

Cause No. 10DCR54995A

THE STATE OF TEXAS	:	IN THE 240TH JUDICIAL
	:	
VS.	:	DISTRICT COURT OF
	:	
LARRLYON DESHUN WILLIAMS	:	FORT BEND COUNTY, TEXAS

CHARGE OF THE COURT

LADIES AND GENTLEMEN OF THE JURY:

The defendant, Larrylon Deshun Williams, stands charged by indictment with the offense of Aggravated Assault of a Public Servant, alleged to have been committed on or about the 22nd day of May 2010, in Fort Bend County, Texas. The defendant has pleaded not guilty. You are instructed that the law applicable to the case is as follows:

I.

A person commits the offense of Aggravated Assault, if he commits the offense of assault, as hereinafter defined, and the person uses or exhibits a deadly weapon during the commission of the assault.

Our law provides that a person commits the offense of assault if the person intentionally, knowingly, or recklessly causes bodily injury to another. An assault is an aggravated assault when it is committed with a deadly weapon.

"Bodily injury" means physical pain, illness, or any impairment of physical condition.

"Deadly weapon" means anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

The offense is Aggravated Assault on a Public Servant if the person the actor assaulted is a public servant and the actor knows the person is a public servant and the assault, if any, is done while the person is lawfully discharging an official duty.

"Public servant" means a person elected, selected, appointed, employed or



otherwise designated as an officer, employee, or agent of government.

The actor is presumed to have known the person assaulted was a public servant or security officer if the person was wearing a distinctive uniform or badge indicating the person's employment as a public servant or status as a security officer.

"Actor" means a person whose criminal responsibility is in issue in a criminal action.

II.

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.

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

III.

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

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

A firearm is a deadly weapon.

The offense of aggravated robbery is a first-degree felony.

IV.

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.

If, in the attempt to carry out a conspiracy to commit one felony, another felony is committed by one of the conspirators, all conspirators are guilty of the felony actually committed, though having no intent to commit it, if the offense was committed in furtherance of the unlawful purpose and was one that should have been anticipated as a result of carrying out of the conspiracy.


The term "conspiracy" means an agreement with one or more persons that they or one or more of them engage in conduct that would constitute a felony. An agreement constituting a conspiracy may be inferred from the acts of the parties.

In a prosecution in which a defendant's criminal responsibility is based on the conduct of another, the defendant may be convicted on proof of commission of the offense and that he was a party to its commission, and it is no defense that the person for whose conduct the defendant is criminally responsible has been acquitted, has not been prosecuted or convicted, has been convicted of a different offense or of a different type or class of offense, or is immune from prosecution.

Mere presence alone will not constitute one a party to an offense.

Each party to an offense may be charged with the commission of the offense.

V.

 Now bearing in mind the foregoing instructions, if you believe from the evidence beyond a reasonable doubt that the defendant, Larrlyon Deshun Williams acting alone or as a party, did then and there intentionally, knowingly or recklessly cause bodily injury to Charles Scott by shooting him with a firearm and the defendant did then and there exhibit a deadly weapon, to wit: a firearm, during the commission of said assault, and the defendant knew the said Charles Scott was a public servant lawfully discharging an official duty, then you will find the defendant Larrlyon Deshun Williams, "Guilty" of the offense of Aggravated Assault on a Public Servant, and so say by your verdict, OR

Now bearing in mind the foregoing instructions, if you believe from the evidence beyond a reasonable doubt that the defendant, Larrlyon Deshun Williams, entered into a conspiracy with Moufak Kazzaz to commit the felony offense of Aggravated Robbery and that on the 22nd day of May 2010, in the County of Fort Bend and State of Texas, in the attempt to carry out this conspiracy, if any, Moufak Kazzaz did then and there intentionally or knowingly or recklessly cause bodily injury to Charles Scott by shooting him with a firearm, and that Moufak Kazzaz did then and there use and exhibit a deadly weapon, to wit: a firearm, during the commission of said assault, and Moufak Kazzaz knew the said Charles Scott was a public servant lawfully discharging an official duty, if he did, and that such offense was committed in furtherance of the unlawful purpose of the conspiracy to

commit aggravated robbery, and was an offense that should have been anticipated as the result of carrying out the agreement, then you will find the defendant Larrlyon Deshun Williams, "Guilty" of the offense of Aggravated Assault on a Public Servant, though he may have had no intent to commit it, and so say by your verdict.

