

A "firearm" includes any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

A person acts intentionally, or with intent, with respect to a result of his conduct when it is his conscious objective or desire to cause the result.

A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

You are instructed that if there is any testimony before you in this case regarding the defendant's having committed offenses other than the offense alleged against him in the indictment in this case, you cannot consider said testimony for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other offenses, if any were committed, and even then you may only consider the same in determining the motive or intent of the defendant, if any, in connection with the offense, if any, alleged against him in the indictment in this case, and for no other purpose.

Now, considering all the law contained in the Court's charge, if you believe from the evidence beyond a reasonable doubt that on or about the 4th day of March, A.D., 2007, in the County of Dallas and State of Texas, the Defendant, Hector Rolando Medina, did unlawfully then and there intentionally or knowingly cause the death of an individual, to-wit: Diana Medina, by shooting Diana Medina with a firearm, a deadly weapon, and during the same criminal transaction said defendant did then and there intentionally or knowingly cause the death of another individual, to-wit: Javier Medina, by shooting Javier Medina with a firearm, a deadly weapon, then you will find the Defendant, Hector Rolando Medina, guilty of the offense of capital murder and say by your verdict, guilty.

If you do not so believe, or if you have a reasonable doubt as to the defendant's guilt, then you will acquit the defendant of capital murder and say by your verdict, not guilty.

You are instructed that you may consider all relevant facts and circumstances surrounding the killing, if any, and the previous relationship existing between the accused and the deceased, if any, together with all relevant facts and circumstances going to show the condition of the mind of the accused at the time of the shooting in question, if any.

Our law provides that a defendant may testify on his own behalf if he elects to do so. This, however, is a right accorded to a defendant, and in the event he elects not to testify, that fact cannot be taken as a circumstance against him. 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.

At times throughout the trial the Court has been called upon to pass on the question of whether certain offered evidence might properly be admitted. You are not to be concerned with the reasons for such rulings and are not to draw any inferences from them. Whether offered evidence is admissible is purely a question of law. In admitting evidence to which an objection is made, the Court neither determines what weight should be given such evidence; nor does it pass on the credibility of the witness. As to any offer of evidence that has been rejected by the Court, you of course must not consider the same. As to any question to which an objection was sustained, you must not conjecture what the answer might have been or the reason for the objection.

You are further instructed that an indictment is no evidence of guilt. Therefore, you are instructed in this case that the indictment shall not be considered by the jury as any evidence of guilt, if any.

In all criminal cases, the burden of proof is on the State. All persons are presumed to be innocent and no person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt.


You are charged that it is only from the witness stand that the jury is permitted to receive evidence regarding the case, and no juror is permitted to communicate to any other juror anything he may have heard regarding the case from any source other than the witness stand.

In deliberating on this case you are not to refer to or discuss any matter or issue not in evidence before you. Additionally you may not talk about this case to anyone outside your jury.

You are the exclusive judges of the facts proved, of the credibility of the witnesses and of the weight to be given to the testimony, but you are bound to receive the law from the Court and by it be governed.

After you have retired to consider your verdict, no one has any authority to communicate with you except the officer who has you in charge. You may communicate with this Court in writing, signed by your presiding juror, through the officer who has you in charge. Do not attempt to talk to the officer, the attorneys, or the Court concerning any question you may have.

After argument of Counsel, you will retire and select one of your members as your presiding juror. It is the duty of your presiding juror to preside at your deliberations and to vote with you in arriving at a verdict. Your verdict must be unanimous, and after you have arrived at your verdict, you may use one of the attached forms by having your presiding juror sign the particular form that conforms to your verdict.



ANDY CHATHAM, JUDGE
282nd JUDICIAL DISTRICT COURT
DALLAS COUNTY, TEXAS

VERDICT FORM

We, the jury, find beyond a reasonable doubt the Defendant, Hector Rolando Medina, guilty of capital murder, as charged in the indictment.

Patricia Latham

PRESIDING JUROR (SIGNATURE)

Patricia Latham

PRESIDING JUROR (PRINTED)

OR

We, the jury, find the Defendant, Hector Rolando Medina, not guilty.

PRESIDING JUROR (SIGNATURE)

PRESIDING JUROR (PRINTED)