

**ORIGINAL**

**CAUSE NO. CR 14024**

<b>THE STATE OF TEXAS</b>	<b>§</b>	<b>IN THE DISTRICT COURT</b>
<b>VS.</b>	<b>§</b>	<b>266<sup>TH</sup> JUDICIAL DISTRICT</b>
<b>EDDIE RAY ROUTH</b>	<b>§</b>	<b>ERATH COUNTY, TEXAS</b>

**CHARGE OF THE COURT**

**MEMBERS OF THE JURY:**

The defendant, Eddie Ray Routh, is accused of Capital Murder. The Defendant has entered a plea of "not guilty". You have heard all the evidence that will be produced on whether the defendant has been proved guilty.

Both sides will soon present final arguments. Before they do so, I will now give you the instructions you must follow in deciding whether the defendant has been proved guilty or not.

You will have a written copy of these instructions to take with you and to use during deliberations.

First I will tell you about some general principles of law that must govern your decision of the case. Then, I will tell you about the specific law applicable to this case. Finally, I will instruct you on the rules that must control your deliberations.

The indictment is not evidence of guilt. The indictment cannot be considered in any way by the jury. Do not consider the fact that the defendant has been arrested, confined, or indicted or otherwise charged. You may not draw any inference of guilt from any of these circumstances.

The defendant is presumed innocent of the charge. 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 law does not require a defendant to prove his innocence. The burden of proof is on the state to prove the defendant is guilty of the indicted offense. If the state proves every element of the offense beyond a reasonable doubt, then you must find the defendant guilty. If, after you have considered all the evidence and these instructions, you have a reasonable doubt about whether the defendant is guilty, you must find the defendant not guilty.

As the jurors, you review the evidence and determine the facts and what they prove. You judge the believability of the witnesses and what weight to give their testimony. In judging the facts and the believability of the witnesses, you must apply the law provided in these instructions.

The evidence consists of the testimony and exhibits admitted in the trial. You must consider only evidence to reach your decision. You must not consider, discuss, or mention anything that is not evidence in the trial. You must not consider or mention any personal knowledge or information you may have about any fact or person connected with this case that is not evidence in the trial. Statements made by the lawyers are not evidence.

Nothing the judge has said or done in this case should be considered by you as an opinion about the facts of this case or influence you to vote one way or the other.

You should give terms their common meanings, unless you have been told in these instructions that the terms are given special meanings. In that case, of course, you should give those terms the meanings provided in the instructions.

While you should consider only the evidence, you are permitted to draw reasonable inferences from the testimony and exhibits that are justified in the light of common experience. In other words, you may make deductions and reach conclusions that reason and common sense lead you to draw from the facts that have been established by the evidence.

You are to render a fair and impartial verdict based on the evidence admitted in the case under the law that is in these instructions. Do not allow your verdict to be determined by bias or prejudice.

You may, if you wish, examine exhibits. If you wish to examine an exhibit, the foreperson will inform the court in writing and specifically identify the exhibit you wish to examine. Only exhibits that were admitted into evidence may be given to you for examination.

Certain testimony can be read back to you by the court reporter if certain requirements are met. To request that testimony be read back to you, you must follow these rules. The court will allow testimony to be read back to the jury only if the jury, in a writing signed by the foreperson, (1) states that it is requesting that testimony be read back, (2) states that it has a disagreement about a specific statement of a witness or a particular point in dispute, and (3) identifies the name of the witness who made the statement. The court will then have the court reporter read back only that part of the statement that is in disagreement.

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 may, however, discuss the contents of your notes with the other jurors. 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 that juror did or did not take notes. Your notes are not official transcripts. They are personal memory aids, 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.

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 of guilt. 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 foreperson of the jury must immediately stop any juror from mentioning the defendant's decision not to testify.

During the trial, you heard evidence that the defendant may have committed wrongful acts not charged in the indictment. The state offered the evidence as proof of the defendant's motive, opportunity, intent, preparations, plan, knowledge, identity or absence of mistake or accident as those factors relate to the offenses charged in the indictment. You are not to consider evidence of such a wrongful act at all unless you find, beyond a reasonable doubt, that the defendant did, in fact, commit the wrongful act. Those of you who believe the defendant did the wrongful act may consider it.

Even if you do find that the defendant committed a wrongful act, you may consider this evidence only for the limited purpose I have described. You may not consider this evidence to prove that

the defendant is a bad person and for this reason was likely to commit the charged offense. In other words, you should consider this evidence only for the specific, limited purpose I have described. To consider this evidence for any other purpose would be improper.

The law requires that you render a verdict of either "guilty" or "not guilty" or "not guilty by reason of insanity." You may return a verdict only if all twelve of you agree on this verdict. When you reach a verdict, the foreperson should notify the court.

1.

A person commits the offense of Capital Murder when he intentionally or knowingly causes the death of more than one person during the same criminal transaction.

2.

"Criminal transaction" means a continuous and uninterrupted chain of conduct occurring over a very short period of time in a rapid sequence of unbroken events.

3.

A person intentionally, causes the death of an individual if the person has the conscious objective or desire to cause that death.

A person knowingly causes the death of an individual if the person is aware that his conduct is reasonably certain to cause that death.

"Intoxication" means a disturbance of mental or physical capacity resulting from the introduction of any substance into the body.

Voluntary intoxication is not a defense to the commission of a crime.

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 killing in question, if any.

4.

