

Cause No. F22-75132-R

The State of Texas § **In the 265th Judicial**
V. § **District Court of**
Darren Marcel Hanson § **Dallas County, Texas**

Court's Charge

Members of the Jury:

The state accuses the defendant, Darren Marcel Hanson, of committing the offense of capital murder on January 30, 2022, in Dallas County, Texas. To this charge the defendant has pleaded not guilty.

Specifically, the accusation is that while in the course of committing or attempting to commit the robbery of Charles Tillery, the defendant intentionally caused the death of Charles Tillery by inflicting blunt force trauma with his hands or feet or with an unknown object.

Definitions

Capital Murder

A person commits capital murder if the person intentionally causes the death of an individual in the course of committing or attempting to commit robbery.

Murder

A person commits the offense of murder if the person commits or attempts to

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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.

You are instructed that the offense of robbery is a felony other than manslaughter.

In a capital murder, a person “intentionally” causes death of another if it is the person’s conscious objective or desire to cause the death.

Robbery

A person commits robbery if, in the course of committing or attempting to commit theft, and with intent to obtain or maintain control of the property, the person intentionally, knowingly, or recklessly causes bodily injury to another.

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

In a robbery offense, a person “intentionally” causes bodily injury to another if it is the person’s conscious objective or desire to cause bodily injury to another.

A person “knowingly” causes bodily injury to another if the person is aware that the person’s conduct is reasonably certain to cause the bodily injury to another.

A person “recklessly” causes bodily injury to another if the person is aware of

but consciously disregards a substantial and unjustifiable risk that the person's action will cause bodily injury to another. 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 commits "theft" if the person unlawfully appropriates property without the owner's effective consent, and the person acted with the intent to deprive the owner of the property.

A person "attempts" to commit theft if, with the specific intent to commit theft, the person does an act amounting to more than mere preparation that tends but fails to effect a theft.

"In the course of committing or attempting to commit theft" means conduct that occurs in an attempt to commit, during the commission of, or in immediate flight after the attempt or commission of theft.

Causation

A person causes the death of another if, but for the person's conduct, the death of the other would not have occurred.

Application of Law to the Facts – Capital Murder

Now, if you find from the evidence beyond a reasonable doubt that on or about January 30, 2022, in Dallas County, Texas, the defendant, Darren Marcel Hanson, did unlawfully then and there intentionally cause the death of Charles Tillery, an individual, by inflicting blunt force trauma with his hands or feet or with an unknown object, and the defendant was in the course of committing or attempting to commit the offense of robbery, then you will find the defendant guilty of capital murder.

Unless you so find from the evidence beyond a reasonable doubt, you will acquit the defendant and say by your verdict "Not Guilty." You will then consider the lesser included offense of murder.

Application of Law to the Facts - Murder

Now, if you find from the evidence beyond a reasonable doubt that on or about January 30, 2022, in Dallas County, Texas, the defendant, Darren Marcel Hanson, did unlawfully then and there, commit or attempt to commit robbery, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he committed or attempted to commit an act clearly dangerous to human life that caused the death of Charles Tillery, an individual, you

will find the defendant guilty of murder.

Unless you so find from the evidence beyond a reasonable doubt, you will acquit the defendant and say by your verdict "Not Guilty." You will then consider the lesser included offense of robbery.

Application of Law to Facts – Robbery

Now, if you find from the evidence beyond a reasonable doubt that on or about January 30, 2022, in Dallas County, Texas, the defendant, Darren Marcel Hanson, did unlawfully then and there, in the course of committing or attempting to commit theft, and with intent to obtain or maintain control of the property, intentionally, knowingly, or recklessly caused bodily injury to another by inflicting blunt force trauma with his hands or feet or with an unknown object, you will find the defendant guilty of robbery, as included in the indictment.

Unless you so find from the evidence beyond a reasonable doubt, you will acquit the defendant and say by your verdict "Not Guilty."

Although the state has charged the defendant with the offense of capital murder, you may find the defendant not guilty of that charged offense but guilty of any lesser included offense. In this case, the offenses of murder and robbery are lesser included offenses of the charged offense.

You may discuss the three offenses in any order you choose, but before you may find the defendant guilty of the included offense of murder, you must first find him “not guilty” of capital murder.

Similarly, before you may find the defendant guilty of robbery, you must find the defendant “not guilty” of the offenses of capital murder and murder.

