

CAUSE NO. 1241708R

THE STATE OF TEXAS

) IN CRIMINAL DISTRICT COURT

vs.

) NUMBER FOUR OF

ALFONSO CONTRERAS, JR.

) TARRANT COUNTY, TEXAS

FILED  
THOMAS A WILDER, DIST. CLERK  
TARRANT COUNTY, TEXAS

COURT'S CHARGE

MEMBERS OF THE JURY:

JUN 15 2011

TIME 2:59 PM  
BY MLL DEPUTY

The defendant, ALFONSO CONTRERAS, JR., stands charged by indictment with the offense of Capital Murder, alleged to have been committed on or about the 22nd day of August, 2010, in Tarrant County, Texas.

The defendant has pleaded not guilty.

You are instructed that the law applicable to this case is as follows:

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

A person commits capital murder when such person commits the murder, if any, to an individual under six years of age.

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

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 the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. 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.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 22nd day of August, 2010, in Tarrant County, Texas, the defendant, ALFONSO CONTRERAS, JR., did then and there knowingly cause the death of an individual, Elena Contreras, by hitting her head with or against a hard object or surface, and the said Elena Contreras was then and there an individual under six years of age; Or

If you find from the evidence beyond a reasonable doubt that on or about the 22nd day of August, 2010, in Tarrant County, Texas, the defendant, ALFONSO CONTRERAS, JR., did then and there knowingly cause the death of an individual, Elena Contreras, by a manner and means unknown to the grand jury, and the said Elena Contreras was then and there an individual under six years of age, then you will find the defendant guilty of the offense of capital murder, as alleged in the indictment.

Unless you so find and believe from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant of the offense of capital murder and proceed to consider whether the Defendant is guilty of the lesser-included offense of murder.

A person commits the offense of murder if he commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

"Felony" means an offense so designated by law or punishable by death or confinement in a penitentiary.

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

"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.

"Attempt" to commit an offense occurs if, with specific intent to commit an offense, a person does an act amounting to more than mere preparation that tends, but fails, to effect the commission of the offense intended.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 22nd day of August, 2010, in Tarrant County, Texas, the defendant, ALFONSO CONTRERAS, JR., did then and there commit or attempt to commit a felony, to-wit; injury to a child, and in the course of and in furtherance of the commission or attempt, he committed or attempted to commit an act clearly dangerous to human life, to-wit: striking Elena Contreras with or against a hard object or surface which caused the death of Elena Contreras; or

If you find from the evidence beyond a reasonable doubt that on or about the 22nd day of August, 2010, in Tarrant County, Texas, the defendant, ALFONSO CONTRERAS, JR., did then and there commit or attempt to commit a felony, to-wit: injury to a child, and in the course of and in furtherance of the commission or attempt, he committed or attempted to commit an act clearly dangerous to human life, to-wit: manner and means unknown to the grand jury, which caused the death of Elena Contreras, then you will find the defendant guilty of the offense of murder.

Unless you so find and believe from the evidence beyond a reasonable doubt,

or if you have a reasonable doubt thereof, you will acquit the defendant of the offense of murder and proceed to consider whether the Defendant is guilty of the offense of manslaughter.

A person commits the offense of manslaughter if he recklessly causes the death of an individual.

A person acts recklessly, or is reckless, with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances, as viewed from the actor's standpoint.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 22nd day of August, 2010, in Tarrant County, Texas, the defendant, ALFONSO CONTRERAS, JR., did recklessly cause the death of an individual, namely, Elena Contreras, by hitting or striking her head with or against a hard object or surface, or by a manner and means unknown to the grand jury, then you will find the defendant guilty of the offense of manslaughter.

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

You are instructed that in considering your verdict you may consider all relevant facts and circumstances surrounding the killing, 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 alleged killing, if any.

Our law provides that a defendant may testify in his own behalf if he elects to do so. This, however, is a privilege accorded a defendant, and in the event he elects not to testify, that fact cannot be taken as a circumstance against him. In this case, the defendant has elected not to testify, and you are instructed that you cannot and must not refer or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against the defendant.

The State has introduced evidence of extraneous crimes or bad acts other than the one charged in the indictment in this case. This evidence was admitted only for the purpose of assisting you, if it does, for the purpose of showing the defendant's motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident, if any. You cannot consider the testimony unless you find and believe beyond a reasonable doubt that the defendant committed these acts, if any, were committed.

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. The burden of proof in all criminal cases rests upon the State throughout the trial and never shifts to 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 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 of 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.

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 must be governed by you shall receive in these written instructions.

After you retire to the jury room, you should select one of your members as your Presiding Juror. It is his or her 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 his or her name as Presiding Juror. You may now retire to consider your verdict.

  
MIKE THOMAS, PRESIDING JUDGE

VERDICT FORMS

We, the jury, find the defendant, ALFONSO CONTRERAS, JR., not guilty.

\_\_\_\_\_  
PRESIDING JUROR

-OR-

We, the jury, find the defendant, ALFONSO CONTRERAS, JR. guilty of  
the offense of capital murder as alleged in the indictment.

  
\_\_\_\_\_  
PRESIDING JUROR

-OR-

We, the jury, find the defendant, ALFONSO CONTRERAS, JR., guilty of  
the offense of murder.

FILED  
THOMAS A WILDER, DIST. CLERK  
TARRANT COUNTY, TEXAS

\_\_\_\_\_  
PRESIDING JUROR

JUN 16 2011  
TIME 4:49 pm  
BY ML DEPUTY



- OR -

We, the jury, find the defendant, ALFONSO CONTRERAS, JR., guilty of  
the offense of manslaughter.

\_\_\_\_\_  
PRESIDING JUROR