

CAUSE NUMBER: F09-59380-S

STATE OF TEXAS)
VS.)
GARY GREEN)

IN THE 282ND DISTRICT
COURT OF DALLAS
COUNTY, TEXAS
JULY TERM, A.D., 2010

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OFFICE OF COURT ADMINISTRATION

CHARGE OF THE COURT

MEMBERS OF THE JURY:

The Defendant, Gary Green, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 21st day of September, 2009, in Dallas County, Texas.

To this charge, the defendant has pleaded not guilty.

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

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

"Individual" means a human being who is alive.

"Person" means an individual.

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

A "deadly weapon" means: (A) a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death, serious bodily

injury, or, (B) anything in the manner of its use or intended use is capable of causing death or serious bodily injury.

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.

You are instructed that if there is any testimony before you in this case regarding the defendant's having committed offenses other than the offense alleged against him in the indictment 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 or intent 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, considering all the law contained in the Court's charge, if you believe from the evidence beyond a reasonable doubt that on or about the 21st day of September, A.D., 2009, in the County of Dallas and State of Texas, the Defendant, Gary Green, did unlawfully then and there intentionally or knowingly cause the death of an individual, to-wit: Lovetta Armstead, by stabbing Lovetta Armstead with a knife, a deadly weapon, or by asphyxiating Lovetta Armstead; and during the same criminal transaction said defendant did then and there intentionally or knowingly cause the death of another individual, to-wit: Jazzmen Montgomery, by drowning or asphyxiating Jazzmen Montgomery, then you will find the Defendant, Gary Green, guilty of the offense of capital murder and say by your verdict, guilty.

If you do not so believe, or if you have a reasonable doubt as to the defendant's guilt, then you will acquit the defendant of capital murder and say by your verdict, not guilty.

Our law provides that a defendant may testify in his own behalf if he elects to do so, but if he elects not to testify his election shall not be taken as a circumstance against him. In this case, the defendant has elected not to testify. You are instructed that you shall not refer or allude to this fact throughout your deliberations, or take it into consideration for any purpose whatsoever as a circumstance against him.

At times throughout the trial the Court has been called upon to pass on the question of whether or not certain evidence is admitted. You are not to be concerned with the reasons for such rulings and are not to draw any inferences from them. Whether evidence is admissible is purely a question of law. In admitting evidence to which an objection is made, the Court neither determines what weight should be given such evidence nor does it pass on the credibility of the witness. As to any offer of evidence that has been rejected by the Court, you must not consider the same. As to any question to which an objection was sustained, you must not conjecture as to what the answer might have been or as to the reason for the objection.

An indictment is not evidence of guilt. Therefore, you are instructed that the indictment in this case shall not be considered by the jury as any evidence of guilt.

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. You are charged that it is only from the witness stand that the jury is permitted to receive evidence regarding the case, and no juror is permitted

to communicate to any other juror anything he may have heard regarding the case from any source other than the witness stand.

In deliberating on this case you are not to refer to or discuss any matter or issue not in evidence before you. Further, you shall not talk about this case to anyone not of your jury.

You are not to be swayed by mere sentiment, conjecture, sympathy, passions, prejudices, public opinion, or public feeling in considering all the evidence before you.

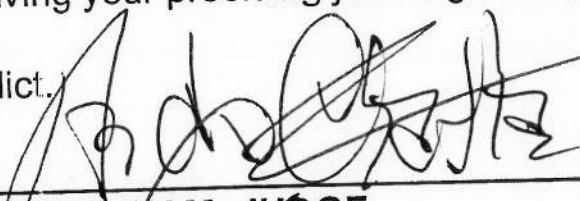
You are the exclusive judges of the facts proved, of the credibility of the witnesses and of the weight to be given to the testimony, but you are bound to receive and to follow the law from the Court.

In arriving at your verdict, it will not be proper for you to fix the same by lot, chance, or any other method other than by a full, fair, and free exchange of the opinion of each individual juror.

After you have retired to consider your verdict, no one has any authority to communicate with you except the officer who has you in charge. You may communicate with this Court in writing, signed by your presiding juror, through the officer who has you in charge. Do not attempt to talk to the officer, the attorneys, or the Court concerning any question you may have.

After argument of Counsel, you will retire and select one of your members

as your presiding juror. It is the duty of your presiding juror to preside at your deliberations and to vote with you in arriving at a verdict. Your verdict must be unanimous, and after you have arrived at your verdict, you may use one of the forms attached by having your presiding juror sign the particular form that conforms to your verdict.

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

**ANDY CHATHAM, JUDGE
282nd JUDICIAL DISTRICT COURT
DALLAS COUNTY, TEXAS**

VERDICT FORM

We, the jury, find beyond a reasonable doubt the Defendant, Gary Green, guilty of capital murder, as charged in the indictment.



PRESIDING JUROR (SIGNATURE)

JOHN POZADZIDES

PRESIDING JUROR (PRINTED)

OR

We, the jury, find the Defendant, Gary Green, not guilty.

PRESIDING JUROR (SIGNATURE)

PRESIDING JUROR (PRINTED)