

CAUSE NUMBER _____

IN THE MATTER OF _____) (IN THE _____
) (_____ COUNTY, TEXAS
) (SITTING AS A JUVENILE COURT

COURT'S CHARGE TO THE JURY

This case is submitted to you on specific questions about the facts which you must decide from the evidence you have heard in this trial. You are the sole judges of the credibility of the witnesses and of the weight to be given their testimony, but in matters of law, you must be governed by the instructions in this charge. In discharging your responsibility on this jury, you will observe all the instructions which have previously been given you. I shall now give you additional instructions which you should carefully and strictly follow during your deliberations.

1. Do not let bias, prejudice, or sympathy play any part in your deliberations.
2. In arriving at your answers, consider only the evidence introduced here under oath and such exhibits, if any, as have been introduced for your consideration under the rulings of the Court; that is, what you have seen and heard in this courtroom, together with the law as given you by the Court. In your deliberations, you will not consider or discuss anything that is not represented by the evidence in this case.
3. Since every answer that is required by the charge is important, no juror should state or consider that any required answer is not important.
4. You must not decide who you think should win and then try to answer the questions accordingly. Simply answer the questions from the evidence introduced before you and do not discuss or concern yourselves with the effect of your answers.
5. Your verdict must be unanimous. If the verdict and all of the answers therein are reached by unanimous agreement, the presiding juror shall sign the verdict for the entire jury.

These instructions are given you because your conduct is subject to review the same as that of the witnesses, parties, attorneys, and the judge. If it should be found that you have disregarded any of these instructions, it will be jury misconduct and it may require another trial by another jury; then all of our time would have been wasted.

The presiding juror or any other juror who observes a violation of the Court's instructions shall immediately warn the one who is violating the same and caution the juror not to do so again.

In this case, RESPONDENT is alleged to be a child who has engaged in delinquent conduct. He stands charged by Petition with a violation of Sections 22.021 and 21.11 of the Texas Penal Code, alleged to have occurred on or about the ____ day of _____, _____, in _____ County, Texas.

RESPONDENT has denied the allegations in the Petition.

You are instructed that "child", as it refers to the RESPONDENT, means a person who is ten years of age or older and under seventeen years of age.

You are instructed that "delinquent conduct" is conduct that violates a penal law of this state punishable by imprisonment, if the child was an adult, and that Sections 22.021 and 21.11 of the Penal Code are penal laws of this state punishable by imprisonment.

Our law provides that a person commits the offense of aggravated sexual assault if the person intentionally or knowingly causes the penetration of the mouth of a child by the sexual organ of the actor and the victim is younger than 14 years of age and not the spouse of the Respondent.

Our law also provides that a person commits the offense of aggravated sexual assault if the person intentionally or knowingly causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person including the actor, and the victim is younger than 14 years of age and not the spouse of the Respondent.

Our law also provides that a person commits the offense of aggravated sexual assault if the person intentionally or knowingly causes the mouth of a child to contact the anus or sexual organ of another person including the actor, and the victim is younger than 14 years of age and not the spouse of the Respondent.

Our law provides that a person commits the offense of indecency with a child if he intentionally or knowingly engages in sexual contact with a child younger than 17 years and not his spouse, whether the child is of the same or opposite sex.

The term "Spouse" as used herein means a person who is legally married to another.

The term "Sexual Contact" as used herein means any touching of the breast, anus, or any part of the genitals of another person with intent to arouse and gratify the sexual desire of any person.

You are instructed that as a part of the law in this case that the Petitioner is not required to prove the exact date alleged in the Petition, but may prove the offenses, if any, to have been committed at any time prior to the presentment of the Petition so long as said offenses, if any, occurred within 10 years from the 18th birthday of the Victim. You are further instructed that the day the Petition was filed and the date of the offenses, if any occurred, shall not be computed within those time periods.

A person acts intentionally, or with intent, with respect to the nature of his conduct or with respect to a result of his conduct when it is his conscious objective or desire to engage in the conduct or 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.

In this case, the burden of proof is upon the Petitioner. The child is presumed innocent until his delinquency is established by legal and competent evidence beyond a reasonable doubt, and in case you have a reasonable doubt as to the child's delinquency, you will say by your verdict "Not delinquent".

The Petition in this case is no evidence whatsoever of the delinquency of the respondent. It is a written instrument necessary in order to bring this case into court for trial, and you will not consider the petition as any evidence in this case or as any circumstance whatsoever against the Respondent.

You are instructed that our law provides that a Respondent may testify in his own behalf if he chooses to do so. This, however, is a right accorded to a Respondent, and in the event he chooses not to testify, that fact cannot be taken as a circumstance against him. In this case, the Respondent has chosen not to testify and you are instructed that you cannot and must not refer to, allude to, comment on, or discuss that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against him.

All persons are presumed 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 otherwise charged with the offense gives rise to no inference of guilt at his trial. The law does not require a Respondent to prove his innocence or produce any evidence at all. The presumption of innocence alone is sufficient to find the Respondent Not Delinquent.

You are further instructed that you are the exclusive judges of the facts proved, of the credibility of the witnesses, and of the weight to be given their testimony, if any, but you are bound to receive the law from the Court which is given to you in this charge and be governed thereby.

