

NO. 07CR3753

THE STATE OF TEXAS

§

IN THE DISTRICT COURT

VS.

§

GALVESTON COUNTY, TEXAS

ROYCE CLYDE ZEIGLER II

§

10TH JUDICIAL DISTRICT

2009 NOV 08 AM 9:38  
L. Wilson  
DISTRICT CLERK  
GALVESTON COUNTY, TX.

**CHARGE OF THE COURT**

**LADIES AND GENTLEMEN OF THE JURY:**

The Defendant, ROYCE CLYDE ZEIGLER II, stands charged by indictment with the offense of Capital Murder, alleged to have been committed in Galveston County, Texas, on or about the 25<sup>th</sup> day of July, 2007. The Defendant has pleaded not guilty.

The term or phrase "in Galveston County, Texas" alleges the venue of the case, or where the case is properly brought to trial. The case is properly brought to trial, meaning venue is proper, where the injury occurs, where the death occurs, or where the dead body is found.

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

A person commits the offense of capital murder if he intentionally or knowingly causes the death of an individual under six (6) years of age.

"Individual" means a human being who has been born and is alive.

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.

A person acts recklessly, or is reckless, with respect to the result of his conduct when he

Coder

is aware of but consciously disregards a substantial and unjustifiable risk that the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances, as viewed from the actor's standpoint.

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 by 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 or encourages or directs or aids or attempts to aid the other person to commit the offense. Mere presence alone will not constitute one a party to an offense.

If, in the attempt to carry out a conspiracy to commit one felony, another felony is committed by one of the conspirators, then all conspirators are guilty of the felony actually committed, though having no intent to commit it, if the offense was committed in furtherance of the unlawful purpose and was one that should have been anticipated as a result of the carrying out of the conspiracy.

The term "conspiracy" means an agreement between two or more persons, that they or one or more of them engage in conduct that would constitute a felony. An agreement constituting a conspiracy may be inferred from acts of the parties.

Our law provides that a person commits the felony offense of Injury to a Child if he intentionally or knowingly causes serious bodily injury to a child.

"Child" means a person 14 years of age or younger.

“Bodily injury” means physical pain, illness, or any impairment of physical condition.

“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.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 25th day of July, 2007 in Galveston County, Texas, the defendant, ROYCE CLYDE ZEIGLER II, did then and there intentionally or knowingly cause the death of RILEY ANN SAWYERS, an individual under six years of age, by striking the said RILEY ANN SAWYERS with or against an object unknown to the Grand Jury or by a manner and means unknown to the Grand Jury;

OR

If you find from the evidence beyond a reasonable doubt that on or about the 25th day of July, 2007 in Galveston County, Texas, KIMBERLY DAWN TRENOR AKA KIMBERLY DAWN ZEIGLER, did then and there intentionally or knowingly cause the death of RILEY ANN SAWYERS, an individual under six years of age, by striking the said RILEY ANN SAWYERS with or against an object unknown to the Grand Jury or by a manner and means unknown to the Grand Jury and you further believe from the evidence beyond a reasonable doubt that on said date in said County and State, the Defendant ROYCE CLYDE ZEIGLER II, acting with the intent to promote or assist the commission of Capital Murder by KIMBERLY DAWN TRENOR AKA KIMBERLY DAWN ZEIGLER, solicited or encouraged or directed or aided or attempted to aid the said KIMBERLY DAWN TRENOR AKA KIMBERLY DAWN ZEIGLER, in intentionally or knowingly causing the death of RILEY ANN SAWYERS, an individual under six years of age, by the said KIMBERLY DAWN TRENOR AKA KIMBERLY DAWN ZEIGLER striking



the said RILEY ANN SAWYERS with or against an object unknown to the Grand Jury or by a manner and means unknown to the Grand Jury;

OR

If you find from the evidence beyond a reasonable doubt that the defendant, ROYCE CLYDE ZEIGLER II, entered into a conspiracy with KIMBERLY DAWN TRENOR AKA KIMBERLY DAWN ZEIGLER, to commit the felony offense of Injury to a Child of RILEY ANN SAWYERS and that on or about the 25th day of July, 2007 in the County of Galveston and State of Texas, in the attempt to carry out this agreement, if any, KIMBERLY DAWN TRENOR AKA KIMBERLY DAWN ZEIGLER, did intentionally or knowingly cause the death of RILEY ANN SAWYERS, an individual under six years of age, by striking the said RILEY ANN SAWYERS with or against an object unknown to the Grand Jury or by a manner and means unknown to the Grand Jury, if she did, and that such offense was committed in furtherance of the unlawful purpose to commit Injury to a Child of RILEY ANN SAWYERS and was an offense that should have been anticipated by the said ROYCE CLYDE ZEIGLER II as a result of the carrying out of the agreement, though having no intent to commit it;

THEN

you will find the Defendant ROYCE CLYDE ZEIGLER II guilty of Capital Murder.

Unless you find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, or if you are unable to agree you will next consider whether the Defendant is guilty of the lesser offense of Manslaughter.

