

*Final*  
*3/1/24*

**B-23-0069-CR**

**STATE OF TEXAS** § **IN THE DISTRICT COURT**  
**VS.** § **161<sup>ST</sup> JUDICIAL DISTRICT**  
**MEGAN MARIE LANGE** § **ECTOR COUNTY, TEXAS**

**CHARGE OF THE COURT**

LADIES AND GENTLEMEN OF THE JURY:

The Defendant, Megan Marie Lange, has been found guilty by you of the offenses of Capital Murder, Injury to a Child by Act and Injury to a Child by Omission, as charged in the indictment. The Court has received and accepted your verdicts of guilty of the Defendant, and you shall now limit your deliberations, under all the law and evidence in this case, to the question of punishment, which is now your duty to assess.

Punishment for Count 1, Capital Murder, is set by statute and you need not concern yourselves with assessing punishment on that count of the Indictment. You are now tasked with assessing punishment only on Count 2, Injury to a Child by Act, and Count 3, Injury to a Child by Omission.

**GENERAL PRINCIPLES**

**Jury as Fact Finder**

As the jurors, you review the evidence and determine the facts and what they prove. You judge the believability of the witnesses and what weight to give their testimony.

In judging the facts and the believability of the witnesses, you must apply the law provided in these instructions.

## **Evidence**

In determining the sentence to be imposed on the defendant, you may take into consideration all the evidence admitted before you. This includes the evidence admitted during the first stage of the trial concerning the defendant's guilt as well as any evidence admitted during this punishment stage.

The evidence consists of the testimony and exhibits admitted in the trial. You must consider only evidence to reach your decision. You must not consider, discuss, or mention any other thing that is not evidence in the trial. You must not consider or mention any personal knowledge or information you may have about any fact or person connected with this case that is not evidence in the trial.

Statements made by the lawyers are not evidence. The questions asked by the attorneys are not evidence.

Nothing I have said or done in this case should be considered by you as my opinion about the facts of this case or influence you to vote one way or the other.

You should give terms their common meanings, unless you have been told in these instructions that the terms are given special meanings. In that case, of course, you should give those terms the meanings provided in the instructions.

While you should consider only the evidence, you are permitted to draw reasonable inferences from the testimony and exhibits if those inferences are justified in the light of common experience. In other words, you may make deductions and reach conclusions that reason and common sense lead you to draw from the evidence.

You are to render a fair and impartial verdict based on the evidence admitted in the case under the law that is in these instructions. Do not allow your verdict to be determined by bias or prejudice.

### **Admitted Exhibits**

You may, if you wish, examine exhibits. If you wish to examine an exhibit, the foreperson will inform the court and specifically identify the exhibit you wish to examine. Only exhibits that were admitted into evidence may be given to you for examination.

### **Defendant's Right to Remain Silent**

The defendant has a constitutional right to remain silent. The defendant may testify on her own behalf. The defendant may also choose not to testify. The defendant's decision not to testify cannot be held against her, and it is not evidence of guilt. You must not speculate, guess, or even talk about what the defendant might have said if she had taken the witness stand or why he did not. The foreperson of the jury must immediately stop any juror from mentioning the defendant's decision not to testify.

### **Assessing the Punishment**

You must arrive at the amount of punishment by a full, fair, and free expression of the opinion of the individual jurors. You must not decide the punishment by lot or by chance. For example, you may not agree beforehand to be bound by the result of a procedure by which each juror gives the number of years the juror thinks should be served, these are then added, and the result is divided by twelve.

### **Punishment Range**

The range of punishment for the Charge of Injury to a Child by Act or the charge of Injury to a Child by Omission as charged in the Indictment is confinement in the Institutional Division of the Texas Department of Criminal Justice for any term not less than five-years (5) or more than ninety-nine (99) years, or LIFE, and the jury in its discretion may, if it chooses, assess a fine in any amount not to exceed \$10,000, in addition to confinement in the Institutional Division of the Texas Department of Criminal Justice. You must assess punishment within the range of punishment as set forth herein for each offense; Injury to a Child by Act and Injury to a Child by Omission

Verdict forms are provided for your use. The Foreperson will fill in the appropriate form for verdict to conform with the jury's determination. The jury's verdict must be unanimously agreed by all members of the jury, and only that verdict is to be signed by the Foreperson.

