

NO. D-44,209 and D-44,210

THE STATE OF TEXAS

IN THE DISTRICT COURT

VS.

OF ECTOR COUNTY, TEXAS

DARRELL GREEN

358TH JUDICIAL DISTRICT

FILED

CHARGE OF THE COURT

at \_\_\_\_\_ o'clock \_\_\_ M

AUG 25 2016

MEMBERS OF THE JURY:

District Clerk, Ector County, Texas  
By Walter M. Atwell Deputy

The Defendant, DARRELL GREEN has been found guilty by you of the offense of Attempted Capital Murder as it pertains to Arturo Javier Leyva and Attempted Capital Murder as it pertains to Hector Fuentes, as charged in the Indictments. It now becomes your duty to determine the punishment to be assessed against the Defendant.

Enhancement Paragraph One of the State's Notice of Enhancement alleges that, prior to the commission of the offenses in these cases, the Defendant was finally convicted of the felony offense of Evading Arrest or Detention. To this allegation in Enhancement Paragraph One of the State's Notice of Enhancement, the Defendant has pleaded "True".

For each offense for which you have found the Defendant guilty, you are instructed to find the allegations of the Enhancement Paragraph One "True" and assess the Defendant's punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for Life, or for any term of not more than ninety-nine (99) years or less than fifteen (15) years. The jury in its discretion, may, if it chooses, assess a fine in any amount not to exceed \$10,000.00, in addition to confinement in the Institutional Division of the Texas Department of Criminal Justice.

The State has introduced evidence of extraneous crimes or bad acts other than the offenses charged in the Indictments in these cases. This evidence was admitted only for the purpose of assisting you, if it does, in determining the proper punishment for the offenses for which you have found the Defendant guilty. You cannot consider such evidence for any purpose unless you find and believe beyond a reasonable doubt that the Defendant committed such other crimes or bad acts, if any.

You are further instructed that in determining the Defendant's punishment, you may take into consideration all of the facts shown by the evidence submitted before you in the full trial of this case and the law as submitted to you in this charge.

Our law provides that 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 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 him.

Under the law applicable in this case, the Defendant, if sentenced to a term of imprisonment, may earn time off the period of incarceration imposed through the award of good conduct time. Prison authorities may award good conduct time to a prisoner who exhibits good behavior, diligence in carrying out prison work assignments, and attempts at rehabilitation. If a prisoner engages in misconduct, prison authorities may also take away all or part of any good conduct time earned by the prisoner.

It is also possible that the length of time for which the Defendant will be imprisoned might be reduced by the award of parole.

Under the law applicable in this case, if the Defendant is sentenced to a term of imprisonment, he will not become eligible for parole until the actual time served equals one-half of the sentence imposed or 30 years, whichever is less, without consideration of any good conduct time he may earn. Eligibility for parole does not guarantee that parole will be granted.

It cannot accurately be predicted how the parole law and good conduct time might be applied to this Defendant if he is sentenced to a term of imprisonment, because the application of these laws will depend on decisions made by prison and parole authorities.

You may consider the existence of the parole law and good conduct time. However, you are not to consider the extent to which good conduct time may be awarded to or forfeited by this particular Defendant. You are not to consider the manner in which the parole law may be applied to this particular Defendant. Such matters come within the exclusive jurisdiction of the Pardon and Parole Division of the Texas Department of Criminal Justice and the Governor of Texas.

Any verdict you render must be unanimous.

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

W. Stacy Trott  
JUDGE PRESIDING

Jury Charged & Instructed at 6:20 pm on 8/25/14.

W. Stacy Trott

NO. D-44,209

THE STATE OF TEXAS

IN THE DISTRICT COURT

VS.

OF ECTOR COUNTY, TEXAS

DARRELL GREEN

358TH JUDICIAL DISTRICT

VERDICT

We, the Jury, having previously found the Defendant, DARRELL GREEN, guilty beyond a reasonable doubt of the offense of Attempted Capital Murder as it pertains to Arturo Javier Leyva, as charged in the Indictment, do further find that the allegations in:

(1) Enhancement Paragraph One of the State's Notice of Enhancement are  
TRUE \ NOT TRUE (circle one)

And we assess his punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for Life.

In addition thereto, WE DO / WE DO NOT assess a fine in the amount of  
\$ \_\_\_\_\_.

\_\_\_\_\_  
PRESIDING JUROR

NO. D-44,210

THE STATE OF TEXAS

IN THE DISTRICT COURT

VS.

OF ECTOR COUNTY, TEXAS

DARRELL GREEN

358TH JUDICIAL DISTRICT

VERDICT

We, the Jury, having previously found the Defendant, DARRELL GREEN, guilty beyond a reasonable doubt of the offense of Attempted Capital Murder as it pertains to Hector Fuentes, as charged in the Indictment, do further find that the allegations in:

- (1) Enhancement Paragraph One of the State's Notice of Enhancement are  
TRUE \ NOT TRUE (circle one)

And we assess his punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for Life.

In addition thereto, WE DO / WE DO NOT assess a fine in the amount of  
\$ \_\_\_\_\_.

\_\_\_\_\_  
PRESIDING JUROR