

NO. 85794-CR

THE STATE OF TEXAS	§	IN THE 239TH
VS.	§	DISTRICT COURT OF
TRISTAN KEIR EDWARDS	§	BRAZORIA COUNTY, TEXAS

CHARGE OF THE COURT

MEMBERS OF THE JURY:

The defendant, TRISTAN KEIR EDWARDS, stands charged by indictment with the offense of Capital Murder, alleged to have been committed on or about the 18th day of September, 2018, in Brazoria County, Texas. To this charge the Defendant has pleaded not guilty.

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

A person commits the offense of Capital Murder when such person commits the murder, if any, to an individual under ten years of age.

“Person” means an individual.

“Individual” means a human being who is alive.

“Conduct” means an act and its accompanying mental state.

“Act” means a bodily movement, whether involuntary or voluntary.

“Intoxicated” means not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more substances, or any substance in the body.

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 further instructed that voluntary intoxication does not constitute a defense to the commission of crime.

Now, if you find from the evidence beyond a reasonable doubt that TRISTAN KEIR EDWARDS, hereinafter styled Defendant, on or about September 18, 2018, in Brazoria County, Texas, and before the presentment of the indictment, did then and there intentionally or knowingly cause the death of an individual under 10 years of age, namely Tristan Edwards Jr., by inflicting blunt force trauma to the head of the said Tristan Edwards Jr., by forcefully slamming the head of Tristan Edwards Jr. onto a floor;
OR

If you find from the evidence beyond a reasonable doubt that TRISTAN KEIR EDWARDS, hereinafter styled Defendant, on or about September 18, 2018, in Brazoria County, Texas, and before the presentment of the indictment, did then and there intentionally or knowingly cause the death of an individual under 10 years of age, namely Tristan Edwards Jr., by inflicting blunt force trauma to the head of Tristan Edwards Jr. by forcefully causing the head of Tristan Edwards Jr. to come into contact with a hard object; OR

If you find from the evidence beyond a reasonable doubt that TRISTAN KEIR EDWARDS, hereinafter styled Defendant, on or about September 18, 2018, in Brazoria County, Texas, and before the presentment of the indictment, did then and there

intentionally or knowingly cause the death of an individual under 10 years of age, namely Tristan Edwards Jr., by inflicting blunt force trauma to the head of Tristan Edwards Jr. by forcefully causing the head of Tristan Edwards Jr. to come into contact with a hard surface; OR

If you find from the evidence beyond a reasonable doubt that TRISTAN KEIR EDWARDS, hereinafter styled Defendant, on or about September 18, 2018, in Brazoria County, Texas, and before the presentment of the indictment, did then and there intentionally or knowingly cause the death of an individual under 10 years of age, namely Tristan Edwards Jr., by inflicting blunt force trauma to the head of Tristan Edwards Jr. by forcefully causing the head of Tristan Edwards Jr. to come into contact with a bathtub; OR

If you find from the evidence beyond a reasonable doubt that TRISTAN KEIR EDWARDS, hereinafter styled Defendant, on or about September 18, 2018, in Brazoria County, Texas, and before the presentment of the indictment, did then and there intentionally or knowingly cause the death of an individual under 10 years of age, namely Tristan Edwards Jr., by inflicting blunt force trauma to the head of Tristan Edwards, Jr., by forcefully causing a hard surface to come into contact with the head of the said Tristan Edwards, Jr.; OR

If you find from the evidence beyond a reasonable doubt that TRISTAN KEIR EDWARDS, hereinafter styled Defendant, on or about September 18, 2018, in Brazoria County, Texas, and before the presentment of the indictment, did then and there intentionally or knowingly cause the death of an individual under 10 years of age,

namely Tristan Edwards Jr., by inflicting blunt force trauma to the head of Tristan Edwards, Jr., by forcefully striking the head of Tristan Edwards Jr. with an unknown blunt object; OR

If you find from the evidence beyond a reasonable doubt that TRISTAN KEIR EDWARDS, hereinafter styled Defendant, on or about September 18, 2018, in Brazoria County, Texas, and before the presentment of the indictment, did then and there intentionally or knowingly cause the death of an individual under 10 years of age, namely Tristan Edwards Jr., by inflicting blunt force trauma to the head of Tristan Edwards, Jr., by forcefully slamming the body of Tristan Edwards Jr. onto the floor; OR