The length of time for which a defendant is imprisoned may be reduced by the award of parole.

Under the law applicable in this case the defendant, if sentenced to a term of imprisonment, the defendant will not become eligible for parole until the actual time served equals one-half the sentenced imposed or 30 years whichever is less. If the defendant is sentenced to a term of less than four years, the defendant must serve at least two years before the defendant is eligible for parole. Eligibility for parole does not guarantee that parole will be granted.

It cannot be accurately predicted how the parole law might be applied to this Defendant if sentenced to a term of imprisonment because the application of that law will depend on decisions made by prison and parole authorities.

You may consider the existence of the parole law. You are not to consider the manner in which parole law may be applied to this particular defendant.

You are further instructed that in determining the Defendant's punishment, you may take into consideration all of the facts shown by the evidence submitted before you in the full trial of this case and the law as submitted to you in this charge.

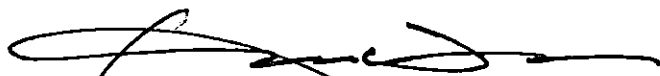
Any verdict you render must be unanimous.

You are the exclusive judges of the facts proved, of 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 herein given and be governed thereby.

1. In order to return a verdict, each juror must agree thereto;
2. Jurors have a duty to consult with one another and to deliberate with a view of reaching an agreement, if it can be done without violence to individual judgment;
3. Each juror must decide the case for himself or herself, but only after an impartial consideration of evidence with their fellow jurors;
4. In the course of deliberations, jurors should not hesitate to reexamine their own views and change their opinion if convinced it is erroneous;
5. In arriving at your verdict, it will not be proper to fix the same by lot, chance, or any other method than by a full, fair and free exercise of the opinion of the individual jurors under the evidence admitted before you.

Do not attempt to talk to the bailiff, the attorneys, or the Court concerning any questions you may have. 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. Following the arguments of counsel,  
you will retire to consider your verdict.



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Judge Justin W. Low  
161<sup>st</sup> District Court

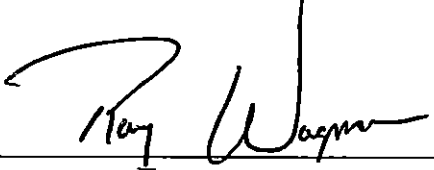
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VS.	§	161 <sup>ST</sup> JUDICIAL DISTRICT
MEGAN MARIE LANGE	§	ECTOR COUNTY, TEXAS

**VERDICT FORM-COUNT 2**

We the jury, having found the defendant, Megan Marie Lange guilty of the offense of Injury to a Child by Act, as charged in Count 2 of the Indictment, assess her punishment at confinement in the Texas Department of Criminal Justice for     L I F E     years (not less than five (5) years nor more than ninety-nine (99) years or LIFE.

In addition thereto, we  DO/ DO NOT (circle one) assess a fine of \$   10,000  <sup>00</sup> dollars (any amount not to exceed \$10,000).

  
\_\_\_\_\_  
Foreperson

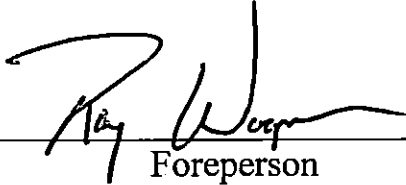
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STATE OF TEXAS § IN THE DISTRICT COURT  
VS. § 161<sup>ST</sup> JUDICIAL DISTRICT  
MEGAN MARIE LANGE § ECTOR COUNTY, TEXAS

**VERDICT FORM-COUNT 3**

We the jury, having found the defendant, Megan Marie Lange guilty of the offense of Injury to a Child by Omission, as charged in Count 3 of the Indictment, assess her punishment at confinement in the Texas Department of Criminal Justice for LIFE years (not less than five (5) years nor more than ninety-nine (99) years or LIFE.

In addition thereto, we  DO /  DO NOT (circle one) assess a fine of \$ 10,000.00 dollars (any amount not to exceed \$10,000).

  
\_\_\_\_\_  
Foreperson