Our law provides that a person commits the offense of Manslaughter if he recklessly causes the death of an individual.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 25<sup>th</sup> day of July, 2007 in Galveston County, Texas, the defendant, ROYCE CLYDE ZEIGLER II, did recklessly cause the death of an individual, namely RILEY ANN SAWYERS, by striking the said RILEY ANN SAWYERS with or against an object unknown to the Grand Jury or by a manner and means unknown to the Grand Jury;

OR

If you find from the evidence beyond a reasonable doubt that on or about the 25<sup>th</sup> day of July, 2007 in Galveston County, Texas, KIMBERLY DAWN TRENOR AKA KIMBERLY DAWN ZEIGLER, did recklessly cause the death of an individual, namely RILEY ANN SAWYERS, by striking the said RILEY ANN SAWYERS with or against an object unknown to the Grand Jury or by a manner and means unknown to the Grand Jury and you further believe from the evidence beyond a reasonable doubt that on said date in said County and State, the Defendant ROYCE CLYDE ZEIGLER II, acting with the intent to promote or assist the commission of Manslaughter by KIMBERLY DAWN TRENOR AKA KIMBERLY DAWN ZEIGLER, solicited or encouraged or directed or aided or attempted to aid the said KIMBERLY DAWN TRENOR AKA KIMBERLY DAWN ZEIGLER, in recklessly causing the death of an individual, namely RILEY ANN SAWYERS, by striking the said RILEY ANN SAWYERS with or against an object unknown to the Grand Jury or by a manner and means unknown to the Grand Jury;

OR

If you find from the evidence beyond a reasonable doubt that the defendant, ROYCE CLYDE ZEIGLER II, entered into a conspiracy with KIMBERLY DAWN TRENOR AKA

KIMBERLY DAWN ZEIGLER, to commit the felony offense of Injury to a Child of RILEY ANN SAWYERS and that on or about the 25th day of July, 2007 in the County of Galveston and State of Texas, in the attempt to carry out this agreement, if any, KIMBERLY DAWN TRENOR AKA KIMBERLY DAWN ZEIGLER, did recklessly cause the death of RILEY ANN SAWYERS, an individual, by striking the said RILEY ANN SAWYERS with or against an object unknown to the Grand Jury or by a manner and means unknown to the Grand Jury, if she did, and that such offense was committed in furtherance of the unlawful purpose to commit Injury to a Child of RILEY ANN SAWYERS and was an offense that should have been anticipated by the said ROYCE CLYDE ZEIGLER II as a result of the carrying out of the agreement, though having no intent to commit it,

THEN

you will find the Defendant ROYCE CLYDE ZEIGLER II guilty of the lesser included offense of Manslaughter.

If you find from the evidence beyond a reasonable doubt that the defendant is guilty of either Capital Murder or Manslaughter but you have a reasonable doubt as to which of said offenses he is guilty, THEN you must resolve that doubt in the defendant's favor and find him guilty of the lesser included offense of Manslaughter.

If you have a reasonable doubt as to whether the defendant is guilty of any offense defined in this charge, THEN you will acquit the defendant and say by your verdict "Not Guilty."

Our law provides that 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 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 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, motive, preparation, plan, or knowledge, if any, of the Defendant if any, in connection with the offenses, if any, alleged against him in the indictment in this case, and for no other purpose.

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

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

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.

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".

A Grand Jury indictment is the means whereby a Defendant is brought to trial in a felony prosecution. 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.

During your deliberations in this case, you must not consider, discuss, or relate any matters not in evidence before you. You should not consider or 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.

After you have retired to your jury room, you should select one of your members as your foreperson. It is his or her duty to preside at your deliberations, vote with you and, when you have unanimously agreed upon a verdict, to certify to your verdict by signing the same as foreperson.

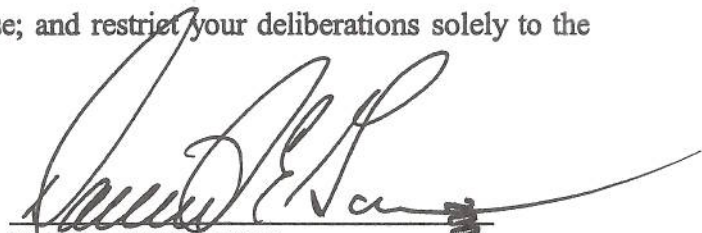

You are the exclusive judges of the facts proved, of the credibility of the witnesses, and of the weight to be given to the testimony, but you are bound to receive the law from the Court, which



is herein given to you, and be governed thereby.

No one has any authority to communicate with you except the officer who has you in charge. 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 who has you in charge, or the attorneys, or the court, or anyone else concerning any question you may have. After you have reached a unanimous verdict, the foreman will certify thereto by filling in the appropriate form attached to this charge and signing his or her name as foreperson.

Suitable forms for your verdict are hereto attached; your verdict must be in writing and signed by your foreperson. Your sole duty at this time is to determine whether the defendant is guilty or not guilty under the indictment in this case; and restrict your deliberations solely to the issue of whether the defendant is guilty or not guilty.

  
JUDGE PRESIDING  
  
DISTRICT CLERK  
GALVESTON COUNTY, TX.  
NOV - 6 AM 9:37

NO. 07CR3753

THE STATE OF TEXAS

§

IN THE DISTRICT COURT OF

VS.

§

GALVESTON COUNTY, TEXAS

ROYCE CLYDE ZEIGLER II


§

10TH JUDICIAL DISTRICT

VERDICT

We, the Jury, find the Defendant, ROYCE CLYDE ZEIGLER II, guilty of the Capital Murder as alleged in the indictment.

  
FOREPERSON OF THE JURY

LATONIA D. WILSON  
CLERK DISTRICT COURT  
FILED  
5:11pm  
NOV 06 2009  
GALVESTON COUNTY, TEXAS  
BY 

We, the Jury, find the Defendant, ROYCE CLYDE ZEIGLER II, guilty of offense of Manslaughter.

\_\_\_\_\_  
FOREPERSON OF THE JURY

We, the Jury, find the Defendant, ROYCE CLYDE ZEIGLER II, Not Guilty.

\_\_\_\_\_  
FOREPERSON OF THE JURY

Coded LP