

CAUSE NO. F08-01020-J

THE STATE OF TEXAS

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IN THE CRIMINAL

VS.

DISTRICT COURT NO. 3

ROBERT SPARKS

DALLAS COUNTY, TEXAS

CHARGE OF THE COURT

MEMBERS OF THE JURY:

The Defendant, Robert Sparks, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 15th day of September, 2007, in Dallas County, Texas. To this charge the defendant has pled not guilty. You are instructed that the law applicable to this case is as follows:

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

A person commits the offense of capital murder if the person murders more than one person during the same criminal transaction.

“Individual” means a human being who is alive, including an unborn child at every stage of gestation from fertilization until birth.

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

BY: JESSIE B. BROWN
DISTRICT CLERK
DALLAS CO., TEXAS

2008 DEC -4 AM 11:45

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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.

All persons are presumed to be innocent and no person may be convicted of an offense unless each element of the offense is proved by the prosecution beyond a reasonable doubt. 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.

The fact that a person has been arrested, confined, indicted for, or otherwise charged with, an 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 the case.

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 refer or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against him.

You are instructed that you are not to allow yourselves to be influenced in any degree whatsoever by what you may think or surmise the opinion of the Court to be.

You are instructed as a part of the law in this case that the State is not required to prove the exact date alleged in the indictment, but may prove the offense, if any, to have been committed at any time prior to the presentment of the indictment. The indictment in this case was presented on September 30, 2008.

You are instructed that in alleging the name of the defendant, or of any other person necessary to be stated in the indictment, it shall be sufficient to state one or more of the initials of the given name and the surname.

Now, bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that on or about September 15, 2007, in Dallas County, Texas, the defendant, Robert Sparks, did unlawfully then and there intentionally or knowingly cause the death of an individual, to-wit: R. AGNEW, by stabbing or cutting R. AGNEW with a knife, 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: HAROLD SUBLET, JR., by stabbing or cutting HAROLD SUBLET, JR. with a knife, a deadly weapon, you will find the defendant guilty of the offense of capital murder as alleged in the indictment.

If you do not so find, or if you have a reasonable doubt thereof, you will find the defendant not guilty.

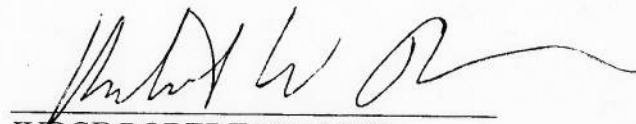
You are the exclusive judges of the facts proved, of the credibility of the witnesses and of the weight to be given to the testimony, but you are bound to receive the law from the Court, which is herein given you, and be governed thereby.

After 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 bailiff 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 have retired, you may communicate with this Court in writing through the bailiff who has you in charge. Your communication must be signed by the presiding juror. Do not attempt to talk to the bailiff, the attorneys, or the Court regarding any question you may have concerning the trial of the case.

After you have reached a unanimous verdict or if you desire to communicate with the Court, please use the jury call button on the wall and one of the bailiffs will respond.

A handwritten signature in black ink, appearing to read 'Robert Francis', written over a horizontal line.

JUDGE ROBERT FRANCIS
CRIMINAL DISTRICT COURT
NUMBER THREE
DALLAS COUNTY, TEXAS

VERDICT FORMS

We, the jury, unanimously find the defendant, Robert Sparks, guilty of the offense of Capital Murder, as charged in the indictment.

Heather Randall
Presiding Juror
Printed Name: Heather Randall

-OR-

We, the jury, unanimously find the defendant, Robert Sparks, not guilty.

Presiding Juror
Printed Name: _____