

NO. 70,975

THE STATE OF TEXAS

§

IN THE 426TH DISTRICT

VS.

§

COURT OF

DARRELL WAYNE PARKER

§

BELL COUNTY, TEXAS

CHARGE OF THE COURT

Ladies and Gentlemen of the Jury:

The defendant, DARRELL WAYNE PARKER, stands charged by indictment with the offense of CAPITAL MURDER alleged to have been committed in Bell County, Texas, on or about the 10th day of January, 2013 .

To this charge the defendant has pleaded not guilty. You are instructed that the law applicable to this case is as follows:

I.

A person commits the offense of murder if he intentionally or knowingly causes the death of an individual.

A person commits the offense of capital murder if he commits murder as defined above and he murders more than one person during the same criminal transaction.

II.

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

III.

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.

A person is criminally responsible if the result would not have occurred but for his conduct.

A person is criminally responsible if the result would not have occurred but for his conduct, operating either alone or concurrently with another cause, unless the concurrent cause was clearly sufficient to produce the result and the conduct of the actor clearly insufficient.

A person is nevertheless criminally responsible for causing a result if the only difference between what actually occurred and what he desired, contemplated, or risked is that:

0114 FILED
.....a.m.....p.m. o'clock
JAN 29 2014
SHELIA NORMAN
District Clerk, Bell County, Texas
By: Joanna [Signature]
Deputy Clerk
Signed

- (1) A different offense was committed; or
- (2) A different person or property was injured, harmed or otherwise affected.

IV.

You are further instructed that you may consider all relevant facts and circumstances surrounding the killings, if any, and the previous relationship existing between the accused and the deceased, together with all relevant facts and circumstances going to show the condition of the mind of the accused at the time of the offense alleged in the indictment.

Voluntary Intoxication is not a defense to the commission of a crime.

V.

Now bearing in mind the foregoing instructions and definitions, if you believe from the evidence beyond a reasonable doubt, that the defendant, DARRELL WAYNE PARKER, on or about the 10th day of January, 2013, in the County of Bell, and State of Texas, as alleged in the indictment, did then and there murder more than one person, to-wit: the said DARRELL WAYNE PARKER did then and there intentionally or knowingly cause the death of an individual, CHARLES YOUNGBLOOD, by shooting CHARLES YOUNGBLOOD with a firearm; and the said DARRELL WAYNE PARKER did then and there intentionally or knowingly cause the death of an individual, KATHY PARKER YOUNGBLOOD, by shooting KATHY PARKER YOUNGBLOOD with a firearm, you will find the defendant guilty of capital murder and so say by your verdict, but if you do not believe or if you have a reasonable doubt thereof, you will acquit the defendant of capital murder.

VI.

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 this 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".

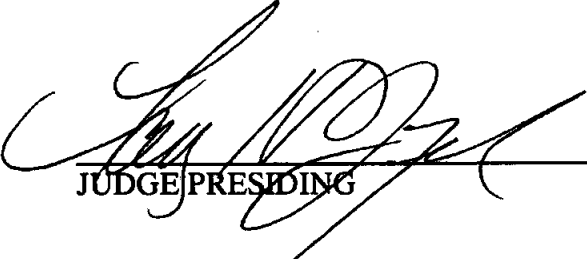
You are further instructed as a part of the law in this case that the indictment against the defendant is not evidence in the case, and that the true and sole use of the indictment is to charge the offense, and to inform the defendant of the offense alleged against him. The reading of the indictment to the jury in the statement of the case of the State against the defendant cannot be considered as a fact or circumstance against the defendant in your deliberations.

In deliberating on the cause you are not to refer to or discuss any matter or issue not in evidence before you; and in determining the guilt or innocence of the defendant, you shall not discuss or consider the punishment, if any, which may be assessed against the defendant in the event he is found guilty beyond a reasonable doubt.

You are charged that it is only from the witness stand 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 may have heard regarding the case or any witness therein, from any source other than the witness stand.

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.

After the reading of this Charge, you shall not be permitted to separate from each other, nor shall you talk with anyone not of your jury. After argument of counsel, you will retire and select one of your members as your foreman. It is his or her duty to preside at your deliberations and to vote with you in arriving at an unanimous verdict. After you have arrived at your verdict, you may use one of the forms attached hereto by having your foreman sign his or her name to the particular form that conforms to your verdict, but in no event shall he or she sign more than one of such forms.



JUDGE PRESIDING