

NO. 1202116D

THE STATE OF TEXAS § IN THE 396TH JUDICIAL
VS. § DISTRICT COURT
HAYWARD GEORGE SLATER, JR. § TARRANT COUNTY, TEXAS

COURT'S CHARGE

MEMBERS OF THE JURY:

In any jury trial there are, in effect, two judges. I am one of the judges; the other is the jury. It is my duty to preside over the trial and to decide what evidence is proper for your consideration. It is also my duty at the end of the trial to explain to you the rules of law that you must follow and apply in arriving at your verdict.

First, I will give you some general instructions which apply in every case. Then I will give you some specific rules of law about this particular case, and finally I will explain to you the procedures you should follow in your deliberations.

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

AUG 11 2011

TIME 8:53 A.M. (Signature)
BY _____ DEPUTY

You, as jurors, are the judges of the facts. But in determining what actually happened, that is, in reaching your decision as to the facts, it is your sworn duty to follow all of the rules of law as I explain them to you.

You have no right to disregard or give special attention to any one instruction, or to question the wisdom or correctness of any rule I may state to you. You must not substitute or follow your own notion or opinion as to what the law is or ought to be. It is your duty to apply the law as I explain it to you, regardless of the consequences. It is also your duty to base your verdict solely upon the evidence that has been presented to you in court.

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 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.

As you determine the facts, you must consider only the evidence presented during the trial, including the sworn testimony of the witnesses and the exhibits. Remember that any statements, objections, or arguments made by the lawyers are not evidence. The function of the lawyers is to point out those things that are most significant or most helpful to their side of the case, and in so doing

to call your attention to certain facts or inferences that might otherwise escape your notice. In the final analysis, however, it is your own recollection and interpretation of the evidence that controls in the case. What the lawyers say is not binding upon you.

Also, do not assume from anything I may have done or said during the trial that I have any opinion concerning any of the issues in this case. Except for the instructions to you on the law, you should disregard anything I may have said during the trial in arriving at your own findings as to the facts.

While you should consider only the evidence, you are permitted to draw such reasonable inferences from the testimony and exhibits as you feel are justified in the light of common experience. In other words, you may make deductions and reach conclusions that reason and common sense lead you to draw from the facts which have been established by the evidence.

You are to decide whether the State has proved beyond a reasonable doubt that the Defendant is guilty of the crime charged.

Our law provides a defendant may testify in his own behalf if he elects to do so. This, however, is a privilege accorded to the Defendant, and in the event he does not testify, that fact cannot be taken as a circumstance against him. In this case the Defendant has not testified, and you are instructed that you cannot and must not refer or allude to this fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against the Defendant.

You are instructed that voluntary intoxication is not a defense to the commission of a criminal offense.

Now, bearing in mind these instructions, the Defendant, Hayward George Slater, Jr., stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 29th day of May, 2010, in Tarrant County, Texas. The Defendant has pleaded not guilty.

A person commits the offense of murder when he intentionally or knowingly causes the death of an individual.

A person commits capital murder when such person intentionally commits the murder in the course of committing or attempting to commit the offense of robbery.

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

The offense is aggravated robbery if the person committing robbery uses or exhibits a deadly weapon.

“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.

“Attempt” to commit an offense occurs if, with specific intent to commit an offense, a person does an act amounting to more than mere preparation that tends, but fails, to effect the commission of the offense intended.

“Individual” means a human being who is alive.

“Bodily injury” means physical pain, illness, or any impairment of physical condition, including death.

“Theft” is the unlawful appropriation of the corporeal personal property of another with the intent to deprive such person of said property.

“Appropriation” and “appropriate” mean to acquire or otherwise exercise control over property other than real property. Appropriation of property is unlawful if it is without the owner’s effective consent.

“Property” as used herein means tangible or intangible personal property or documents, including money that represents or embodies anything of value.

“Deprive” as used herein means to withhold property from the owner permanently.

“Effective consent” means assent in fact, whether express or apparent, and includes consent by a person legally authorized to act for the owner.

Consent is not effective if induced by deception or coercion or force or threats.

“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 property.

“Firearm” means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion of burning substance or any device readily convertible to that use. A firearm is a deadly weapon.

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 under our law a statement of a defendant made while he was in jail or in custody of an officer and while under interrogation shall be admissible in evidence if it appears that the same was freely and voluntarily made without compulsion or persuasion. However, before a statement made orally to officers may be considered voluntary, it must be shown by legal evidence beyond a reasonable doubt that prior to making such oral statement that the accused has been warned by the person to whom the statement is made, or by a magistrate, that (1) he has the right to remain silent and not make any statement, (2) that anything said by the defendant will be used against him at trial, (3) that the statement will be used against him in court, (4) that he has the right to terminate the questioning at any time during the interview or questioning, and (5) that he is entitled to the services of an attorney, his own or, if he is unable to employ one, a court-appointed attorney, to advise him prior to and during any questioning or interrogation.

