



No. 21F0088-202

FILED FOR RECORD
2022 JAN 21 PM 3:08

LORI CARAWAY
DISTRICT CLERK BOWIE CO. TX

THE STATE OF TEXAS	§	IN THE 202ND JUDICIAL DISTRICT
	§	
V.	§	DISTRICT COURT OF
	§	
ZACHARY BLAISE SALAZAR	§	BOWIE COUNTY, TEXAS

CHARGE OF THE COURT

The following instructions apply to each of the offenses for which Defendant has been charged.

The Defendant, ZACHARY BLAISE SALAZAR, stands charged by Indictment in cause number 21F0088-202 in counts 1 and 2 with the offense of Capital Murder, alleged to have been committed in Bowie County, Texas on or about January 13, 2021. The Defendant has entered a plea of “not guilty” to each count in the Indictment in cause number 21F0088-202.

1.

Our law provides that a person commits the offense of murder if he intentionally or knowingly causes the death of an individual.

Our law provides that a person commits the offense of capital murder when such person intentionally or knowingly commits the murder of an individual under ten (10) years of age.

Our law provides that a person commits the felony offense of felony murder if he commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

Our law provides that a person commits the offense of Injury to a Child if he intentionally, knowingly, recklessly or with criminal negligence causes serious bodily injury or bodily injury to a child 14 years of age or younger.

Our law provides that a person commits the offense of manslaughter when such person recklessly causes the death of an individual.

Our law provides that a person commits the offense of criminally negligent homicide when such person causes the death of an individual by criminal negligence.

2.

“Bodily injury” means physical pain, illness, or any impairment of physical condition.

“Serious bodily injury” means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

“Individual” means a human being who is alive, including an unborn child at every stage of gestation from fertilization until birth.

“Conduct” means an act or omission and its accompanying mental state.

“Child” means a person 14 years of age or younger.

“Deadly weapon” means anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury; or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

3.

A person acts intentionally, or with intent, with respect to the nature of his conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result.

A person acts knowingly, or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

A person acts recklessly, or is reckless, with respect to circumstances surrounding his or her conduct or the result of his or her conduct when he or

she is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

A person acts with "criminal negligence," or is "criminally negligent," with respect to the result of his or her conduct when he or she ought to be aware of a substantial and unjustifiable risk that the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the standpoint of the person so acting.

Voluntary intoxication does not constitute a defense to the commission of a crime.

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

CAUSE NUMBER 21F0088-202

COUNT ONE

Now, if you find from the evidence beyond a reasonable doubt that on or about January 13, 2021, in Bowie County, Texas, the Defendant, Zachary Blaise Salazar, did then and there, intentionally or knowingly cause the death of an individual, namely Riley Burgess, by causing his motor vehicle to collide with or against a motor vehicle occupied by Riley Burgess, and said Riley Burgess was then and there an individual younger than ten (10) years of age then you will find defendant guilty of Capital Murder as charged in the Indictment in Count One.

Unless you find beyond a reasonable doubt that the defendant is guilty of Capital Murder, under these instructions, or if you have a reasonable doubt thereof, you will acquit him of that offense, and next consider whether he is guilty of the lesser offense of Felony Murder.

Now, if you find from the evidence beyond a reasonable doubt that on or about January 13, 2021, in Bowie County, Texas, the Defendant, Zachary Blaise Salazar, did then and there, intentionally, knowingly, recklessly, or with criminal negligence, commit a felony offense, to wit: Injury to a Child, and while in the course of and in furtherance of the commission of said offense,

did then and there commit and act clearly dangerous to human life, namely, by causing his motor vehicle to collide with or against a motor vehicle occupied by Riley Burgess, then you will find defendant guilty of the lesser offense of Felony Murder in Count One

Unless you find beyond a reasonable doubt that the defendant is guilty of Murder, under these instructions, or if you have a reasonable doubt therefore, you will acquit him of that offense, and next consider whether he is guilty of the lesser offense of Manslaughter.

Now, if you find from the evidence beyond a reasonable doubt that on or about January 13, 2021, in Bowie County, Texas, the Defendant, Zachary Blaise Salazar, did then and there, recklessly cause the death of an individual, namely Riley Burgess, by causing his motor vehicle to collide with or against a motor vehicle occupied by Riley Burgess, then you will find defendant guilty of the lesser offense of Manslaughter in Count One.

Unless you find beyond a reasonable doubt that the defendant is guilty of Manslaughter, under these instructions, or if you have a reasonable doubt therefore, you will acquit him of that offense, and next consider whether he is guilty of the lesser offense of criminally negligent homicide.

