

B-14-1134-SA

THE STATE OF TEXAS

VS.

ISIDRO MIGUEL DELACRUZ

FILED FOR RECORD
2018 AUG 17 A 11:41
SHERIFF DEPUTY JESSIE BROWN
TOM GREEN COUNTY, TEXAS
IN THE DISTRICT COURT
119TH JUDICIAL DISTRICT
TOM GREEN COUNTY, TEXAS

CHARGE OF THE COURT

LADIES AND GENTLEMEN OF THE JURY:

You have found the Defendant guilty of the offense of Capital Murder as charged in the indictment.

You are instructed that the Defendant shall be punished by confinement in the Institutional Division of the Texas Department of Criminal Justice for life without parole, or by death.

It is necessary now for you to determine, from all the evidence in the case, answers to certain questions called Special Issues in these instructions.

SPECIAL ISSUE NUMBER 1: Whether there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society.

You shall answer Special Issue Number 1 "Yes" or "No" on the verdict form on page 4 of this Charge.

The prosecution has the burden of proving that the answer to Special Issue Number 1 should be "Yes," and it must do so by proving beyond a reasonable doubt that "Yes" is the true answer to Special Issue Number 1. If the state fails to do so, you must answer Special Issue Number 1 "No."

In deliberating on Special Issue Number 1, the jury shall consider all evidence admitted at the guilt or innocence stage and the punishment stage of trial, including evidence of the defendant's background or character or the circumstances of the offense that militates for or mitigates against the imposition of the death penalty.

You may not answer Special Issue Number 1 "Yes" unless all twelve of you agree unanimously.

You may not answer Special Issue Number 1 "No" unless ten (10) or more jurors agree.

Members of the jury need not agree on what particular evidence supports a "No" answer to Special Issue Number 1.

CHARGE TO THE JURY

If the jury answers Special Issue Number 1 "No", then do not answer Special Issue Number 2. If the jury answers Special Issue 1 "Yes," then you shall answer Special Issue Number 2.

SPECIAL ISSUE NUMBER 2: Whether, taking into consideration all of the evidence, including the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant, there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed.

You are instructed that if a jury answers that a circumstance or circumstances warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed, the Court will sentence the defendant to imprisonment in the Institutional Division of the Texas Department of Criminal Justice for life without parole.

Under the law applicable in this case, if the defendant is sentenced to confinement for life without parole in the Texas Department of Criminal Justice, the defendant will never be eligible for release from the department on parole.

You shall answer Special Issue Number 2 "Yes" or "No" on the verdict form on page 5 of this charge.

You are instructed that you may not answer Special Issue Number 2 "No" unless you agree unanimously.

You may not answer Special Issue Number 2 "Yes" unless ten (10) or more jurors agree.

Members of the jury need not agree on what particular evidence supports a "Yes" answer to Special Issue Number 2.

In deliberating on Special Issue Number 2, you shall consider mitigating evidence to be evidence that a juror might regard as reducing the defendant's moral blameworthiness.

If the jury answers Special Issue "Yes", and answers Special Issue Number 2 "No" the Court shall sentence the Defendant to death.

If the jury answers Special Issue Number 1 "No", or answers Special Issue Number 2 "Yes", the Court shall sentence the Defendant to confinement in the Institutional Division of the Texas Department of Criminal Justice for life imprisonment without parole. If the defendant is sentenced to confinement for life without parole in the Texas Department of Criminal Justice, the defendant will never be eligible for release from the department on parole.

The defendant has a constitutional right to remain silent. The defendant may testify on his own behalf. The defendant may also choose not to testify. The defendant's decision not to testify

cannot be held against him, and it is not evidence. You must not speculate, guess, or even talk about what the defendant might have said if he had taken the witness stand or why he did not. The Presiding Juror of the jury must immediately stop any juror from mentioning the defendant's decision not to testify.

You are the exclusive judges of the facts proved, of the credibility of the witnesses, and of the weight to be given their testimony, but you are bound to receive the law from the Court which is herein given and you must be governed thereby.

In arriving at the answers to the above issues, it will not be proper for you to fix the same by lot, chance, or any other method than a full, fair, and free exercise of the opinion of the individual jurors. A juror is not to violate his or her conscience in order to produce a verdict.

In deliberating on this case, you shall consider the charge as a whole and you must not refer to or discuss any matters not in evidence before you.

You must not consider or mention any personal knowledge or information you may have about any facts or person connected with this case which is not shown by the evidence. You shall not consult law books or anything not in evidence in this case.

Any further communication must be in writing signed by your presiding juror through the bailiff to the Court, except as to your personal needs which may be communicated orally to the bailiff in charge. Do not attempt to talk to the bailiff, the attorneys, or the Court regarding any questions you may have concerning the trial of the case.

After argument of counsel, you will retire to the jury room to deliberate. When you have reached a verdict, use the attached forms to indicate your verdict, and your presiding juror should sign the appropriate form certifying to your verdict.

SIGNED AT 8:27 o'clock ^{AM.}~~P.M.~~ on the 17 day of April, 2018.



BEN WOODWARD
JUDGE PRESIDING
119TH JUDICIAL DISTRICT OF TEXAS

THE STATE OF TEXAS

IN THE DISTRICT COURT

VS.

119TH JUDICIAL DISTRICT

ISIDRO MIGUEL DELACRUZ

TOM GREEN COUNTY, TEXAS

SPECIAL ISSUE NUMBER 1

Now, bearing in mind the foregoing instructions, answer Special Issue Number 1:

Do you find from the evidence beyond a reasonable doubt that there is a probability that the Defendant would commit criminal acts of violence that would constitute a continuing threat to society?

The jury may answer "No" if 10 of the jurors agree to "No;" the jury may answer "Yes" only if all of you agree that the answer is "Yes."

Answer:

We, the jury, because at least ten (10) jurors agree, find that the answer to Special Issue Number 1 is "No."

Presiding Juror

--OR--

Answer:

We, the jury, unanimously find from the evidence beyond a reasonable doubt that the answer to Special Issue Number 1 is "Yes."



Presiding Juror

If your answer to Special Issue Number 1 is "Yes," then answer Special Issue Number 2, otherwise, do not answer Special issue Number 2. In the event the jury has answered Special Issue "Yes," then, and only then, shall the jury consider Special Issue 2, to be found on the next page.

THE STATE OF TEXAS

IN THE DISTRICT COURT

VS.

119TH JUDICIAL DISTRICT

ISIDRO MIGUEL DELACRUZ

TOM GREEN COUNTY, TEXAS

SPECIAL ISSUE NUMBER 2

Now, bearing in mind the foregoing instructions, answer Special Issue Number 2:

Taking into consideration all of the evidence, including the circumstances of the offense, the Defendant's character and background, and the personal moral culpability of the Defendant, do you find that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed?

The jury may answer "Yes" if 10 of the jurors agree to "Yes;" the jury may answer "No" only if all of you agree that the answer is "No."

Answer:

We, the jury, because at least ten (10) jurors agree, find that the answer to Special Issue Number 2 is "Yes."

Presiding Juror

--OR--

Answer:

We, the jury, unanimously find from the evidence beyond a reasonable doubt that the answer to Special Issue Number 2 is "No."



Presiding Juror

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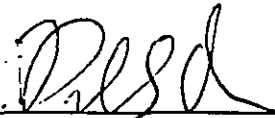
IN THE DISTRICT COURT

119TH JUDICIAL DISTRICT

TOM GREEN COUNTY, TEXAS

VERDICT OF THE JURY

We, the jury, return in open Court the above verdict in this case.



PRESIDING JUROR