

08-DCR-048916A
CHCO
Charge of the Court
1437788



CAUSE NO. 08-DCR-048916A

THE STATE OF TEXAS

§
§
§
§
§

IN THE DISTRICT COURT OF

V.

FORT BEND COUNTY, TEXAS

GINGER DEEANNA FISHER

240TH JUDICIAL DISTRICT

CHARGE OF THE COURT

LADIES AND GENTLEMEN OF THE JURY:

By your verdict returned in this case you have found the defendant guilty of the offense of Aggravated Assault on a Public Servant, which was alleged to have been committed on or about the 22nd day of February, 2008 in Fort Bend County, Texas. It is necessary now that the jury assess and fix punishment for this offense.

I.

You are instructed that the punishment for Aggravated Assault on a Public Servant is confinement in the Institutional Division in the Texas Department of Criminal Justice for a period of not less than five (5) years nor more than ninety-nine (99) years or Life, and the jury in its discretion, may, if it chooses, assess a fine in any amount not to exceed \$10,000.00, in addition to said confinement. Therefore, you will assess the punishment, upon said finding of guilt, at any term of years not less than five (5) years or more than ninety-nine (99) years or Life; and in addition, if you choose to assess a fine in addition to such confinement, you will assess such fine in an amount not to exceed \$10,000.00.

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

II.

Our law provides that a defendant may testify in her own behalf if she elects to do so. This, however, is a privilege accorded a defendant, and in the event she elects not to testify, that fact cannot be taken as a circumstance against her. In this case, the defendant has elected not to testify, and you are instructed that you cannot and must not refer or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against the defendant. If any juror starts to mention the defendant's election not to testify in this case, then it is the duty of the other jurors to stop him at once.

You are instructed that if there is testimony before you in this case regarding the defendant having committed other acts or participated in other transactions other than the offense alleged against her in the indictment in this case, that you cannot consider such other acts or transactions, if any, unless you first find and believe beyond a reasonable doubt that the defendant committed such acts or participated in such transactions, if any, but if you do not so believe, or if you have a reasonable doubt thereof, you will not consider such testimony for any purpose.

Evidence of temporary insanity caused by intoxication, if any, may be considered in mitigation of the penalty attached to the offense.

III.

The defendant has filed her sworn motion for "community supervision", also known as "probation" herein, alleging that she has never before been convicted of a felony in this State or any other State. Our law provides that when a person is charged with the offense of Aggravated Assault on a Public Servant and the jury finds her guilty and assesses the punishment at

confinement in the Institutional Division of the Texas Department of Criminal Justice for any term of years not more than ten years, or at a fine and confinement in the Institutional Division of the Texas Department of Criminal Justice for any term of years not more than ten years, and the jury further finds that the defendant has never been convicted of a felony in this State or in any other state, the jury may cause the imposition of sentence to be suspended and the defendant to be placed on "probation" under supervision of the court during his good behavior.

By the term "community supervision" or "probation", as used in these instructions, it is meant the supervised release of a convicted defendant by a court under a continuum of programs and sanctions with conditions imposed by the Court for a specified period during which the imposition of sentence is suspended. A "probationer" is a defendant who is on probation.

The Court shall grant community supervision if the Jury recommends it in their verdict.

A defendant who has been placed on community supervision and who subsequently violates her conditions of community supervision shall be brought before the court, and the Court, after a hearing without a jury may either continue or revoke community supervision, and if the community supervision is revoked, the court shall proceed to dispose of the case as if ^{there} ~~their~~ had been no community supervision not to exceed the term of years assessed by the jury.

Now, having found the defendant guilty, and if the punishment assessed by you is not more than ten years confinement in the Institutional Division of the Texas Department of Criminal Justice, and if you further find that she has never been convicted of a felony in this State or any other State, you may in your discretion recommend that the Defendant be given community supervision. If you desire the Defendant to be placed on community supervision, let your verdict show that you find that the Defendant has never been convicted of a felony in this State or any other State and further show that you recommend community supervision. Whether

you do, or do not, recommend "probation" for the defendant is a matter that rests within the sound discretion of the jury.

If you do not desire to recommend community supervision, you will not mention the matter of community supervision at all in your verdict.

IV.

Under the law applicable in this case, the defendant, if sentenced to a term of imprisonment, may earn time off the period of incarceration imposed 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.

It is also possible that the length of time for which the defendant will be imprisoned might be reduced by the award of parole.

Under the law applicable in this case, if the defendant is sentenced to a term of imprisonment, she will not become eligible for parole until the actual time served equals one-half of the sentence imposed or thirty (30) years, whichever is less, without consideration of any good conduct time she may earn. 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 she is 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.

V.

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.

You will not talk about this case with anyone not of your jury, and even among yourselves, only when you are all together in the jury room prior to being discharged by the court.

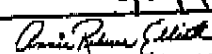
After argument of counsel you will retire to consider your verdict. Your verdict must be unanimous, and after you have arrived at your verdict, you may use one of the forms attached hereto by having your presiding juror sign his/or her name to the particular form that conforms to your verdict.

After you have retired, you may communicate with this court in writing through the officer who has you in charge. Any communication relative to the cause must be written and prepared by the presiding juror and shall be submitted to the court through this officer. Do not attempt to talk to the officer who has you in charge, the attorneys, or the court, or anyone else concerning any questions you may have.



Thomas R. Culver III
Presiding Judge
240th District Court
Fort Bend County, Texas

FILED

OCT 17 2011
AT 9:49 A.M.

Clerk District Court, Fort Bend Co., TX

CAUSE NO. 08-DCR-04916A

THE STATE OF TEXAS

§
§
§
§
§

IN THE DISTRICT COURT OF

V.

FORT BEND COUNTY, TEXAS

GINGER DEEANNA FISHER

240TH JUDICIAL DISTRICT

VERDICT

We, the Jury, having found the defendant, Ginger Deanna Fisher, guilty of the offense of Aggravated Assault on a Public Servant as charged in the indictment, assess her punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of (30) Thirty years [Five (5) to Ninety-Nine (99) years or Life]. In addition, we assess a fine of \$ 0 [Zero (0) to Ten Thousand (10,000) dollars].

Laura Callander
Presiding Juror

OR

We, the Jury, having found the defendant, Ginger Deanna Fisher, guilty of the offense of Aggravated Assault on a Public Servant as charged in the indictment, assess her punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for a period of _____ years [Five (5) to Ten (10) years]. In addition, we assess a fine of \$ _____ [Zero (0) to Ten Thousand (10,000) dollars]; and we the jury having found that the defendant has never before been convicted of a felony offense in this State or any other State, we do recommend that the imposition of her sentence of _____ (confinement only OR of confinement and fine) be suspended and that he be granted community supervision.

Presiding Juror

FILED

OCT 17 2011

AT 5:12 P M.
Daniel R. ...
Clerk District Court, Fort Bend Co., TX