

*Reid  
2-29-24*

B-23-0069-CR

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

**JURY INSTRUCTIONS**

Members of the jury,

The defendant, Megan Marie Lange is accused in Count 1 of the Indictment with the offense of Capital Murder, in Count 2 of the Indictment with Injury to a Child by Act, and in Count 3 Injury to a Child by Omission. The defendant has pleaded "not guilty," and you have heard all of the evidence.

The parties will soon present final arguments. Before they do so, I must now give you the instructions you must follow in deciding whether or not the state has proved the defendant guilty.

You will have a written copy of these instructions to take with you and to use during your deliberations.

I will first tell you about some general principles that apply in all criminal cases. Then I will tell you about the specific law applicable to this case. Finally, I will instruct you on the rules that must control your deliberations.

**GENERAL PRINCIPLES**

**The Indictment**

The indictment is not evidence of guilt. The indictment is a document required to bring the case before you. Do not consider the fact that the defendant has been arrested, confined, or indicted or otherwise charged. Do not draw any inference of guilt from any of these circumstances.

**Presumption of Innocence**

The defendant is presumed innocent of the charge. All persons are presumed to be innocent, and no person may be convicted of an offense unless the state proves each element of the offense beyond a reasonable doubt. The law does not require a defendant to prove his innocence or produce any evidence at all. The presumption

of innocence alone is sufficient for you to return a verdict of not guilty. You may find the defendant guilty only after a careful and impartial consideration of all of the evidence and only if the state has proved the defendant's guilt beyond a reasonable doubt.

### **Burden of Proof**

The state has the burden to prove every element of the offense beyond a reasonable doubt. If the state proves every element of the offense beyond a reasonable doubt, then you must find the defendant guilty. If it does not, then you must find the defendant not guilty. If, after you have considered all the evidence and these instructions, you have a reasonable doubt about whether the defendant is guilty, you must find the defendant not guilty. It is not required that the prosecution prove guilt beyond all possible doubt; it is required that the prosecution's proof excludes all "reasonable doubt" concerning the defendant's guilt.

### **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**

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.

### **The Verdict**

The law requires that you render a verdict of either “guilty” or “not guilty.” The verdict of “not guilty” simply means that the state has not proved the defendant guilty beyond a reasonable doubt.

You may return a verdict only if all twelve of you agree on this verdict.

When you reach a verdict as to each count of the Indictment, the foreperson should notify the court.

### **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 she did not. The foreperson of the jury must immediately stop any juror from mentioning the defendant’s decision not to testify.

The state accuses the defendant of having committed the offenses of capital murder, injury to a child, and injury to a child by omission.

A person who does not by her own conduct commit an offense may nonetheless be criminally responsible for the conduct of another person.

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

### **Relevant Statutes**

#### *Capital Murder:*

A person commits the offense of capital murder if the person intentionally or knowingly causes the death of a person under 10 years of age.

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

#### *Injury to a Child by Act:*

A person commits the offense of injury to a child if the person intentionally or knowingly, by an act, causes serious bodily injury to a child 14 years of age or younger.

#### *Injury to a Child by Omission:*

A person commits the offense of injury to a child by omission if the person intentionally or knowingly, by omission, causes serious bodily injury to a child 14 years of age or younger.

A person's omission that causes serious bodily injury to a child may constitute an offense only if the person is the parent of the child and the omission violates a duty the person has as a parent.

The parent of a child has the statutory duty—

1. of care, control, protection, and reasonable discipline of the child; and

2. to support the child, including providing the child with clothing, food, shelter, medical and dental care, and education.

### **Definitions**

A person acts intentionally, or with intent, with respect to the result of her conduct when it is her conscious objective or desire to cause the result.

A person acts knowingly, or with knowledge, with respect to the result of her conduct when she is aware that his conduct is reasonably certain to cause the result.

A defendant acts with intent to promote or assist in the commission of an offense when it is her conscious objective or desire to promote or assist in the commission of the offense.

A defendant's mere presence alone will not make her responsible for an offense. A defendant's mere knowledge of a crime or failure to disclose a crime is not sufficient.

"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.

"Parent" means the mother, a man presumed to be the father, a man legally determined to be the father, a man who has been adjudicated to be the father by a court of competent jurisdiction, a man who has acknowledged his paternity under

applicable law, or an adoptive mother or father. The term does not include a parent as to whom the parent-child relationship has been terminated.