Now, if you find from the evidence beyond a reasonable doubt that on or about January 13, 2021, in Bowie County, Texas, the Defendant, Zachary

Blaise Salazar, did then and there, cause the death of an individual, namely Riley Burgess, by criminal negligence by causing his motor vehicle to collide with or against a motor vehicle occupied by Riley Burgess, then you will find defendant guilty of the lesser offense of criminally negligent homicide in Count One.

Unless you find beyond a reasonable doubt that the defendant is guilty of criminally negligent homicide, under these instructions, or if you have a reasonable doubt therefore, you will acquit him of that offense, and say by your verdict “not guilty.”

COUNT TWO

Now, if you find from the evidence beyond a reasonable doubt that on or about January 13, 2021, in Bowie County, Texas, the Defendant, Zachary Blaise Salazar, did then and there, intentionally or knowingly cause the death of an individual, namely James Crowley, by causing his motor vehicle to collide with or against a motor vehicle occupied by James Crowley, and said James Crowley was then and there an individual younger than ten (10) years of age then you will find defendant guilty of Capital Murder as charged in the Indictment in Count Two

Unless you find beyond a reasonable doubt that the defendant is guilty of Capital Murder, under these instructions, or if you have a reasonable doubt

thereof, you will acquit him of that offense, and next consider whether he is guilty of the lesser offense of Felony Murder.

Now, if you find from the evidence beyond a reasonable doubt that on or about January 13, 2021, in Bowie County, Texas, the Defendant, Zachary Blaise Salazar, did then and there, intentionally, knowingly, recklessly, or with criminal negligence, commit a felony offense, to wit: Injury to a Child, and while in the course of and in furtherance of the commission of said offense, did then and there commit and act clearly dangerous to human life, namely, by causing his motor vehicle to collide with or against a motor vehicle occupied by James Crowley, then you will find defendant guilty of the lesser offense of Felony Murder in Count Two.

Unless you find beyond a reasonable doubt that the defendant is guilty of Murder, under these instructions, or if you have a reasonable doubt therefore, you will acquit him of that offense, and next consider whether he is guilty of the lesser offense of manslaughter.

Now, if you find from the evidence beyond a reasonable doubt that on or about January 13, 2021, in Bowie County, Texas, the Defendant, Zachary Blaise Salazar, did then and there, recklessly cause the death of an individual, namely James Crowley, by causing his motor vehicle to collide with or against

a motor vehicle occupied by James Crowley, then you will find defendant guilty of the lesser offense of Manslaughter in Count Two.

Unless you find beyond a reasonable doubt that the defendant is guilty of Manslaughter, under these instructions, or if you have a reasonable doubt therefore, you will acquit him of that offense, and next consider whether he is guilty of the lesser offense of criminally negligent homicide.

Now, if you find from the evidence beyond a reasonable doubt that on or about January 13, 2021, in Bowie County, Texas, the Defendant, Zachary Blaise Salazar, did then and there, cause the death of an individual, namely James Crowley, by criminal negligence by causing his motor vehicle to collide with or against a motor vehicle occupied by James Crowley, then you will find defendant guilty of the lesser offense of criminally negligent homicide in Count Two

Unless you find beyond a reasonable doubt that the defendant is guilty of criminally negligent homicide, under these instructions, or if you have a reasonable doubt therefore, you will acquit him of that offense, and say by your verdict “not guilty.”

5.

The Defendant is on trial solely on the charge contained in the indictment. However, evidence of extraneous crimes, wrongs, or acts committed by the Defendant may be admitted for certain limited purposes.

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 offense, if any.

6.

If there is any evidence before you in this case that the Defendant committed an extraneous crime, wrong, or act, you cannot consider said testimony for any purpose unless you first find and believe beyond a reasonable doubt that the Defendant committed such an extraneous crime, wrong, or act. If you find and believe beyond a reasonable doubt that the Defendant committed an extraneous crime, wrong, or act, you may then consider the same for the limited purposes of (1) showing the relevant facts and circumstances surrounding the killing, the previous relationship existing between the accused and the deceased, the condition of the state of mind of

the accused at the time of the offense, or (2) condition of the state of mind of the defendant showing the defendant's motive, opportunity, intent, preparation, plan, or knowledge, or consciousness of guilt, or (3) rebut the defensive theory in connection with the offense, if any, alleged against him in the indictment in this case, and for no other purpose.

7.

A Grand Jury Indictment is the means whereby a Defendant is brought to trial in a felony prosecution. It is not evidence of guilt nor can it be considered by you in passing upon the issue of guilt of the Defendant. The burden of proof in all criminal cases rests upon the State throughout the trial, and never shifts to the Defendant.

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 fact that a person has been arrested, confined, or indicted for, or otherwise charged with, the offense gives rise to no inference of guilt at his trial. The law does not require a Defendant to prove his innocence or produce any evidence at all. The presumption of innocence alone is sufficient to acquit the Defendant, unless the jurors are satisfied beyond a reasonable doubt of the Defendant's guilt after careful and impartial consideration of all evidence in the case.