Now, if you find from the evidence beyond a reasonable doubt that on or about the ____ day of _____, _____, in _____ County, Texas, that RESPONDENT intentionally or knowingly caused the penetration of the mouth of _____ by inserting his sexual organ and _____ was a child younger than 14 years of age who was not the spouse of RESPONDENT, then you will find that RESPONDENT is a child who has engaged in delinquent conduct by committing the offense of aggravated sexual assault and so say by your verdict, but if you do not so find, or if you have a reasonable doubt thereof, you will say by your verdict that RESPONDENT is not a child who has engaged in delinquent conduct.

QUESTION NUMBER ONE:

Do you find from the evidence beyond a reasonable doubt that the Respondent engaged in delinquent conduct on or about the ____ day of _____, _____, in the County of _____ and State of Texas, by committing the offense of aggravated sexual assault as hereinbefore defined?

ANSWER: We do or We do not.

YOUR ANSWER: _____

Now, if you find from the evidence beyond a reasonable doubt that on or about the ____ day of _____, _____, in _____ County, Texas, that RESPONDENT intentionally or knowingly caused the sexual organ of _____ to contact the mouth of RESPONDENT and _____ was a child younger than 14 years of age and not the spouse of the Respondent, then you will find that RESPONDENT is a child who has engaged in delinquent conduct by committing the offense of aggravated sexual assault of a child and so say by your verdict, but if you do not so find or if you have a reasonable doubt thereof, you will say by your verdict that RESPONDENT is not a child who has engaged in delinquent conduct.

QUESTION NUMBER TWO:

Do you find from the evidence beyond a reasonable doubt that the Respondent engaged in delinquent conduct on or about the ____ day of _____, _____, in the County of _____ and State of Texas, by committing the offense of aggravated sexual assault of a child as hereinbefore defined?

ANSWER: We do or We do not.

YOUR ANSWER: _____

Now, if you find from the evidence beyond a reasonable doubt that on or about the _____ day of _____, _____, in _____ County, Texas, that RESPONDENT intentionally or knowingly caused the sexual organ of _____ to contact the sexual organ of RESPONDENT, and _____ was a child younger than 14 years of age and not the spouse of the Respondent, then you will find that RESPONDENT is a child who has engaged in delinquent conduct by committing the offense of aggravated sexual assault of a child and so say by your verdict, but if you do not so find or if you have a reasonable doubt thereof, you will say by your verdict that RESPONDENT is not a child who has engaged in delinquent conduct.

QUESTION NUMBER THREE:

Do you find from the evidence beyond a reasonable doubt that the Respondent engaged in delinquent conduct on or about the _____ day of _____, _____, in the County of _____ and State of Texas, by committing the offense of aggravated sexual assault of a child as hereinbefore defined?

ANSWER: We do or We do not.

YOUR ANSWER: _____

Now, if you find from the evidence beyond a reasonable doubt that on or about the ____ day of _____, _____, in _____ County, Texas, that RESPONDENT intentionally or knowingly engaged in sexual contact by causing _____ to touch the genitals of RESPONDENT and _____ was a child younger than 17 years of age and not the spouse of the Respondent, with the intent to arouse and gratify the sexual desire of the Respondent, then you will find that RESPONDENT is a child who has engaged in delinquent conduct by committing the offense of indecency with a child and so say by your verdict, but if you do not so find or if you have a reasonable doubt thereof, you will say by your verdict that RESPONDENT is not a child who has engaged in delinquent conduct.

QUESTION NUMBER FOUR:

Do you find from the evidence beyond a reasonable doubt that the Respondent engaged in delinquent conduct on or about the ____ day of _____, _____, in the County of _____ and State of Texas, by committing the offense of indecency with a child as hereinbefore defined?

ANSWER: We do or We do not.

YOUR ANSWER: _____

After you retire to the jury room, you will select your presiding juror, and you will then deliberate upon your answers to the questions asked.

It is the duty of the presiding juror:

- a) To preside during your deliberations;
- b) To see that your deliberations are conducted in an orderly manner and in accordance with the instructions in this case;
- c) To communicate with the Court in writing any manner on which you desire further instructions;
- d) To vote on the issues;
- e) To write your answers to the issues in the spaces provided; and
- f) To certify to your verdict in the space provided for the presiding juror's signature.

After you have retired to consider your verdict, no one has any authority to communicate with you except the bailiff or the Judge of the Court. You should not discuss the case with anyone, not even with other members of the jury, unless all of you are present and assembled in the jury room. Should anyone attempt to talk to you about the case before the verdict is returned, whether at the courthouse, at your home, or elsewhere, please inform the Court of this fact.

When you have answered all the foregoing issues which you are required to answer, if you can, under the instructions of the Court, you will advise the bailiff at the door of the jury room that you have reached a verdict, and then you will return into Court with your verdict.

JUDGE PRESIDING

CERTIFICATE

We, the jury, have answered the above and foregoing special issues as herein indicated, and herewith return same into court as our verdict.

(To be signed by the presiding juror if unanimous.)

PRESIDING JUROR'S SIGNATURE