

CAUSE NO. 1171502

THE STATE OF TEXAS § IN THE 232ND DISTRICT COURT
VS. § OF HARRIS COUNTY, TEXAS
RODERICK DEON CARPENTER § MAY TERM, A. D., 2009

Members of the Jury:

A person commits murder if he:

- (1) intentionally or knowingly causes the death of an individual; or
- (2) intends to cause serious bodily injury and intentionally or knowingly commits an act clearly dangerous to human life that causes the death of an individual.

A person commits capital murder if he intentionally commits murder, as hereinbefore defined in paragraph (1), and the person intentionally or knowingly causes the death of more than one person during the same criminal transaction.

"Deadly weapon" means a firearm.

"Bodily injury" means physical pain, illness, or any impairment of physical condition.

"Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

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.

All persons are parties to an offense who are guilty of acting together in the commission of the offense. A person is criminally responsible as a party to an offense if the offense is committed by his own conduct, by the conduct of another for which he is criminally responsible, or by both.

A person is criminally responsible for an offense committed by the conduct of another if, acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense. Mere presence alone will not constitute one a party to an offense.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 7th day of June, 2008, in Harris County, Texas:

the defendant, Roderick Deon Carpenter, did then and there unlawfully, during the same criminal transaction, intentionally or knowingly cause the death of Van Lee Guzman, by shooting Van Lee Guzman with a deadly weapon, namely, a firearm, and did intentionally or knowingly cause the death of Eduardo Arriaga by shooting Eduardo Arriaga, with a deadly weapon, namely, a firearm;

or Jevorish Ford did then and there unlawfully, during the same criminal transaction, intentionally or knowingly cause the death of Van Lee Guzman, by shooting Van Lee Guzman

with a deadly weapon, namely a firearm, and did intentionally or knowingly cause the death of Eduardo Arriaga by shooting Eduardo Arriaga, with a deadly weapon, namely, a firearm, and the defendant, acting with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Jevorish Ford to commit the offense;

or the defendant did then and there unlawfully, during the same criminal transaction, intentionally or knowingly cause the death of either complainant, Van Lee Guzman or Eduardo Arriaga, by shooting either complainant with a deadly weapon, namely a firearm, and Jevorish Ford did then and there unlawfully, during the same criminal transaction, intentionally or knowingly cause the death of the other complainant by shooting him with a deadly weapon, namely a firearm, and the defendant, acting with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Jevorish Ford to commit the offense;

then you will find the defendant guilty of capital murder, as charged in the indictment.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant of capital murder and next consider whether the defendant is guilty of the lesser offense of murder.

Therefore, if you find from the evidence beyond a reasonable doubt that on or about the 7th day of June, 2008, in Harris County, Texas:

the defendant did then and there unlawfully, intentionally or knowingly cause the death of Eduardo Arriaga, by shooting Eduardo Arriaga with a deadly weapon, namely a firearm;

or Jevorish Ford did then and there unlawfully, intentionally or knowingly cause the death of Eduardo Arriaga, by shooting Eduardo Arriaga with a deadly weapon, namely a firearm, and the defendant, acting with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Jevorish Ford to commit the offense; or

the defendant did then and there unlawfully intend to cause serious bodily injury to Eduardo Arriaga, and did cause the death of Eduardo Arriaga by intentionally or knowingly committing an act clearly dangerous to human life by shooting Eduardo Arriaga with a deadly weapon, namely a firearm;

or Jevorish Ford did then and there unlawfully intend to cause serious bodily injury to Eduardo Arriaga, and did cause the death of Eduardo Arriaga by intentionally or knowingly committing an act clearly dangerous to human life by shooting Eduardo Arriaga with a deadly weapon, namely a firearm, and that the defendant, acting with the intent to promote or assist the commission of the offense, if any, solicited,

encouraged, directed, aided or attempted to aid Jevorish Ford to commit the offense; then you will find the defendant guilty of murder.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant of murder.

If you believe from the evidence beyond a reasonable doubt that the defendant is guilty of either capital murder on the one hand or murder on the other hand, but you have a reasonable doubt as to which of said offenses he is guilty, then you must resolve that doubt in the defendant's favor and find him guilty of the lesser offense of murder.

If you have a reasonable doubt as to whether the defendant is guilty of any offense defined in this charge you will acquit the defendant and say by your verdict "Not Guilty."

A defendant may testify in his own behalf if he elects to do so. This, however, is a right 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 cannot and must not refer to or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against him.

A Grand Jury indictment is the means whereby a defendant is brought to trial in a felony prosecution. It is not evidence of guilt nor can it be considered by you in passing upon the question 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.

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 he 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 acquit the defendant.

It is not required that the prosecution prove guilt beyond all possible doubt; it is required that the prosecution's proof exclude 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 and these instructions, you will acquit him and say by your verdict "Not Guilty."

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.

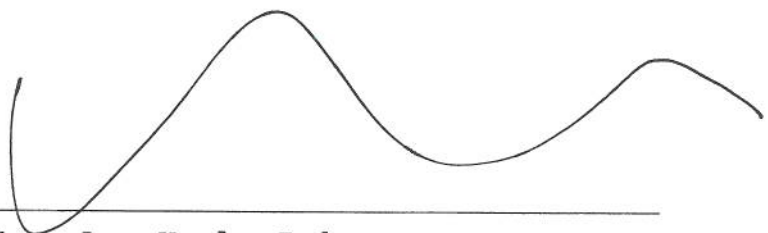
After you retire to the jury room, you should select one of your members as your Foreman. It is his or her duty to preside at your deliberations, vote with you, and when you have unanimously agreed upon a verdict, to certify to your verdict by using the appropriate form attached hereto and signing the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

During your deliberations in this case, you must not consider, discuss, or relate any matters not in evidence before you. You should not consider or mention any personal knowledge or information you may have about any fact or person connected with this case that is not shown by the evidence.

No one has any authority to communicate with you except the officer who has you in charge. After you have retired, you may communicate with this Court in writing through this officer. Any communication relative to the cause must be written, prepared and signed by the Foreman and shall be submitted to the court through this officer. 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.

Following the arguments of counsel, you will retire to consider your verdict.



Mary Lou Keel, Judge
232nd District Court
Harris County, TEXAS

FILED

Loren Jackson
District Clerk

JUN 01 2009

Time: _____

9:49 a.m.

Harris County, Texas

By _____

Deputy

CAUSE NO. 1171502

THE STATE OF TEXAS

§ IN THE 232ND DISTRICT COURT

VS.

§ OF HARRIS COUNTY, TEXAS

RODERICK DEON CARPENTER

§ MAY TERM, A. D., 2009

CHOOSE ONE

"We, the Jury, find the defendant, Roderick Deon Carpenter, not guilty."

Foreman of the Jury

(Please Print) Foreman

"We, the Jury, find the defendant, Roderick Deon Carpenter, guilty of capital murder, as charged in the indictment."

FILED

Loren Jackson
District Clerk

JUN 01 2009

2:40 p.m.

Time: _____
Harris County, Texas

By _____
Deputy

Michelle Struczewski

Foreman of the Jury

Michelle Struczewski

(Please Print) Foreman

"We, the Jury, find the defendant, Roderick Deon Carpenter, guilty of murder."

Foreman of the Jury

(Please Print) Foreman