

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.

"Deadly weapon" means a firearm or anything manifestly designed, made or adapted for the purpose of inflicting death or serious bodily injury, or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

3.

Upon the law of self-defense, you are instructed that a person is justified in using force against another when and to the degree that he reasonably believes the force is immediately necessary to protect himself against the other person's use or attempted use of unlawful force.

The use of force against another is not justified in response to verbal provocation alone.

A person is justified in using deadly force against another if he would be justified in using force against the other in the first place, as above set out, and when he reasonably believes that such deadly force is immediately necessary to protect himself against the other person's use or attempted use of unlawful deadly force, and if a reasonable person in defendant's situation would not have retreated.

By the term "reasonable belief" as used herein is meant a belief that would be held by an ordinary and prudent person in the same circumstances as defendant.

By the term "deadly force" as used herein is meant force that is intended or known by the persons using it to cause, or in the manner of its use or intended use is capable of causing death or serious bodily injury.

4.

When a person is attacked with unlawful deadly force, or he reasonably believes he is under attack or attempted attack with unlawful deadly force, and there is created in the

mind of such person a reasonable expectation or fear of death or serious bodily injury, then the law excuses or justifies such person in resorting to deadly force by any means at his command to the degree that he reasonably believes immediately necessary, viewed from his standpoint at the time, to protect himself from such attack or attempted attack. It is not necessary that there be an actual attack or attempted attack, as a person has a right to defend his life and person from apparent danger as fully and to the same extent as he would had the danger been real, provided that he acted upon a reasonable apprehension of danger, as it appeared to him from his standpoint at the time, and that he reasonably believed such deadly force was immediately necessary to protect himself against the other person's use or attempted use of unlawful deadly force.

In determining the existence of real or apparent danger, you should consider all the facts and circumstances in evidence before you, all relevant facts and circumstances surrounding the killing, if any, the previous relationship existing between the accused and the deceased, together with all relevant facts and circumstances going to show the condition of the mind of the defendant at the time of the offense, and in considering such circumstances, you should place yourselves in the defendant's position at that time and view them from his standpoint alone.

5.

If you find from the evidence beyond a reasonable doubt that at the time and place in question the defendant did not reasonably believe that he was in danger of death or serious bodily injury, or that a reasonable person in defendant's situation at the time and place in question would have retreated before using deadly force against KENDALL OWEN, or that defendant, under the circumstances as viewed by him from his standpoint at the time, did not reasonably believe that the degree of force actually used by him was immediately necessary to protect himself against KENDALL OWEN'S use or attempted use of unlawful deadly force, then you should find against the defendant on the issue of self-defense.

6.

You are further instructed as part of the law of this case, and as a qualification of the law on self-defense, that the use of force by a defendant against another is not justified if the defendant provoked the other's use or attempted use of unlawful force, unless (a) the defendant abandons the encounter, or clearly communicates to the other his intent to do so, reasonably believing he cannot safely abandon the encounter, and (b) the other person, nevertheless, continues or attempts to use unlawful force against the defendant.

So, in this case, if you find and believe from the evidence beyond a reasonable doubt that the defendant, BRENT ANDERSON, immediately before the difficulty, then and there did some act, or used some language, or did both, as the case may be, with the intent on his, the defendant's, part to produce the occasion for killing the deceased, KENDALL OWEN, and to bring on the difficulty with the said deceased, and that such words and conduct on defendant's part, if there were such, were reasonably calculated to, and did, provoke a difficulty, and that on such account the deceased attacked defendant with deadly force, or reasonably appeared to defendant to so attack him or to be attempting to so attack him, and that the defendant then killed the said KENDALL OWEN by the use of deadly force, to wit, by shooting him with a shotgun, in pursuance of his original design, if you find there was such design, then you will find the defendant guilty.

