

THE STATE OF TEXAS	\$	IN THE DISTRICT COURT
VS.	\$	226TH JUDICIAL DISTRICT
SHANDRICK BUCKLEY	\$	BEXAR COUNTY, TEXAS

GLORIA A. MARTINEZ
District Clerk, Bexar County, Texas
BY [Signature] DEPUTY

3.

"Another" means a person other than the actor.

"Individual" means a human being who is alive.

4.

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.

5.

You are instructed that under our law no evidence obtained by an officer or other person in violation of any provisions of the Constitution or laws of the State of Texas, or the Constitution or laws of the United States of America, shall be admitted in evidence against the accused on the trial of any criminal case.

Therefore, if you believe or have a reasonable doubt that evidence was obtained in violation of any provisions of the Constitution or laws of the State of Texas, or of the Constitution or laws of the United States of America, in such event, the jury shall disregard any such evidence so obtained.

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

6. The Law on Self Defense

It is a defense to this prosecution if the defendant's conduct was justified by the law of self defense.

A person is justified in using force against another when and to the degree he reasonably believes the force is immediately necessary to protect himself against the other's use or attempted use of unlawful force.

The use of force or deadly force is not justified in response to verbal provocation alone.

A person is justified in using deadly force against another:

- (1) If the person would be justified in using force against the other in the first place, as set out above; and
- (2) When and to the degree the person reasonably believes the deadly force is immediately necessary to protect himself against the other's use or attempted use of unlawful deadly force.

"Reasonable belief" means a belief that would be held by an ordinary and prudent person in the same circumstances as the defendant.

"Deadly force" means force that is intended or known by the person using it to cause, or in the manner of its use or

intended use is capable of causing, death or serious bodily injury.

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

"Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

"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 has a right to defend himself from apparent danger to the same extent as he would had the danger been real provided he acted upon a reasonable apprehension of danger as it appeared to him from his standpoint at the time.

A person (1) who has a right to be present at the location where the deadly force is used, and (2) who has not provoked the person against whom the deadly force is used, and (3) who is not engaged in criminal activity at the time the deadly force is used is not required to retreat before using deadly force. If all three of these factors are met, then in determining whether such actor reasonably believed that the use of force was necessary, a finder of fact may not consider whether the actor

failed to retreat.

The defendant is not required to prove self defense. The state must prove beyond a reasonable doubt that the defendant's conduct was not justified by self defense.

7. Capital Murder

Now, if you unanimously find from the evidence beyond a reasonable doubt that on or about the 30th Day of May, 2019, in Bexar County, Texas, the defendant, Shandrick Buckley, did then and there intentionally or knowingly cause the death of an individual, namely, Alexander Wise, by striking Alexander Wise with the hands of Shandrick Buckley and/or striking Alexander Wise with the feet of Shandrick Buckley, and Shandrick Buckley was then and there incarcerated for the offense of murder;

Then you will next consider whether the defendant, Shandrick Buckley, acted in self defense, and proceed to Paragraph 8.

If you do not so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will find the defendant, Shandrick Buckley, "not guilty" of the offense of capital murder as charged in the indictment, and do not consider Paragraph 8.

8. Self Defense to Capital Murder

Keeping in mind the instructions on self defense given in Paragraph 6, even if you unanimously find that the State has proven beyond a reasonable doubt that the defendant, Shandrick Buckley, committed the offense of capital murder as charged in the indictment, you must next decide whether the State has proven beyond a reasonable doubt that the defendant did not act in self defense.

Therefore, if you find from the evidence beyond a reasonable doubt that the defendant, Shandrick Buckley, committed the offense of capital murder as charged in the indictment;

But you further find from the evidence that, or you have a reasonable doubt as to whether, at the time he did so:

- (1) Shandrick Buckley reasonably believed, as viewed from his standpoint, that Alexander Wise was using or attempting to use unlawful deadly force against Shandrick Buckley; and
- (2) Shandrick Buckley reasonably believed, as viewed from his standpoint, that his use of deadly force and the degree of deadly force used were immediately necessary to protect himself against Alexander Wise's use or attempted use of unlawful deadly force; and

(3) Shandrick Buckley's use of deadly force was not in response to verbal provocation alone;

Then, you will acquit the defendant, Shandrick Buckley, and say by your verdict "not guilty" of the offense of capital murder as charged in the indictment.

