

CAUSE NO. 1119150

THE STATE OF TEXAS § IN THE 179TH DISTRICT COURT
VS. § OF HARRIS COUNTY, TEXAS
CLYDE HENRY CRUMP § MAY TERM, A. D., 2010

Members of the Jury:

The defendant, Clyde Henry Crump, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 27th day of February, 2007, in Harris County, Texas. The defendant has pleaded not guilty.

A person commits the offense of murder if he:

- (1) intentionally or knowingly causes the death of an individual; or
- (2) intends to cause serious bodily injury and intentionally or knowingly commits an act clearly dangerous to human life that causes the death of an individual.

A person commits the offense of capital murder if he intentionally commits murder, as hereinbefore defined in paragraph (1), and the person employs another to commit the murder for the promise of remuneration.

"Remuneration" means payment by one person to another in compensation for a specific service or services rendered pursuant to an agreement.

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

"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.

The definitions of intentionally and knowingly relative to the offenses of capital murder and murder are as follow:

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 parties to an offense who are guilty of acting together in the commission of the offense. A person is criminally responsible as a party to an offense if the offense is committed by his own conduct, by the conduct of another for which he is criminally responsible, or by both.

A person is criminally responsible for an offense committed by the conduct of another if, acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense. Mere presence alone will not constitute one a party to an offense.

* Before you would be warranted in finding the defendant guilty of capital murder, you must find from the evidence beyond a reasonable doubt that on the occasion in question the defendant, Clyde Henry Crump, acting alone or with Brandon Brown as a party to the offense, as that term is hereinbefore defined, intentionally employed Brandon Brown to kill Eugene Bourgeios; and the defendant, Clyde Henry Crump, promised to pay Brandon Brown to kill Eugene Bourgeios, as alleged in the indictment; and Brandon Brown agreed to kill Eugene Bourgeios pursuant to such employment by the defendant, Clyde Henry Crump, and if you have a reasonable doubt as to the existence of any of the foregoing elements, then you cannot convict the defendant of capital murder.

Now, if you find from the evidence beyond a reasonable doubt that in Harris County, Texas, on or about the 27th day of February, 2007, the defendant, Clyde Henry Crump, acting alone or with Brandon Brown as a party to the offense, as that term is

hereinbefore defined, did then and there unlawfully, intentionally or knowingly cause the death of Eugene Bourgeois, by employing Brandon Brown for the promise of remuneration, to-wit: money, to shoot Eugene Bourgeois with a deadly weapon, namely, a firearm, then you will find the defendant guilty of capital murder, as charged in the indictment.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, or if you are unable to agree, you will next consider whether the defendant is guilty of the lesser offense of murder.

You are instructed that you may consider all relevant facts and circumstances surrounding the death, 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 offense, if any.

Therefore, if you find from the evidence beyond a reasonable doubt that on or about the 27th day of February, 2007, in Harris County, Texas, the defendant, Clyde Henry Crump, acting alone or with Brandon Brown as a party to the offense, as that term is hereinbefore defined, did then and there unlawfully, intentionally or knowingly cause the death of Eugene Bourgeois, by shooting Eugene Bourgeois with a deadly weapon, namely, a firearm; or

If you find from the evidence beyond a reasonable doubt that on or about the 27th day of February, 2007, in Harris County, Texas, the defendant, Clyde Henry Crump, acting alone or with Brandon Brown as a party to the offense, as that term is hereinbefore defined, did then and there unlawfully intend to cause serious bodily injury to Eugene Bourgeois, and did cause the death of Eugene Bourgeois by intentionally or knowingly committing an act clearly dangerous to human life, namely, by shooting Eugene Bourgeois with a deadly weapon, namely, a firearm, then you will find the defendant guilty of murder.

If you believe from the evidence beyond a reasonable doubt that the defendant is guilty of either capital murder on the one

hand or murder on the other hand, but you have a reasonable doubt as to which of said offenses he is guilty, then you must resolve that doubt in the defendant's favor and find him guilty of the lesser offense of murder.