If you find from the evidence beyond a reasonable doubt that TRISTAN KEIR EDWARDS, hereinafter styled Defendant, on or about September 18, 2018, in Brazoria County, Texas, and before the presentment of the indictment, did then and there intentionally or knowingly cause the death of an individual under 10 years of age, namely Tristan Edwards Jr., by inflicting blunt force trauma to the head of Tristan Edwards, Jr., by forcefully causing the body of Tristan Edwards Jr. to come into contact with a hard object; OR

If you find from the evidence beyond a reasonable doubt that TRISTAN KEIR EDWARDS, hereinafter styled Defendant, on or about September 18, 2018, in Brazoria County, Texas, and before the presentment of the indictment, did then and there intentionally or knowingly cause the death of an individual under 10 years of age, namely Tristan Edwards Jr., by inflicting blunt force trauma to the head of Tristan Edwards, Jr., by forcefully causing the body of Tristan Edwards Jr. to come into contact

with a hard surface; OR

If you find from the evidence beyond a reasonable doubt that TRISTAN KEIR EDWARDS, hereinafter styled Defendant, on or about September 18, 2018, in Brazoria County, Texas, and before the presentment of the indictment, did then and there intentionally or knowingly cause the death of an individual under 10 years of age, namely Tristan Edwards Jr., by inflicting blunt force trauma to the head of Tristan Edwards, Jr., by forcefully causing the body of Tristan Edwards Jr. to come into contact with a bathtub; OR

If you find from the evidence beyond a reasonable doubt that TRISTAN KEIR EDWARDS, hereinafter styled Defendant, on or about September 18, 2018, in Brazoria County, Texas, and before the presentment of the indictment, did then and there intentionally or knowingly cause the death of an individual under 10 years of age, namely Tristan Edwards Jr., by inflicting blunt force trauma to the head of Tristan Edwards, Jr., by forcefully causing a hard surface to come into contact with the head of the said Tristan Edwards, Jr.; then you will find the defendant guilty of Capital Murder.

Unless you believe from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will find the defendant not guilty of Capital Murder.

You are instructed that it is an affirmative defense to prosecution that, at the time of the conduct charged, the Defendant, as a result of severe mental disease or defect, did not know that his conduct was wrong.

The term "mental disease or defect" does not include an abnormality manifested

only by repeated criminal or otherwise anti-social conduct.

The severe mental disease or defect must have existed at the very time or times inquired about, that is, at the very time of the alleged commission of the offense.

The burden of proof is on the Defendant to prove an affirmative defense by a preponderance of the evidence. "Preponderance of the evidence" means the greater weight of the credible evidence.

Now, therefore, if you find and believe from the evidence beyond a reasonable doubt that the Defendant committed the offense of Capital Murder, but you further find by a preponderance of the evidence that, at the time of the conduct charged, the defendant as a result of severe mental disease or defect, did not know his conduct was wrong, you will acquit the Defendant and say by your verdict "not guilty by reason of insanity."

You are further instructed that unless you believe from the evidence beyond a reasonable doubt that the alleged statements introduced into evidence were freely and voluntarily made by TRISTAN KEIR EDWARDS without compulsion or persuasion, or if you have a reasonable doubt thereof, you shall not consider such alleged statements for any purpose nor any evidence obtained as a result thereof.

You are instructed that if there is any testimony before you in this case regarding the defendant's having committed offenses other than the offenses 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 offenses, if any were committed, and even then you may only consider the same in determining the intent of the defendant and knowledge, if any, in connection with the

offenses, if any alleged against him in the indictment in this case, and for no other purpose.

In a criminal case the law permits a defendant to testify in his own behalf but he is not compelled to do so, and the same law provides that the fact that a defendant does not testify shall not be considered as a circumstance against him. You will, therefore, not consider the fact that the defendant did not testify as a circumstance against him; and you will not in your retirement to consider your verdict allude to, comment on, or in any manner refer to the fact that the defendant has not testified.

