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FOR IMMEDIATE RELEASE

**MAN SENTENCED TO 32 YEARS FOR
POSSESSION OF HEROIN WITH INTENT TO DELIVER**

November 12, 2015

GALVESTON – Today visiting Judge David Garner, in the 122nd District Court, sentenced Marshall Darnell Joshua, 63, to 32 years in the Institutional Division of the Texas Department of Criminal Justice. A jury found Joshua guilty on Tuesday, November 10, 2015. Joshua was prosecuted by Assistant District Attorneys T. Philip Washington and Virginia Frank. Margaret Hindman represented the defendant.

Galveston Police Officer A. Healy testified that around 6:00 p.m. on February 1, 2015, while on patrol in the area of 40th Street and Broadway, he saw a parked gold Honda Accord and several individuals going to and from the vehicle on both the driver and passenger sides. Based on this behavior, Officer Healy believed that the sale of narcotics was taking place. Officer Healy testified he began to follow the vehicle when it left the location and saw the vehicle commit two traffic offenses, prompting him to conduct a traffic stop. After identifying and requesting the driver exit the vehicle, while Officer Healy conducted a pat down of the driver, Joshua exited the vehicle and pretended to stumble as he came around the vehicle to the driver's side. Officer Healy explained that he detained both Joshua and the driver, who gave Officer Healy consent to search the vehicle.

During Officer Healy's testimony, the State offered into evidence the in-car video from Officer Healy's patrol car, allowing the jury to see and hear the events of February 1, 2015. Officer Healy testified that he searched the vehicle but did not find any illegal items. The in-car video showed Joshua appearing to throw an unknown object from the vehicle while he was seated inside the car. Joshua then exits the vehicle, kicking backwards towards the grassy area outside the passenger side door. During a search of the area around the vehicle, Officer Healy found a small bag, containing a white powdery substance. Officer Healy testified that

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Joshua's actions were all in the direction of where the Heroin was found. Officer Healy testified he performed a field test on the substance and it gave a positive result for opiates.

The Texas DPS Crime Lab Analyst testified that the substance received from the Galveston Police Department, associated with the arrest of Joshua, was tested and was found to be Heroin with a weight of 5.41 grams.

The jury deliberated and quickly returned with a guilty verdict. Joshua elected to have Judge Garner determine his punishment.

Joshua faced a prison sentence of 25 to 99 years, or Life, because of two felony enhancements, one for a 1983 conviction for possession of heroin and one for a 1993 conviction for engaging in organized crime. Joshua pled true to both enhancements alleged in the indictment. During the punishment stage, the State presented evidence that, in addition to the two enhancements, Joshua had other prior felony convictions: 1972 conviction for possession of heroin, 1975 conviction for fraudulent use of credit card/burglary, and a 1978 conviction for forgery. Evidence also showed that Joshua is still currently on parole for his 1983 conviction for possession of heroin for which he received a 50 year sentence.

Joshua testified during punishment, refusing to take ownership or accept responsibility. Joshua said he was just getting a ride home that night and stopped at the store to purchase cigarettes and alcohol. Joshua explained that during the traffic, the driver tossed the bag of heroin in his lap. Joshua argued, during closing, that he only tossed it to protect the driver.

The State argued, highlighting Joshua's criminal history and parole, that Joshua had had multiple chances to do the right thing. At the close of punishment and after a review of the evidence, Judge David Garner sentenced Marshall Darnell Joshua to 32 years in prison.

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