8.

As jurors, you are the exclusive judges of the facts proved, of the credibility of the witnesses, and the weight to be given their testimony. That is, you may believe all, any part, or none of the testimony of any witness you have heard in this case. However, in matters of law, you are governed by the Court and the instructions in this charge.

The burden of proof is upon the State and never shifts to the Defendant throughout the course of the trial.

During deliberations in this case, you must not consider, discuss nor relate any matters not in evidence before you. You should not consider nor mention any personal knowledge or information you may have about any fact or person connected with this case which is not shown by the evidence.

At this stage of the proceeding you will confine your deliberations solely and strictly to whether or not the prosecution has proven the defendant guilty beyond a reasonable doubt, and you will not under any circumstance discuss the possibility of punishment.

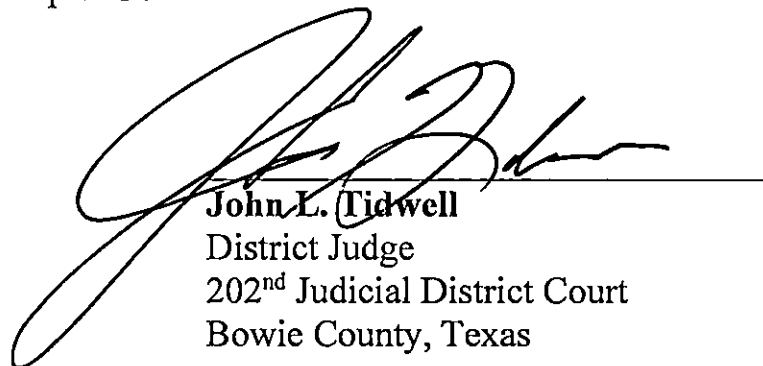
9.

When you retire to deliberate upon your verdict, the first thing you shall do is elect a Presiding Juror. It is the duty of the Presiding Juror to preside during your deliberations, see that they are conducted in an orderly manner,

vote with you, and certify to your verdict to the Court by signing his or her name to the appropriate form that correctly reflects the jury's verdict.

After you retire to the jury room to deliberate, no one has authority to communicate with you except the Bailiff of this Court, and you may not discuss the case with him. If you desire to communicate with the Court, have your Presiding Juror reduce this communication to writing, date and sign the same, and deliver it to the Bailiff for transmittal to the Court, and it will be answered if legally possible.

Your verdict must be unanimous, and when reached, you will notify the Bailiff in the manner instructed, and the Court will send for you and your verdict will be received in open Court.



John L. Tidwell
District Judge
202nd Judicial District Court
Bowie County, Texas

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LORI CARWAY
DISTRICT CLERK BOWIE CO. TX
Amara L. Luccas

THE STATE OF TEXAS § IN THE 202ND JUDICIAL DISTRICT COURT OF
 §
V. § DISTRICT COURT OF
 §
ZACHARY BLAISE SALAZAR § BOWIE COUNTY, TEXAS

FORMS OF VERDICT #1
COUNT ONE
(CHOOSE ONE)

We, the jury, find the Defendant, Zachary Blaise Salazar, guilty of Capital Murder of Riley Burgess as charged in Count One of the indictment in cause number 21F0088-202.



PRESIDING JUROR

We, the jury, find the Defendant, Zachary Blaise Salazar, not guilty of Capital Murder of Riley Burgess as charged in count one of the indictment in cause number 21F0088-202.

PRESIDING JUROR

If you find the defendant guilty of Capital Murder in Count One, you will not answer Forms of Verdict #2 through #4 and shall proceed to Forms of Verdict #5. If you find defendant not guilty of Capital Murder in Count One, you will consider Forms of Verdict #2.

THE STATE OF TEXAS § IN THE 202ND JUDICIAL
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V. § DISTRICT COURT OF
 §
ZACHARY BLAISE SALAZAR § BOWIE COUNTY, TEXAS

FORMS OF VERDICT #2
COUNT ONE
(CHOOSE ONE)

We, the jury, find the Defendant, Zachary Blaise Salazar, guilty of the lesser included offense of Felony Murder.

PRESIDING JUROR

We, the jury, find the Defendant, Zachary Blaise Salazar, not guilty of the lesser included offense of Felony Murder.

PRESIDING JUROR

If you find the defendant guilty of the lesser included offense of Felony Murder in Count One, you will not answer Forms of Verdict #3 through #4, and shall proceed to Forms of Verdict #5. If you find defendant not guilty of the lesser included offense of Felony Murder in Count One, you will next consider Forms of Verdict #3.

