

11-DCR-056513  
CHCC  
Charge of the Court  
3096017



No. 11 DCR 56513

THE STATE OF TEXAS	{	IN THE DISTRICT COURT OF
	}	
VS.	{	FORT BEND COUNTY, TEXAS
	}	
CORNELIUS MILAN HARPER	{	434 <sup>TH</sup> JUDICIAL DISTRICT
	}	

COURT'S CHARGE TO THE JURY

LADIES AND GENTLEMEN OF THE JURY:

The defendant, CORNELIUS MILAN HARPER, stands charged by multi-paragraph indictment with the offense of capital murder, alleged to have been committed on or about the 26<sup>th</sup> day of September 2010, in Fort Bend County, Texas. The defendant has pleaded not guilty.

I.

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

A person commits capital murder if he intentionally or knowingly causes the death of more than one person during the same criminal transaction.

A person also commits capital murder if he commits murder as defined above and he murders more than one person during different criminal transactions, but the murders are committed pursuant to the same scheme or course of conduct.

II.

"Person" means an individual.

"Individual" means a human being who is alive, including an unborn child at every stage of gestation from fertilization until birth.

III.

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.

## IV.

You are instructed that in the defendant's statement to the police there is evidence of the defendant having committed other crimes than the offense that he is charged with in this case. This evidence was not offered to prove that the defendant committed the other crimes. You may consider the evidence about the other crimes only for the purpose of determining the credibility of the defendant, and not as evidence that he committed the offense charged in this case.

You are instructed that in the defendant's testimony there is evidence of the defendant having committed other crimes, to-wit: an aggravated robbery, a crime that he is not charged with in this case. You may consider the evidence about the other crime only for the purpose of determining the credibility of the defendant, and not as evidence that he committed the offense charged in this case.

A defendant may not be convicted of an offense on the testimony of a person to whom the defendant made a statement against the defendant's interest during a time when the defendant was imprisoned or confined in the same correctional facility as the defendant unless the testimony is corroborated by other evidence tending to connect the defendant with the offense committed. "Correctional facility" includes a county jail. Corroboration is not sufficient if the corroboration merely shows that an offense was committed. Now, if you find that Tyler Quinn was imprisoned or confined in the same correctional facility and at the same time as the defendant, Cornelius Milan Harper, and that the defendant made a statement against his interest to Tyler Quinn, you cannot convict the defendant on the testimony of Tyler Quinn alone, unless you first find that the testimony of Tyler Quinn is true, and is corroborated by other evidence that tends to connect the defendant to the offense, and such evidence must show more than the mere fact that an offense was committed, and then from all the evidence, you must believe

beyond a reasonable doubt that the Defendant is guilty of the offense charged against him, or if you have a reasonable doubt thereof, you will acquit the defendant.

## V.

Now bearing in mind the foregoing instructions and definitions, if you believe from the evidence beyond a reasonable doubt, that the defendant, Cornelius Milan Harper, on or about the 26<sup>th</sup> day of September, 2010,

(Paragraph 1) did murder more than one person during the same criminal transaction, to-wit: that Cornelius Milan Harper, did in Fort Bend County, Texas, intentionally or knowingly cause the death of an individual, Leiah Jackson, by stabbing her; and that Cornelius Milan Harper did in Fort Bend County, Texas, intentionally or knowingly cause the death of an individual, the unborn child of Leiah Jackson also known as "Baby Daniels", by stabbing and killing Leiah Jackson; OR

(Paragraph 2a) did murder more than one person during the same criminal transaction, to-wit: that Cornelius Milan Harper did in Fort Bend County, Texas, intentionally or knowingly cause the death of an individual, Leiah Jackson, by stabbing her; and that Cornelius Milan Harper did in Harris County, Texas, intentionally or knowingly cause the death of an individual, Yancey Daniels, by shooting him; OR

(Paragraph 2b) did murder more than one person during the same criminal transaction, to-wit: that Cornelius Milan Harper did in Fort Bend County, Texas, intentionally or knowingly cause the death of an individual, the unborn child of Leiah Jackson also known as "Baby Daniels", by stabbing and killing Leiah Jackson; and that Cornelius Milan Harper did in Harris County, Texas, intentionally or knowingly cause the death of an individual, Yancey Daniels, by shooting him; OR

(Paragraph 2c) did murder more than one person during the same criminal transaction, to-wit: that Cornelius Milan Harper did in Fort Bend County, Texas, intentionally or knowingly cause the death of an individual, Leiah Jackson, by stabbing her; that Cornelius Milan Harper did in Fort Bend County, Texas, intentionally or knowingly cause the death of an individual, the unborn child of Leiah Jackson also known as "Baby Daniels", by stabbing and killing Leiah Jackson; and that Cornelius Milan Harper did in Harris County, Texas, intentionally or knowingly cause the death of an individual, Yancey Daniels, by shooting him; OR

(Paragraph 3a) did murder more than one person during different criminal transactions

but pursuant to the same scheme or course of conduct, to-wit: that Cornelius Milan Harper did in Fort Bend County, Texas, intentionally or knowingly cause the death of an individual, Leiah Jackson, by stabbing her; and that Cornelius Milan Harper did in Fort Bend County, Texas, intentionally or knowingly cause the death of an individual, the unborn child of Leiah Jackson also known as "Baby Daniels", by stabbing and killing Leiah Jackson; OR

