

FILED  
THOMAS A. WILDER, DIST. CLERK  
TARRANT COUNTY, TEXAS

APR 30 2010

TIME: 2:00 pm  
MTB DEPUTY

NO. 1170270R

THE STATE OF TEXAS                    ()                    IN THE 37<sup>th</sup> JUDICIAL DISTRICT COURT OF  
VS.    ()                    TARRANT COUNTY, TEXAS  
ERIC RAMON ACEVEDO                    ()                    TARRANT COUNTY, TEXAS

COURT'S CHARGE

MEMBERS OF THE JURY:

The Defendant, Eric Ramon Acevedo, stands charged by indictment with the offense of capital murder, alleged to have been committed in Tarrant County, Texas, on or about the 22<sup>nd</sup> day of March, 2008. To this charge the Defendant has pleaded not guilty.

A person commits the offense of murder if he:

- (1) intentionally or knowingly causes the death of an individual; OR
- (2) intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual.

A person commits the offense of capital murder if he intentionally causes the death of an individual, and the person intentionally commits the murder in the course of committing or attempting to commit burglary.

A person commits the offense of burglary if, without the effective consent of the owner, the person:

- (1) enters a habitation, with intent to commit a felony, theft, or an assault; OR
- (2) enters a habitation and commits or attempts to commit a felony, theft, or an assault.

"Enter" means to intrude any part of the body; or any physical object connected with the body.

"Habitation" means a structure that is adapted for the overnight accommodation of persons, and includes each separately secured or occupied portion of the structure; and each structure appurtenant to or connected with the structure.

A person commits the offense of assault if he intentionally or knowingly causes bodily injury to another, including the person's spouse.

"Consent" means assent in fact, whether express or apparent.

"Effective consent" includes consent by a person legally authorized to act for the owner. Consent is not effective if induced by force, threat, or fraud.

"Owner" means a person who has title to the property, possession of the property, whether lawful or not, or a greater right to possession of the property than the actor.

"Possession" means actual care, custody, control, or management.

"Actor" means a person whose criminal responsibility is in issue in a criminal action.

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

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.

"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.

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

"Act" means a bodily movement, whether voluntary or involuntary and includes speech.

"Individual" means a human being who has been born and is alive.

You are instructed that voluntary intoxication does not constitute a defense to the commission of a crime.

You are instructed that if there is any testimony before you in this case regarding acts of the Defendant, other than those alleged in the indictment, you cannot consider said evidence for any purpose unless you find and believe beyond a reasonable doubt that the Defendant committed such other acts, if he did. Even then you may only consider the same to assist you, if it does, to understand the prior relationship of the Defendant and the deceased, if any, or to understand the condition of the mind of the Defendant at the time of the offense alleged in the indictment, but for no other purpose.

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 the evidence in the case.

The prosecution has the burden of proving the Defendant guilty and it must do so by proving each and every element of the offense charged beyond a reasonable doubt and if it fails to do so, you must acquit the Defendant.

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.

In the event you have a reasonable doubt as to the Defendant's guilt after considering all the evidence before you, and these instructions, you will acquit him and say by your verdict "Not Guilty".

Now, bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that on or about the 22<sup>nd</sup> day of March, 2008, in Tarrant County, Texas, the Defendant, Eric Ramon Acevedo, did then and there intentionally cause the death of an individual, Mollieann Worden, by stabbing her with a knife or stomping her with his foot, and the said Defendant was then and there in the course of committing or attempting to commit the offense of burglary of a habitation of Mollieann Worden, who was the owner of said habitation, then you will find the Defendant guilty of capital murder.

If you do not so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the Defendant of the offense of capital murder and next consider whether he is guilty of the offense of murder.

Now, bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that on or about the 22<sup>nd</sup> day of March, 2008, in Tarrant County, Texas, the Defendant, Eric Ramon Acevedo, did then and there intentionally or knowingly cause the death of an individual, Mollieann Worden, by stabbing her with a knife or stomping her with his foot; OR

If you find from the evidence beyond a reasonable doubt that on or about the 22<sup>nd</sup> day of March, 2008, in Tarrant County, Texas, the Defendant, Eric Ramon Acevedo, did then and there intentionally, with the intent to cause serious bodily injury to Mollieann Worden, commit an act clearly dangerous to human life, namely, stabbing her with a knife or stomping her with his foot, which caused the death of Mollieann Worden, then you will find the Defendant guilty of the offense of murder.

