

THE STATE OF TEXAS ) IN THE DISTRICT COURT OF  
VS. ) TARRANT COUNTY, TEXAS FILED  
PEDRO ARIEL ZARATE LUCIO ) 297TH DISTRICT COURT THOMAS A WILDER, DIST. CLERK  
TARRANT COUNTY, TEXAS

MAY 19 2008

MEMBERS OF THE JURY:

TIME 10:40am  
BY [Signature] DEPUTY

The Defendant, Pedro Ariel Zarate Lucio, has been found guilty by you of the offense of murder as charged in Count Two of the indictment, and the offense of engaging in organized criminal activity as charged in Count Three of the indictment. The Court has received and accepted your verdicts, and you will no longer concern yourselves with the innocence or guilt of the Defendant, and 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.

The punishment authorized for the offense of murder and the offense of engaging in organized criminal activity is by confinement in the Institutional Division of the Texas Department of Criminal Justice for any term of not more than ninety-nine (99) years, or life, nor less than five (5) years. In addition a fine not to exceed \$10,000 may be assessed. Any sentences for Counts Two and Three will be served concurrently with each other.

In arriving at your verdict on the question of punishment, you may take into consideration all of the evidence submitted to you under this Charge. However, you are not to refer to or discuss any matters or issues not in evidence before you.

Our law provides that when the punishment assessed by a jury shall not exceed ten years, the Jury may recommend to the Judge that the Judge suspend the imposition of the sentence and place the Defendant on probation. The Judge shall suspend the imposition of the sentence and place the Defendant on probation if the jury makes that recommendation in the verdict.

In this case, the Defendant has filed, before trial, his

written sworn motion that he has not previously been convicted of a felony in this or any other state. If you assess his punishment at ten years or less and if you find in your verdict that it is true that the Defendant has not previously been convicted of a felony in this or any other state, and if in your discretion as a Jury, you desire to recommend that imposition of sentence be suspended and the Defendant be placed on probation, then let your verdict show the punishment which you assess and find that it is true that the Defendant has not previously been convicted of a felony in this or any other state, and further that you recommend to the Judge that he suspend the imposition of the sentence and place the Defendant on probation.

In the event you recommend in your verdict that the Defendant be placed on probation, then the law requires the Judge to suspend the imposition of the sentence and place the Defendant on probation. This is a matter that is entirely in the hands of the Jury and your decision in the matter will be final.

If you find that the Defendant has previously been convicted of a felony in this or any other state, or if you assess the Defendant's punishment at more than ten years, or if in your discretion as a Jury you do not desire to recommend to the Judge that imposition of sentence be suspended and that the Defendant be placed on probation, then you will say nothing in your verdict about probation.

Under the law applicable in this case, the defendant, if sentenced to a term of imprisonment, may earn time off the period of incarceration imposed through the award of good conduct time. Prison authorities may award good conduct time to a prisoner who exhibits good behavior, diligence in carrying out prison work assignments, and attempts at rehabilitation. If a prisoner engages in misconduct, prison authorities may also take away all or part of any good conduct time earned by the prisoner.

It is also possible that the length of time for which the defendant will be imprisoned might be reduced by the award of parole.

Under the law applicable in this case, if the defendant is sentenced to a term of imprisonment, he will not become eligible for parole until the actual time served equals one-half of the sentence imposed or 30 years, whichever is less, without consideration of any good conduct time he may earn. Eligibility for parole does not guarantee that parole will be granted.

It cannot accurately be predicted how the parole law and good conduct time might be applied to this defendant if he is sentenced to a term of imprisonment, because the application of these laws will depend on decisions made by prison and parole authorities.

You may consider the existence of the parole law and good conduct time. However, you are not to consider the extent to which good conduct time may be awarded to or forfeited by this particular defendant. You are not to consider the manner in which the parole law may be applied to this particular defendant.