Now bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt, that on or about the 2<sup>nd</sup> day of February, 2013, in Erath County, Texas, the defendant, Eddie Ray Routh, did then and there intentionally or knowingly cause the death of an individual, Christopher Scott Kyle, namely, by shooting him with a firearm, and did then and there intentionally or knowingly cause the death of another individual, namely, Chad Hudson Littlefield, by shooting him with a firearm, and both murders were committed during the same criminal episode, then you will find the defendant " guilty" of Capital Murder as charged in the indictment.

If you do not so find beyond a reasonable doubt or if you have a reasonable doubt thereof, you will acquit the defendant of capital murder, and say by your verdict "not guilty".

5.

It is an affirmative defense to prosecution that, at the time of the conduct charged, the defendant, as a result of severe mental disease or defect, did not know that his conduct was wrong. The term "mental disease or defect" does not include an abnormality manifested only by repeated criminal or otherwise anti-social conduct.

The burden of proof is on the defendant to prove an affirmative defense of insanity by a preponderance of the evidence. The term "preponderance of the evidence" means the greater weight of the credible evidence.

6.

Now bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that the defendant, Eddie Ray Routh, committed the offense of Capital Murder as alleged in the indictment, but further find by a preponderance of the evidence that, at the time of the conduct charged, the defendant, as a result of severe mental disease or defect, did not know that the conduct was wrong, then you will acquit the defendant and say by your verdict, "not guilty by reason of insanity."

However, if you find from the evidence beyond a reasonable doubt that the defendant, Eddie Ray Routh, committed the offense of Capital Murder as alleged in the indictment, and you further find the defendant has not proved by a preponderance of the evidence that the defendant, as a result of severe mental disease or defect, did not know that his conduct was wrong, then you will find the defendant guilty of the offense of Capital Murder, and so say by your verdict.

7.

You may not consider in your deliberations the potential consequences to the defendant of a verdict of not guilty by reason of insanity.

8.

You must follow these rules while you are deliberating and until you reach a verdict. After the closing arguments by the attorneys, you will go into the jury room to conduct your deliberations.

Your first task will be to pick your foreperson. The foreperson should conduct the deliberations in an orderly way. Each juror has one vote, including the foreperson. The foreperson must supervise the voting, vote with other members on the verdict, and sign the verdict sheet.

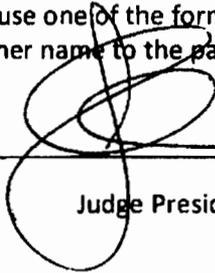
While deliberating and until excused by the trial court, all jurors must follow these rules:

1. You must not discuss this trial with any court officer, or the attorneys, or anyone not on the jury.
2. You must not discuss this case unless all of you are present in the jury room. If anyone leaves the room, then you must stop your discussions about the case until all of you are present again.
3. You must communicate with the judge only in writing, signed by the foreperson and given to the judge through the officer assigned to you.
4. You must not conduct any independent investigations, research, or experiments.

5. You must tell the judge if anyone attempts to contact you about the case before you reach your verdict.

Your sole duty at this point is to determine whether the defendant has been proved guilty. You must restrict your deliberations to this matter.

After you have arrived at your verdict, you are to use one of the forms attached to these instructions. You should have your foreperson sign his or her name to the particular form that conforms to your verdict.



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Judge Presiding

**FILED FOR RECORD**  
AT 4:05 O'CLOCK P M

FEB 24 2015

*Wanda Pung*  
CLERK DISTRICT COURT ERATH COUNTY, TEX

VERDICT

We the jury, find the defendant, Eddie Ray Routh, guilty of the felony offense of Capital Murder, as charged in the indictment.

FILED FOR RECORD  
AT 4:20 O'CLOCK P M

FEB 24 2015

*Wanda King*  
CLERK DISTRICT COURT ERATH COUNTY, TEX

*Cindy J. Stafford*  
Foreperson of the Jury

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We the jury, find the Defendant, Eddie Ray Routh, not guilty.

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Foreperson of the Jury

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We the jury, find the Defendant, Eddie Ray Routh, not guilty by reason of insanity.

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Foreperson of the Jury

**CHARGE Capital Murder**  
 §19 03 (a)(7)(A),(b) Texas Penal Code

Agency **Erath County Sheriff** Date of Birth **09/30/87**  
 TRN **9066743883 - A001; Offense Level FX** SID **TX08977806**

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**STATE OF TEXAS** § **IN THE DISTRICT COURT**  
**VS** § **266<sup>TH</sup> JUDICIAL DISTRICT**  
**EDDIE RAY ROUTH** § **ERATH COUNTY, TEXAS**

**GRAND JURY INDICTMENT**

**IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:**

The GRAND JURY, for the County of Erath, State of Texas, duly selected, empanelled, sworn, charged, and organized as such at the July Term, A D , 2013, of the 266<sup>th</sup> Judicial District Court for said County, upon their oaths present in and to said Court at said term that **EDDIE RAY ROUTH**, hereinafter styled Defendant, on or about the 2<sup>nd</sup> day of February, A D , 2013, and before the presentment of this indictment, in the County and State aforesaid, did then and there intentionally or knowingly cause the death of an individual, Christopher Scott Kyle, namely, by shooting him with a firearm, and did then and there intentionally or knowingly cause the death of another individual, namely, Chad Hudson Littlefield, by shooting him with a firearm, and both murders were committed during the same criminal episode

JAMES L. WILSON  
 DISTRICT CLERK  
 ERATH COUNTY, TEXAS

2013 JUL 24 PM 14:27  
 ERATH COUNTY, TEXAS

**AGAINST THE PEACE AND DIGNITY OF THE STATE.**

RRR  
 Foreman of the Grand Jury