

NO. D-20-1511-CR  
COUNTS TWO AND THREE

THE STATE OF TEXAS

IN THE DISTRICT COURT

VS.

OF ECTOR COUNTY, TEXAS

ASHLEY SCHWARZ

358<sup>TH</sup> JUDICIAL DISTRICT

CHARGE OF THE COURT

MEMBERS OF THE JURY:

*Accepted 10:28 am  
5/1/22 John F. Shuck*

You have found the Defendant guilty of the offenses of INJURY TO A CHILD – COUNT TWO and INJURY TO A CHILD BY OMISSION – COUNT THREE as charged in indictment. It now becomes your duty to determine the punishment to be assessed against the Defendant.

The punishment for INJURY TO A CHILD is confinement in the Institutional Division of the Texas Department of Criminal Justice for Life, or any term of not more than Ninety-Nine (99) Years or less than Five (5) Years, 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 confinement in the Institutional Division of the Texas Department of Criminal Justice.

The punishment for INJURY TO A CHILD BY OMISSION is confinement in the Institutional Division of the Texas Department of Criminal Justice for Life, or any term of not more than Ninety-Nine (99) Years or less than Five (5) Years, 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 confinement in the Institutional Division of the Texas Department of Criminal

Justice.

You are further instructed that in determining the Defendant's punishment, you may take into consideration all of 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.

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.

In this case, the Defendant has filed an application in writing under oath, stating she has never before been convicted of a felony and has requested that the imposition of any sentence imposed be suspended and that she be placed on community supervision.

"Community Supervision" means the placement of a Defendant by a Court under a continuum of programs and sanctions, with conditions imposed by the Court for a specified period during which a sentence of imprisonment, fine, or imprisonment and fine, is probated and the imposition of sentence is suspended in whole or in part.

"Supervision Officer" means a person appointed or employed to supervise Defendants placed on community supervision.

If you find that the Defendant has not ever been convicted of a felony, and if you assess the punishment of the Defendant at confinement for a term of not more than 10 years, and you recommend that she be placed on community supervision, then let your

verdict show the punishment which you assess, and show that the Defendant has never before been convicted of a felony, and further show that you recommend that her sentence be suspended and that she be placed on community supervision.

Whether you do or do not recommend community supervision for the Defendant is a matter that rests within the sound discretion of the jury; however, if you recommend community supervision, the Court is required by law to follow the jury's recommendation.

If you recommend that the Defendant be placed upon community supervision, the Court shall determine the conditions of community supervision and may, at any time, during the period of community supervision alter or modify the conditions. The Court may impose any reasonable condition that is designed to protect or restore the community, protect or restore the victim, or punish, rehabilitate, or reform the Defendant. You may NOT recommend that part of the period of confinement be served by incarceration and part by community supervision.

Should the punishment assessed by you include a fine, a recommendation of community supervision should state whether or not the fine will be paid, or be suspended and probated.

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 30 years, whichever is less, without consideration of any good conduct time she may earn. Eligibility for parole does not guarantee parole will be granted.

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.

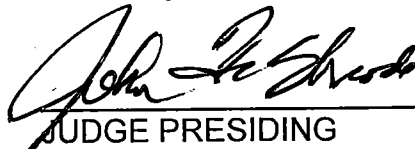
It is also possible that the length of time for which the defendant will be imprisoned might be reduced by the award of parole.

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. Such matters come within the exclusive jurisdiction of the Pardon and Parole Division of the Texas Department of Criminal Justice and the Governor of Texas.

Any verdict you render must be unanimous.

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

  
\_\_\_\_\_  
JUDGE PRESIDING

NO. D-20-1511-CR  
COUNT TWO

THE STATE OF TEXAS

IN THE DISTRICT COURT

VS.

OF ECTOR COUNTY, TEXAS

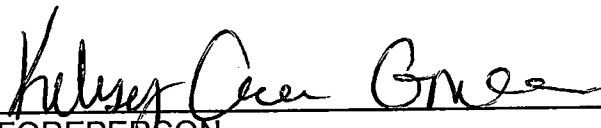
ASHLEY SCHWARZ

358<sup>TH</sup> JUDICIAL DISTRICT

VERDICT 2A

We, the jury, having found the defendant guilty beyond a reasonable doubt of the offense of INJURY TO A CHILD, as charged in Count Two of the indictment, assess her punishment at confinement in the Texas Department of Criminal Justice for LIFE.

In addition thereto, WE DO / WE DO NOT assess a fine in the amount of \$ 5,000.<sup>00</sup> (not to exceed \$10,000.00)

  
FOREPERSON

NO. D-20-1511-CR  
COUNT TWO

THE STATE OF TEXAS

IN THE DISTRICT COURT

VS.

