriate blanks and signing the verdict as

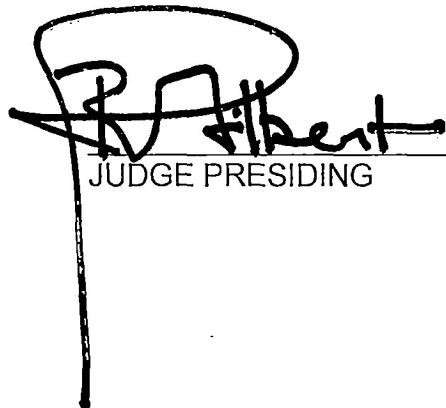
presiding juror.

After you have retired to consider your verdict, no one has the authority to communicate with you except the officer, bailiff of the Court, who has you in charge.

In the event you desire to communicate with the Court on any matter in connection with your deliberations, your presiding juror will notify the bailiff, who will inform the Court thereof. After you have retired, any communications to the Court must be in writing. If you have any questions or requests, you should reduce them to writing on a full and complete sheet of paper, noting the date and time, have the presiding juror sign them, and present them to the bailiff.

After you have reached a verdict, or if you desire to communicate with the Court at any time, please knock on the door and the bailiff will respond.

FILED
At _____ o'clock _____ M.
JAN 30 2024
Carmona Siguen
Clerk of District Court Brazoria Co., Texas
BY _____ DEPUTY



JUDGE PRESIDING

THE STATE OF TEXAS	§	IN THE 412th DISTRICT COURT
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JOSEPH ANTHONY LEE MOORE	§	BRAZORIA COUNTY, TEXAS

VERDICT

We, the jury, having found the defendant, JOSEPH ANTHONY LEE MOORE, guilty of the offense of Murder, as alleged in the indictment, do further find that the said defendant is the same person who, prior to the commission of that offense, had been convicted of the felony offense alleged in the enhancement allegation; and we assess his punishment at confinement in the penitentiary for a term of _____, being not less than fifteen (15) years nor more than ninety-nine (99) years or Life.

We further assess a fine of \$ _____, being not more than Ten Thousand (\$10,000.00) Dollars.

PRESIDING JUROR

THE STATE OF TEXAS	§	IN THE 412th DISTRICT COURT
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JOSEPH ANTHONY LEE MOORE	§	BRAZORIA COUNTY, TEXAS

VERDICT

We, the jury, having found the defendant, JOSEPH ANTHONY LEE MOORE, guilty of the offense of Murder, as alleged in the indictment, assess his punishment at confinement in the penitentiary for a term of 38 years, being not less than five (5) years nor more than ninety-nine (99) years or Life.

We further assess a fine of \$ 0.00, being not more than Ten Thousand (\$10,000.00) Dollars.

FILED
 At _____ o'clock _____ M.
JAN 30 2024
Cameron J. Signer
 Clerk of District Court Brazoria Co., Texas
 BY _____ DEPUTY



 PRESIDING JUROR