

CAUSE NO. 23-067-DCCR-26917

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| THE STATE OF TEXAS | § | IN THE 91ST JUDICIAL |
| | § | |
| VS. | § | DISTRICT COURT OF |
| | § | |
| CODY DOUGLAS PRITCHARD | § | EASTLAND COUNTY, TEXAS |

CHARGE OF THE COURT

Members of the jury,

The defendant, Cody Douglas Pritchard, is accused of having committed capital murder. The defendant has pleaded “not guilty,” and you have heard all the evidence on the matter of guilt.

The parties will soon present final arguments. Before they do, I will give you instructions that you must follow in deciding whether or not the State has proved the defendant guilty, and you will have a written copy of these instructions to take with you 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, 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 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.

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 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.

Testimony

Certain testimony will be read back to you by the court reporter if you request. To request that testimony be read back to you, you must follow these rules. The foreperson must make the request in writing and sign it. That request must (1) state that it is requesting that testimony be read back, (2) state that you have a disagreement about a specific statement of a witness or a particular point in dispute, and (3) identify the name of the witness who made the statement. The Court will then have the court reporter read back only that part of the statement that is in dispute.

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, 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 his own behalf. The defendant may also choose not to testify. The defendant's decision not to testify cannot be held against him, and it is not evidence of guilt. You must not speculate, guess, or even talk about what the defendant might have said if he had taken the witness stand or why he did not. The foreperson of the jury must immediately stop any juror from mentioning the defendant's decision not to testify.

LAW SPECIFIC TO THIS CASE

The State accuses the defendant of having committed the offense of capital murder.

Relevant Statutes

A person commits the offense of capital murder if the person intentionally or knowingly causes the death of an individual who is a peace officer acting in the lawful discharge of an official duty and who the person knows is a peace officer.

Definitions

Intentionally Causing the Death of an Individual

A person intentionally causes the death of an individual if the person has the conscious objective or desire to cause that death.

Knowingly Causing the Death of an Individual

A person knowingly causes the death of an individual if the person is aware that his conduct is reasonably certain to cause that death.

Peace Officer

"Peace officer" includes a sheriff's deputy.

Knows an Individual is a Peace Officer

A person knows an individual is a peace officer if the person is aware that the person is a peace officer.

Application of Law to Facts

You must determine whether the State has proved, beyond a reasonable doubt, four elements. The elements are that:

1. the defendant, in Eastland County, Texas, on or about July 21, 2023, intentionally or knowingly caused the death of David Bosecker by shooting him with a deadly weapon, namely, a firearm;
2. David Bosecker was a peace officer;
3. David Bosecker was acting in the lawful discharge of an official duty, namely, answering a call for service; and
4. the defendant knew David Bosecker was a peace officer.

If you all agree the State has failed to prove, beyond a reasonable doubt, one or more of elements 1, 2, 3, and 4 listed above, you must find the defendant “not guilty.”

If you all agree the State has proved, beyond a reasonable doubt, all four elements listed above, you must find the defendant “guilty.”

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.

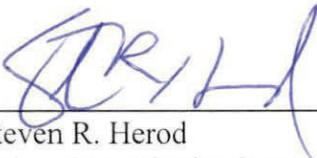
While you are deliberating and until you are excused by the Court, all jurors must follow these rules:

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 form 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.



Steven R. Herod
Judge, 91st District Court
Eastland County, Texas

FILED
2 O'CLOCK 0 M

JAN 13 2026

Wendy M. McDade, DISTRICT CLERK
By wm, Deputy