

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS

171st JUDICIAL DISTRICT

Handwritten: Filed
8:25 o'clock A.M.
NORMA L. FAVELA, Clerk, Dist. Courts
El Paso County, Texas
7/25/11
BY *[Signature]* DEPUTY 8:25 a.m.
CAUSE NO. 20090D05416

THE STATE OF TEXAS

Vs.

LAURA CARSNER

CHARGE OF THE COURT

Filed July 25 A.D. 2011
AT 4:06 o'clock P.
NORMA L. FAVELA, Clerk, Dist. Courts
El Paso County, Texas
BY *[Signature]* DEPUTY

LADIES AND GENTLEMEN OF THE JURY:

The defendant, LAURA CARSNER, stands charged by Count I of the indictment with the offense of CAPITAL MURDER, alleged to have been committed on or about the 29th day of August, 2009 in El Paso County, Texas. The defendant has pled NOT GUILTY.

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I.

LAW APPLICABLE TO THE OFFENSES ALLEGED IN THIS CASE

A. LAW APPLICABLE TO THE OFFENSE OF CAPITAL MURDER

Our law provides that a person commits Murder when she intentionally or knowingly causes the death of an individual.

A person commits Capital Murder when she intentionally or knowingly causes the death of two or more individuals in the same transaction.

B. LAW APPLICABLE TO THE OFFENSE OF MANSLAUGHTER

Our law provides that a person commits the offense of manslaughter if she recklessly causes the death of an individual.

C. CRIMINAL NEGLIGENT HOMICIDE

Our law provides that a person commits the offense if she causes the death of an individual by criminal negligence.

II.

DEFINITIONS

“**Individual**” means a human being who is alive.

“**Person**” means an individual, corporation, or association.

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

“**Serious bodily injury**” means bodily injury that creates 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.

“**Deadly weapon**” means a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury.

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 the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonable 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.

"Criminal Negligence" means that a person acts with criminal negligence, or is criminally negligent, with respect to circumstances surrounding his conduct or the result of his conduct when he ought to be aware of a substantial and unjustifiable risk that the circumstances exist or 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.

III.

OTHER INSTRUCTIONS

A.

You are instructed that you may consider all relevant facts and circumstances surrounding the killing, if any, and the previous relationship existing between the accused and the deceased, if any, together with all relevant facts and circumstances going to show the condition of the mind of the accused at the time of the offense.

B.

You are instructed that the Grand Jury indictment is not evidence of guilt, it is a means whereby 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 innocence or guilt of the defendant.

C.

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 indicted for, or otherwise charged with the offense, gives rise to no inference of guilt at trial. The law in this case 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's guilt 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".

IV.

Now, unless you find from the evidence beyond a reasonable doubt that the defendant, **LAURA CARSNER**, is **GUILTY OF CAPITAL MURDER**, or you have reasonable doubt thereof, you will acquit the defendant **LAURA CARSNER**, and say by your verdict **NOT GUILTY (Verdict Form "A")**.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 29th day of August, 2009, in El Paso County, Texas, the defendant, **LAURA CARSNER**, did then and there intentionally or knowingly cause the death of an individual, namely, **IRMA QUIROZ** by shooting **IRMA QUIROZ** with a firearm, and did then and there intentionally or knowingly cause the death of another individual, namely, **JAVIER QUIROZ** by shooting **JAVIER QUIROZ** with a firearm, then you will find the defendant, **LAURA CARSNER**, **GUILTY** of **CAPITAL MURDER**, as alleged in Count I of the indictment (**Verdict Form “B”**).

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant, **LAURA CARSNER**, of **CAPITAL MURDER** and next consider if the defendant is **GUILTY** of **MANSLAUGHTER**.

V.

Now, unless you find from the evidence beyond a reasonable doubt that the defendant **LAURA CARSNER**, is **GUILTY OF MANSLAUGHTER**, or you have reasonable doubt thereof, you will acquit the defendant **LAURA CARSNER** and say by your verdict **NOT GUILTY (Verdict Form “C”)**.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 29th day of August, 2009, in El Paso County, Texas, the defendant, **LAURA CARSNER**, did then and there recklessly cause the death of an individual, namely, **IRMA QUIROZ**, by shooting **IRMA QUIROZ** with a firearm, and did then and there recklessly cause the death of another individual, namely, **JAVIER QUIROZ** by shooting **JAVIER QUIROZ** with a firearm, then you will find the defendant **GUILTY** of **MANSLAUGHTER**. (**Verdict Form “D”**)

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant, **LAURA CARNSNER**, of **MANSLAUGHTER** and next consider if the defendant is **GUILTY** of **CRIMINALLY NEGLIGENT HOMICIDE**.

VI.

Now, unless you find from the evidence beyond a reasonable doubt that the defendant, **LAURA CARNSNER**, is **GUILTY OF CRIMINALLY NEGLIGENT HOMICIDE**, or you have reasonable doubt thereof, you will acquit the defendant **LAURA CARNSNER**, and say by your verdict **NOT GUILTY (Verdict Form "E")**

Now, if you believe from the evidence beyond a reasonable doubt that on or about the 29th of August, 2009, in El Paso County, Texas, the defendant **LAURA CARNSNER**, did then and there by criminal negligence, cause the death of two individuals, namely, **IRMA QUIROZ and JAVIER QUIROZ**, by shooting said individuals **with** a firearm, then you will find the defendant **LAURA CARNSNER**, **GUILTY** of the offense of **CRIMINALLY NEGLIGENT HOMICIDE. (Verdict Form "F")**

VII.

After the attorneys have presented their summations, you will go to the jury room. You will then select one of your members, either male or female, Presiding Juror. It shall be your Presiding Juror's duty to preside over your discussions and deliberations of this case, vote with you and, when you unanimously agree upon a verdict, to certify to your verdict by signing the same as Presiding Juror.

You will have this charge with you in the jury room, and you shall refer to it for guidance during your deliberations.

Suitable forms for your verdict are hereto attached. Your verdict must be unanimous, 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 cause and restrict your deliberations solely to the issue of whether the defendant is guilty or not guilty.

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. He will deliver it to the Court. **Do not** orally explain to the bailiff what you want.

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. You are bound to receive the law from the Court as it is given you in these instructions, or any other the Court may give you, and to be governed by the law as so given by the Court.

Concerning manner of deliberations:

- (a) in order to return a verdict, each juror must agree thereto;
- (b) 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.
- (c) each juror must decide the case for himself or herself, but only after an impartial consideration of the evidence with their fellow jurors.
- (d) in the course of deliberations, jurors should not hesitate to re-examine their own views and change their opinion if convinced it is erroneous.
- (e) no juror should surrender his or her honest conviction as to the weight or effect of the evidence solely because of the opinion of their fellow jurors, or for the mere purpose of returning a verdict.

The Presiding Juror or any other juror who observes a violation of the Court's instructions shall immediately warn the one who is violating the same and caution the juror not to do so again.

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.



JUDGE BONNIE RANGEL
171ST Judicial District Court