

CAUSE NO. F20-76597-Y

Melisa Harden  
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THE STATE OF TEXAS ) IN THE CRIMINAL  
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 )  
 ~VS.~ ) DISTRICT COURT NO. 7  
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 )  
 LARRY DAQUAN JENKINS ) DALLAS COUNTY, TEXAS

COURT'S CHARGE TO THE JURY

MEMBERS OF THE JURY:

The defendant, Larry Daquan Jenkins, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about September 23, 2019, in Dallas County, Texas. To this charge, the defendant has pleaded not guilty.

You are instructed that the law applicable to this case is as follows:

OFFENSE

A person commits the offense of murder if the person intentionally or knowingly causes the death of an individual or if he intends to cause serious bodily injury and intentionally or knowingly commits an act clearly dangerous to human life that causes the death of an individual.

A person commits the offense of capital murder if the person intentionally commits murder, as that term is herein defined, in the course of committing or attempting to commit the offense of robbery. Robbery is a felony offense.

A person commits the offense of robbery if, in the course of committing theft, as that term is herein defined, and with intent to obtain or maintain control of the property of another, the person intentionally, knowingly, or recklessly causes bodily injury to another.

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

#### TERM DEFINITIONS

“Actor” means a person whose criminal responsibility is in issue in a criminal action.

“Another” means a person other than the actor.

“Appropriation” and “appropriate” mean to acquire or otherwise exercise control over property other than real property. Appropriation of property is unlawful if it is without the owner’s effective consent.

“Attempt” to commit an offense occurs if, with specific intent to commit an offense, a person does an act amounting to more than mere preparation that tends, but fails, to affect the commission of the offense intended.

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

“Deadly weapon” means (a) a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury or (b) anything that, in the manner of its use or intended use, is capable of causing death or serious bodily injury.

“Firearm” means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

“Deprive” means 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.

“Effective consent” means assent in fact, whether express or apparent, and includes consent by a person legally authorized to act for the owner. Consent is not effective if induced by force, threat, or fraud.

“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.

“Individual” means a human being who is alive.

“Person” means an individual.

“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 person charged.

“Possession” means actual care, custody, control, or management of property.

“Property” means tangible or intangible personal property, including anything severed from land, or a document, including money, that represents or embodies anything of value.

### **MENTAL STATE DEFINITIONS**

The following definition applies to the offense of capital murder:

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

The following definition applies to the offense of murder:

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

A person acts knowingly or with knowledge, with respect to the result of his conduct, when he is aware that his conduct is reasonably certain to cause the result.

The following definitions apply to the offense of robbery:

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

A person acts knowingly or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct, when he is aware of the nature of his conduct or that the circumstances exist. 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 circumstances surrounding his conduct or the result of his conduct, when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or 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.

### **PARTY LIABILITY**

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 of which he is

criminally responsible, or by both. A person is criminally responsible for the 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 constitute one a party to an offense.

### **INDICTMENT**

An 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 fact that a person has been arrested, confined, indicted for, or otherwise charged with an offense does not give rise to any inference of guilt in the trial.

### **PRESUMPTION OF INNOCENCE**

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 the defendant has been arrested, confined, indicted, or otherwise charged with the offense gives rise to no inference of guilt at his trial. The law does not require the defendant to prove his innocence or produce any evidence at all. The presumption of innocence alone is sufficient to acquit the defendant, unless you are satisfied beyond a reasonable doubt of the defendant's guilt after careful and impartial consideration of all the evidence in this case.

### **BURDEN OF PROOF**

The burden of proof in all criminal cases rests upon the State throughout the trial and never shifts to 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. The State is not required to prove that a person is guilty beyond all doubt; the State must

then and there unlawfully, while in the course of committing theft of property owned by Andre Emmett and with intent to obtain or maintain control of the property, intentionally or knowingly or recklessly cause bodily injury to Andre Emmett with a deadly weapon, namely a firearm, then you will find the defendant guilty of aggravated robbery.

If you believe from the evidence beyond a reasonable doubt that the defendant is guilty of either capital murder on the one hand or aggravated robbery on the other hand, 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 aggravated robbery.

If you believe from the evidence beyond a reasonable doubt that the defendant is guilty of either murder on the one hand or aggravated robbery on the other hand, 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 aggravated robbery.

If you do not so believe or if you have a reasonable doubt thereof, you will acquit the defendant and say by your verdict "not guilty."

### **EVIDENTIARY INSTRUCTIONS**

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 be concerned with the reasons for such rulings and 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 neither determines what weight should be given such evidence nor passes on the credibility of the witness. As to any offer of evidence that has been rejected by the Court, you, of course, must not consider

VERDICT FORMS

We, the jury, unanimously find the defendant, Larry Daquan Jenkins,  
GUILTY of the offense of capital murder, as charged in the indictment.

Mauraen Doherty

Presiding Juror Signature

Mauraen Doherty

Presiding Juror Printed Name

OR

We, the jury, unanimously find the defendant, Larry Daquan Jenkins,  
GUILTY of the offense of murder, as included in the indictment.

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Presiding Juror Signature

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Presiding Juror Printed Name

OR

We, the jury, unanimously find the defendant, Larry Daquan Jenkins,  
GUILTY of the offense of aggravated robbery, as included in the indictment.

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Presiding Juror Signature

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Presiding Juror Printed Name

OR

We, the jury, unanimously find the defendant, Larry Daquan Jenkins, NOT  
GUILTY.

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Presiding Juror Signature

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Presiding Juror Printed Name