

Oral pronouncement of deadly weapon finding not required by trial court. [In the Matter of X.J.T.](14-2-1B)

On February 27, 2014, the Fort Worth Court of Appeals found that a judicial pronouncement in the commitment order of a deadly weapon finding was sufficient to comply with the Family Code and that no oral pronouncement by the court was necessary.

¶ 14-2-1B. **In the Matter of X.J.T.**, MEMORANDUM, No. 02-13-00176-CV, 2014 WL 787832 (Tex.App.—Fort Worth, 2/27/14).

Facts: X.J.T. appeals a jury verdict adjudicating him guilty of delinquent conduct by committing two counts of aggravated robbery with a deadly weapon and the trial court's order committing him to the Texas Juvenile Justice Department for five years. We modify the trial court's judgment in part and affirm as modified.

Held: Affirmed

Memorandum Opinion: In his sixth issue, appellant argues that the commitment order should be reformed to delete the deadly weapon finding because the trial judge never found at the conclusion of the disposition hearing that appellant used or exhibited a deadly weapon. Because a deadly weapon finding is not part of a sentence in a criminal case, the trial court is not required to orally pronounce such a finding as part of the sentence if the allegation of use of a deadly weapon is clear from the face of the charging instrument. *Ex parte Huskins*, 176 S.W.3d 818, 820–21 (Tex.Crim.App.2005). Here, the petition to adjudicate clearly alleged that appellant used a firearm in the commission of both offenses. Appellant points to no law applicable to juvenile cases that would require the trial judge to orally pronounce a deadly weapon finding before it could be included in the commitment order.

Conclusion: We overrule appellant's sixth issue.