

CAUSE NO. F11-00698-K

Christina Rojas
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DISTRICT CLERK
DALLAS COUNTY TEXAS

THE STATE OF TEXAS § IN THE CRIMINAL DISTRICT
V. § COURT NO. 4 OF
NAIM RASOOL MUHAMMAD § DALLAS COUNTY, TEXAS

JURY INSTRUCTIONS FOR THE GUILT/INNOCENCE PHASE

MEMBERS OF THE JURY:

Naim Rasool Muhammad ("the defendant") stands charged by indictment with the offense of capital murder, alleged to have been committed on or about August 22, 2011, in Dallas County, Texas. To this charge, the defendant has pleaded not guilty.

You are instructed that the law applicable to this case is as follows:

Offense Definitions

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

A person commits capital murder if he murders more than one person during the same criminal transaction.

Term Definitions

"Person" means an individual.

"Individual" means a human being who is alive.

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

Mental State Definitions

A person acts intentionally, or with intent, with respect 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 a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

Capital Murder

Now bearing in mind the foregoing instructions, if you believe from the evidence beyond a reasonable doubt that, on or about August 22, 2011, in Dallas County, Texas, the defendant intentionally or knowingly caused the death of N. Muhammad, an individual, by drowning N. Muhammad with water, a deadly weapon, and during the same criminal transaction said defendant intentionally or knowingly caused the death of another individual, E. Muhammad, by drowning E. Muhammad with water, a deadly weapon, then you will find the defendant guilty of capital murder, as charged in the indictment.

If you do not so believe, or if you have a reasonable doubt thereof, you will acquit the defendant of capital murder and say by your verdict “not guilty.”

Presumptions and Burden of Proof

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 you are satisfied beyond a reasonable doubt of the defendant's guilt after careful and impartial consideration of all the evidence in this case.

The State 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. This burden rests upon the State throughout the trial and never shifts to the defendant. If the State fails to meet its burden, you must acquit the defendant.

It is not required that the State prove the defendant's guilt beyond all possible doubt; it is required that the State's proof excludes all "reasonable doubt" concerning the defendant's guilt.

Evidentiary Instructions

At times throughout the trial, the Court has been called upon to pass on the question of whether or not certain offered evidence might properly be admitted. Do not be concerned with the reasons for such rulings and draw no inferences from them. Whether offered evidence is admissible is purely a question of law. In admitting evidence to which an objection is made, the Court does not determine what weight should be given such evidence; nor does it pass on the credibility of the witness. As to any offer of evidence that has been rejected by the Court, you of

course must not consider the same. As to any question to which an objection was sustained, you must not conjecture as to what the answer might have been or as to the reason for the objection.

You are instructed that the defendant may testify in his own behalf if he chooses to do so, but if he elects not to do so, that fact cannot be taken by you as a circumstance against him or prejudice him in any way. The defendant has elected not to testify in this phase of the trial, and you are instructed that you cannot and must not refer to or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever.

You are instructed that if there is any testimony before you in this case regarding the defendant's having committed an offense other than the offense alleged against him in the indictment in this case, you cannot consider that testimony for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other offense, if any was committed, and even then you may only consider it in determining the intent, motive or state of mind of the defendant, and for no other purpose.

You are instructed that you may consider all relevant facts and circumstances surrounding the killings, if any, and the previous relationship existing between the defendant and the deceased, if any, together with all relevant facts and circumstances going to show the condition of the mind of the defendant at the time of the offense alleged in the indictment.

You are further charged as a part of the law in this case that the State is not required to prove the exact date alleged in the indictment but may prove the

offense, if any, to have been committed at any time prior to the presentment of the indictment.

Concluding Instructions

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.

In deliberating on this case, you are not to refer to or discuss any matter or issue not in evidence before you, and you are not to talk about this case to anyone not of your jury.

Mere sentiment, conjecture, sympathy, passion, prejudice, public opinion, or public feeling is to play no part in your deliberations.

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 and to follow the law from the Court.


After you have retired to consider the verdict, no one has any authority to communicate with you except the bailiff who has you in charge. You may communicate with this Court in writing, signed by your presiding juror, through the bailiff who has you in charge. Do not attempt to talk to the bailiff, the attorneys, or the Court concerning any question you may have.

After argument of counsel, you will retire and select one of your members as your presiding juror. It is the duty of your presiding juror to preside at your deliberations and to vote with you in arriving at a verdict. Your verdict must be unanimous, and after you have arrived at your verdict, you may use one of the attached forms by having your presiding juror sign the particular form that conforms to your verdict.


FUDGE QUAY PARKER

VERDICT FORMS

We, the jury, find the defendant guilty of capital murder, as charged in the indictment.



Presiding juror

We, the jury, find the defendant not guilty.

Presiding juror