

doubt that the defendant committed or participated in such acts or transactions, if any, but if you do not so believe, or if you have reasonable doubt thereof, you will not consider such evidence for any purpose.

III.

You have been permitted to take notes during the testimony in this case. In the event any of you took notes, you may rely on your notes during your deliberations. However, you may not share your notes with the other jurors and you should not permit the other jurors to share their notes with you. You shall not use your notes as authority to persuade your fellow jurors. In your deliberations, give no more and no less weight to the views of a fellow juror just because he or she did or did not take notes. Your notes are not official transcripts. They are personal memory aides, just like the notes of the judge and the notes of the lawyers. Notes are valuable as a stimulant to your memory. On the other hand, you might make an error in observing or you might make a mistake in recording what you have seen or heard. Therefore, you are not to use your notes as authority to persuade fellow jurors of what the evidence was during the trial. Occasionally, during jury deliberations, a dispute arises as to the testimony presented. If this should occur in this case, you shall inform the court and request that the court read the portion of disputed testimony to you from the official transcript. You shall not rely on your notes to resolve the dispute because those notes, if any, are not official transcripts. The disputes must be settled by the official transcript, for it is the official transcript, rather than any juror's notes, upon which you must base your determination of the facts and, ultimately, your verdict in this case.

IV.

In deliberating on Special Issue Number 1, Special Issue Number 2, and Special Issue Number 3, the jury shall consider all evidence admitted at the guilt or innocence stage and the punishment stage, including evidence of the defendant's background or character or circumstances of the offense that mitigates for or mitigates against the imposition of the death penalty.

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 are instructed that in answering Special Issue Number 1 the State has the burden to prove beyond a reasonable doubt that the answer should be "Yes" and if it fails to do so, you must answer Special Issue Number 1 "No". The jury may not answer Special Issue No. 1 "Yes" unless the jury agrees unanimously on the answer.

You are instructed that in answering Special Issue No. 1 that the jury may not answer "No" unless ten or more jurors agree. The jurors need not agree on what particular evidence supports a negative answer. If any juror has a reasonable doubt as to his or her answer to this issue, the juror shall vote "No."

If the jury answers Special Issue Number 1 "Yes", then you shall answer the following Special Issue Number 2; otherwise do not answer Special Issue Number 2.

SPECIAL ISSUE NUMBER 2

Whether the defendant actually caused the death of the deceased or did not actually cause

the death of the deceased but intended to kill the deceased or another or anticipated that a human life would be taken.

You are instructed that in answering this issue only the conduct of the defendant can be considered, and that the instructions pertaining to the law of parties heretofore given you can not now be considered in answering this issue. If any juror has a reasonable doubt as to his or her answer to this issue, the juror shall vote "No."

You are instructed that in answering Special Issue Number 2 the State has the burden to prove beyond a reasonable doubt that the answer should be "Yes" and if it fails to do so, you must answer Special Issue Number 2 "No". The jury may not answer Special Issue No. 2 "Yes" unless the jury agrees unanimously on the answer.

You are instructed that in answering Special Issue No. 2 that the jury may not answer "No" unless ten or more jurors agree. The jurors need not agree on what particular evidence supports a negative answer. If any juror has a reasonable doubt as to his or her answer to this issue, the juror shall vote "No."

If the jury answers Special Issue Number 2 "Yes", then you shall answer the following Special Issue Number 3; otherwise do not answer Special Issue Number 3.

SPECIAL ISSUE NUMBER 3

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 in answering this issue, you shall answer the issue "Yes" or "No."

You may not answer the issue "No" unless the jury unanimously agrees, and you may not answer the issue "Yes" unless ten or more jurors agree.

You are instructed that if the 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 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 be ineligible for release from the Department on parole.

The jury need not agree on what particular evidence supports an affirmative finding on this issue.

The jury shall consider mitigating evidence to be evidence that a juror might regard as reducing the defendant's moral blameworthiness.

