

SCANNED

Filed May A.D. 5 2008

AT 3:30 o'clock P M

IN THE DISTRICT COURT OF EL PASO COUNTY GERBERT SANCHEZ, Clerk, Dist. Courts
El Paso County, Texas

41ST JUDICIAL DISTRICT

BY BChaves DEPUTY

THE STATE OF TEXAS

VS.

NO. 20020D00230

DAVID RENTERIA

LADIES AND GENTLEMEN OF THE JURY:

After the attorneys have presented their summations, you will go to the jury room. You will then select one of your members as your presiding juror. It shall be your presiding juror's duty to preside over your discussions of and deliberations upon the case and vote with you.

In this case DAVID RENTERIA has previously been found guilty of Capital Murder as follows: the jury has found from the evidence beyond a reasonable doubt that on or about the 18th day of November, 2001, in El Paso County, Texas, the Defendant, DAVID RENTERIA, did then and there intentionally or knowingly cause the death of an individual, namely, Alexandra Flores, by choking Alexandra Flores about the neck by unknown means, OR by choking Alexandra Flores about the neck with the Defendant's hand, and the said Alexandra Flores was then and there an individual younger than six years of age.

This case is now referred to you to determine, from all the evidence in the case, the answers to certain questions, called "Special Issues," in this charge. The Court instructs you in answering these Special Issues as follows:

The punishment for the offense of Capital Murder of which the Defendant has been found guilty is death or confinement in the Institutional Division of the Texas Department of Criminal Justice for life.

You shall return a Special Verdict of "YES" or "NO" on Special Issue No. 1. The State must prove Special Issue No. 1 beyond a reasonable doubt, in order for you to return a Special Verdict of "YES" to Special Issue No. 1.

In deliberating on Special Issue No. 1 you shall consider all the evidence presented in this case, including evidence of the Defendant's background or character or the circumstances of the offense that militates for or mitigates against the imposition of the death penalty.

You may not answer Special Issue No. 1 "YES" unless you agree unanimously and you may not answer Special Issue No. 1 "NO" unless 10 or more jurors agree.

Members of the jury need not agree on what particular evidence supports a "NO" answer to Special Issue No. 1.

You are further instructed that you are not to be swayed by mere sentiment, conjecture, sympathy, passion, prejudice, public opinion or public feeling in considering all of the evidence before you and in answering the Special Issue No. 1.

You are instructed that if you return a "YES" answer to Special Issue No. 1, then and only then, are you to answer Special Issue No. 2.

You are instructed that in answering Special Issue No. 2, you shall answer the issue "YES" or "NO".

You may not answer Special Issue No. 2 "NO" unless you agree unanimously, and you may not answer Special Issue No. 2 "YES" unless 10 or more of you agree to do so.

You need not agree on what particular evidence supports a "YES" on Special Issue No. 2.

In answering Special Issue No. 2 you shall consider mitigating evidence to be evidence that a juror might regard as reducing the Defendant's moral blameworthiness. You shall also consider all of the evidence, including the circumstances of the offense, the Defendant's character and background, and the personal moral culpability of the Defendant.

You are again instructed that you are not to be swayed by mere sentiment, conjecture, sympathy, passion, prejudice, public opinion or public feeling in considering all of the evidence before you in answering Special Issue No. 2.

You are instructed that if the jury answers that a circumstance or circumstances warrant that a sentence of life imprisonment rather than a Death sentence be imposed, the court will sentence the defendant to imprisonment in the Institutional Division of the Texas Department of Criminal Justice for life.

Under the law applicable in this case, if the Defendant is sentenced to imprisonment in the Institutional Division of the Texas Department of Criminal Justice for life, the Defendant will become eligible for release on parole, but not until the actual time served by the Defendant equals 40 years, without consideration of any good conduct time. It cannot accurately be predicted how the parole laws might be

applied to this Defendant if the Defendant is sentenced to a term of imprisonment for life because the application of those laws will depend on decisions made by prison and parole authorities, but eligibility for parole does not guarantee that parole will be granted.

In arriving at the answers to the Special Issues submitted, it will not be proper for you to fix the same by lot, chance, or any other method than by a full, fair and free exchange of the opinion of each individual juror.

The State has introduced evidence of extraneous crimes or bad acts other than the one charged in the indictment in this case. This evidence was admitted only for the purpose of assisting you, if it does, in determining the proper punishment for the offense for which you have found the Defendant guilty. You cannot consider the testimony for any purpose unless you find and believe beyond a reasonable doubt that the Defendant committed such other acts, if any, were committed.

You are instructed that the Defendant may testify in his own behalf if he chooses to do so, but if he elects not to do so, that fact cannot be taken by you as a circumstance against him nor prejudice him in any way. The Defendant has elected not to testify in the punishment stage of this trial, and you are instructed that you cannot and must not refer to or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever.

After argument of counsel, you will retire and consider your answers to the Special Issues submitted to you. It is the duty of your presiding juror to preside in the jury room and vote with you on the answers to the Special Issues submitted.

You are the exclusive judges of the facts proved and the credibility of the witnesses and of the weight to be given to their testimony, but you are bound to receive the law from the Court as it is given to you and you are bound to be governed thereby.

You shall consider only the evidence and exhibits presented here in the courtroom through the witnesses who have testified. If you want to have the exhibits with you in the jury room for your deliberations, advise the bailiff. In deliberating on this case, you shall not talk to anyone except the members of the jury about it until you have been finally discharged from service on this jury.

MANNER OF DELIBERATIONS


- b. Jurors have a duty to consult with one another to deliberate with a view of reaching an agreement, if it can be done without abrogating individual judgment.
- c. Each juror must decide the case for themselves, but only after an impartial consideration of the evidence with their fellow jurors.
- d. In the course of deliberations, a juror should not hesitate to re-examine their own views and change their opinion if convinced it is erroneous.
- e. No juror should surrender their honest conviction as to the weight or effect of the evidence only because of the opinion of fellow jurors, or for the mere purpose of returning a verdict.

The presiding juror or any other juror who observes a violation of the Court's instructions shall immediately warn the one who is violating the same and caution the juror not to do so again.

In arriving at your verdict, it will not be proper to fix the same by lot, chance, or any other method than by full, fair and free exercise of the opinion of the individual jurors under the evidence admitted before you.

If you want to communicate with the Court, explain what you want in writing and deliver your message, signed by your presiding juror, to the bailiff, who will deliver it to the Court. Do not orally explain to the bailiff what you want.

After you have arrived at your verdict, you will notify the bailiff that you have reached your verdict.



MARY ANNE BRAMBLETT
Judge