

Transaction means something which has taken place, whereby a cause of action has arisen. It must therefore consist of an act or several acts having some connection with each other in which more than one person is concerned, and by which the legal relations of such persons between themselves are altered.

Firearm means any device designed, made or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance.

4.

Voluntary intoxication does not constitute a defense to the commission of a crime.

Intoxication means disturbance of mental or physical capacity resulting from the introduction of any substance into the body.

5.

You are further instructed that you may consider all relevant facts and circumstances surrounding the killing 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 alleged shooting, if any.

6.

To warrant a finding that the defendant is guilty of capital murder, you must find from the evidence beyond a reasonable doubt that:

- (1) the defendant intentionally or knowingly caused the death of Nathan Daniel Morris by shooting him with a firearm;
- (2) the defendant intentionally or knowingly caused the death of Alice Sue Allen by shooting her with a firearm; and
- (3) both murders were committed in the same criminal transaction.

If you should have a reasonable doubt as to the existence of any of the foregoing elements, then you cannot find the defendant guilty of capital murder.

7.

Now, if you find from the evidence beyond a reasonable doubt that on or about May 21, 2006, in Comanche County, Texas, the defendant, Rodger Atlas Davis, did then and there intentionally or knowingly cause the death of an individual, namely Nathan Daniel Morris, by shooting him with a firearm, and did then and there intentionally or knowingly cause the death of another individual, namely Alice Sue Allen, by shooting her with a firearm, and both murders were committed during the same criminal transaction, then you will find the defendant guilty of capital murder.

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant of capital murder.

A Grand Jury indictment is the means whereby a Defendant is brought to trial in a felony prosecution. It is not evidence of guilt nor can it be considered by you in passing upon the issue of guilt of the Defendant.

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 the Defendant has been arrested, confined, or indicted for, or otherwise charged with the offense gives rise to no inference of guilt at the Defendant's 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".

You are the exclusive judges of the facts proved, of the credibility of the witnesses and the weight to be given their testimony, but the law you shall receive in these written instructions, and you must be governed thereby.

After you retire to the jury room you should select one of your members as your Presiding Juror. It is that person's duty to preside at your deliberations, vote with you, and when you have

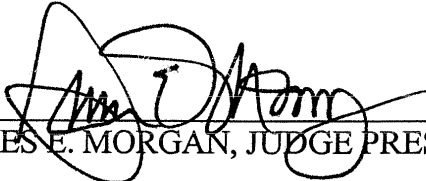
unanimously agreed upon a verdict, to certify to your verdict by using the appropriate form attached hereto, and signing the same as Presiding Juror.

No one has any authority to communicate with you except the officer who has you in charge. During your deliberations in this case, you must not consider, discuss, nor relate any matters not in evidence before you. You should not consider nor mention any personal knowledge or information you may have about any fact or person connected with this case which is not shown by the evidence.

After you have retired, you may communicate with this Court in writing through the officer who has you in charge. Do not attempt to talk to the officer who has you in charge, or the attorneys, or the Court, or anyone else concerning any question you may have. After you have reached a unanimous verdict, the Presiding Juror will certify thereto by filling in the appropriate form attached to this Charge and signing same as Presiding Juror.

7-13-07
DATE

12:56 PM
TIME



JAMES E. MORGAN, JUDGE PRESIDING

NO. CCCR-06-02842

THE STATE OF TEXAS

() IN THE 220TH JUDICIAL

V.

() DISTRICT COURT OF

RODGER ATLAS DAVIS

() COMANCHE COUNTY, TEXAS

VERDICT

We, the Jury, find the Defendant, Rodger Atlas Davis, guilty of capital murder, as charged in the indictment.



PRESIDING JUROR

(OR)

We, the Jury, find the Defendant, Rodger Atlas Davis, not guilty.

PRESIDING JUROR