If you do not so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the Defendant and say by your verdict "Not Guilty".

The indictment in this case is no evidence whatsoever of the guilt of the Defendant. It is a written instrument necessary in order to bring this case into court for trial, and you will not consider the indictment as any evidence in this case or as any circumstance whatsoever against the Defendant.

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, which is herein given, and be governed thereby.

You are charged that it is only in open court that the jury is permitted to receive evidence regarding the case, or any witness therein, and no juror is permitted to communicate to any other juror anything he or she may have seen or heard regarding the case or any witness therein, from any source other than in open court.

Your verdict must be by a unanimous vote of all members of the jury. In your deliberations you shall consider the charge as a whole and you must not refer to or discuss any matters not in evidence.

At times throughout the trial the Court may have been called upon to rule on the question of whether or not certain offered evidence might properly be admitted. You are not to concern yourselves with the reasons for the Court's ruling nor draw any inferences therefrom. Whether offered evidence is admissible is a question of law and in admitting evidence to which an objection is made, the Court does not determine what weight should be given such evidence; nor does the Court pass on the credibility of the witness. You must not consider any evidence offered that has been rejected by the Court. As to any question to which an objection was sustained, you must not engage in conjecture as to what the answer might have been or as to the reason for the objection.

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 the outcome of the case. The Court has not intended to express any opinion upon any matter of fact, and if you have observed anything which you may have interpreted as the Court's opinion as to any matter of fact, you must wholly disregard it.

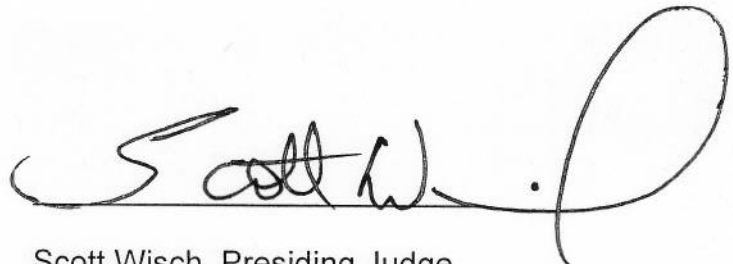
After you retire to the jury room, you should select one of your members as your Presiding Juror. Any member of the jury may serve as Presiding Juror. It is that person's duty to preside at your deliberations, vote with you, and when you have unanimously agreed upon a verdict, certify to your verdict by signing one of the attached forms. All eleven jurors must sign the verdict form.

At this time you will confine your deliberations solely to the issue of whether the Defendant is guilty or not guilty of the offenses set forth in this charge.

Should the jury desire to have any or all of the admitted exhibits delivered to you for your deliberations, your Presiding Juror shall so notify the Court in writing and the requested exhibits will be delivered.

After you have retired, you may communicate with the Court in writing through the bailiffs who have you in charge. Your written communication must be signed by the Presiding Juror. Do not attempt to talk to the bailiffs, the attorneys, or the Court regarding any question you may have concerning the trial of the case.

After you have reached a unanimous verdict or if you desire to communicate with the Court, please use the jury call button on the wall and one of the bailiffs will respond.

A handwritten signature in black ink, appearing to read "Scott Wisch", followed by a large, stylized flourish that loops back to the right.

Scott Wisch, Presiding Judge  
372nd Judicial District Court  
Tarrant County, Texas

VERDICT FORMS - CONTINUED

We, the Jury, find the Defendant, Eric Ramon Acevedo, guilty of the offense of murder.

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Presiding Juror  
  
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VERDICT FORMS

ERIC RAMON ACEVEDO

We, the Jury, find the Defendant, Eric Ramon Acevedo, not guilty.

Presiding Juror \_\_\_\_\_

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-OR-

We, the Jury, find the Defendant, Eric Ramon Acevedo, guilty of the offense of capital murder, as charged in the indictment.

Presiding Juror \_\_\_\_\_

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-OR-

FILED  
THOMAS A. WILDER, DIST. CLERK  
TARRANT COUNTY, TEXAS

APR 30 2010

TIME: 7:40 AM  
BY: MCB DEPUTY