

*Signed and Filed
in Court 4-27-18
JP
J. Harold
Judge
Presiding*

NO. 72,868

THE STATE OF TEXAS

*

IN THE DISTRICT COURT

VS.

*

OF BELL COUNTY, TEXAS

COREY THOMAS WILLIAMS

*

264TH JUDICIAL DISTRICT

CHARGE OF THE COURT

LADIES AND GENTLEMEN OF THE JURY:

The Defendant, COREY THOMAS WILLIAMS, stands charged by indictment with the offense of Capital Murder, alleged to have occurred on or about the 2nd day of April, 2014, in Bell County, Texas. To this indictment the Defendant has pleaded not guilty. You are instructed the law applicable to this case is as follows:

I.

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

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

A person commits the offense of capital murder if he commits murder, as defined above, in the course of committing or attempting to commit the offense of robbery.

II.

A person commits the offense of robbery if, in the course of committing theft as hereinafter defined, and with intent to obtain or maintain control of the property, he:

- (1) intentionally, knowingly or recklessly causes bodily injury to another; or



- (2) intentionally or knowingly threatens or places another in fear of imminent bodily injury or death.

"In the course of committing theft" means conduct that occurs in an attempt to commit, during the commission, or in immediate flight after the attempt or commission of theft.

A person commits an offense if he unlawfully appropriates property with intent to deprive the owner of property.

"Appropriate" means:

- (1) to bring about a transfer or purported transfer of title to or other non-possessory interest in property, whether to the actor or another; or
- (2) to acquire or otherwise exercise control over property other than real property.

"Deprive" means:

- (1) to withhold property from the owner permanently or for so extended a period of time that a major portion of the value or enjoyment of the property is lost to the owner;
- (2) to restore property only upon payment of reward or other compensation; or
- (3) to dispose of property in a manner that makes recovery of the property by the owner unlikely.

"Owner" means a person who has title to the property, possession of the property, whether lawful or not, or a greater right to possession of the property than the actor.

"Property" means:

(A) tangible or intangible personal property including anything severed from land; or

(B) a document, including money, that represents or embodies anything of value.

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

"Consent" means assent in fact, whether express or apparent.

"Effective consent" includes consent by a person legally authorized to act for the owner.

Consent is not effective if:

(A) induced by deception or coercion;

(B) given by a person the actor knows is not legally authorized to act for the owner;

(C) given by a person who by reason of youth, mental disease or defect, or intoxication is known by the actor to be unable to make reasonable property dispositions; or

(D) given solely to detect the commission of an offense.

"Attempt" means to commit an act with specific intent to commit an offense where the act committed amounts to more than mere preparation that tends but fails to effect the commission of the offense intended.

A firearm is a deadly weapon.

III.

A person acts intentionally, or with intent, with respect to the result of his conduct when it is his conscious objective or desire to cause the result.

IV.

A person is nevertheless criminally responsible for causing a result if the only difference between what actually occurred and what he desired, contemplated or risked is that:

- (1) a different offense was committed; or
- (2) a different person or property was injured, harmed, or otherwise affected.

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 commission of the offense.

All traditional distinctions between accomplices and principals are abolished and each party to an offense may be charged and convicted without alleging that he acted as a principal or accomplice.

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 does not constitute being 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, 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. Capital Murder and Robbery are felonies.

By the term "conspiracy" as used in these instructions, is meant any agreement between two or more persons, with intent that a felony be committed, that they, or one or more of them, engage in conduct that would constitute the offense, and one or more of them performs an overt act in pursuance of the agreement. An agreement constituting a conspiracy may be inferred from acts of the parties.

An "act" means a bodily movement, whether voluntary or involuntary, and includes speech.

An "overt act" is any act knowingly committed by one of the conspirators in an effort to effect or accomplish some object or purpose of the conspiracy. The overt act need not be criminal in nature, if considered separately and apart from the conspiracy. It must, however, be an act which follows and tends toward accomplishment of the plan or scheme and must be knowingly done in furtherance of some object or purpose of the conspiracy.

The word "conduct" means an act or omission and its accompanying mental state.

In a prosecution in which an actor's criminal responsibility is based on the conduct of another, the actor may be convicted on proof of commission of the offense and that he was a party to its commission.

V.

You are instructed that in order to convict the Defendant of the offense of capital murder you must find from the evidence beyond a reasonable doubt that the murder, if any, occurred in the course of the commission or attempted commission of the offense of robbery, as herein defined, in that it occurred in an attempt to commit, during the commission, or in the immediate flight after the attempt or the commission of the offense of robbery.

VI.

Now bearing in mind the foregoing instructions and definitions, if you believe from the evidence beyond a reasonable doubt that on or about the 2nd day of April, 2014, in the County of Bell, State of Texas, as alleged in the indictment, the Defendant, COREY THOMAS WILLIAMS, did then and there, either acting alone or with another or others as a party to the offense, as that term has been previously defined, in the course of attempting to commit or committing robbery, intentionally cause the death of an individual, Mazhar Aslam, by shooting him with a deadly weapon to wit: a firearm, you will find the defendant GUILTY of Capital Murder and so say by your verdict. But if you do not so believe, or if you have a reasonable doubt thereof, you will acquit the defendant of the offense of Capital Murder and so say by your verdict, NOT GUILTY.

You have a right to consider all of the facts that are shown by the evidence, and to draw natural and reasonable inferences from such facts. You alone have the authority and the duty to determine what the facts are in this case. In evaluating the evidence, you must totally disregard what you believe is my opinion about any factual matter.

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, an 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 this case.

In a criminal case, the law permits the defendant to testify in his own behalf; but the same law provides that his decision not to testify shall not be considered as a circumstance against him. You will, therefore, not consider the defendant's decision not to 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.

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.

You must not consider facts that have not been introduced into evidence or legal principles not contained in this charge. It is improper for a juror to discuss or consider anything which they know or have learned outside of the testimony presented to you, and the law contained in this charge. If a juror should discover that they have any outside information, they must not mention this information to any other juror, nor consider it themselves in arriving at a verdict.

You shall not discuss or consider the punishment, if any, which may be assessed against the defendant in the event he is found guilty.

Questions and comments of the attorneys do not constitute testimony and must not be considered as evidence. You must also disregard any statement of the attorneys that is inconsistent with the law contained in this charge.

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 the reading of this Charge, you shall not be permitted to separate from each other, nor shall you talk with anyone not of your jury. After argument of counsel, you will retire and select one of your members as your foreman. It is his or her duty to preside at your deliberations and to vote with you in arriving at a unanimous verdict. After you have arrived at your verdict, you may use one of the blanks attached hereto by having your foreman sign his or her name to the particular blank that conforms to your verdict, but in no event shall he or she sign more than one of such blanks.



JUDGE PRESIDING

NO. 72,868

THE STATE OF TEXAS

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COREY THOMAS WILLIAMS

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264TH JUDICIAL DISTRICT

VERDICT OF THE JURY

We, the Jury, find beyond a reasonable doubt, the Defendant, COREY THOMAS WILLIAMS, GUILTY of the offense of Capital Murder as alleged in the indictment.

Do Not Disclose Per Article 35.29 CCP

Foreman of the Jury

We, the Jury, find the Defendant NOT GUILTY.

FOREMAN

JOSHUA STATION
DISTRICT COURT
BELL COUNTY, TX
Bryce DeGree DEPUTY

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FILED