If you have a reasonable doubt as to whether the defendant is guilty of any offense defined in this charge you will acquit the defendant and say by your verdict "Not Guilty."

An accomplice, as the term is hereby used, means anyone who participates with the accused before, during, or after commission of the crime for which the defendant is on trial. A person is criminally responsible as a party to an offense if the offense is committed by his own conduct, by the conduct of another for which he is criminally responsible or by both. Mere presence alone, however, will not constitute one a party to an offense.

A person is criminally responsible for an offense committed by the conduct of another if, acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense. The term "conduct" means any act or omission and its accompanying mental state.

You are instructed that a conviction cannot be had upon the testimony of an accomplice unless the accomplice's testimony is corroborated by other evidence tending to connect the defendant with the offense charged, and the corroboration is not sufficient if it merely shows the commission of the offense, but it must tend to connect the defendant with its commission.

The witness, Brandon Brown, is an accomplice, if an offense was committed, and you cannot convict the defendant upon Brandon Brown's testimony unless you further believe that there is other evidence in the case, outside of the testimony of Brandon Brown tending to connect the defendant with the offense committed, if you find that an offense was committed, and the corroboration is not sufficient if it merely shows the commission of the offense, but it must tend to connect the defendant with its commission, and then from all of the evidence you must believe beyond a reasonable doubt that the defendant is guilty of the offense charged against him.

You are further instructed that if there is any evidence before you in this case regarding the defendant's committing an alleged offense or offenses other than the offense alleged against him in the indictment in this case, you cannot consider such evidence for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other offense or offenses, if any, and even then you may only consider the same in determining the motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident of the defendant, if any, in connection with the offense, if any, alleged against him in the indictment and for no other purpose.

You are further instructed that any evidence that any witness has committed any crime was admitted before you for the purpose of aiding you, if it does aid you, in passing upon the credibility of the witness and the weight to be given his testimony, and you will not consider the same for any other purpose.

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 question 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 he 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 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.

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 the law you shall receive in these written instructions, and you must be governed thereby.

After you retire to the jury room, you should select one of your members as your Foreman. 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 Foreman.

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.


No one has any authority to communicate with you except the officer who has you in charge. After you have retired, you may communicate with this Court in writing through this officer. Any communication relative to the cause must be written, prepared and signed by the Foreman and shall be submitted to the court through this officer. Do not attempt to talk to the officer who has you in charge, or the attorneys, or the Court, or anyone else concerning any questions you may have.

Your sole duty at this time is to determine the guilt or innocence of the defendant under the indictment in this cause and restrict your deliberations solely to the issue of guilt or innocence of the defendant.

Following the arguments of counsel, you will retire to consider your verdict.



Randy Roll, Judge
179th District Court
Harris County, TEXAS

FILED
Loren Jackson
District Clerk
MAY 12 2010
Time: _____
By:  11:20 AM
Harris County, Texas
Deputy

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THE STATE OF TEXAS
VS.
CLYDE HENRY CRUMP

§ IN THE 179TH DISTRICT COURT
§ OF HARRIS COUNTY, TEXAS
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CHOOSE ONE

"We, the Jury, find the defendant, Clyde Henry Crump, not guilty."

Foreman of the Jury

(Please Print) Foreman

"We, the Jury, find the defendant, Clyde Henry Crump, guilty of capital murder, as charged in the indictment."

Foreman of the Jury

(Please Print) Foreman

JR.
Jose Sayas

FILED
Loren Jackson
District Clerk
MAY 13 2010
Time: 10:00 am
Harris County, Texas
By: Dorian Jay
Deputy

"We, the Jury, find the defendant, Clyde Henry Crump, guilty of murder."

Foreman of the Jury

(Please Print) Foreman

CHRIS DAWBELL, DISTRICT CLERK
HARRIS COUNTY, TEXAS
I, Chris Dawbell, District Clerk of Harris County, Texas, hereby certify that this is a true and correct copy of the original record filed and recorded in my office, and that the same is a true and correct copy of the original record as it appears on this date.