On the other hand, if you find from the evidence that the acts done or language used by the defendant, if any, were not under the circumstances reasonably calculated or intended to provoke a difficulty or an attack by deceased upon the defendant, or if you have a reasonable doubt thereof, then in such event, defendant's right of self-defense would in no way be abridged, impaired, or lessened, and if you so find or if you have a reasonable doubt thereof, you will decide the issue of self-defense in accordance with the law on that subject given in other portions of this charge wholly disregarding and without reference to the law on the subject of provoking the difficulty.

You are further instructed that if you believe from the evidence beyond a reasonable doubt that the defendant sought the meeting with deceased for the purpose of slaying deceased, and having found him, did some act, or used some language or did both with intent to produce the occasion and bring on the difficulty, and that the words and conduct of defendant, if any, under the circumstances were reasonably calculated to provoke a difficulty, and did, and that on such account the deceased attacked him, and he then killed deceased in pursuance of his original design, if any there was, then the defendant cannot justify the killing on the ground of self-defense, but such killing would be murder; but, if you believe from the evidence that defendant had no such purpose in seeking the fatal meeting, or having it, did no act reasonably calculated to provoke the difficulty and was attacked by the deceased with deadly force, and shot deceased, or if you have a reasonable doubt thereof, then defendant's right of self-defense would not be forfeited and he could defend himself in accordance with the rules heretofore set forth in connection with the law of self-defense.

You are instructed that if you believe from the evidence that the deceased used force or violence upon the defendant and put the defendant in fear of his life or serious bodily harm, or that the deceased did some act or acts which justified the defendant in reasonably believing that he was in danger of losing his life or suffering serious bodily harm from the acts of deceased, but you further believe from the evidence beyond a reasonable doubt that the deceased in good faith abandoned the difficulty and retreated, and that this reasonably appeared to the defendant and that the defendant, so knowing that deceased had abandoned the difficulty, pursued the deceased and continued to shoot deceased, not in his necessary or apparently necessary self-defense, and thereby killed the deceased, then the defendant would be guilty of murder, which the jury must determine from the evidence beyond a reasonable doubt. But if you find from the evidence, or you have a reasonable doubt thereof, that the defendant did not reasonably believe that the deceased

had withdrawn from the difficulty, but that by his retreating he was going to his house to secure a gun, or was seeking a vantage ground to renew the attack or threatened attack, if any, then the defendant would have the right to pursue and shoot said deceased as long as it reasonably appeared to the defendant to be necessary, and he reasonably believed it to be necessary, to protect himself, but no further.

7.

Considering the foregoing, if you find from the evidence beyond a reasonable doubt that on the occasion in question the defendant, BRENT ANDERSON, did kill KENDALL OWEN by shooting him with a firearm, to-wit: a shotgun, as alleged in the indictment, but you further find from the evidence, as viewed from the standpoint of the defendant at the time, that from the words or conduct, or both, of KENDALL OWEN it reasonably appeared to the defendant that his life or person was in danger and there was created in his mind a reasonable expectation or fear of death or serious bodily injury from the use of unlawful deadly force at the hands of KENDALL OWEN, and that acting under such apprehension and reasonably believing that the use of deadly force on his part was immediately necessary to protect himself against KENDALL OWEN'S use or attempted use of unlawful deadly force, he shot KENDALL OWEN with a shotgun, and that a reasonable person in defendant's situation would not have retreated, then you should acquit the defendant on the grounds of self-defense, or if you have a reasonable doubt as to whether or not the defendant was acting in self-defense on said occasion and under the circumstances, then you should give the defendant the benefit of that doubt and say by your verdict not guilty of the offense of capital murder and not guilty of murder of KENDALL OWEN and go on to consider whether the defendant is guilty of the murder of TIFFANY HANSEN.