However, if you find from the evidence beyond a reasonable doubt that Shandrick Buckley committed the offense of capital murder as charged in the indictment;

And you further find from the evidence beyond a reasonable doubt that:

(1) Shandrick Buckley did not reasonably believe, as viewed from his standpoint, that Alexander Wise was using or attempting to use unlawful deadly force against Shandrick Buckley; or

(2) Shandrick Buckley did not reasonably believe, as viewed from his standpoint, that his use of deadly force and the degree of deadly force used were immediately necessary to protect himself against Alexander Wise's use or attempted use of unlawful deadly force; or

(3) Shandrick Buckley's use of deadly force was in response to verbal provocation alone;

Then, you will find against the defendant on his claim of

self defense, and you will find the defendant, Shandrick Buckley, "guilty" of the offense of capital murder as charged in the indictment.

You are instructed that if there is any evidence before you in this case regarding the defendant's having committed offenses or acts of misconduct 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 act of misconduct, if any were committed, and even then you may only consider the same in determining the intent, absence of mistake, and/or lack of accident, if any, of the defendant, or to rebut a defensive theory, if any, and for no other purpose.

Our law provides a defendant may testify in his own behalf if he elects to do so. This, however, is a right 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 him.

You are instructed that you must not communicate with or provide any information to anyone or receive any information from anyone by any means about this case. You may not use any electronic device or media, such as telephone, cell phone, smart phone, iPhone, Blackberry, iPad, tablet, or computer; the internet, any internet service, or any text or instant messaging service; or any social media platform, internet chat room, blog, or website to include, but not limited to, Google, Facebook, My Space, Instagram, Snapchat, LinkedIn, YouTube, TikTok, Twitter or X, to communicate with anyone any information or receive any information from anyone about this case or to conduct any research about this case until I accept your verdict.

Written statements made by a witness to investigators or other officers or police reports made by officers and tendered by the prosecution to the defense for purposes of cross-examination are not part of the evidence unless introduced in evidence. Many times statements and reports may be marked with an exhibit number but are neither offered nor received in evidence. The Court can send only statements and reports received in evidence to the jury room.

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 determining whether the defendant is guilty or not guilty.

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.

The burden of proof in all criminal cases rests upon the State throughout the trial, and never shifts to 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.

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 instructed that you are not to let bias, prejudice, or sympathy play any 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 the testimony but the law of the case you must receive from the Court as contained in these instructions and be governed thereby. You must disregard any comment or statement made by the Court during the trial or in these instructions which may seem to indicate an opinion with respect to any fact, item of evidence or verdict to be reached in this case. No such indication was intended.

After argument of counsel, you will retire to the jury room, select your own Presiding Juror and proceed with your deliberations. After you have reached a unanimous verdict the

Presiding Juror will certify thereto by filling in the appropriate forms attached to this charge and signing his or her name as Presiding Juror. The forms are not intended to suggest to you what your verdict should be.

Your sole duty at this time is to determine whether the defendant is guilty or not guilty under the indictment in this cause and restrict your deliberations to the issue of whether the defendant is guilty or not guilty, and nothing else. If the Jury wishes to communicate with the Court, they shall notify the deputy.

Any and all communication relative to the case must be written, prepared by the presiding juror, and submitted to the Court through the deputy.

Respectfully submitted,

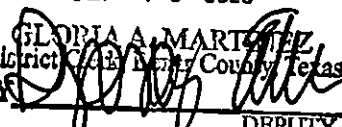


JUDGE BENJAMIN ROBERTSON
226th Judicial District
Bexar County, Texas

FILED

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GLORIA A. MARTINEZ
District Clerk Bexar County, Texas
BY  DEPUTY

THE STATE OF TEXAS § IN THE DISTRICT COURT
VS. § 226TH JUDICIAL DISTRICT
SHANDRICK BUCKLEY § BEXAR COUNTY, TEXAS

We, the Jury, find the defendant, Shandrick Buckley, "not guilty" of the offense of capital murder as charged in the indictment.

OR

We, the Jury, find the defendant, Shandrick Buckley, "guilty" of the offense of capital murder as charged in the indictment.

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