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

VI.

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 it into consideration for any purpose whatsoever as a circumstance against the defendant.

If any juror starts to mention the defendant's election not to testify in this case, then it is the duty of the other jurors to stop him at once.

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 find the defendant not guilty.

It is not required that the prosecution proves 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, you will acquit him and say by your verdict not guilty.

A Grand Jury Indictment is the means whereby a felony prosecution is brought against a defendant. It is not evidence of guilt nor can it be considered by you in passing upon the issue 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.

VII.

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. You may make reasonable inferences from the evidence admitted.

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 to your verdict by using the appropriate form attached hereto, and signing the same as Presiding Juror.

No one has any authority to communicate with you except the officer 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 officer who has you in charge. 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.

After you have reached a unanimous verdict, the presiding juror will certify thereto by filling in the appropriate form attached to this charge and signing his or her name as presiding juror.

Suitable forms for your verdict are hereto attached; your verdict must be in writing, must be unanimous, and signed by your presiding juror.


After argument of counsel, you will retire to consider your verdict.


HONORABLE THOMAS R. CULVER, III
Presiding Judge,
240th Judicial District Court
Fort Bend County, Texas

FILED

JAN 22 2013

AT


Clerk District Court, Fort Bend Co., TX

LADIES AND GENTLEMEN OF THE JURY; YOU ARE FURTHER INSTRUCTED AS FOLLOWS:

Your jury includes two alternate jurors. In order of selection, Carrie L. Dewaele is Alternate Juror # 1 and Joyce Marie Henry is Alternate Juror # 2.

The law now requires that the alternate jurors remain through the entirety of the trial process. This is so that in the event an original member of the twelve person jury becomes unable to proceed in the trial and/or deliberations of this case, the alternate juror (or jurors) will be ready to immediately step in and serve. It is important that the alternate jurors sit and listen while the original jury deliberates so that they will be prepared if they, or either of them, ultimately replace an original juror. Alternate jurors serve a very valuable purpose and without them, much additional time and expense would be necessary in the re-trial of cases. Because the law also requires a jury of only twelve (12) persons, the following additional instructions for the alternate jurors are mandatory:

- No alternate juror may participate in any of the deliberations of the jury unless, or until, I expressly authorize that participation by further written instruction; and
- No alternate juror can be selected as your jury's Presiding Juror

It is a duty of the Presiding Juror to insure these instructions concerning alternate jurors are faithfully followed during the jury's deliberation and through the remainder of this trial.

Cause No. 10DCR54995A

THE STATE OF TEXAS

IN THE 240TH JUDICIAL

VS.

DISTRICT COURT OF

LARRLYON DESHUN WILLIAMS

FORT BEND COUNTY, TEXAS

VERDICT-AGGRAVATED ASSAULT ON A PUBLIC SERVANT

We, the Jury, find the defendant Larrlyon Deshun Williams, Guilty of Aggravated Assault on a Public Servant, as charged in the indictment.

FILED

JAN 22 2013

AT

[Signature]
Clerk District Court, Fort Bend Co., TX

[Signature: Diana Miller]
Presiding Juror

OR

VERDICT- AGGRAVATED ASSAULT ON A PUBLIC SERVANT

We, the Jury, find the defendant Larrlyon Deshun Williams, Not Guilty of Aggravated Assault on a Public Servant, as charged in the indictment.

Presiding Juror