

CAUSE NO. F45059

THE STATE OF TEXAS

§

IN THE 413TH DISTRICT COURT

VS.

§

OF

DAVID R. LLOYD
District Clerk, Johnson County, Texas
BY CATHERINE LASATER DEPUTY

MARK ANTHONY SOLIZ

§

JOHNSON COUNTY, TEXAS

PUNISHMENT

Ladies and Gentlemen of the Jury:

You have found the Defendant MARK ANTHONY SOLIZ guilty of the offense of Capital Murder. You are instructed that the Defendant shall be punished by confinement in the Texas Department of Criminal Justice for life without parole, or by death. It is necessary now for you to determine, from all the evidence in the case, the answers to certain Special Issues which are as follows:

I.

SPECIAL ISSUE NUMBER 1: Whether there is a probability that the Defendant would commit criminal acts of violence that would constitute a continuing threat to society.

II.

SPECIAL ISSUE NUMBER 2: Whether the Defendant actually caused the death of the deceased or did not actually cause the death of the deceased but intended to kill the deceased or another or anticipated that a human life would be taken.

You shall answer Special Issues Number 1 and Number 2 "Yes" or "No."

The prosecution has the burden of proving that the answers to both Special Issues Number 1 and Number 2 should be "Yes," and it must do so by proving a "Yes" answer to each of the Special

Issues Number 1 and Number 2 beyond a reasonable doubt, and if it fails to do so, you must answer Special Issues Number 1 and Number 2 "No."

In deliberating on Special Issues Number 1 and Number 2, the jury shall consider all evidence admitted 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 Issues Number 1 or Number 2 "Yes" unless you agree unanimously.

You may not answer Special Issues Number 1 or Number 2 "No" unless ten (10) or more jurors agree.

Members of the jury need not agree on what particular evidence supports a negative answer to Special Issues Number 1 or Number 2.

If the jury answers each of the Special Issues Number 1 and Number 2 "Yes," then you shall answer the following Special Issue Number 3; otherwise, do not answer Special Issue Number 3.

III.

SPECIAL ISSUE NUMBER 3: Whether, taking into consideration all of the evidence, including the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant, there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed.

You are instructed that if a jury answers that if a circumstance or circumstances warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed, the Court

will sentence the defendant to imprisonment in the Texas Department of Criminal Justice for life without parole.

Under the law applicable in this case, if the defendant is sentenced to confinement for life without parole in the Texas Department of Criminal Justice, the defendant will be ineligible for release from the department on parole.

You shall answer Special Issue Number 3 "Yes" or "No."

You are instructed that you may not answer Special Issue Number 3 "No" unless you agree unanimously.

You may not answer Special Issue Number 3 "Yes" unless ten (10) or more jurors agree.

Members of the jury need not agree on what particular evidence supports an affirmative finding on Special Issue Number 3.

In deliberating on Special Issue Number 3, you shall consider mitigating evidence to be evidence that a juror might regard as reducing the defendant's moral blameworthiness.

If the jury returns an affirmative finding on each of the Special Issues Number 1 and Number 2 and a negative finding on Special Issue Number 3, the Court shall sentence the Defendant to death. If the jury returns a negative finding on either of Special Issues Number 1 or Number 2, or an affirmative finding to Special Issue Number 3, the Court shall sentence the Defendant to confinement in the Texas Department of Criminal Justice for life without parole.

IV.

In a criminal case the law permits a Defendant to testify in his own behalf but he is not compelled to do so, and the same law provides that the fact that a Defendant does not testify shall not be considered as a circumstance against him. You will, therefore, not consider the fact that the

Defendant did not testify as a circumstance against him; and you will not, in your retirement to consider your verdict, allude to, comment on, consider, or in any manner refer to the fact that the Defendant has not testified.

V.

You are instructed that if there is any evidence before you regarding the Defendant's having committed offenses, wrongs, or acts other than the offense for which he has been convicted in this case, you cannot consider said evidence for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such offenses, wrongs or acts, if any were committed, and even then you may only consider the same in determining the appropriate answer, if any, to the special issues presented in this charge, and for no other purpose.

VI.