(Paragraph 3b) did murder more than one person during different criminal transactions but pursuant to the same scheme or course of conduct, to-wit: that Cornelius Milan Harper did in Fort Bend County, Texas, intentionally or knowingly cause the death of an individual, Leiah Jackson, by stabbing her; and that Cornelius Milan Harper did in Harris County, Texas, intentionally or knowingly cause the death of an individual, Yancey Daniels, by shooting him; OR

(Paragraph 3c) did murder more than one person during different criminal transactions but pursuant to the same scheme or course of conduct, to-wit: that Cornelius Milan Harper did in Fort Bend County, Texas, intentionally or knowingly cause the death of an individual, the unborn child of Leiah Jackson also known as "Baby Daniels", by stabbing and killing Leiah Jackson; and that Cornelius Milan Harper did in Harris County, Texas, intentionally or knowingly cause the death of an individual, Yancey Daniels, by shooting him; OR

(Paragraph 3d) did murder more than one person during different criminal transactions but pursuant to the same scheme or course of conduct, to-wit: that Cornelius Milan Harper did in Fort Bend County, Texas, intentionally or knowingly cause the death of an individual, Leiah Jackson, by stabbing her; that Cornelius Milan Harper did in Fort Bend County, Texas, intentionally or knowingly cause the death of an individual, the unborn child of Leiah Jackson also known as "Baby Daniels", by stabbing and killing Leiah Jackson; and that Cornelius Milan Harper did in Harris County, Texas, intentionally or knowingly cause the death of an individual, Yancey Daniels, by shooting him;

then you will find the defendant guilty of the offense of capital murder and say so by your verdict, but if you do not so believe beyond a reasonable doubt, then you will acquit the defendant and say by your verdict "Not Guilty".

## VI.

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 he has been arrested for, 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, 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 only required that the prosecution's proof exclude all "reasonable doubt" as to the elements of the offense. In the event you have a reasonable doubt as to the defendant's guilt after considering all of the evidence before you, you will acquit him and say by your verdict "Not Guilty".

A grand jury indictment is the means hereby a defendant is brought to trial in a felony case. It is not evidence of guilt nor can it be considered by you in passing upon the question of guilt of the defendant. The burden of proof in all criminal cases rests upon the State throughout the trial and never shifts to the defendant.

You are charged that you are the exclusive judges of the facts proven, of the credibility of the witnesses and of the weight to be given their testimony, but the law of the case you must receive from the Court as laid down in these instructions, and be governed thereby.

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. You cannot legally and must not consider nor discuss any fact or circumstance



not thus in evidence or reasonably deducible from the evidence. Nor may a juror relate to any of the others any fact or circumstance of which he may have or claim to have knowledge or information that was not introduced in evidence. Neither may any of the jurors lawfully discuss anything else, so far as the evidence is concerned, other than the evidence introduced by the parties and admitted by the Court.

You will not talk about the case with anyone not of your jury, and even among yourselves, only when you are all together in the jury room prior to being discharged by the Court. During your deliberations, you must not communicate with or provide any information to anyone but your fellow jurors about this case. You may not use any electronic device or media, such as telephone, cell phone, smart phone, iPhone, Blackberry, or computer; the internet, any internet service, or any text or instant messaging service; or any internet chat room, blog, or website such as Facebook, My Space, LinkedIn, YouTube, or Twitter, to communicate with anyone any information about this case or to conduct any research about this case until I accept your verdict.

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

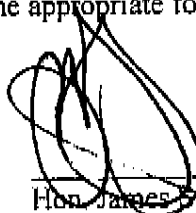
After argument of counsel, you will retire to the jury room, select your own foreman and proceed with your deliberations. It is the duty of your foreman to preside over your deliberations and to vote with you in arriving at your verdict. Your verdict must be unanimous.

After you have retired, you may communicate with this Court in writing through the officer who has you in charge. Do not attempt to talk to the officer, the attorneys, or the Court concerning any questions you may have. After you have reached a unanimous verdict, the foreman will certify thereof by filling in the appropriate form attached to this charge and signing his or her name as foreperson.

**FILED**

JUN 10 2014

2 35 P.M.  
Clerk of Court



Hon. James Shoemaker  
Judge Presiding

No. 11 DCR 56513

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IN THE DISTRICT COURT OF

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VS.

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FORT BEND COUNTY, TEXAS

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CORNELIUS MILAN HARPER

{}

434<sup>TH</sup> JUDICIAL DISTRICT

VERDICT FORM

We the Jury do hereby find the Defendant, CORNELIUS MILAN HARPER, "Guilty" of the offense of Capital Murder as charged in the indictment.



\_\_\_\_\_  
Foreperson of the Jury

**FILED**

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JUN 11 2014

AT 11:20 A.M.

*Charlie R. Jones, Clerk*  
Clerk District Court, Fort Bend Co., TX

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CORNELIUS MILAN HARPER	{}	434 <sup>TH</sup> JUDICIAL DISTRICT

VERDICT FORM

We the Jury do hereby find the Defendant, CORNELIUS MILAN HARPER, "Not Guilty"  
of the offense of Capital Murder as charged in the indictment.

\_\_\_\_\_  
Foreperson of the Jury