OF ECTOR COUNTY, TEXAS

ASHLEY SCHWARZ

358<sup>TH</sup> JUDICIAL DISTRICT

**VERDICT 2B**

We, the jury, having found the defendant guilty beyond a reasonable doubt of the offense of INJURY TO A CHILD, as charged in Count Two of the indictment, assess her punishment at confinement in the Texas Department of Criminal Justice for \_\_\_\_\_ years. (not more than Ninety-Nine (99) Years or less than Five (5) Years)

In addition thereto, WE DO / WE DO NOT assess a fine in the amount of \$ \_\_\_\_\_ (not to exceed \$10,000.00)

\_\_\_\_\_  
FOREPERSON

NO. D-20-1511-CR  
COUNT TWO

THE STATE OF TEXAS

IN THE DISTRICT COURT

VS.

OF ECTOR COUNTY, TEXAS

ASHLEY SCHWARZ

358<sup>TH</sup> JUDICIAL DISTRICT

**VERDICT 2C**

We, the jury, having found the defendant guilty beyond a reasonable doubt of the offense of INJURY TO A CHILD, as charged in Count Two of the indictment, assess punishment at confinement in the Texas Department of Criminal Justice for \_\_\_\_\_ years (not more than Ten (10) Years), and we, the jury, having assessed the punishment of the Defendant at not more than ten years confinement in the Texas Department of Criminal Justice, and having further found that she has never before been convicted of a felony, WE DO RECOMMEND that the imposition of her sentence be suspended and her sentence be suspended and be placed on community supervision.

In addition thereto, WE DO / WE DO NOT assess a fine in the amount of \$ \_\_\_\_\_ (not to exceed \$10,000.00).

(If a fine is assessed, answer the following by checking the appropriate blank:)

\_\_\_\_\_ (A) that the Defendant be required, as a condition of community supervision, to pay the fine assessed.

\_\_\_\_\_ (B) that payment of the fine be suspended.

\_\_\_\_\_  
FOREPERSON

NO. D-20-1511-CR  
COUNT THREE

THE STATE OF TEXAS

IN THE DISTRICT COURT

VS.

OF ECTOR COUNTY, TEXAS

ASHLEY SCHWARZ

358<sup>TH</sup> JUDICIAL DISTRICT

**VERDICT 3A**

We, the jury, having found the defendant guilty beyond a reasonable doubt of the offense of INJURY TO A CHILD BY OMISSION, as charged in Count Three of the indictment, assess her punishment at confinement in the Texas Department of Criminal Justice for LIFE.

In addition thereto, WE DO / WE DO NOT assess a fine in the amount of \$ 5,000.<sup>00</sup> (not to exceed \$10,000.00)

Kelsy Ann Gross  
FOREPERSON



NO. D-20-1511-CR  
COUNT THREE

THE STATE OF TEXAS

IN THE DISTRICT COURT

VS.

OF ECTOR COUNTY, TEXAS

ASHLEY SCHWARZ

358<sup>TH</sup> JUDICIAL DISTRICT

**VERDICT 3B**

We, the jury, having found the defendant guilty beyond a reasonable doubt of the offense of INJURY TO A CHILD BY OMISSION, as charged in Count Three of the indictment, assess her punishment at confinement in the Texas Department of Criminal Justice for \_\_\_\_\_ years. (not more than Ninety-Nine (99) Years or less than Five (5) Years)

In addition thereto, WE DO / WE DO NOT assess a fine in the amount of \$ \_\_\_\_\_ (not to exceed \$10,000.00)

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FOREPERSON

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COUNT THREE

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OF ECTOR COUNTY, TEXAS

ASHLEY SCHWARZ

358<sup>TH</sup> JUDICIAL DISTRICT

**VERDICT 3C**

We, the jury, having found the defendant guilty beyond a reasonable doubt of the offense of INJURY TO A CHILD BY OMISSION, as charged in Count Three of the indictment, assess punishment at confinement in the Texas Department of Criminal Justice for \_\_\_\_\_ years (not more than Ten (10) Years), and we, the jury, having assessed the punishment of the Defendant at not more than ten years confinement in the Texas Department of Criminal Justice, and having further found that she has never before been convicted of a felony, WE DO RECOMMEND that the imposition of her sentence be suspended and her sentence be suspended and be placed on community supervision.

In addition thereto, WE DO / WE DO NOT assess a fine in the amount of \$ \_\_\_\_\_ (not to exceed \$10,000.00).

(If a fine is assessed, answer the following by checking the appropriate blank:)

\_\_\_\_\_ (A) that the Defendant be required, as a condition of community supervision, to pay the fine assessed.

\_\_\_\_\_ (B) that payment of the fine be suspended.

\_\_\_\_\_  
FOREPERSON