

CAUSE NO. 11-06185-CRF-272

THE STATE OF TEXAS § IN THE DISTRICT COURT OF
VS. § BRAZOS COUNTY, TEXAS
GABRIEL HALL § 272nd JUDICIAL DISTRICT

COURT'S CHARGE

LADIES AND GENTLEMEN OF THE JURY:

The defendant, GABRIEL HALL, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the October 20, 2011, in Brazos County, Texas. To this charge the defendant has pleaded not guilty.

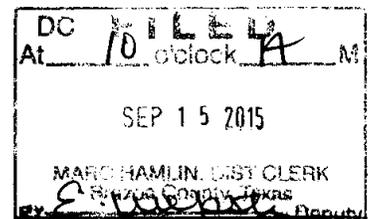
I.

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

A person commits the offense of capital murder if the person intentionally commits the murder in the course of committing or attempting to commit burglary.

“In the course of committing burglary” means conduct occurring in an attempt to commit, during the commission of, or in the immediate flight after the attempt or commission of the offense of burglary.

A person commits the offense of burglary if without the effective consent of the owner



the person enters a building a habitation and commits or attempts to commit a felony, theft or an assault.

“Effective Consent” includes consent by a person legally authorized to act for the owner. Consent is not effective if induced by force, threat or fraud;

“Enter” means to intrude

- (1) Any part of the body; or
- (2) Any physical object connected with the body

“Habitation” means a structure or vehicle that is adapted for the overnight accommodation of persons, and includes:

- (A) Each separately secured or occupied portion of the structure or vehicle; and
- (B) Each structure appurtenant to or connected with the structure or vehicle.

A person commits theft if they unlawfully appropriate property with the intent to deprive the owner of the property. Appropriation is unlawful if it is without the owner’s effective consent.

A person commits assault if they intentionally, knowingly or recklessly cause bodily injury to another individual.

“Felony” means an offense so designated by law or punishable by death or confinement in a penitentiary. You are hereby instructed that the crime of murder and capital murder are felonies.

"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;

II.

MENTAL STATES

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.

III.

Now, bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that on or about October 20, 2011, in Brazos County Texas, the defendant, GABRIEL HALL, did intentionally cause the death of an individual, namely, Edwin Shaar Jr., by stabbing him with a knife or shooting him with a firearm, and the defendant was then and there in the course of committing or attempting to commit the offense of burglary of a habitation of Linda Shaar, who was the owner of the habitation, then you will find the defendant guilty of the offense of capital murder as alleged in the indictment.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will find the defendant not guilty of the offense of Capital Murder.

IV.

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 you consider it 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.

V.

A defendant in a criminal case is not bound by law to testify in his own behalf, and the failure of any defendant to so testify shall not be taken as a circumstance against him nor shall the same be alluded to nor commented upon by the jury, and you must not refer to, mention, comment upon or discuss the failure of the defendant to testify in this case, and any juror doing so may be guilty of contempt of court. If any juror starts to mention the defendant's failure to testify in this case, then it is the duty of the other jurors to stop him at once.

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 a person has been arrested, confined, 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 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 find the defendant not guilty. 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.

VII.

You are exclusive judges of the facts proved, of the credibility of the witnesses, and the weight to be given their testimony, but the law you shall receive in these written instructions and you must be governed thereby.

After you retire to the jury room, you should select one of your members as your Presiding Juror. 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 using the appropriate form attached hereto, and signing the same as Presiding Juror.

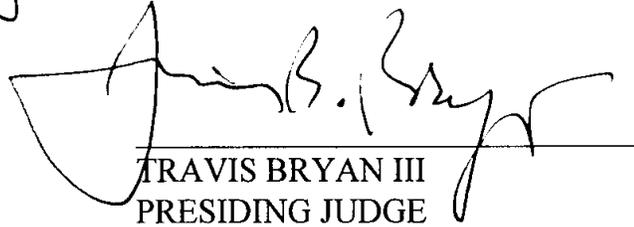
No one has any authority to communicate with you except the officer who has you in charge. During your deliberations in this case, you must not consider, discuss, nor relate any matters not in evidence before you. You should not consider nor mention any personal knowledge or information you may have about any fact or person connected with this case

which is not shown by the evidence before you. In determining the guilt or innocence of the defendant, you shall not discuss or consider the punishment, if any, which may be assessed against the defendant in the event he is found guilty beyond a reasonable doubt.

You have been permitted to take notes during the testimony in this case. In the event that you took notes, you may rely on your notes during your deliberations. However, you may not share your notes with the other jurors and you should not permit the other jurors to share their notes with you. You may, however, discuss the contents of your notes with the other jurors. You shall not use your notes as authority to persuade your fellow jurors. In your deliberations, give no more and no less weight to the views of a fellow juror just because that juror did or did not take notes. Your notes are not official transcripts. They are personal memory aids, just like the notes of the judge and the notes of the lawyers. Notes are valuable as a stimulant to your memory. On the other hand, you might make an error in observing or you might make a mistake in recording what you have seen or heard. Therefore, you are not to use your notes as authority to persuade fellow jurors of what the evidence was during the trial.

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. When you have reached a unanimous verdict, the Presiding Juror will certify thereto by filling in the appropriate form attached to this Charge and signing his or her name as Presiding Juror.

Signed this 11th day of Sept, 2015.

A handwritten signature in black ink, appearing to read "Travis Bryan III". The signature is written in a cursive style with a large, sweeping initial "T".

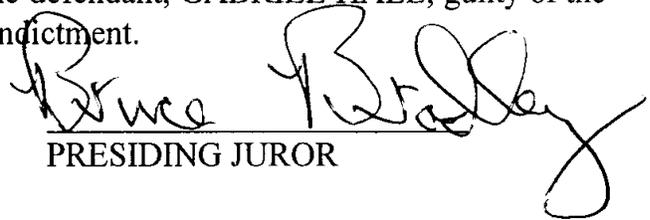
TRAVIS BRYAN III
PRESIDING JUDGE
272ND JUDICIAL DISTRICT COURT

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VERDICT OF THE JURY
(use only one)

WE, THE JURY, unanimously find the defendant, GABRIEL HALL, guilty of the offense of Capital Murder as charged in the indictment.


PRESIDING JUROR

WE, THE JURY, unanimously find the defendant, GABRIEL HALL, not guilty.


PRESIDING JUROR