8.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 27th day of November, 2006, in Matagorda County, Texas, the defendant, BRENT

ANDERSON, did intentionally or knowingly cause the death of KENDALL OWEN by shooting him with a firearm, to-wit: a shotgun and did then and there intentionally and knowingly cause the death of another individual, namely TIFFANY HANSEN, by shooting her with a firearm, to-wit: a shotgun, and both murders were committed during the same criminal transaction, then you will find the defendant, BRENT ANDERSON, guilty of capital murder as charged in the indictment.

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant of capital murder and proceed to consider whether the defendant is guilty of murder.

9.

If you believe from the evidence beyond a reasonable doubt that the defendant is guilty of the murder, if any, of KENDALL OWEN and the murder, if any, of TIFFANY HANSEN, but you have a reasonable doubt that they were killed during the same criminal transaction, you must give the benefit of the doubt to the defendant and acquit the defendant of the capital murder and proceed to consider whether the defendant is guilty of murder. In determining the defendant's guilt, if any, of the murders, if any, of KENDALL OWEN and TIFFANY HANSEN, you are instructed to consider all of the foregoing definitions and instructions of the court.

10.

Now, bearing in mind the foregoing definitions and instructions, if you believe from the evidence beyond a reasonable doubt that on or about the 27th day of November, 2006, in Matagorda County, Texas, the defendant, BRENT ANDERSON, did intentionally or knowingly without justification cause the death of KENDALL OWEN by shooting him with a firearm, to-wit: a shotgun, then you will find the defendant, BRENT ANDERSON, guilty of the murder of KENDALL OWEN. If you do not so believe, or if you have a reasonable doubt thereof, you will acquit the defendant of the murder of KENDALL OWEN, and next consider whether the defendant is guilty of the murder, if any, of TIFFANY HANSEN.

11.

Now, bearing in mind the foregoing definitions and instructions, if you believe from the evidence beyond a reasonable doubt that on or about the 27th day of November, 2006, in Matagorda County, Texas, the defendant, BRENT ANDERSON, did intentionally or knowingly cause the death of TIFFANY HANSEN by shooting her with a firearm, to-wit: a shotgun, then you will find the defendant, BRENT ANDERSON, guilty of the murder of TIFFANY HANSEN. If you do not so believe, or if you have a reasonable doubt thereof, you will acquit the defendant of the murder of TIFFANY HANSEN and next consider whether the defendant is guilty of the lesser included offense of manslaughter.

12.

Now, bearing in mind the foregoing definitions and instructions, if you believe from the evidence beyond a reasonable doubt that on or about the 27th day of November, 2006, in Matagorda County, Texas, the defendant, BRENT ANDERSON, did cause the death of TIFFANY HANSEN by shooting her with a firearm, to-wit: a shotgun while acting recklessly, you must acquit the defendant of the murder of TIFFANY HANSEN and find him guilty of the offense of manslaughter of TIFFANY HANSEN.

13.

You are instructed that in considering your verdict you may consider all relevant facts and circumstances surrounding the killing, if any, and the previous relationship existing between the accused and the deceased to show the condition of the mind of the accused at the time of the alleged killing, if any.

You are further instructed that the phrase "on or about" when used in an indictment, means anytime prior to the presentment of the indictment that is within the statutory limitations period for the crime.

"A grand jury indictment" is the means whereby a defendant is brought to trial in a felony prosecution. It is not evidence of guilt nor can it be considered by you in passing

upon the issue of guilt of the defendant. The burden of proof in all criminal cases rests upon the State throughout the trial, and never shifts to 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 indicted for, or otherwise charged with, the offense gives rise to no inference of guilt at his trial. 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".

14.

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 shall receive the law in these written instructions, and you must be governed thereby.

15.

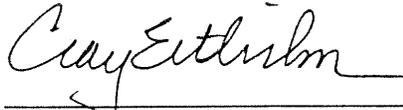
After you retire to the jury room, you should select one of your members as your Presiding Juror. It is that person's duty to preside at your deliberations, vote with you, and when you have unanimously agreed upon a verdict, to certify to your verdict by using the appropriate form attached hereto, and signing the same as Presiding Juror.

