

CAUSE NO. F41437

STATE OF TEXAS

§

IN THE 413TH DISTRICT COURT

VS.

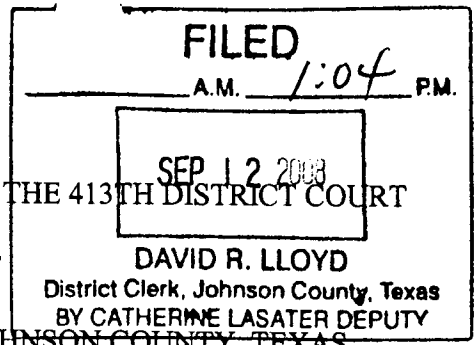
§

OF

TIMOTHY PAUL LINER

§

JOHNSON COUNTY, TEXAS



LADIES AND GENTLEMEN OF THE JURY:

The Defendant, Timothy Paul Liner, has been found guilty by you of the offense of Felony Murder, a lesser-included offense within the indictment. The Court has received and accepted your verdict and you will no longer concern yourselves with the innocence or guilt of the defendant, and you shall now limit your deliberations under all the law and evidence in our case, to the question of punishment, which is now your duty to assess.

You are instructed that the punishment for the offense of Felony Murder is confinement in the Texas Department of Criminal Justice - Institutional Division for LIFE or for any term of not more than ninety-nine (99) years or less than five (5) years. In addition, in your discretion you may assess a fine of any amount not to exceed \$10,000.00.

Under the law applicable in this case, the defendant, if sentenced to a term of imprisonment, may earn time off the period of incarceration imposed through the award of good conduct time. Prison authorities may award good conduct time to a prisoner who exhibits good behavior, diligence in carrying out prison work assignments, and attempts at rehabilitation. If a prisoner engages in misconduct, prison authorities may also take away all or part of any good conduct time earned by the prisoner.

It is also possible that the length of time for which the defendant will be imprisoned might be reduced by the award of parole.

Under the law applicable in this case, if the defendant is sentenced to a term of imprisonment, he will not become eligible for parole until the actual time served equals one-half of the sentence imposed or 30 years, whichever is less, without consideration of any good conduct time he may earn. Eligibility for parole does not guarantee that parole will be granted.

It cannot accurately be predicted how the parole law and good conduct time might be applied to this defendant if he is sentenced to a term of imprisonment, because the application of these laws will depend on decisions made by prison and parole authorities.

You may consider the existence of the parole law and good conduct time. However, you are not to consider the extent to which good conduct time may be awarded to or forfeited by this particular defendant. You are not to consider the manner in which the parole law may be applied to this particular defendant.

You may consider evidence of an extraneous crime or bad act in assessing punishment even if the defendant has not yet been charged with or finally convicted of the crime or act. However, you may consider such evidence only if the extraneous crime or bad act has been shown by the State beyond a reasonable doubt to have been committed by the defendant or is one for which the defendant could be held criminally responsible.

The prosecution does not have to prove an extraneous crime or bad act beyond all possible doubt. The prosecution's proof must exclude all "reasonable doubt" concerning the extraneous crime or bad act.

Therefore, if you find and believe beyond a reasonable doubt that the defendant committed an extraneous crime or bad act or could be held criminally responsible for an extraneous crime or bad act, then you may consider such evidence in assessing the defendant's punishment. However, if you have a reasonable doubt that the defendant committed an extraneous crime or bad act or could be

held criminally responsible for an extraneous crime or bad act, then you may not consider such evidence in assessing punishment.

Under the instructions herein given, it will not be proper for you, in determining the penalty to be assessed, to fix the same by lot, chance, any system of averages, or any other method than by a full, fair and free exercise of the opinion of the individual jurors, under the evidence submitted to you.

In arriving at your verdict on the question of punishment you may take into consideration all the evidence submitted before you under this charge and the previous charge wherein you found the defendant guilty. However, you are not to refer to or discuss any matters or issues not in evidence before you.

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, which is hereby given you, and be governed thereby.

If the jury wishes to communicate with the Court, they shall so notify the Bailiff in writing, who shall inform the Court thereof, and they may be brought before the Court, and through their Presiding Juror, shall state to the Court in writing what they desire to communicate.

When you have unanimously agreed upon a verdict, the Presiding Juror shall have you certify to your verdict by having your Presiding Juror sign his name to the appropriate form(s) attached hereto.

9-12-2008 1⁰² pm
DATE AND TIME


PRESIDING JUDGE

