

CAUSE NO. F08-01020-J

THE STATE OF TEXAS

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IN THE CRIMINAL

VS.

DISTRICT COURT NO. 3

ROBERT SPARKS

DALLAS COUNTY, TEXAS

COURT'S CHARGE TO THE JURY

LADIES AND GENTLEMEN OF THE JURY:

By your verdict in this case you have found the defendant, Robert Sparks, guilty of the offense of capital murder, which was alleged to have been committed on or about the 15th day of September, 2007, in Dallas County, Texas. It is necessary, now, for you to determine from all the evidence in the case, answers to certain questions called Special Issues, in these instructions. The Court instructs you further as follows:

1.

The punishment for capital murder is confinement in the penitentiary for life without parole or death.

2.

In determining your answers to the Special Issues, submitted to you, you shall consider all the evidence submitted to you in the entire trial, which includes that phase of the trial wherein you were called upon to determine the guilt or innocence of the defendant, and this punishment phase of trial wherein you are now called upon to determine the answers to Special Issues submitted to you by the Court.

3.

You shall consider all evidence submitted to you during the whole trial as to defendant's background or character or the circumstances of the offense that militates for or mitigates against the imposition of the death penalty.

4.

You will answer Special Issue No. 1 "Yes" or "No."

The burden of proof in Special Issue No. 1 rests upon the State, and it must prove beyond a reasonable doubt that the answer should be "Yes."

You are instructed that you may not answer Special Issue No. 1 "Yes" unless all jurors agree to such answer. The jury may not answer Special Issue No. 1 "No" unless ten (10) or

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more jurors agree to such answer. It is not necessary that members of the jury agree on what particular evidence supports a "No" answer to Special Issue No. 1.

5.

If you answer Special Issue No. 1 "Yes," then you will go on to answer Special Issue No. 2. If your answer to Special Issue No.1 is "No," then you shall cease your deliberations.

6.

You will answer Special Issue No. 2 "Yes" or "No."

You may not answer the Issue "No" unless all jurors agree to such answer and you may not answer such issue "Yes" unless ten (10) or more jurors agree to such answer.

The jury, however, need not agree on what particular evidence supports a "Yes" answer on this Special Issue.

You are instructed that the term "mitigating evidence," as used herein, means evidence that a juror might regard as reducing the defendant's moral blameworthiness.

7.

In the event the jury is unable to agree upon an answer to either of the Special Issues under the conditions and instructions outlined above, the Presiding Juror will not sign either form of answer to the Special Issue.

8.

If the jury returns a "Yes" finding on Special Issue No. 1 and a "No" finding on Special Issue No. 2, the Court shall sentence the defendant to death.

If the jury returns a "No" finding on Special Issue No. 1, the Court shall sentence the defendant to imprisonment in the Institutional Division of the Texas Department of Criminal Justice for life without parole.

If the jury answers Special Issue No. 2 "Yes," which indicates that a circumstance or circumstances warrant that a sentence of life imprisonment without parole 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 without parole.

9.

Under the law applicable in this case, a defendant sentenced to confinement for life without parole is ineligible for release on parole.

You are further instructed that if there is any evidence before you in this case regarding the defendant having committed an offense or offenses other than the offense alleged against him in the indictment, you cannot consider this evidence for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other offenses, if any were committed, and even then you may only consider the same if it aids you in determining the answers to the Special Issues.

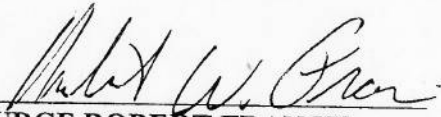
You are instructed that the defendant may testify in his own behalf if he chooses to do so, but if he elects not to do so, that fact cannot be taken by you as a circumstance against him nor prejudice him in any way. The defendant has elected not to testify in the punishment stage of this trial, and you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

You are not to be swayed by mere sentiment, conjecture, sympathy, passions, prejudices, public opinion, or public feeling in considering all the evidence before you and in answering the Special Issues.

During your deliberations upon the Special Issues, 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.

After the reading of this charge, you shall not discuss this case with anyone not a member of your jury. After the argument of counsel, you will retire to 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, the credibility of the witnesses, and the weight to be given to their testimony, but you are bound to receive the law from the Court which has been given you and you are bound thereby.


JUDGE ROBERT FRANCIS
CRIMINAL DISTRICT COURT NO. 3
DALLAS COUNTY, TEXAS

VERDICT FORMS

Special Issue No. 1

Do you find from the evidence beyond a reasonable doubt that there is a probability that the defendant, Robert Sparks, would commit criminal acts of violence that would constitute a continuing threat to society?

Answer: We, the jury, unanimously find and determine beyond a reasonable doubt that the answer to this Special Issue is "Yes."


Presiding Juror

OR

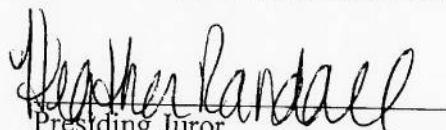
Answer: We, the jury, because at least ten (10) jurors have a reasonable doubt as to the probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society, determine that the answer to this Special Issue No. 1 is "No."

Presiding Juror

Special Issue No. 2

Whether, taking into consideration all of the evidence, including the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant, there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed.

Answer: We, the jury, unanimously find and determine beyond a reasonable doubt that the answer to this Special Issue is "No."


Presiding Juror

OR

Answer: At least ten (10) jurors find and determine beyond a reasonable doubt that the answer to this Special Issue is "Yes."

Presiding Juror