All persons are presumed to be innocent and no person may be convicted unless each element of an offense is proved beyond a reasonable doubt. The fact that a defendant has been arrested, confined, or indicted for, or otherwise charged with an offense gives rise to no inference of guilt at her 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.

In the event you have a reasonable doubt as to the defendant's guilt after considering all the evidence before you, and these instructions, you will acquit him and say by your verdict not guilty.

You are limited in your deliberations upon a verdict to the consideration and discussion of such facts and circumstances only as were admitted in evidence, or as are reasonably deducible from the evidence, and no juror is permitted to communicate to any other juror anything she or he may have heard regarding the case, or any witness therein, from any source other than the witness stand. In deliberating on the cause, you are not to refer to or discuss any matter or issue not in evidence before you; nor talk about this case to anyone not of your jury.

During your deliberations you are instructed that you should not consider the remarks, rulings or actions of the judge presiding during this trial as any indication of the Court's opinion as to the existence or nonexistence of any fact or as an indication of the Court's opinion as to the guilt or innocence of the defendant.

Your deliberations at this time are solely limited to the guilt or innocence of the defendant and you are not authorized to pass upon the punishment, if any, to be imposed.

You have been permitted to take notes during the testimony in this case. In the event any of you took notes, you may rely on your notes during your deliberations. However, you may not share your notes with the other jurors and you should not permit the other jurors to share their notes with you. You may not use your notes as authority to persuade your fellow jurors. In your deliberations, give no more and no less weight to the

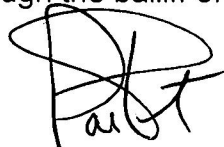
views of a fellow juror just because that juror did or did not take notes. Your notes are not official transcripts. They are personal memory aids, just like the notes of the judge and the notes of the lawyers. Notes are valuable as a stimulant to your memory. On the other hand, you might make an error in observing or you might make a mistake in recording what you have seen or heard.

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 you and be governed thereby.

After argument of counsel, you will retire and select one of your members as your presiding juror. It is her or his duty 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 the forms attached hereto by having your presiding juror sign her or his name. Your presiding juror will sign one form only.

After you have retired to consider your verdict, no one has the authority to communicate with you except the officer, bailiff of the Court, who has you in charge.

In the event you desire to communicate with the Court on any matter in connection with your deliberations, your presiding juror will notify the bailiff, who will inform the Court thereof. Any communication relative to the cause must be written, signed by the presiding juror and submitted to the Court through the bailiff of the Court.



JUDGE PRESIDING

FILED
At 10:32 o'clock A M.

AUG 23 2022

Donna Starkey
Clerk of District Court Brazoria Co., Texas
BY _____ DEPUTY

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THE STATE OF TEXAS

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IN THE 239TH

VS.

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DISTRICT COURT OF

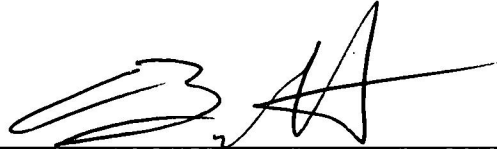
TRISTAN KEIR EDWARDS

§

BRAZORIA COUNTY, TEXAS

VERDICT

We, the jury, find the defendant, TRISTAN KEIR EDWARDS, guilty of the offense of Capital Murder as charged in the indictment.



PRESIDING JUROR

FILED
At 4:41 o'clock P M.

AUG 23 2022

Donna S. Caskey
Clerk of District Court Brazoria Co. Texas
BY _____ DEPUTY

NO. 85794-CR

THE STATE OF TEXAS

§

IN THE 239TH

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DISTRICT COURT OF

TRISTAN KEIR EDWARDS

§

BRAZORIA COUNTY, TEXAS

VERDICT

We, the jury, find the defendant, TRISTAN KEIR EDWARDS, not guilty of Capital Murder by reason of insanity.

PRESIDING JUROR

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TRISTAN KEIR EDWARDS	§	BRAZORIA COUNTY, TEXAS

VERDICT

We, the jury, find the defendant, TRISTAN KEIR EDWARDS, not guilty of the offense of Capital Murder as charged in the indictment.

PRESIDING JUROR