So, in this case, if you find from the evidence, or if you have a reasonable doubt thereof, that prior to the time the defendant gave the alleged statement to Ben Lopez or Byron Stewart, if he did give it, the said Ben Lopez or Byron Stewart did not warn defendant in the respects enumerated above, or as to any one of such requirements, then you will wholly disregard the alleged confession or statement and not consider it for any purpose nor any evidence obtained as a result thereof. If, however, you find beyond a reasonable doubt that the aforementioned warning was given the defendant prior to his having made such statement, if he did make it, still, before you may consider such statement as evidence in this case, you must find from the evidence beyond a reasonable doubt that prior to making such statement, if he did, the defendant knowingly, intelligently and voluntarily waived the rights hereinbefore set out in the said warning, and unless you so find, or if you have a reasonable doubt thereof, you will not consider the statement, if any, for any purpose whatsoever or any evidence obtained as a result of the statement, if any.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 29th day of May, 2010, in Tarrant County, Texas, the Defendant, Hayward George Slater, Jr., did then and there intentionally cause the death of an individual, Prem Sharma, by shooting him with a deadly weapon, to-wit: a firearm, and the said defendant was then and there in the course of committing or attempting to commit the offense of robbery of Prem Sharma, then you will find the Defendant guilty of the offense of capital murder.

Unless you so find from the evidence beyond a reasonable doubt or if you have a reasonable doubt thereof, you will acquit the Defendant of the offense of capital murder, as charged in the indictment, and next consider whether he is guilty of the offense of murder.

A person commits the offense of murder if he commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

"Felony" means an offense so designated by law or punishable by death or confinement in a penitentiary. You are instructed that the offense of robbery is a felony offense.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 29th day of May, 2010, in Tarrant County, Texas, the Defendant, Hayward George Slater, Jr., did then and there commit or attempt to commit a felony, to-wit: robbery of Prem Sharma, and in the course of and in furtherance of the commission, or in immediate flight from the commission of said felony, he committed or attempted to commit an act clearly dangerous to human life, to wit: shooting Prem Sharma with a firearm, then you will find the Defendant guilty of murder.

Unless you so find from the evidence beyond a reasonable doubt or if you have a reasonable doubt thereof, you will acquit the Defendant of the offense of murder, and next consider whether he is guilty of the offense of aggravated robbery.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 29th day of May, 2010, in Tarrant County, Texas, the Defendant, Hayward George Slater, Jr., did then and there intentionally or knowingly, while in the course of committing theft of property and with intent to obtain or maintain control of said property, threaten or place Prem Sharma in fear of imminent bodily injury or death, and the Defendant used or exhibited a deadly weapon, to-wit: a firearm, then you will find the Defendant guilty of the offense of aggravated robbery.

Unless you find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant and say by your verdict "Not Guilty."

You are instructed that if you find from the evidence beyond a reasonable doubt that the defendant is guilty of either capital murder or guilty of murder or guilty of aggravated robbery, under the instructions given to you previously, but you have a reasonable doubt as to which of said offenses, if any, he is guilty, then you should resolve that doubt in favor of the defendant and find him guilty only of the offense of murder or aggravated robbery.

If you find from the evidence that the defendant is not guilty of capital murder or murder or aggravated robbery, or if you have a reasonable doubt as to whether the defendant is guilty of any of these offenses, then you will find the defendant "Not Guilty."

You are instructed that you may consider all relevant facts and circumstances surrounding the killing, if any, together with all relevant facts and circumstances going to show the condition of the mind of the accused at the time of the shooting in question, if any.

It is your duty to consult with one another and to deliberate in an effort to reach agreement if you can do so. Each of you must decide the case for yourself, but only after an impartial consideration of the evidence with your fellow jurors. During your deliberations, do not hesitate to reexamine your own opinions and change your mind if convinced that you were wrong. But do not give up your honest beliefs as to the weight or effect of the evidence solely because of the opinion of your fellow jurors, or for the mere purpose of returning a verdict.

When you go to the jury room, the first thing that you should do is select one of your number as your presiding juror, who will help to guide your deliberations and will speak for you here in the courtroom.

During your deliberations, you must not communicate with or provide any information to anyone by any means about this case. You may not use any electronic device or media, such as a telephone, cell phone, smart phone, iPhone, Blackberry, or computer; the internet, any internet service, or any text or

instant messaging service; or any internet chat room, blog, or website such as Facebook, My Space, LinkedIn, You Tube or Twitter, to communicate to anyone any information about this case or to conduct any research about this case until I accept your verdict, if any.

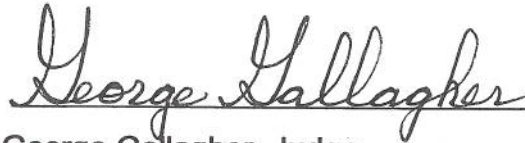
Any verdict you render must be unanimous.

At the conclusion of your deliberations, the presiding juror should sign the appropriate verdict form, if any.

If you need to communicate with me during your deliberations, the presiding juror should write the message, ring the jury call button on the wall, and give it to the bailiff. I will either reply in writing or bring you back into the court to answer your message.

Remember at all times, you are judges of the facts. Your sole duty is to decide whether the State has proved the Defendant guilty beyond a reasonable doubt.

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

A handwritten signature in cursive script that reads "George Gallagher". The signature is written in black ink and is positioned above a solid horizontal line.

George Gallagher, Judge
396th Judicial District Court
Tarrant County, Texas

VERDICT FORMS

We, the jury, find the Defendant, Hayward George Slater, Jr., guilty of the offense of capital murder.

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

AUG 11 2011

TIME 513
BY TL DEPUTY

CHARLES BOYD

Presiding Juror

-OR-

We, the jury, find the Defendant, Hayward George Slater, Jr., guilty of the offense of murder.

Presiding Juror

-OR-

We, the jury, find the Defendant, Hayward George Slater, Jr., guilty of the offense of aggravated robbery.

Presiding Juror

-OR-

We, the jury, find the Defendant, Hayward George Slater, Jr., not guilty.

Presiding Juror