

FILED
DENTON COUNTY, TEXAS
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DAVID TRANHAM
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NO. F23-2399-362

THE STATE OF TEXAS
VS.
BENJAMINPAUL TEAL

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IN THE 362ND JUDICIAL
DISTRICT COURT OF
DENTON COUNTY, TEXAS

CHARGE OF THE COURT

LADIES AND GENTLEMEN OF THE JURY:

The defendant, BENJAMINPAUL TEAL, stands charged by indictment with the offense of Capital Murder, alleged to have been committed on or about the 23rd day of March, 2023. The defendant has pleaded not guilty.

A person commits Capital Murder when the person intentionally commits Murder and the person Murders more than one person during the same criminal transaction.

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

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 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.

CRIMINAL RESPONSIBILITY FOR CONDUCT OF ANOTHER

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

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.

Mere presence alone will not make a person a party to an offense.

CAPITAL MURDER

Therefore, if you believe from the evidence beyond a reasonable doubt that the defendant, BENJAMINPAUL TEAL, on or about the 23rd day of March, 2023, in Denton County, Texas, did then and there intentionally or knowingly cause the death of an individual, namely, Breanna Dunn, by shooting Breanna Dunn with a firearm, and the defendant on or about the 23rd day of March, 2023, in Denton County, Texas, did then and there intentionally or knowingly cause the death of an individual, namely, Ronald Calvert, Jr., by shooting Ronald Calvert, Jr. with a firearm, and both murders were committed during the same criminal transaction, then you will find the defendant, BENJAMINPAUL TEAL, guilty of Capital Murder, as charged in the indictment;

OR

If you believe from the evidence beyond a reasonable doubt that the defendant, BENJAMINPAUL TEAL, on or about the 23rd day of March, 2023, in Denton County, Texas, did then and there, acting with intent to promote or assist the commission of the offense, either solicited, encouraged, directed, aided, or attempted to aid Silvester Williams in committing the offense, to wit: providing the firearm used in the commission of the offense, and Silvester Williams, on or about the 23rd day of March, 2023, in Denton County, Texas, did then and there intentionally or knowingly cause the death of an individual, Breanna Dunn, by shooting Breanna Dunn with a firearm, and Silvester Williams did then and there intentionally or knowingly cause the death of an individual, Ronald Calvert, Jr., by shooting Ronald Calvert, Jr. with a firearm, and both murders were committed during the same criminal transaction, then you will find the defendant, BENJAMINPAUL TEAL, guilty of Capital Murder, as charged in the indictment;

If you do not so believe beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will next consider whether or not the defendant is guilty of the lesser included offense of Murder.

LESSER INCLUDED MURDER

If you believe from the evidence beyond a reasonable doubt that the defendant, BENJAMINPAUL TEAL, on or about the 23rd day of March, 2023, in Denton County, Texas, did then and there intentionally or knowingly cause the death of an individual, namely, Breanna Dunn, by shooting Breanna Dunn with a firearm, or the defendant on or about the 23rd day of March, 2023, in Denton County, Texas, did then and there intentionally or knowingly cause the death of an individual, namely, Ronald Calvert, Jr., by shooting Ronald Calvert, Jr. with a firearm, then you will find the defendant, BENJAMINPAUL TEAL, guilty of Murder, a lesser included offense than that as charged in the indictment;

OR

If you believe from the evidence beyond a reasonable doubt that the defendant, BENJAMINPAUL TEAL, on or about the 23rd day of March, 2023, in Denton County, Texas, did then and there, acting with intent to promote or assist the commission of the offense of Murder, either solicited, encouraged, directed, aided, or attempted to aid Silvester Williams in committing Murder, to wit: providing the firearm used in the commission of the offense, and Silvester Williams, on or about the 23rd day of March, 2023, in Denton County, Texas, did then and there intentionally or knowingly cause the death of an individual, Breanna Dunn, by shooting Breanna Dunn with a firearm, or Silvester Williams did then and there intentionally or knowingly cause the death of an individual, Ronald Calvert, Jr., by shooting Ronald Calvert, Jr. with a firearm, then you will find the defendant, BENJAMINPAUL TEAL, guilty of Murder, a lesser included offense than that as charged in the indictment.

If you do not so believe, or if you have a reasonable doubt thereof, you will find the defendant not guilty.

You are instructed that an indictment is no evidence of guilt. Therefore, the indictment in this case shall not be considered by the jury as any evidence of guilt, if any.

Our law provides that a defendant may testify if he elects to do so. However, in the event a defendant does not testify, the fact that he did not testify cannot be considered as evidence or circumstance against him or anyone else. You are instructed that you cannot, and must not, refer to or allude to the election of any defendant to not testify when you enter your deliberations, or take such election into consideration for any purpose whatever as evidence or a circumstance against the defendant.

You are instructed that if there is any testimony before you in this case regarding the defendant having committed offenses other than the offense alleged against him in the indictment in this case, you cannot consider said testimony for any other purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other offenses, if any were committed. Even then, you may only consider the same in determining the motive, opportunity, preparation, intent, plan, knowledge, or identity of the defendant, if any, in connection with the offense, if any, alleged against him in the indictment in the case and for no other purpose.

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. You are not to draw any 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 must not consider the rejected evidence. 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 you are not to allow yourselves to be influenced in any degree whatsoever by what you think or surmise the opinion of the Court to be. The Court has no right by any word or any act to indicate any desire respecting the trial's outcome. The Court has not intended to express any opinion upon any matter of fact in this case. 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, are not evidence.

If a word or term used in this charge is not specifically defined by the Court, the word or term is to be interpreted with its common and ordinary meaning.

You are limited in your deliberations as jurors on the verdict of guilt or innocence. You are to consider and discuss only the facts and circumstances as were admitted into evidence. You should not consider nor discuss facts and circumstances that are not in evidence, nor should you make deductions that are not based upon the evidence. You are instructed that no juror may lawfully relate any fact or circumstance of which he or she may claim to have knowledge which has not been admitted into evidence before you. If any evidence has been withdrawn from the jury by the Court, you will not discuss or consider it for any purpose.

All persons are presumed to be innocent and no person may be convicted of any offense unless each element of the offense is proved beyond a reasonable doubt. The fact that a person has been arrested, confined, 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.

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. If the prosecution fails to do so, you must acquit the defendant.

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.

The Presiding Juror or any other juror who observes a violation of the Court's instructions shall immediately warn the one who is violating the same and caution the juror not to do so again.

You will make no further finding in this case except to show in the blank on the form of verdict whether the defendant is guilty beyond a reasonable doubt, or not guilty, as you may find and determine from the law and the evidence in this case.

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. You can believe or disbelieve all or any part of any testimony of any witness or witnesses, but you are bound to receive the law from the Court, which is contained in this charge. You shall be governed by the instructions in this charge.

After you retire to your jury room you should select one of your members as your Presiding Juror. It is the Presiding Juror's 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, and signing the same as Presiding Juror.

SIGNED this the 8th day of October, 2024.



Bruce McFarling,
Judge Presiding

VERDICT FORM

(Presiding Juror to sign only one)

We, the jury, find the defendant, BENJAMINPAUL TEAL, guilty of the offense of Capital Murder, as alleged in the indictment.



Presiding Juror

We, the jury, find the defendant, BENJAMINPAUL TEAL, guilty of the offense of Murder, a lesser included offense of that in the indictment.

Presiding Juror

We, the jury, find the defendant, BENJAMINPAUL TEAL, not guilty.

Presiding Juror