

**NO. 366-81115-2014**

<b>THE STATE OF TEXAS</b>	<b>§</b>	<b>IN THE 366TH JUDICIAL</b>
<b>VS.</b>	<b>§</b>	<b>DISTRICT COURT OF</b>
<b>MICHAEL KEVIN ADAMS</b>	<b>§</b>	<b>COLLIN COUNTY, TEXAS</b>

**CHARGE OF THE COURT**

**MEMBERS OF THE JURY:**

The defendant, **MICHAEL KEVIN ADAMS**, stands charged by indictment with the offense of **Capital Murder**, alleged to have been committed on or about the 9<sup>th</sup> day of September, 2013, in Collin County, Texas. To this charge the defendant has pleaded not guilty.

Our law provides that a person commits Capital Murder when he intentionally commits Murder in the course of committing or attempting to commit Retaliation.

An “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.

A person commits the offense of Murder if the person intentionally or knowingly causes the death of an individual.

“Individual” means a human being who is alive.

A person commits the offense of Retaliation if he intentionally or knowingly harms or threatens to harm another by an unlawful act:

1. in retaliation for or on account of the service or status of another as a:
  - a) witness or prospective witness; or
  - b) person who has reported or who the actor knows intends to report the occurrence of a crime; or

2. to prevent or delay the service of another as a:

- a) witness or prospective witness; or
- b) person who has reported or who the actor knows intends to report the occurrence of a crime.

“Unlawful” means criminal or tortious or both and includes what would be criminal or tortious but for a defense not amounting to justification or privilege.

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 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 the conduct is reasonably certain to cause the result.

For the purpose of Murder, a person acts intentionally with respect to a result of his conduct when it is his conscious objective or desire to cause the result. Also for the purpose of Murder, a person acts knowingly with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

### Application of Law to Facts

#### Capital Murder

**Now**, if you find from the evidence beyond a reasonable doubt that on or about the 9th day of September, 2013, in Collin County, Texas, that **MICHAEL KEVIN ADAMS**, did then and there, intentionally cause the death of an individual, namely, Nicole Leger, by shooting Nicole Leger with a firearm, and the defendant was then and there in the course of committing or attempting to commit the offense of retaliation against Nicole Leger, then you will find him guilty of Capital Murder.

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt as to

whether the defendant is guilty of Capital Murder, you will find the defendant not guilty.

You are instructed that if there is any testimony before you in this case regarding the defendant's having committed offenses other than the offense 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 offense or offenses, if any were committed, and even then you may only consider the same in determining intent *or* knowledge *or* identity *or* motive *or* common plan *or* scheme *or* to rebut a defensive theory, if it does, and for no other purpose.

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.

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.

You are instructed that the Grand Jury indictment is not evidence of guilt. It is the means whereby a defendant is brought to trial in a felony prosecution. It is not evidence, nor can it be considered by you in passing upon whether the defendant is guilty or not guilty.

In all criminal cases, the burden of proof is on the State throughout the trial and never shifts to the accused person. 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.

You are instructed that you are not to allow yourselves to be influenced in any degree whatsoever by what you may think or surmise the opinion of the Court to be. The Court has no right by any word or any act to indicate any opinion respecting any matter of fact involved in this case, nor to indicate any desire respecting its outcome. The Court has not intended to express any opinion respecting any matter of fact in this case, and if you have observed anything which you have or may interpret as the Court's opinion upon any matter of fact in this case, you must wholly disregard it.

You are instructed that any statements of counsel made during the course of the trial or during argument not supported by the evidence, or statements of laws made by counsel not in harmony with the law as stated to you by the Court in these instructions, are to be wholly disregarded.

When words are used in this charge in a sense which vary from the meaning commonly understood, you will be given a proper legal definition, which you are bound to follow and accept in place of any other meaning.

After you have retired to your jury room, you should elect one of your members as your presiding juror. It is his or her duty to preside at your deliberations, vote with you, see that your deliberations are conducted in an orderly manner and in accordance with the instructions in this charge, write out and hand to the bailiff any communications concerning the case which you desire to have delivered to the Court, and, when you have unanimously agreed upon a verdict, to certify your verdict by signing the same as presiding juror.

After you have retired to consider your verdict, no one has any authority to communicate with you except the bailiff of this Court. You should not discuss the case with anyone, not even with other members of the jury, unless all of you are present and assembled in the jury room. Should anyone attempt to talk to you about the case before the verdict is returned, whether at the courthouse, at your home, or elsewhere, please so inform the judge.

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

During your deliberations in this case, you must not consider, discuss, or relate any matters not in evidence before you. You should not consider or 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.

You are charged that it is only from the witness stand that the jury is permitted to receive evidence regarding the case, and no juror is permitted to communicate to any other juror anything he may have heard regarding the case from any source other than the witness stand.

You are further instructed that you should not question the Bailiff concerning the testimony or the law of the case, nor should you discuss the case in his presence. If you have any questions, you should reduce them to writing, to be signed by your presiding juror, and present them to the Court.

If the jurors disagree as to the statement of any witnesses, they may, upon applying to the Court, have read to them from the Court Reporter's notes that part of such witnesses' testimony on the point in dispute. A request to have the Court Reporter's notes read cannot be complied with unless the jury disagrees as to the statement of the witness. Therefore, it will be necessary, if you desire to hear any portion of the testimony of any witness, for you to certify that you are in disagreement as to the statement of a witness, and you should request that part of the testimony on the point in dispute, and only on that point which is in dispute.

Suitable forms for your verdict are attached hereto. Your verdict must be in writing and signed by your presiding juror. Your sole duty at this time is to determine whether the defendant is guilty or not guilty under the indictment in this cause and you are to restrict your deliberations solely to that issue.

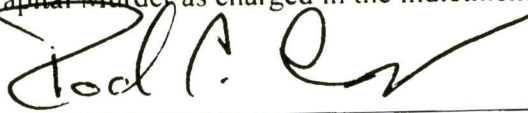
SIGNED this the 4 day of NOV, 2016.

  
\_\_\_\_\_  
PRESIDING JUDGE

\_\_\_\_\_  
PRINTED NAME OF PRESIDING JUDGE

**VERDICT FORM**

We, the Jury, find the defendant guilty of Capital Murder as charged in the indictment.



\_\_\_\_\_  
PRESIDING JUROR

**ROCH C LEGAULT**

*Printed Name of Presiding Juror*

**OR,**

We, the Jury, find the defendant not guilty.

\_\_\_\_\_  
PRESIDING JUROR

\_\_\_\_\_  
*Printed Name of Presiding Juror*