THE STATE OF TEXAS § IN THE 202ND JUDICIAL
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V. § DISTRICT COURT OF
 §
ZACHARY BLAISE SALAZAR § BOWIE COUNTY, TEXAS

FORMS OF VERDICT #3
COUNT ONE
(CHOOSE ONE)

We, the jury, find the Defendant, Zachary Blaise Salazar, guilty of the lesser-included offense of Manslaughter in Count One.

PRESIDING JUROR

We, the jury, find the Defendant, Zachary Blaise Salazar, not guilty of the lesser-included offense of Manslaughter in Count One

PRESIDING JUROR

If you find the defendant guilty of the lesser included offense of Manslaughter in Count One, you will not answer Forms of Verdict #4 and shall proceed to Forms of Verdict #5. If you find defendant not guilty of the lesser included offense of Manslaughter in Count One, you will next consider Forms of Verdict #4.

THE STATE OF TEXAS § IN THE 202ND JUDICIAL
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 §
ZACHARY BLAISE SALAZAR § BOWIE COUNTY, TEXAS

FORMS OF VERDICT #4
COUNT ONE
(CHOOSE ONE)

We, the jury, find the Defendant, Zachary Blaise Salazar, guilty of the lesser included offense of Criminally Negligent Homicide in Count One.

PRESIDING JUROR

We, the jury, find the Defendant, Zachary Blaise Salazar, not guilty of the lesser included offense of Criminally Negligent Homicide in Count One.

PRESIDING JUROR

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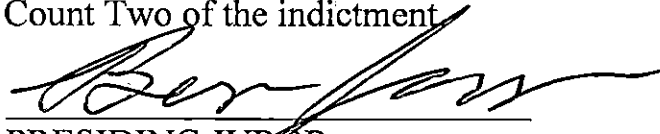
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LORI CARAWAY
DISTRICT CLERK BOWIE CO. TX
Chandra Woods DEPUTY

THE STATE OF TEXAS	§	IN THE 202ND JUDICIAL
	§	
V.	§	DISTRICT COURT OF
	§	
ZACHARY BLAISE SALAZAR	§	BOWIE COUNTY, TEXAS

FORMS OF VERDICT #5
COUNT TWO
(CHOOSE ONE)

We, the jury, find the Defendant, Zachary Blaise Salazar, guilty of Capital Murder as charged in Count Two of the indictment.



 PRESIDING JUROR

We, the jury, find the Defendant, Zachary Blaise Salazar, not guilty of Capital Murder as charged in Count Two of the indictment.

 PRESIDING JUROR

If you find the defendant guilty of Capital Murder as charged in Count Two of the indictment, you will not answer Forms of Verdict #6 through #8. If you find defendant not guilty of Capital Murder as charged in Count Two, you will answer Forms of Verdict #6.

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	§	
ZACHARY BLAISE SALAZAR	§	BOWIE COUNTY, TEXAS

FORMS OF VERDICT #6
COUNT TWO
(CHOOSE ONE)

We, the jury, find the Defendant, Zachary Blaise Salazar, guilty of the lesser included offense of Felony Murder in Count Two.

PRESIDING JUROR

We, the jury, find the Defendant, Zachary Blaise Salazar, not guilty of the lesser included offense of Felony Murder in Count Two.

PRESIDING JUROR

If you find the defendant guilty of Felony Murder in Count Two, you will not answer Forms of Verdict #7 through #8. If you find defendant not guilty of Felony Murder in Count Two, you will answer Forms of Verdict #7.

THE STATE OF TEXAS	§	IN THE 202ND JUDICIAL
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	§	
ZACHARY BLAISE SALAZAR	§	BOWIE COUNTY, TEXAS

FORMS OF VERDICT #7
COUNT TWO
(CHOOSE ONE)

We, the jury, find the Defendant, Zachary Blaise Salazar, guilty of the lesser included offense of Manslaughter in Count Two

PRESIDING JUROR

We, the jury, find the Defendant, Zachary Blaise Salazar, not guilty of lesser included offense of Manslaughter in Count Two.

PRESIDING JUROR

If you find the defendant guilty of the lesser included offense Manslaughter in Count Two, you will not answer Forms of Verdict #8. If you find defendant not guilty of Manslaughter in Count Two, you will next answer Forms of Verdict #8.

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	§	
ZACHARY BLAISE SALAZAR	§	BOWIE COUNTY, TEXAS

FORMS OF VERDICT #8
COUNT TWO
(CHOOSE ONE)

We, the jury, find the Defendant, Zachary Blaise Salazar, guilty of the lesser included offense of Criminally Negligent Homicide in Count Two.

PRESIDING JUROR

We, the jury, find the Defendant, Zachary Blaise Salazar, not guilty of the lesser included offense of Criminally Negligent Homicide in Count Two.

PRESIDING JUROR