



NO. 17,289-A

THE STATE OF TEXAS § IN THE 47TH DISTRICT COURT
VS. § IN AND FOR
MICHAEL STOCKER § RANDALL COUNTY, TEXAS

CHARGE OF THE COURT

MEMBERS OF THE JURY:

By your verdict returned in this case, you have found the defendant, MICHAEL STOCKER, guilty of the lesser included offense of Aggravated Kidnapping, which was alleged to have been committed in Randall County, Texas, on or about the 9th day of March, 2003.

It now becomes your duty to assess the punishment within the limits prescribed by law.

1.

You are instructed that the punishment for the offense of Aggravated Kidnapping is by 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, and in addition you may assess a fine not to exceed \$10,000.00.

Therefore, you will assess the punishment upon said finding of guilt at any term of years not less than five (5) nor more than ninety-nine (99) or for life, and in addition, you may assess a fine not to exceed \$10,000.00.

2.

You are instructed that you cannot, and you must not, render any quotient verdict; that is, in arriving at any penalty or term of punishment, you are not to arrive

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Of DEPUTY

at the same by setting down the term, amount or degree of punishment favored by each juror, adding the same and dividing by twelve, the number of jurors; nor are you to arrive at such penalty in any other manner than by discussion of the evidence bearing thereon.

3.

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.

4.

You are instructed that if there is testimony before you in this case regarding the defendant having committed other acts or participated in other transactions other than the offense alleged against him in the indictment in this case, that you cannot consider such other acts or transactions, if any, unless you first find and believe beyond a reasonable doubt that the defendant committed such acts or was criminally responsible as a party for such acts, if any, but if you do not so believe, or if you have a reasonable doubt thereof, you will not consider such testimony for any purpose.

A person is criminally responsible as a party for an offense committed by the conduct of another if acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense.

5.

The Defendant has filed his sworn motion for probation herein, alleging that he has never been convicted of a felony in this state or any other state.

Our law provides that where a person has been found guilty of the offense of Aggravated Kidnapping, and a jury assesses the punishment at confinement in the Texas Department of Criminal Justice Institutional Division for any term of years not more than ten (10), and the jury further finds that the Defendant has never been convicted of a felony in this state or in any other state, the jury may cause the imposition of the sentence to be suspended and the Defendant to be placed on probation for any term of years authorized for the offense for which the Defendant was convicted, but in no event for more than ten years, under supervision of the Court during his good behavior.

Now, if you believe from the evidence that the Defendant has never before been convicted of a felony in this state or any other state, and if you assess the punishment of Defendant at confinement in the Texas Department of Criminal Justice Institutional Division for a term of years not more than ten, then you may recommend such probation for the Defendant. Whether you do or do not recommend probation for the Defendant is a matter that rests within the sound discretion of the jury.

6.

Now if you find that the execution of sentence should be suspended and the Defendant granted adult probation, use either Verdict Form No. 5, No. 6, No. 7, or No. 8.

7.

If you do not find that execution of such sentence should be suspended and the Defendant granted adult probation, the form of your verdict will be as provided in either Form No. 1, No. 2, No. 3 or No. 4.

8.

You, the jury, are the exclusive judges of the credibility of the witnesses, of the weight to be given the evidence, and of the facts proved, but you are bound to receive the law from this Court as given in this charge and be governed thereby.

9.

After you have retired to the jury room, it is the duty of your presiding juror to preside at your deliberations, vote with you, and when you have unanimously agreed upon a verdict, to certify to your verdict by signing his/her name as presiding juror to one of the verdict forms attached hereto, but in no event shall he/she sign more than one of such forms.

10.

After you have retired to the jury room, no one has any authority to communicate with you except the officer who has you in charge. 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.

Hao Mui

JUDGE PRESIDING

Submitted 10:25 AM

Feb 12, 2009

Received

2:45 PM

THE STATE OF TEXAS
VS.
MICHAEL STOCKER
CAUSE NO. 17,289-A

VERDICT FORMS

No. 1 (Life & No Fine)

We, the jury, having found the defendant guilty of the lesser included offense of Aggravated Kidnapping, assess his punishment at life in the Texas Department of Criminal Justice Institutional Division.

Presiding Juror of the Jury

* * * * *

No. 2 (Life & Fine)

We, the jury, having found the defendant guilty of the lesser included offense of Aggravated Kidnapping, assess his punishment at life in the Texas Department of Criminal Justice Institutional Division, and assess a fine of \$_____ in addition to such confinement.

Presiding Juror of the Jury

No. 3 (Prison & No Fine)

We, the jury, having found the defendant guilty of the lesser included offense of Aggravated Kidnapping, assess his punishment at _____ years confinement in the Texas Department of Criminal Justice Institutional Division.

Presiding Juror of the Jury

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No. 4 (Prison & Fine)

We, the jury, having found the defendant guilty of the lesser included offense of Aggravated Kidnapping, assess his punishment at _____ years confinement in the Texas Department of Criminal Justice Institutional Division, and assess a fine of \$ _____ in addition to such confinement.

Presiding Juror of the Jury

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No. 5 (Probation & No Fine)

We, the jury, having found the defendant guilty of the lesser included offense of Aggravated Kidnapping, assess his punishment at _____ years confinement in the Texas Department of Criminal Justice Institutional Division, and we further find that the defendant has never before been convicted of a felony in this or any other state, and we recommend to the Court that the imposition of the sentence against the defendant be suspended, and that the defendant be placed on community supervision.

Presiding Juror of the Jury

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No. 6 (Probation & Fine Probated In Whole)

We, the jury, having found the defendant guilty of the lesser included offense of Aggravated Kidnapping, assess his punishment at _____ years confinement in the Texas Department of Criminal Justice Institutional Division, and assess a fine of \$_____ in addition to such confinement, and we further find that the defendant has never before been convicted of a felony in this or any other state, and we recommend to the Court that the fine imposed be suspended in whole and the imposition of the sentence against the defendant be suspended and that the defendant be placed on community supervision.

Presiding Juror of the Jury

* * * * *

No. 7 (Probation & Fine Probated In Part)

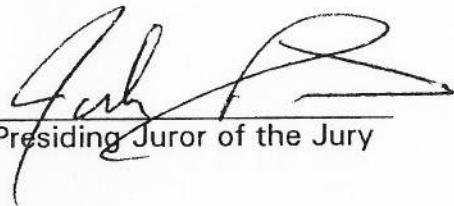
We, the jury, having found the defendant guilty of the lesser included offense of Aggravated Kidnapping, assess his punishment at _____ years confinement in the Texas Department of Criminal Justice Institutional Division, and assess a fine of \$ _____ in addition to such confinement, and we further find that the defendant has never before been convicted of a felony in this or any other state, and we recommend to the Court that the amount of \$ _____ of the fine be suspended and the defendant be required to pay a part of said fine in the amount of \$ _____, and the imposition of the sentence against the defendant be suspended and that the defendant be placed on community supervision.

Presiding Juror of the Jury

* * * * *

No. 8 (Probation & Fine Not Probated)

We, the jury, having found the defendant guilty of the lesser included offense of Aggravated Kidnapping, assess his punishment at 10 years confinement in the Texas Department of Criminal Justice Institutional Division, and we further find that the defendant has never before been convicted of a felony in this or any other state, and we recommend to the Court that the imposition of the sentence against the defendant be suspended and that the defendant be placed on community supervision and assess a fine of \$ 10,000 in addition to such term of years, which fine shall not be probated.



Presiding Juror of the Jury