### **Application of Law to Facts Count 1-Capital Murder**

To find the defendant, Megan Marie Lange, guilty of Capital Murder, Charged in Count 1 of the Indictment, you must determine whether the state has proved, beyond a reasonable doubt, two elements. The elements are that—

1. The Defendant, Megan Marie Lange, in Ector County, Texas, on or about the 5<sup>th</sup> day of November, 2022, intentionally or knowingly caused the death of Arturo Coca by impeding the normal breathing or circulation of the blood of Arturo Coca by applying pressure to Arturo Coca's throat or neck or by blocking Arturo Coca's nose or mouth, or by refusing to provide necessary nutrition, hydration, or medical care; and
2. Arturo Coca was under 10 years of age,

You must all agree on elements 1 and 2 of the offense of Capital Murder listed above.

If you all agree the state has failed to prove, beyond a reasonable doubt, one or more of elements 1 and 2 listed above, you must find the defendant "not guilty" of Capital Murder as charged in Count 1 of the Indictment, and so say by signing the appropriate verdict form as to Count 1 of the Indictment.

If you all agree the state has proved, beyond a reasonable doubt, elements 1, 2 listed above, you must find the defendant "guilty" of the offense of Capital Murder as charged in Count 1 of the Indictment and so say by signing the appropriate verdict form as to Count 1 of the Indictment.

### **Application of Law to Facts Count 2-Injury to a Child by Act**

To find the Defendant, Megan Marie Lange, guilty the offense of Injury to a child by Act, charged in Count 2 of the Indictment, you must determine whether the state has proved, beyond a reasonable doubt, five elements. The elements are that—

1. the defendant, Megan Marie Lange, in Ector County, Texas, on or about the 5<sup>th</sup> day of November, 2022, by striking him on or about the head or body or by putting pressure on his neck;

2. the defendant by striking him on or about the head or body or by putting pressure on his neck caused injury to Arturo Coca;
3. Arturo Coca was a child fourteen years old or younger;
4. the injury caused to Arturo Coca was serious bodily injury; and
5. the defendant—
  - a. intended to cause serious bodily injury to Arturo Coca; or
  - b. knew she would cause serious bodily injury to Arturo Coca.

You must all agree on elements 1 through 5 listed above, but you do not have to agree on the culpable mental states listed in elements 5.a or 5.b above.

If you all agree the state has failed to prove, beyond a reasonable doubt, one or more of elements 1 through 5 listed above, you must find the defendant “not guilty” of the offense of Injury to a Child by Act as charged in Count 2 of the Indictment, and so say by signing the appropriate verdict form as to Count 2 of the Indictment.

If you all agree the state has proved, beyond a reasonable doubt, each of the five elements listed above, you must find the defendant “guilty” of the offense of Injury to a Child by Act as charged in Count 2 of the Indictment, and so say by signing the appropriate verdict form as to Count 2 of the Indictment.

### **Application of Law to Facts Count 3-Injury to a Child by Omission**

Count 3 of the Indictment charges the Defendant, Megan Marie Lange, with the offense of Injury to a Child by Omission.

As to Count 3 of the Indictment, Injury to a Child by Omission, you must determine whether the state has proved, beyond a reasonable doubt, five elements. The elements are that—

1. the defendant—

- a. had a duty as a parent to provide adequate nutrition, hydration, or adequate medical care, to Arturo Coca; and
  - b. failed to provide such adequate nutrition, hydration, or adequate medical care;
2. the defendant, in Ector County, Texas, on or about the 5<sup>th</sup> day of November, 2022, by this failure to provide adequate nutrition, hydration, or adequate medical care, caused bodily injury to Arturo Coca;
3. Arturo Coca was a child fourteen years old or younger;
4. the bodily injury caused was serious bodily injury; and
5. the defendant—
  - a. intended to cause serious bodily injury to Arturo Coca; or
  - b. knew she would cause serious bodily injury to Arturo Coca.

You must all agree on elements 1 through 5 listed above, but you do not have to agree on the culpable mental states listed in elements 5.a and 5.b above.

If you all agree the state has failed to prove, beyond a reasonable doubt, one or more of elements 1 through 5 listed above, you must find the defendant “not guilty” of the offense of Injury to a Child by Omission as charged in Count 3 of the Indictment, and so say by signing the appropriate verdict form as to Count 3 of the Indictment.

If you all agree the state has proved, beyond a reasonable doubt, each of the five elements listed above, you must find the defendant “guilty” of the offense of Injury to a Child by Omission as charged in Count 3 of the Indictment, and so say by signing the appropriate verdict form as to Count 3 of the Indictment.

### **RULES THAT CONTROL DELIBERATIONS**

You must follow these rules while you are deliberating and until you reach a verdict. After the closing arguments by the attorneys, you will go into the jury room.



Your first task will be to pick your foreperson. The foreperson should conduct the deliberations in an orderly way. Each juror has one vote, including the foreperson. The foreperson must supervise the voting, vote with other jurors on the verdict, and sign the verdict sheet.

