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OFFICE OF
COURT ADMINISTRATION CAUSE NO. 27,742

MAY 31 2013

THE STATE OF TEXAS	§	IN THE DISTRICT COURT OF HUNT COUNTY, TEXAS
	§	
VS.	§	OF HUNT COUNTY, TEXAS
	§	
MICAH CROFFORD BROWN	§	354TH JUDICIAL DISTRICT

PUNISHMENT JURY CHARGE

MEMBERS OF THE JURY:

By verdict returned in this case you have found the defendant, MICAH CROFFORD BROWN, guilty of the offense of capital murder, which was alleged to have been committed on or about the 20th day of July, A.D. 2011 in Hunt County, Texas. You are instructed that the Defendant shall be punished by confinement in the Texas Department of Criminal Justice for life without parole, or by death. It is now necessary for you to determine, from all the evidence in the case, the answers to certain Special Issues which are as follows:

1.

SPECIAL ISSUE NUMBER 1: Whether there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society?

You shall answer Special Issue Number 1 "Yes" or "No."

The State has the burden of proving that the answer to Special Issue Number 1 should be "Yes," and it must do so by proving a "Yes" answer to Special Issue Number 1 beyond a reasonable doubt, and if it fails to do so, you must answer Special Issue Number 1 "No."

In deliberating on Special Issue Number 1, the jury shall consider all evidence admitted at the guilt or innocence stage and the punishment stage, including evidence of the defendant's background or character or the

circumstances of the offense that militates for or militates against the imposition of the death penalty.

You may not answer Special Issue Number 1 "Yes" unless you agree unanimously.

You may not answer Special Issue Number 1 "No" unless ten (10) or more jurors agree.

Members of the jury need not agree on what particular evidence supports a negative answer to Special Issue Number 1.

If the jury answers Special Issue Number 1 "Yes," then you shall answer the following Special Issue Number 2; otherwise, do not answer Special Issue Number 2.

2.

SPECIAL ISSUE NUMBER 2: Whether, taking into consideration all of the evidence, including the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant, there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed?

You are instructed that if a jury answers that a circumstance or circumstances warrant that a sentence of life imprisonment rather than a death sentence be imposed, the Court will sentence the defendant to imprisonment in the Texas Department of Criminal Justice for life without parole.

Under the law applicable in this case, if the defendant is sentenced to confinement for life without parole in the Texas Department of Criminal Justice, the defendant will be ineligible for release from the department on parole.

You shall answer Special Issue Number 2 "Yes" or "No."

You may not answer Special Issue Number 2 "No" unless you agree unanimously.

You may not answer Special Issue Number 2 "Yes" unless ten (10) or more of you agree.

Members of the jury need not to agree on what particular evidence supports an affirmative finding on Special Issue Number 2.

In deliberating on Special Issue Number 2 you shall consider mitigating evidence to be evidence that a juror might regard as reducing the defendant's moral blameworthiness.

If the jury returns an affirmative finding on Special Issue Number 1, and a negative finding on Special Issue Number 2, the Court shall sentence the defendant to death. If the jury returns a negative finding on Special Issue Number 1, or an affirmative finding on Special Issue Number 2, the Court shall sentence the defendant to confinement in the Texas Department of Criminal Justice for life without parole.

3.

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 and must not refer or allude to that fact throughout your deliberations or take into consideration for any purpose whatsoever as a circumstance against the defendant.

4.

You are further instructed that if there is any evidence before you in this case regarding the defendant having committed extraneous crimes or bad acts other than the offense alleged against him in the indictment, you cannot consider this evidence 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 answers to the Special Issues.

5.

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

If you chose to take notes, those notes are for your purposes only. You may not show them to your fellow jurors or mention in the jury room that your notes are indicative of some matter. They may be used only to refresh your own personal memory of what you recorded.

In arriving at the answers to the above issues, it will not be proper for you to fix the same by lot, chance, or any other method than a full, fair and free exercise of the opinion of the individual jurors.

In deliberating on this case, you shall consider the charge as a whole and you must not refer to or discuss any matters not in evidence before you.

You must not consider or mention any personal knowledge or information you may have about any facts or person connected with this case which is not shown by the evidence. You shall not consult law books or anything not in evidence in this case.

Any further communication must be in writing signed by your presiding juror through the bailiff to the Court, except as to your personal needs which may be communicated orally to the bailiff in charge. Do not attempt to talk to the bailiff, the attorneys or the Court regarding any questions you may have concerning the trial of the case.

After you have retired to deliberate your verdict, you cannot separate from each other except for one of your members to use the restroom. When one member is absent in the restroom, you must cease deliberation until all twelve are present. If one person goes outside to smoke, then all twelve must accompany that person, because the jury can not separate after deliberation begins. (Of course if the jury goes outside to smoke you must be accompanied by the officer who has you in his charge.)

Once you have retired, you may not use your cellular phones. If you have an emergency or need to make a call to your family, you shall communicate this in

writing to the Court and get permission from the Court to make any necessary calls. Necessary calls do not include calls related to work.

After argument of counsel you will retire to the jury room to deliberate. When you have reached a verdict, you may use the attached forms to indicate your answers to the Special Issues, and your presiding juror should sign the appropriate form certifying to your verdict.

Signed this the 31 day of May, 2013.



Honorable Richard A. Beacom Jr.
354th Judicial District Court
Hunt County, Texas

Special Issue Number 1

Do you find from the evidence beyond a reasonable doubt that there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society?

In your verdict, you will answer "Yes" or "No."

Answer

We the jury, unanimously find and determine beyond a reasonable doubt that the answer to this Special Issue Number 1 is "Yes."

Maureen Sweeney

Presiding Juror

OR

We, the jury, because at least ten (10) jurors agree, find that the answer to Special Issue Number 1 is "No."

Presiding Juror

If your answer to Special Issue Number 1 is "Yes," then you will answer Special Issue Number 2; otherwise, you will not answer Special Issue Number 2.

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Henry [Signature]
CLERK, DISTRICT COURT, HUNT CO. TX

Special Issue Number 2

Taking into consideration all of the evidence, including the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant, that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than death sentence be imposed?

In your verdict, you will answer "Yes" or "No."

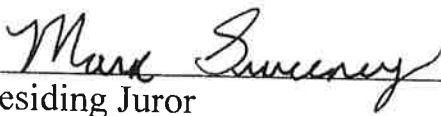
Answer

We, the jury, because at least ten (10) jurors agree, find the answer to Special Issue Number 2 is "Yes."

Presiding Juror

OR

We, the jury, unanimously find that the answer to this Special Issue is "No."



Presiding Juror

Verdict

We, the jury, return in open Court the above answers to the Special Issues submitted to us, and the same is our verdict in this case.



Presiding Juror