

Filed at the bench in open Court @ _____ on 2nd Day of May, 2016

NO. F15-1131-16

THE STATE OF TEXAS
VS.
DEMICO STANLEY

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Sherri Adelstein
IN THE 16TH JUDICIAL
District Court
DISTRICT COURT OF
DENTON COUNTY, TEXAS

CHARGE ON PUNISHMENT

MEMBERS OF THE JURY:

The Defendant, DEMICO STANLEY, has been found guilty by you of the offense of Murder, a lesser-included offense of the indictment.

The Brooks Notice filed in this case alleges that the Defendant, DEMICO STANLEY, was convicted on or about 4th day of April, 2008, in Cause No. 417-70910-07 in the 417th District Court of Collin County, Texas, of the offense of Aggravated Robbery, a felony, and that such conviction had become final prior to the commission of the offense of which you have just found him guilty. To this allegation in the Brooks Notice, the defendant has pleaded "not true."

If you find from the evidence beyond a reasonable doubt, that prior to the commission of the offense of which you have just found the Defendant guilty, that the Defendant was convicted in cause number 417-70910-07 on or about 4th day of April, 2008 in the 417th District Court of Collin County, Texas, for the felony offense of Aggravated Robbery, and that such conviction, if any, occurred and the judgment thereon became final prior to the commission of the offense for which you have found the Defendant guilty, you will find that the allegations in the Brooks Notice "true." If you do not so believe, or if you have a reasonable doubt thereof, you find the allegations in the Brooks Notice "not true".

In the event you have found that the Brooks Notice "true" beyond a reasonable doubt, you will assess the punishment of the Defendant at confinement in the Institutional Division of

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SHERRI ADELSTEIN
DISTRICT CLERK DENTON CO., TX
DEPUTY
BY [Signature]

the Texas Department of Criminal Justice for LIFE or for any term of not more than NINETY-NINE (99) years or less than FIFTEEN (15) years. An optional fine not to exceed \$10,000 may also be assessed.

If the State has failed to prove to your satisfaction beyond a reasonable doubt that the Defendant is the same person who had previously been convicted in the Brooks Notice, then you, having previously found the Defendant guilty of the offense of Murder, a lesser included offense of the indictment, will assess his punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for LIFE or for any term of not more than NINETY-NINE (99) years or less than FIVE (5) years. An optional fine not to exceed \$10,000 may also be assessed.

Our law provides that a Defendant may testify if he elects to do so; but, in the event a Defendant does not testify, the fact that he did not testify cannot be considered as evidence or circumstance against him or anyone else. You are instructed that you cannot, and must not, refer to or allude to the election of any Defendant to not testify when you enter your deliberations, or take such election into consideration for any purpose whatever as evidence or a circumstance against the Defendant.

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 him 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.

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, he will not become eligible for parole until the actual time served equals one-half of the sentence imposed or 30 years, whichever is less, without consideration of any good conduct time he may earn. If the Defendant is sentenced to a term of less than four years, he must serve at least two years before he is eligible for parole. 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 he 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.

Under the instructions herein given, it will not be proper for you in determining the penalty, to be assessed to fix the same by lot, chance, any system of averages, or any method other than a full, fair and free exercise of the opinions of the individual jurors under the evidence admitted before you.

In determining the punishment in this case, you are instructed that you are not to discuss among yourselves how long the Defendant will be required to serve any sentence you decide to impose. Such matters come within the exclusive jurisdiction of the Board of Pardons and Paroles and the Governor of the State of Texas.

It is the Presiding Juror's duty to preside at your deliberations, to vote with you, and, when you have unanimously agreed upon a verdict, to certify your verdict to the Court by using the appropriate form attached hereto, and signing the same as Presiding Juror.

This the 2nd day of May, 2016



JUDGE PRESIDING

VERDICT FORM

(PRESIDING JUROR TO SIGN ONLY ONE)

We, the jury, having found the Defendant, DEMICO STANLEY, guilty of Murder, a lesser-included offense of the indictment, further find that the allegations in the Brooks notice are "True", and that prior to the commission of that offense, the defendant had been convicted of the felony offense of Aggravated Robbery, and we assess his punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for LIFE.

We further assess a fine of \$ _____. (Write in any amount not to exceed \$10,000 or "none").

PRESIDING JUROR

We, the jury, having found the Defendant, DEMICO STANLEY, guilty of Murder, a lesser-included offense of the indictment, further find that the allegations in the Brooks notice are "True", and that prior to the commission of that offense, the defendant had been convicted of the felony offense of Aggravated Robbery, and we assess his punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for 75 years. [Write in any term of not more than NINETY-NINE (99) years or less than FIFTEEN (15) years].

We further assess a fine of \$ None. (Write in any amount not to exceed \$10,000 or "none").



PRESIDING JUROR

We, the jury, having found the Defendant, DEMICO STANLEY, guilty of Murder, a lesser-included offense of the indictment, further find that the allegations in the Brooks notice are "Not True", and that prior to the commission of that offense, the defendant had not been convicted of the felony offense of Aggravated Robbery, and we assess his punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for _____ years. [Write in any term of not more than NINETY-NINE (99) years or less than FIVE (5) years].

We further assess a fine of \$ _____. (Write in any amount not to exceed \$10,000 or "none").

PRESIDING JUROR