You are instructed that if there is any testimony before you in this case regarding the Defendant having committed a crime or bad act other than the offense for which he has been found guilty by you, then you may consider evidence of such extraneous crime or bad act, if any, in assessing punishment even if the Defendant has not yet been charged with or finally convicted of the crime or act. However, you may consider such evidence only if the extraneous crime or bad act has been shown by the State beyond a reasonable doubt to have been committed by the Defendant or is one for which the Defendant could be held criminally responsible.

Therefore, if you find and believe beyond a reasonable doubt that the Defendant committed an extraneous crime or bad

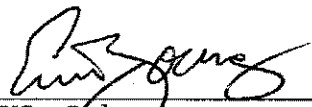
act or could be held criminally responsible for an extraneous crime or bad act, then you may consider such evidence in assessing the Defendant's punishment. However, if you have a reasonable doubt that the Defendant committed an extraneous crime or bad act or could be held criminally responsible for an extraneous crime or bad act, then you may not consider such evidence in assessing punishment.

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

You are instructed that your verdict must be unanimous and that you must not determine the Defendant's punishment by drawing lots, or by adding the punishment each of you might think proper and dividing the result by twelve, or in any manner except by deliberation upon the law and evidence submitted to you.

You are the exclusive judges of the facts proved, of the credibility of the witnesses, and of the weight to be given to the testimony, but you are bound to receive the law from the Court which is herein given you, and be governed thereby.

When you have unanimously agreed upon a verdict, your foreman shall certify to your verdict by using the appropriate form attached hereto and sign the same as your foreman. You are instructed you must sign only one of such verdict forms relating to each count of the indictment.

  
EVERETT YOUNG, Judge  
297th District Court  
Tarrant County, Texas

VERDICT FORMS

(PENITENTIARY TIME ONLY)

We, the Jury, having found the Defendant, Pedro Ariel Zarate Lucio, guilty of the offense of murder as charged in Count Two of the indictment, now assess his punishment at confinement in the Institutional Division of the Texas Department of Criminal

Justice for 60 (5-99 years, or life), and in addition assess a fine

of \$ \_\_\_\_\_, or none.

THOMAS A WILDER, DIST. CLERK  
TARRANT COUNTY, TEXAS

MAY 20 2008

TIME 1001A  
BY [Signature] DEPUTY

[Signature]  
FOREMAN OF THE JURY

(PROBATION ONLY)

We, the Jury, having found the Defendant, Pedro Ariel Zarate Lucio, guilty of the offense of murder as charged in Count Two of the indictment, now assess his punishment at confinement in the Institutional Division of the Texas Department of Criminal

Justice for \_\_\_\_\_ years, and in addition assess a fine of (5-10 years)

\$ \_\_\_\_\_, or none, and we further find that it is true that the Defendant has not previously been convicted of a felony in this or any other state. We recommend to the Judge that he suspend imposition of the foregoing sentence and place the Defendant on probation.

\_\_\_\_\_  
FOREMAN OF THE JURY

VERDICT FORMS

(PENITENTIARY TIME ONLY)

We, the Jury, having found the Defendant, Pedro Ariel Zarate Lucio, guilty of the offense of engaging in organized criminal activity as charged in Count Three of the indictment, now assess his punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for

60, and in addition assess a fine of FILED  
(5-99 years, or life)

\$ \_\_\_\_\_, or none

THOMAS A WILDER, DIST. CLERK  
TARRANT COUNTY, TEXAS

MAY 20 2008

TIME 1001 A  
BY cm DEPUTY

[Signature]  
FOREMAN OF THE JURY

(PROBATION ONLY)

We, the Jury, having found the Defendant, Pedro Ariel Zarate Lucio, guilty of the offense of engaging in organized criminal activity as charged in Count Three of the indictment, now assess his punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for

\_\_\_\_\_ years, and in addition assess a fine of  
(5-10 years)

\$ \_\_\_\_\_, or none, and we further find that it is true that the Defendant has not previously been convicted of a felony in this or any other state. We recommend to the Judge that he suspend imposition of the foregoing sentence and place the Defendant on probation.

\_\_\_\_\_  
FOREMAN OF THE JURY