

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS

41ST JUDICIAL DISTRICT

Filed 09 A.D. 23 20 03
AT 12:00 o'clock PM
GILBERT SANCHEZ, Clerk, Dist. Courts
El Paso County, Texas
BY [Signature] DEPUTY

THE STATE OF TEXAS

VS.

NO. 20020D00230

DAVID RENTERIA

LADIES AND GENTLEMEN OF THE JURY:

By your verdict returned in this case you have found the Defendant, DAVID RENTERIA, guilty of the offense of Capital Murder.

In order for the Court to assess the proper punishment, it is necessary now for you to determine, from all the evidence in the case, the answers to certain questions, called "Special Issues," in this charge. The Court instructs you in answering these "Special Issues" as follows:

The mandatory punishment for the offense of Capital Murder of which you have found the Defendant guilty is death or confinement in the Institutional Division of the Texas Department of Criminal Justice for life.

You shall return a Special Verdict of "YES" or "NO" on "Special Issue" No. 1. The State must prove "Special Issue" No. 1 beyond a reasonable doubt, in order for you to return a Special Verdict of "YES" to "Special Issue" No. 1.

In deliberating on "Special Issue" No. 1 you shall consider all the evidence at the guilt or innocence stage and the punishment stage, including evidence of the Defendant's background or character or the circumstances of the offense that militates for or mitigates against the imposition of the death penalty.

You may not answer "Special Issue" No. 1 "YES" unless you agree unanimously and you may not answer "Special Issue" No. 1 "NO" unless 10 or more jurors agree.

Members of the jury need not agree on what particular evidence supports a "NO" answer to "Special Issue" No. 1.

You are further instructed that you are not to be swayed by mere sentiment, conjecture, sympathy, passion, prejudice, public opinion or public feeling in considering

all of the evidence before you and in answering the "Special Issue" No. 1.

You are instructed that if you return a "YES" answer to "Special Issue" No. 1, then and only then, are you to answer "Special Issue" No. 2.

You are instructed that in answering "Special Issue" No. 2, you shall answer the issue "YES" or "NO".

You may not answer "Special Issue" No. 2 "NO" unless you agree unanimously, and you may not answer "Special Issue" No. 2 "YES" unless 10 or more of you agree to do so.

You need not agree on what particular evidence supports a "YES" on "Special Issue" No. 2.

In answering "Special Issue" No. 2 you shall consider mitigating evidence to be evidence that a juror might regard as reducing the Defendant's moral blameworthiness. You shall also consider all of the evidence, including the circumstances of the offense, the Defendant's character and background, and the personal moral culpability of the Defendant.

You are again instructed that you are not to be swayed by mere sentiment, conjecture, sympathy, passion, prejudice, public opinion or public feeling in considering all of the evidence before you in answering "Special Issue" No. 2.

Under the law applicable in this case, if the Defendant is sentenced to imprisonment in the Institutional Division of the Texas Department of Criminal Justice for life, the Defendant will become eligible for release on parole, but not until the actual time served by the Defendant equals 40 years, without consideration of any good conduct time. It cannot accurately be predicted how the parole laws might be applied to this Defendant if the Defendant is sentenced to a term of imprisonment for life because the application of those laws will depend on decisions made by prison and parole authorities, but eligibility for parole does not guarantee that parole will be granted.

In arriving at the answers to the "Special Issues" submitted, it will not be proper for you to fix the same by lot, chance, or any other method than by a full, fair and free exchange of the opinion of each individual juror.

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 and must not refer to or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever.

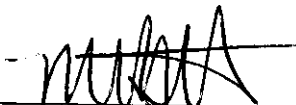
After argument of counsel, you will retire and consider your answers to the "Special Issues" submitted to you. It is the duty of your presiding juror to preside in the jury room and vote with you on the answers to the "Special Issues" submitted.

You are the exclusive judges of the facts proved and 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 it is given to you and you are bound to be governed thereby.

You shall consider only the evidence and exhibits presented here in the courtroom through the witnesses who have testified. If you want to have the exhibits with you in the jury room for your deliberations, advise the bailiff. In deliberating on this case, you shall not talk to anyone except the members of the jury about it until you have been finally discharged from service on this jury.

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, who will deliver it to the Court. Do not orally explain to the bailiff what you want.

After you have arrived at your verdict, you will notify the bailiff that you have reached your verdict.



MARY ANNE BRAMBLETT
Judge