

FILED

CAUSE NO. F08-64527-R

STATE OF TEXAS	§	265th JUDICIAL DISTRICT COURT
VS	§	DALLAS COUNTY, TEXAS
CESAR IVAN CHAVEZ	§	JANUARY TERM, A.D., 2010

2010 JAN 25 PM 1:42
 FITZSIMMONS
 DISTRICT CLERK
 DALLAS CO., TEXAS

CHARGE OF THE COURT

MEMBERS OF THE JURY:

The defendant, Cesar Ivan Chavez, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about December 29th, 2008, in Dallas County, Texas. The defendant has pleaded not guilty.

Our law provides that a person commits murder when he intentionally or knowingly causes the death of an individual.

A person commits capital murder when such person intentionally or knowingly murders more than one person during the same criminal transaction.

A "deadly weapon" means a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

"Bodily injury" means physical pain, illness, or any impairment of physical condition, including death.

"Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

- 5 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.
- 6 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.

You are instructed that there is testimony before you regarding other crimes or bad acts other than the one charged in this case. You cannot consider said testimony for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other offenses, if any were committed, and even then you may only consider the same in determining the motive, intent, opportunity, knowledge or absence of mistake or accident of the defendant, if any, in connection with the offense, if any, alleged against him in the indictment in this case, and for no other purpose.

Now, if you find from the evidence beyond a reasonable doubt that on or about December 29th, 2008, in Dallas County, Texas, the defendant, Cesar Ivan Chavez, did unlawfully then and there knowingly or intentionally cause the death of an individual, to-wit: Lacrege Anderson, by shooting said Lacrege Anderson with a firearm, a deadly weapon, and during the same criminal transaction said defendant did then and there intentionally or knowingly cause the death of another individual, to-wit: Christopher Hernandez, by shooting said Christopher Hernandez with a firearm, a deadly weapon, then you will find the defendant guilty of capital murder.

Unless you find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant and say by your verdict not guilty.

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.

In all criminal cases the burden of proof is on the State. All persons are presumed to be innocent and no person may be convicted of an offense unless each element of the offense is proven beyond a reasonable doubt. The fact that a person has been arrested, confined or indicted for, or otherwise charged with an offense, does not give rise to any inference of guilt in the trial.

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 now given to you, and be governed thereby.

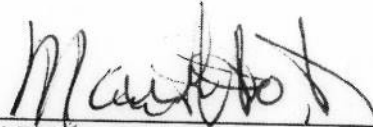
After you retire to the jury room, you will select one of your members as your presiding juror. It is the presiding juror's duty to preside at your deliberations, vote with you, and when you have unanimously agreed upon a verdict, to certify to your verdict by using the appropriate form attached hereto, and signing the same as presiding juror.

After you retire to consider your verdict, 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 neither consider, discuss, nor relate any matters not in evidence before you. You should neither 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 retire, you may communicate with this Court in writing through the officer who has you in charge. Your written communication must be signed

by the presiding juror. Do not attempt to talk to the officer, the attorneys, or the Court regarding any question you may have concerning the trial of this case.

After you have reached a unanimous verdict or if you desire to communicate with the Court, please press the red button close to the door and the bailiff will respond.

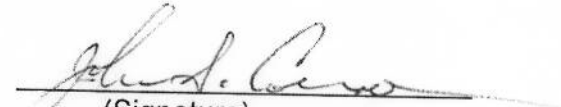


MARK C. STOLTZ, JUDGE
265TH JUDICIAL DISTRICT COURT
DALLAS COUNTY, TEXAS

VERDICT SHEET

(Use the appropriate form below in returning your verdict.)

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


(Signature)
PRESIDING JUROR

John S. Cowan

-OR-

We, the Jury, find the Defendant not guilty.

(Signature)
PRESIDING JUROR

THE STATE OF TEXAS
COUNTY OF DALLAS
I, Gary Lee O'Neil, Clerk of the County of Dallas, do hereby certify that the above is a true and correct copy of the verdict sheet as returned by the jury in the case of _____ vs. _____, No. _____, on this _____ day of _____, 20____.

Clerk of the County of Dallas