It is your duty to consult with one another and to deliberate in an effort to answer the special issues based on these instructions if you can do so. Each of you must decide the case for yourself, but only after an impartial consideration of the evidence with your fellow jurors. During your deliberations, do not hesitate to re-examine your own opinions and change your mind if convinced that you were wrong. But do not give up your honest beliefs as to the weight or effect of the evidence solely because of the opinion of your fellow jurors, or for the mere purpose of answering the special issues.

VII.

You are the exclusive judges of the facts proven, of the credibility of the witnesses, and of the weight to be given their testimony, but you are bound to receive the law from the Court which is herein given and be governed thereby.

In arriving at the answers to the above issues, it will not be proper for you to fix the same by lot, chance, or any other method than a full, fair, and free exercise of the opinion of the individual jurors.

In deliberating on this case, you shall consider the charge as a whole and you must not refer to or discuss any matters not in evidence before you.

You must not consider or mention any personal knowledge or information you may have about any facts or person connected with this case which is not shown by the evidence. You shall not consult law books or anything not in evidence in this case.

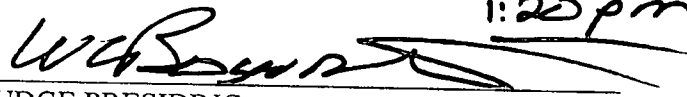
Any further communication must be in writing signed by your presiding juror through the bailiff to the court, except as to your personal needs which may be communicated orally to the bailiff in charge. Do not attempt to talk to the bailiff, the attorneys or the Court regarding any questions you may have concerning the trial of the case.

VIII.

After argument of counsel, you will retire to the jury room to deliberate. When you have reached a verdict, you may use the attached forms to indicate your answers to the Special Issues, and your presiding juror should sign the appropriate form certifying to your verdict.

MARCH 22, 2012

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JUDGE PRESIDING

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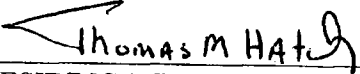
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SPECIAL ISSUE NUMBER 1

Do you find from the evidence beyond a reasonable doubt that there is a probability that the Defendant would commit criminal acts of violence that would constitute a continuing threat to society?

In your verdict, you will answer "Yes" or "No."

Answer: We, the jury, unanimously find from the evidence beyond a reasonable doubt that the answer to Special Issue Number 1 is "Yes."



PRESIDING JUROR

OR

Answer: We, the jury, because at least ten (10) jurors agree, find that the answer to Special Issue Number 1 is "No."

PRESIDING JUROR

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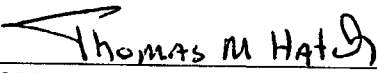
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SPECIAL ISSUE NUMBER 2

Do you find from the evidence beyond a reasonable doubt that the Defendant actually caused the death of the deceased or did not actually cause the death of the deceased but intended to kill the deceased or another or anticipated that a human life would be taken?

In your verdict, you will answer "Yes" or "No."

Answer: We, the jury, unanimously find from the evidence beyond a reasonable doubt that the answer to Special Issue Number 2 is "Yes."



PRESIDING JUROR

OR

Answer: We, the jury, because at least ten (10) jurors agree, find that the answer to Special Issue Number 2 is "No."

PRESIDING JUROR

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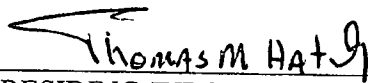
If your answers to Special Issues Number 1 and Number 2 are both "Yes," then you will answer Special Issue Number 3; otherwise you will not answer Special Number 3.

SPECIAL ISSUE NUMBER 3

Taking into consideration all of the evidence, including the circumstances of the offense, the Defendant's character and background, and the personal moral culpability of the Defendant, do you find that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed?

In your verdict, you will answer "Yes" or "No."

Answer: We, the jury, unanimously find that the answer to Special Issue Number 3 is "No."



PRESIDING JUROR

OR

Answer: We, the jury, because at least ten (10) jurors agree, find that the answer to Special Issue Number 3 is "Yes."

PRESIDING JUROR

OR

We, the jury, return in open Court the above answers to the Special Issues submitted to us and the same is our verdict in this case.

PRESIDING JUROR