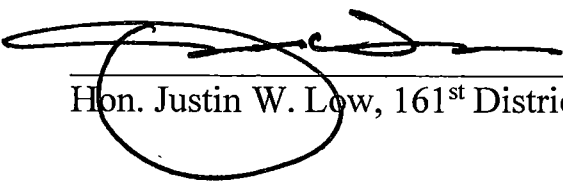
While deliberating and until excused by the trial court, all jurors must follow these rules:

1. You must not discuss this case with any court officer, or the attorneys, or anyone not on the jury.
2. You must not discuss this case unless all of you are present in the jury room. If anyone leaves the room, then you must stop your discussions about the case until all of you are present again.
3. You must communicate with the judge only in writing, signed by the foreperson and given to the judge through the officer assigned to you.
4. You must not conduct any independent investigations, research, or experiments.
5. You must tell the judge if anyone attempts to contact you about the case before you reach your verdict.

Your sole duty at this point is to determine whether the state has proved the defendant guilty. You must restrict your deliberations to this matter.

After you have arrived at your verdict, you are to use the forms attached to these instructions. The foreperson should sign the line that corresponds to your verdict.

After the closing arguments by the attorneys, you will begin your deliberations to decide your verdict.



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

**B-23-0069-CR**

**STATE OF TEXAS**

§ **IN THE DISTRICT COURT**

**VS.**

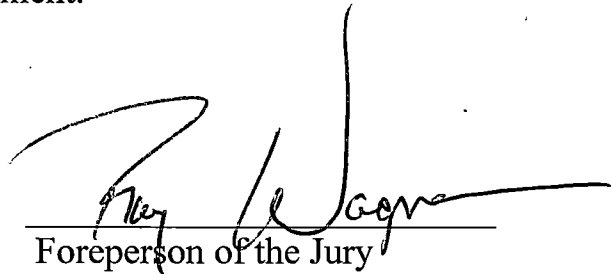
§ **161<sup>ST</sup> JUDICIAL DISTRICT**

**MEGAN MARIE LANGE**

§ **ECTOR COUNTY, TEXAS**

**VERDICT—GUILTY OF CAPITAL MURDER-COUNT 1**

We, the jury, find the defendant, Megan Marie Lange guilty of Capital Murder, as charged in Count 1 of the indictment.

  
Foreperson of the Jury

RAY WAGON  
Printed Name of Foreperson

**B-23-0069-CR**

**STATE OF TEXAS**

**§ IN THE DISTRICT COURT**

**VS.**

**§ 161<sup>ST</sup> JUDICIAL DISTRICT**

**MEGAN MARIE LANGE**

**§ ECTOR COUNTY, TEXAS**

**VERDICT—NOT GUILTY CAPITAL MURDER-COUNT 1**

We, the jury, find the defendant, Megan Marie Lange not guilty of Capital Murder, as charged in Count 1 of the Indictment.

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Foreperson of the Jury

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Printed Name of Foreperson

**B-23-0069-CR**

**STATE OF TEXAS**

§ **IN THE DISTRICT COURT**

**VS.**

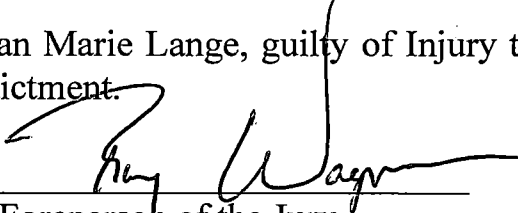
§ **161<sup>ST</sup> JUDICIAL DISTRICT**

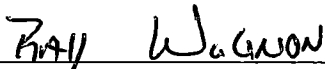
**MEGAN MARIE LANGE**

§ **ECTOR COUNTY, TEXAS**

**VERDICT—GUILTY OF INJURY TO A CHILD BY ACT-COUNT 2**

We, the jury, find the defendant, Megan Marie Lange, guilty of Injury to a Child by Act as charged in Count 2 of the Indictment.

  
\_\_\_\_\_  
Foreperson of the Jury

  
\_\_\_\_\_  
Printed Name of Foreperson

**B-23-0069-CR**

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

**VERDICT—NOT GUILTY INJURY TO A CHILD BY ACT-COUNT 2**

We, the jury, find the defendant, Megan Marie Lange not guilty of Injury to a Child by Act, as charged in Count 2 of the Indictment.

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Foreperson of the Jury

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Printed Name of Foreperson



**B-23-0069-CR**

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

**VERDICT—NOT GUILTY INJURY TO A CHILD BY OMISSION-  
COUNT 3**

We, the jury, find the defendant, Megan Marie Lange, not guilty of Injury to a Child by Omission as charged in Count 3 of the Indictment.

\_\_\_\_\_  
Foreperson of the Jury

\_\_\_\_\_  
Printed Name of Foreperson