If the jury returns an affirmative finding on Special Issue Number 1, an affirmative finding on Special Issue Number 2, and a negative finding on Special Issue Number 3, the Court shall sentence the defendant to death. If the jury returns a negative finding on Special Issue Number 1, a negative finding on Special Issue Number 2, or an affirmative finding to Special Issue Number 3, the Court shall sentence the defendant to confinement in the Texas Department of Criminal Justice for life without parole.

V.

You are the exclusive judges of the facts proven, the credibility of the witnesses, and the weight to be given their testimony, but you are bound to receive the law from the Court which is

herein given and be governed thereby.

In deliberating 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.

After the reading of this charge, you shall not be permitted to separate from each other, nor shall you talk with anyone not of your jury. After argument of counsel, you will retire and consider your answer to the issues submitted to you. It is the duty of your foreperson to preside in the jury room and vote with you on the answers to the issues submitted. When you have reached a verdict, you may use the attached forms to indicate your answers to the Special Issues, and your foreman should sign the appropriate form certifying your Verdict.


JUDGE PRESIDING

BY  DEPUTY
JOANNA STATOR
DISTRICT COURT
BELL COUNTY, TX

2023 JUN 12 A 9:14

FILED

Cause No. 80244

THE STATE OF TEXAS § IN THE 426TH DISTRICT
VS. § COURT OF
CEDRIC JOSEPH MARKS § BELL COUNTY, TEXAS

VERDICT OF THE JURY

We, the Jury, find beyond a reasonable doubt that the Defendant, Cedric Joseph Marks, is "GUILTY" of the offense of Capital Murder, as charged in the indictment.

DO NOT DISCLOSE PER ARTICLE 35.29 CCP
FOREMAN OF THE JURY

We, the Jury, find the Defendant, Cedric Joseph Marks, "NOT GUILTY".

FOREPERSON

BY *Joanna Stator*
JOANNA STATOR
DISTRICT COURT
BELL COUNTY, TX
DEPUTY

2023 JUN 12 A 9:15

FILED

FILED

NO. 80244

2023 JUN 12 A 9:15

THE STATE OF TEXAS

§

IN THE 426TH DISTRICT

JOANNA STATION
DISTRICT COURT
BELL COUNTY, TX

VS.

§

COURT OF

BY Mutton DEPUTY

CEDRIC JOSEPH MARKS

§

BELL COUNTY, TEXAS

VERDICT OF THE JURY

Now, bearing in mind the foregoing instructions, you will answer the following Special Issues:

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?

In your verdict, you will answer "Yes" or "No."

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

DO NOT DISCLOSE PER ARTICLE 35.29 CCP
FOREMAN OF THE JURY

OR

Answer: We, the jury, because at least ten (10) jurors have a reasonable doubt as to the probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society, determine that the answer to Special Issue Number 1 is "No."

FOREMAN

If your answers to Special Issue Number 1 and Special Issue Number 2 are "Yes," then you will answer Special Issue Number 3; otherwise, you will not answer Special Issue Number 3.

If your answer to this special issue is “no” and is not unanimous then the 10 or more jurors who agree should sign individually below

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If your answer to Special Issue Number 1 is “Yes,” then you will answer Special Issue Number 2; otherwise, you will not answer Special Issue Number 2.

SPECIAL ISSUE NUMBER 3

Do you find, 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, 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?

Answer: We, the jury, unanimously find that the answer to Special Issue Number 3 is "No."

DO NOT DISCLOSE PER ARTICLE 35.29 CCP
FOREMAN OF THE JURY

OR

Answer: We, the jury, because at least ten (10) jurors find that there is sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed, answer this Special Issue Number 3 "Yes."

FOREMAN

If your answer to this special issue is "yes" and is not unanimous then the 10 or more jurors who agree should sign individually below

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

We, the jury, return in open Court the above answers to the Special Issues submitted to us and the same is our verdict in this case.

DO NOT DISCLOSE PER ARTICLE 35.29 CCP
FOREMAN OF THE JURY