

*In The 401st Judicial District Court,
Collin County, Texas
Honorable Mark J. Rusch, Presiding*

Cause No. 401-80836-2014

STATE OF TEXAS

VS.

MELINDA LYNN MUNIZ

CHARGE OF THE COURT

MEMBERS OF THE JURY:

The defendant, **MELINDA LYNN MUNIZ**, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 9th day of January, 2014, in Collin County, Texas. To this charge the defendant has pleaded not guilty.

Definitions

Our law provides that a person commits the offense of murder if the person intentionally or knowingly causes the death of an individual.

A person commits capital murder when the person murders an individual under ten (10) years of age.

“Individual” means a human being who is alive.

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

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

Capital Murder

Now, if you find from the evidence beyond a reasonable doubt that on or about the 9th day of January, 2014, in Collin County, Texas, that **MELINDA LYNN MUNIZ**, did then and there, intentionally or knowingly cause the death of an individual, namely, Grace Lillian Ford, an individual younger than ten (10) years of age, by suffocation, then you will find her guilty of capital murder.

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will find the defendant not guilty.

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

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 charged with an offense gives rise to no inference of guilt at her trial. The law does not require a defendant to prove her 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 of 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 they fail to do so, you must acquit the defendant.

You are instructed that you are not to allow yourselves to be influenced in any degree whatsoever by what you may think or surmise the opinion of the Court to be. The Court has no right by any word or any act to indicate any opinion respecting any matter of fact involved in this case, nor to indicate any desire respecting its outcome. The Court has not intended to express any opinion upon any matter of fact in this case, and if you have observed anything which you have or may interpret as the Court's opinion upon any matter of fact in this case, you must wholly disregard it.

You are instructed that any statements of counsel made during the course of the trial or during argument not supported by the evidence, or statements of law made by counsel not in harmony with the law as stated to you by the Court in these instructions, are to be wholly disregarded.

You are further instructed that you should not question the Bailiff concerning the testimony or the law of the case, nor should you discuss the case in his presence. If you have any questions, you should reduce them to writing, to be signed by the presiding juror, and present them to the Court.

If the Jurors disagree as to the statement of any witness, they may, upon applying to the Court, have read to them from the Court Reporter's notes that portion of such witness's testimony, and only that portion, on the point in dispute.

You are instructed that the indictment is the means whereby a defendant is brought to trial in a felony prosecution. It is not evidence, nor can it be considered as such when passing upon whether the defendant is guilty or not guilty.


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. And you may not consider for any purpose the questions individually posed to you by the Court in chambers during this trial.

After you retire to the jury room, you should select one of your members as your presiding juror. It is their duty to preside at your deliberations and vote with you. Your verdict must be unanimous and signed by the presiding juror.

You are the exclusive judges of the facts proved, of the credibility of the witnesses, and the weight to be given their testimony, but you must be governed by the law you receive in these written instructions.

Suitable forms for your verdict are attached hereto. Your verdict must be in writing and signed by your presiding juror. Your sole duty at this time is to determine whether the defendant is guilty or not guilty under the indictment in this cause and you are to restrict your deliberations to that issue.

Signed this the 22 day of February, 2015.


MARK J. RUSCH
Judge Presiding

VERDICT

We, the Jury, find the defendant guilty of capital murder as charged in the indictment.

(signature) Wayland Engle

(printed name) Wayland Engle
PRESIDING JUROR

OR,

We, the Jury, find the defendant not guilty.

(signature) _____

(printed name) _____
PRESIDING JUROR