No one has any authority to communicate with you except the officer who has you in charge. 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.

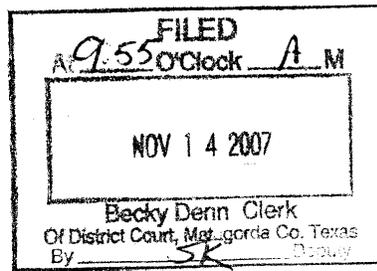
After you have retired, you may communicate with this court in writing through the officer who has you in charge. Do not attempt to talk to the officer who has you in charge, or the attorneys, or the court, or anyone else concerning any question you may have. After you have reached a unanimous verdict, the Presiding Juror will certify thereto by filling in

the appropriate form attached to this charge and signing as Presiding Juror. After arguments by counsel you may retire to consider your verdict.

Signed: November 14, 2007.



Judge Presiding



CAUSE NO. 07-013

STATE OF TEXAS

VS.

BRENT ANDERSON

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IN THE DISTRICT COURT

OF MATAGORDA COUNTY, TEXAS

130TH JUDICIAL DISTRICT

VERDICT

We, the jury, find the defendant, Brent Anderson, NOT GUILTY.

Presiding Juror

CAUSE NO. 07-013

STATE OF TEXAS

VS.

BRENT ANDERSON

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IN THE DISTRICT COURT

OF MATAGORDA COUNTY, TEXAS

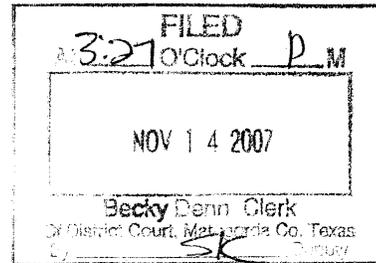
130TH JUDICIAL DISTRICT

VERDICT

We, the jury, find the defendant, Brent Anderson, GUILTY of CAPITAL MURDER as charged in the indictment.



Presiding Juror



CAUSE NO. 07-013

STATE OF TEXAS

VS.

BRENT ANDERSON

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IN THE DISTRICT COURT
OF MATAGORDA COUNTY, TEXAS
130TH JUDICIAL DISTRICT

VERDICT

We, the jury, find the defendant, Brent Anderson, NOT GUILTY of the murder of Kendall Owen.

Presiding Juror

CAUSE NO. 07-013

STATE OF TEXAS

VS.

BRENT ANDERSON

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IN THE DISTRICT COURT

OF MATAGORDA COUNTY, TEXAS

130TH JUDICIAL DISTRICT

VERDICT

We, the jury, find the defendant, Brent Anderson, GUILTY of the murder of Kendall Owen.

Presiding Juror

CAUSE NO. 07-013

STATE OF TEXAS

VS.

BRENT ANDERSON

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IN THE DISTRICT COURT
OF MATAGORDA COUNTY, TEXAS
130TH JUDICIAL DISTRICT

VERDICT

We, the jury, find the defendant, Brent Anderson, NOT GUILTY of the murder of Tiffany Hansen.

Presiding Juror

CAUSE NO. 07-013

STATE OF TEXAS

VS.

BRENT ANDERSON

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IN THE DISTRICT COURT
OF MATAGORDA COUNTY, TEXAS
130TH JUDICIAL DISTRICT

VERDICT

We, the jury, find the defendant, Brent Anderson, GUILTY of the murder of Tiffany Hansen.

Presiding Juror

CAUSE NO. 07-013

STATE OF TEXAS

VS.

BRENT ANDERSON

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IN THE DISTRICT COURT

OF MATAGORDA COUNTY, TEXAS

130TH JUDICIAL DISTRICT

VERDICT

We, the jury, find the defendant, Brent Anderson, GUILTY of the manslaughter of Tiffany Hansen.

Presiding Juror