


FILED  
NORMA FAVELA BARCELEAU  
DISTRICT CLERK  
IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS  
120<sup>TH</sup> JUDICIAL DISTRICT  
COURT ROOM 2    April 21

THE STATE OF TEXAS

EL PASO COUNTY, TEXAS

  
§  
DEPUTY

VS.

§

CAUSE No. 20210D01268

§

Marvin Rex Lake

§

CHARGE OF THE COURT

**Members of the Jury:**

After the attorneys have presented their closing arguments, you will go to the jury room. You will then select one of your members as your presiding juror. It shall be your presiding juror's duty to preside over your discussions and deliberations upon the case, to vote with you, and when you have unanimously agreed upon a verdict to sign the same as your presiding juror.

You will have this charge with you in the jury room and shall refer to it for guidance during your deliberations. Suitable forms for your verdict are attached. Your verdict must be in writing and signed by your presiding juror. Your sole duty at this time is to determine the guilt or non-guilt of the Defendant under the indictment in this case and restrict your deliberations solely to the issue of whether the Defendant is "guilty" or "not guilty."

All persons are presumed to be innocent and no person may be convicted of an offense unless each and every 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 an offense gives rise to no inference of guilt at 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.

You are the exclusive judges of the facts proved, of the credibility of the witnesses, and of the weight to be given to the testimony, but you are bound to receive the law from the Court as it is given to you in this charge, and you are bound to be governed by it.

You shall consider only the evidence and exhibits presented here in the courtroom through the witnesses who have testified. If you want to have the exhibits with you in the jury room for your deliberations, advise the bailiff. In deliberating on this case, you shall not talk to anyone except the members of the jury until you have been finally discharged from service on this jury.

You are instructed that the Grand Jury indictment is not evidence of guilt. It is a means by which the Defendant is brought to trial in a felony prosecution. It is not evidence nor can it be considered by you in passing upon the guilt or non-guilt of the Defendant.

The jury must not render a verdict unless it is a unanimous verdict. A unanimous jury verdict is one in which the individual verdicts of each of the twelve jurors is the same.

## **II. APPLICABLE LAW AND DEFINITIONS**

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

A person acts "recklessly," or is "reckless," with respect to the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

A person acts with criminal negligence, or is criminally negligent, with respect to the result of his conduct when he ought to be aware of a substantial and unjustifiable risk that the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

A person commits capital murder if the person intentionally or knowingly causes the death of an individual under 10 years of age.

A person commits the offense of murder if he commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

A person commits manslaughter if he recklessly causes the death of an individual.

A person commits criminally negligent homicide if he causes the death of an individual by criminal negligence.

A person commits Injury to a Child if he intentionally or knowingly by act, causes serious body injury to a child who is fourteen (14) years of age or younger.

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

Serious body 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.

Act means a bodily movement, whether voluntary or involuntary, and includes speech.

As it relates to Injury to a Child, deadly weapon means anything that, in the matter of its use and intended use, is capable of causing death or serious bodily injury.

As it relates to Injury to a Child, child means a person fourteen (14) years of age or younger.

### **III. APPLICATION**

The Defendant, Marvin Rex Lake, stands charged by indictment in Count I with Capital Murder of a person under ten years of age, in Count II with Murder, and in Count III with Injury to a Child, alleged to have occurred on or about the 12<sup>th</sup> day of April, 2021. To these charges, the Defendant has pleaded not guilty.

### **COUNT I - Capital Murder**

If you find from the evidence beyond a reasonable doubt that on or about the 12<sup>th</sup> day of April, 2021, in El Paso County, Texas, the Defendant, Marvin Rex Lake, did then and there, intentionally or knowingly cause the death of Ahren Dehart by striking Ahren Dehart's head with or against a hard object or surface, and Ahren Dehart was an individual under ten years of age, you shall find the Defendant Marvin Rex Lake guilty of capital murder as alleged in Count I of the Indictment (Verdict Form "A"). If you so find, sign Verdict Form "A" and inform the bailiff that you have reached a verdict.

Unless you so find beyond a reasonable doubt or if you have a reasonable doubt thereof, you shall find the Defendant Marvin Rex Lake not guilty of capital murder as alleged in Count I of the Indictment (Verdict Form "B"), then proceed to consider Count II.

