

2012 SEP 26 AM 10:11

CAUSE NO. F11-56237-Y

THE STATE OF TEXAS	*	IN THE CRIMINAL
VS.	*	DISTRICT COURT 7
KWAYLON WILLIAMS	*	DALLAS COUNTY, TEXAS

CHARGE OF THE COURT

LADIES AND GENTLEMEN OF THE JURY:

The defendant, KWAYLON WILLIAMS, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 5th day of June, 2011, 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:

A person commits the offense of capital murder if he intentionally causes the death of an individual in the course of committing or attempting to commit robbery.

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

A person acts recklessly, or is reckless, with respect to the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that 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.

"Individual" means a human being who is alive.

A "deadly weapon" means a firearm or anything manifestly designed, made or adapted for the purpose of inflicting death of serious bodily injury; or, anything that in the manner of its use or intended use, is capable of causing death or serious bodily injury.

A "firearm" is any device designed, made or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

"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.

A person commits the offense of robbery if in the course of committing theft, and with intent to obtain or maintain control of property, he intentionally or knowingly or recklessly causes bodily injury to another; or he intentionally or knowingly threatens or places another in fear of imminent bodily injury or death.

A person commits the offense of theft if the person unlawfully appropriates property with intent to deprive the owner of property.

"While in the course of committing theft" means conduct that occurs in an attempt to commit, during the commission, or in immediate flight after the attempt or commission of theft.

"Property" means tangible or intangible personal property or documents, including money, that represents or embodies anything of value.

"Owner" means a person who has title to the property, possession of the property, or a greater right to possession of the property than the person charged.

"Possession" means actual care, custody, control, or management of the property.

"Deprive" means to withhold property from the owner permanently or for so extended a period of time that a major portion of the value or enjoyment of the property is lost to the owner.

"Appropriate" means to acquire or otherwise exercise control over property other than real property.

Appropriation of property is unlawful if the person obtains or exercises control over the property without the owner's effective consent.

"Consent" means assent in fact, whether express or apparent.

"Effective consent" includes consent by a person legally authorized to act for the owner. Consent is not effective if induced by force, threat, fraud, deception or coercion, or given by a person the actor knows is not legally authorized to act for the owner.

"Attempt" means to commit an act with specific intent to commit an offense where the act committed amounts to more than mere preparation but fails to effect the commission of the offense intended.

You are instructed that if there is any testimony before you in this case regarding the defendant's having committed offenses, if any, other than the offense, if any, 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 proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident, if any, of the defendant, in connection with the offense, if any, alleged against him in the indictment and for no other purpose.

Now, bearing in mind the foregoing instructions, if you believe from the evidence beyond a reasonable doubt that the defendant, KWAYLON WILLIAMS, on or about the 5th day of June, 2011, in the County of Dallas and State of Texas, did then and there intentionally cause the death of GERALD PICKARD, an individual, hereinafter called deceased, by shooting GERALD PICKARD with a firearm, a deadly weapon, and the defendant was then and there in the course of committing or attempting to commit the offense of robbery of said deceased, you will find the defendant guilty of the offense of capital murder, as charged in the indictment, and you will make no finding in your verdict as to punishment.

If you do not so find or if you have a reasonable doubt thereof, you will acquit the defendant and say by your verdict "not guilty".

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 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 their trial.

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.

In the event you have a reasonable doubt as to the defendant's guilt after considering all the evidence before you, and these instructions, you will acquit him and say by your verdict not guilty.

You are the exclusive judges of the facts proved, of the credibility of the witnesses and the weight to be given their testimony, but you are bound to receive the law from the Court, which has been given to you in these 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 your verdict by using the appropriate form attached to these instructions and signing the same as Presiding Juror.

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 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 bailiff who has you in charge. Do not attempt to talk to the bailiff, or the attorneys, or the Court, or anyone else concerning any question you may have.

Your verdict must be by a unanimous vote of all members of the jury.

After you have reached a unanimous verdict, the Presiding Juror will certify the verdict by filling in the appropriate form attached to this charge and signing his or her name as Presiding Juror. After arguments, you will retire to consider your verdict.



JUDGE MIKE SNIPES
CRIMINAL DISTRICT COURT 7
DALLAS COUNTY, TEXAS

VERDICT FORMS

We, the jury, unanimously find the defendant guilty of capital murder as charged in the indictment.

Kurt Crawford
PRESIDING JUROR

-OR-

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

PRESIDING JUROR