If you believe from the evidence, beyond a reasonable doubt, that the defendant is guilty of either capital murder or murder, but you have a reasonable doubt about which of these offenses he is guilty of, you must resolve that doubt in the defendant’s favor and find him guilty of the lesser offense of murder.

If you believe from the evidence beyond a reasonable doubt, that the defendant is guilty of either murder or robbery, but you have a reasonable doubt about which of these offenses he is guilty of, you must resolve that doubt in the defendant’s favor and find him guilty of the lesser offense of robbery.

If you have a reasonable doubt about whether he is guilty of any of these

offenses, you must acquit the defendant and find him "not guilty."

Burden of Proof

The state must prove, beyond a reasonable doubt, the accusation of capital murder or the lesser included offenses of murder and robbery.

Right Not to Testify

Our law provides that a defendant may testify in his own behalf if he elects to do so, this however, is a privilege accorded a defendant, and in the event he elects not to testify, that fact cannot be taken as a circumstance against him. In this case, the defendant has elected not to testify, 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 as a circumstance against him.

General Instructions

In all criminal cases the burden of proof is on the State. 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 an 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.

You are the exclusive judges of the facts proved, of the credibility of the witnesses and of the weight to be given their testimony but you are bound to receive the law from the court, which is given to you in this charge. Sentiment, conjecture, sympathy, passion, or prejudice is to play no part in your deliberations.

You are instructed that if there is any testimony before you in this case regarding the defendant's having committed offenses, wrongs or acts other than the offense alleged against him in the indictment in this case, you cannot consider that testimony for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other offenses, wrongs or acts; and even then you may only consider the same in determining the intent, knowledge, motive,

opportunity, plan, preparation, absence of mistake, or lack of accident of the defendant, if any, in connection with the offense on trial and for no other purpose.

You are instructed that you are not to allow yourselves to be influenced in any degree whatsoever by what you may think or surmise the opinion of the court to be. The court has no right by any word or any act to indicate any opinion respecting any matter of fact involved in this case, nor to indicate any desire respecting its outcome. The court has not intended to express any opinion upon any matter of fact in this case, and if you have observed anything which you have or may interpret as the court's opinion upon any matter of fact in this case, you must wholly disregard it.

After you retire to the jury room, you will select one of your members as presiding juror. The presiding juror's duty is to preside at your deliberations and vote with you in arriving at a verdict. When you have unanimously agreed on a verdict, the presiding juror will certify your verdict by signing the attached form.

After you retire to consider your verdict, no one has any authority to communicate with you except the officer who has you in charge. During your deliberations in this case, you must neither consider, discuss, nor relate any matters not in evidence before you. You should neither consider nor mention any personal knowledge or information not shown by the evidence.

After you have retired, you may communicate with this court in writing

through the bailiff. Your written communication must be signed by the presiding juror. Do not attempt to talk to the bailiff, the attorneys, or the court regarding any question you may have about the trial of this case.

After you have reached a unanimous verdict or if you desire to communicate with the court, please press the red button by the door in the jury room and the bailiff will respond.

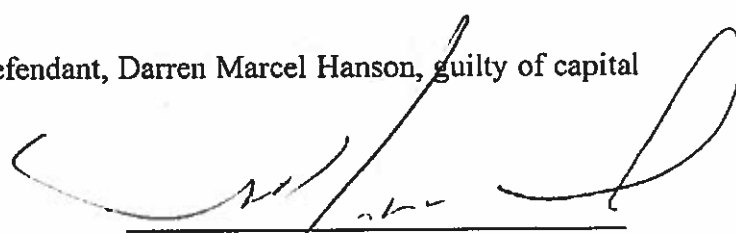

Molly Francis
Judge Presiding

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THE STATE OF TEXAS § IN THE 265th JUDICIAL
V. § DISTRICT COURT OF
DARREN MARCEL HANSON § DALLAS COUNTY, TEXAS

VERDICT FORMS

We, the jury, unanimously find the defendant, Darren Marcel Hanson, guilty of capital murder as charged in the indictment.



Presiding Juror

NIC VILLARREAL

(print name)

-OR-

We, the jury, unanimously find the defendant, Darren Marcel Hanson, guilty of murder as included in the indictment.

Presiding Juror

(print name)

-OR-

We, the jury unanimously find the defendant, Darren Marcel Hanson, guilty of robbery as included in the indictment.

Presiding Juror

(print name)

-OR-

We, the jury, find the defendant, Darren Marcel Hanson, not guilty.

Presiding Juror

(print name)