### **COUNT II - Murder**

If you find from the evidence beyond a reasonable doubt that on or about the 12<sup>th</sup> day of April, 2021, in El Paso County, Texas, the Defendant, Marvin Rex Lake, did then and there, commit or attempt to commit an act clearly dangerous to human life, by striking Ahren Dehart's head with or against a hard object or surface, that caused the death of Ahren Dehart, and the Defendant was then and there in the course of or immediate flight from the commission or attempted commission of a felony, to wit: Injury to a Child, then you shall find Defendant Marvin Rex Lake guilty of murder as alleged in Count II of the Indictment (Verdict Form "C"). If you so find, sign Verdict Form "C" and inform the bailiff that you have reached a verdict.

Unless you so find beyond a reasonable doubt or if you have a reasonable doubt thereof, then you shall find the Defendant Marvin Rex Lake not guilty of murder as alleged in Count II of the Indictment (Verdict Form "D"), then proceed to consider Count III.

### **COUNT III - Injury to a Child**

If you find from the evidence beyond a reasonable doubt that on or about the 12<sup>th</sup> day of April, 2021, in El Paso County, Texas, the Defendant, Marvin Rex Lake, did then

and there, intentionally or knowingly by act, cause serious bodily injury to Ahren Dehart, a child 14 years of age or younger, by then and there striking Ahren Dehart's head with or against a hard object or surface, then you shall find Defendant Marvin Rex Lake guilty of Injury to a Child as alleged in Count III of the Indictment (Verdict Form "E"). If you so find, you must also answer Special Issue No. 1, then inform the bailiff that you have reached a verdict.

Unless you so find beyond a reasonable doubt or if you have a reasonable doubt thereof, then you shall find the Defendant Marvin Rex Lake not guilty of Injury to a Child as alleged in Count III of the Indictment (Verdict Form "F"), then next proceed to consider Manslaughter.

#### **Manslaughter**

If you find from the evidence beyond a reasonable doubt that on or about the 12<sup>th</sup> day of April, 2021, in El Paso County, Texas, the Defendant, Marvin Rex Lake, did then and there, recklessly cause the death of Ahren Dehart, then you shall find Defendant Marvin Rex Lake guilty of manslaughter (Verdict Form "G"). If you so find, sign Verdict Form "G" and inform the bailiff that you have reached a verdict.

Unless you so find beyond a reasonable doubt or if you have a reasonable doubt thereof, then you shall find the Defendant Marvin Rex Lake not guilty of manslaughter (Verdict Form "H"), then proceed to consider Criminally Negligent Homicide.

#### **Criminally Negligent Homicide**

If you find from the evidence beyond a reasonable doubt that on or about the 12<sup>th</sup> day of April, 2021, in El Paso County, Texas, the Defendant, Marvin Rex Lake, did then and there, cause the death of Ahren Dehart by criminal negligence, then you shall find Defendant Marvin Rex Lake guilty of Criminally Negligent Homicide (Verdict Form "I"). If you so find, sign Verdict Form "I" and inform the bailiff that you have reached a verdict.

Unless you so find beyond a reasonable doubt or if you have a reasonable doubt thereof, then you shall find the Defendant Marvin Rex Lake not guilty of Criminally Negligent Homicide (Verdict Form "J").



#### **IV. CONCERNING THE MANNER OF DELIBERATIONS**

After you retire to the jury room, you will select one of your members as the 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, if you do, to certify to your verdict by using the appropriate form and signing the same as your Presiding Juror.

Your sole duty at this time is to determine whether the Defendant is guilty or not guilty in this cause and you must restrict your deliberations accordingly.

1. In order to return a verdict, each juror must agree to it;
2. Jurors have a duty to consult with one another to deliberate with a view of reaching an agreement, if it can be done without violence to individual judgment;
3. Each juror must decide the case for himself or herself, but only after an impartial consideration of evidence with his or her fellow jurors;
4. In the course of deliberations, jurors should not hesitate to reexamine their own views and change their opinion if convinced it is erroneous;
5. No juror should surrender his or her honest conviction as to the weight or effect of the evidence solely because of the opinion of his or her fellow jurors, or for the mere purpose of returning a verdict;
6. In arriving at your verdict, it will not be proper to fix the same by lot, chance, or any other method than by a full, fair and free exercise of the opinion of the individual jurors under the evidence admitted before you; and
7. Do not let bias, prejudice, or sympathy play any part in your deliberations.

Do not attempt to talk to the bailiff, the attorneys, or the Court concerning any questions you may have. If you want to communicate with the Court, explain what you want in writing and deliver your message, signed by your Presiding Juror, to the bailiff. After you have arrived at your verdict, you will notify the Bailiff you have reached your verdict.

Respectfully submitted,

  
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**MARIA SALAS-MENDOZA, JUDGE**