

CAUSE NUMBER 43,885

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|-----------------|---|-------------------------|
| STATE OF TEXAS | § | IN THE 268TH JUDICIAL |
| OF | § | DISTRICT COURT OF |
| PETE MARIN, III | § | FORT BEND COUNTY, TEXAS |

CHARGE OF THE COURT

LADIES AND GENTLEMEN OF THE JURY:

The defendant, PETE MARIN, III, stands charged by indictment with the offense of Capital Murder, alleged to have been committed on or about the 24th day of February, 2006, in Fort Bend County, Texas. To this charge the defendant has pled not guilty.

Our law provides that a person commits the offense of Murder if a person intentionally or knowingly causes the death of an individual. A person commits Capital Murder when the person intentionally or knowingly commits the murder of an individual under six years of age.

"Individual" means a human being who is alive.

A person acts "intentionally", or with "intent", with respect to the 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 the result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

You are instructed that the State is not required to prove the exact date alleged in the indictment. In this case "on or about the 24th day of February, 2006" means any date prior to the date of the filing of the indictment, and within the Statute of Limitations. There is no statute of limitations for capital murder.

Now, bearing in mind the foregoing instructions, if you find and believe from the evidence beyond a reasonable doubt, that the defendant, PETE MARIN, III, on or about the 24th day of February, 2006 in the County of Fort Bend and State of Texas, did intentionally or knowingly cause the death of JAKE HORROCKS, an individual under six years of age, by causing blunt force trauma to JAKE HORROCK'S head, you will find the defendant guilty of the offense of Capital Murder.

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant of the offense of Capital Murder and say by your verdict "Not Guilty".

Our law provides that a defendant may testify in his own behalf if he elects to do so. This, however, is a privilege accorded 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.

If any juror starts to mention the defendant's election not to testify in this case, then it is the duty of the other jurors to stop him at once.

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. The fact that a person has been arrested, confined, or indicted for, or otherwise charged with the offense gives rise to no inference of guilt at his trial. The law does not require a defendant to prove his innocence or produce any evidence at all. The presumption of innocence alone is sufficient to acquit the defendant, unless the jurors are satisfied beyond a reasonable doubt of the defendant's guilt after careful and impartial consideration of all the evidence in the case.

The prosecution has the burden of proving the defendant guilty and it must do so by proving each and every element of the offense charged beyond a reasonable doubt, and if it fails to do so, you must find the defendant not guilty.

It is not required that the prosecution proves guilt beyond all possible doubt; it is required that the prosecution's proof excludes all "reasonable doubt" concerning the defendant's guilt.

In the event you have a reasonable doubt as to the defendant's guilt after considering all the evidence before you, you will acquit him and say by your verdict not guilty.

A Grand Jury Indictment is the means whereby a felony prosecution is brought against a defendant. It is not evidence of guilt nor can it be considered by you in passing upon the issue of guilt of the defendant. The burden of proof in all criminal cases rests upon the State throughout the trial, and never shifts to the defendant.

You are the exclusive judges of the facts proved, of the credibility of the witnesses and the weight to be given their testimony, but the law you shall receive in these written instructions, and you must be governed thereby. You may make reasonable inferences from the evidence admitted.

After you retire to the jury room, you should select one of your members as your presiding juror. It is his or her duty to preside at your deliberations, vote with you, and when you have unanimously agreed upon a verdict, to certify to your verdict by using the appropriate form attached hereto, and signing the same as Presiding Juror.

No one has any authority to communicate with you except the officer who has you in charge. During your deliberations in this case, you must not consider, discuss, nor relate any matters not in evidence before you. You should not consider nor mention any personal knowledge or information you may have about any fact or person connected with this case which

is not shown by the evidence.

After you have retired, you may communicate with this court in writing through the officer who has you in charge. Do not attempt to talk to the officer who has you in charge, or the attorneys, or the court, or anyone else concerning any questions you may have.

Your sole duty at this time is to determine the guilt or innocence of the defendant under the indictment in this cause and restrict your deliberations solely to the issue of guilt or innocence of the defendant.

After you have reached a unanimous verdict, the presiding juror will certify thereto by filling in the appropriate form attached to this charge and signing his or her name as presiding juror.

Suitable forms for your verdict are hereto attached; your verdict must be in writing, must be unanimous, and signed by your presiding juror.

After argument of counsel, you may retire to consider your verdict.

[Handwritten Signature]

Honorable Brady G. Elliott
Presiding Judge
268th Judicial District Court
Fort Bend County, Texas

FILED

MAY 06 2008

AT 9:45 A.M. (M)

Carrie Rebecca Elliott
Clerk District Court, Fort Bend Co. TX

CAUSE NUMBER 43,885

STATE OF TEXAS

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IN THE 268TH JUDICIAL

VS.

§

DISTRICT COURT OF

PETE MARIN, III

§

FORT BEND COUNTY, TEXAS

VERDICT

We, the Jury, find the defendant, PETE MARIN, III, GUILTY, as charged in the indictment, of Capital Murder.

James Loshie

PRESIDING JUROR

FILED

MAY 06 2008

AT

3:20 PM

Christine Palmer Eichel
Clerk District Court, Fort Bend Co., TX



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STATE OF TEXAS

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IN THE 268TH JUDICIAL

VS.

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DISTRICT COURT OF

PETE MARIN, III

§

FORT BEND COUNTY, TEXAS

VERDICT

We, the Jury, find the defendant, PETE MARIN, III, NOT GUILTY.

PRESIDING JUROR