

ORIGINAL

CAUSE NO. 12-904061

THE STATE OF TEXAS

*

IN THE 427TH JUDICIAL

*

VS.

*

DISTRICT COURT OF

*

SHAUN DAVID SAMUELSON

*

TRAVIS COUNTY, TEXAS

CHARGE OF THE COURT

Ladies and Gentlemen of the Jury:

The defendant, Shaun David Samuelson, stands charged by indictment with the offense of capital murder, alleged to have been committed in Travis County, Texas, on or about the 29th day of September, 2011. To this charge the defendant has pled not guilty.

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

I.

A person commits the offense of capital murder if the person intentionally causes the death of an individual and the person intentionally commits the murder in the course of committing or attempting to commit retaliation.

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

II.

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

Filed in The District Court
of Travis County, Texas

SEP 19 2012

At 10:05 a.m.
Amalia Rodriguez-Mendoza, Clerk

AB

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

“Individual” means a human being who is alive.

III.

A person commits the offense of retaliation if he intentionally or knowingly harms or threatens to harm another by an unlawful act:

(1) in retaliation for or on account of the service or status of another as a witness, or prospective witness, or informant, or a person who has reported or who the defendant knows intends to report the occurrence of a crime; or

(2) to prevent or delay the service of another as a witness, prospective witness, or informant.

IV.

“Harm” means anything reasonably regarded as loss, disadvantage or injury, including harm to another person in whose welfare the person affected is interested.

“Another” means a person other than the actor.

“Unlawful” means criminal or tortious or both and includes what would be criminal or tortious but for a defense not amounting to justification or privilege.

“Person” means an individual, corporation, or association.

“Informant” means a person who has communicated information to the government in connection with any governmental function.

V.

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 the conduct is reasonably certain to cause the result.

VI.

A person is criminally responsible if the result would not have occurred but for his conduct.

VII.

Now bearing in mind the foregoing instructions, if you believe from the evidence beyond a reasonable doubt that the defendant, Shaun Samuelson, on or about the 29th day of September, 2011, in the County of Travis and State of Texas, as alleged in the indictment, did then and there intentionally cause the death of an individual, namely, Virginia Samuelson, by causing the motor vehicle the defendant was driving to strike the stretcher or gurney on which Virginia Samuelson was sitting or lying, or by causing the motor vehicle the defendant was driving to drag Virginia Samuelson, or by causing the motor vehicle the defendant was driving to run over Virginia Samuelson, and the said Shaun David Samuelson was then and there in the course of committing or attempting to commit the offense of retaliation by intentionally or knowingly harming Virginia Samuelson by an unlawful act, to wit: murder, in retaliation for or on account of the service or status of Virginia Samuelson as a witness, prospective witness, or informant, or person who has reported or who Shaun David Samuelson knew intended to report the occurrence of a crime; or to prevent or delay the service of Virginia Samuelson as a witness, prospective witness, or informant, or a person who has reported or who Shaun David

Samuelson knew intended to report the occurrence of a crime, you will find the defendant guilty of the offense 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 say by your verdict not guilty and proceed to consider whether the defendant is guilty of the lesser offense of murder.

VIII.

Now if you believe beyond a reasonable doubt that the defendant, Shaun David Samuelson, killed Virginia Samuelson, but you have a reasonable doubt as to whether Shaun David Samuelson retaliated or you have a reasonable doubt as to whether the death of Virginia Samuelson occurred in the commission or attempted commission or in immediate flight after the attempt or commission of the retaliation, if any, of Virginia Samuelson, then you cannot convict the defendant of capital murder, but you will consider whether the defendant is guilty of the lesser included offense of murder.

IX.

Now bearing in mind the foregoing instructions, if you believe from the evidence beyond a reasonable doubt that the defendant, Shaun David Samuelson, on or about the 29th day of September, 2011, in the County of Travis and State of Texas, as alleged in the indictment, did then and there intentionally or knowingly cause the death of an individual, namely, Virginia Samuelson, by causing the motor vehicle the defendant was driving to strike the stretcher or gurney on which Virginia Samuelson was sitting or lying, or by causing the motor vehicle the defendant was driving to drag Virginia Samuelson, or by causing the motor vehicle the defendant was driving to run over Virginia Samuelson, you will find the defendant guilty of the offense of 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 murder and say by your verdict not guilty.

X.

In a criminal case the law permits a defendant to testify in his own behalf, but he is not compelled to do so, and the same law provides that the fact that a defendant does not testify shall not be considered as a circumstance against him. You will, therefore, not consider the fact that the defendant did not testify as a circumstance against him; and you will not in considering your verdict allude to, comment on, or in any manner refer to the fact that the defendant has not testified.

XI.

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

XII.

The State has introduced evidence of extraneous crimes or bad acts other than the one charged in the indictment in this case. This evidence was admitted only for the purpose of assisting you, if it does, for the purpose of showing the defendant's motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident, if any. You cannot consider the testimony unless you find and believe beyond a reasonable doubt that the defendant committed these acts, if any were committed.

XIII.

You are further instructed as a part of the law in this case that the indictment against the defendant is not evidence in the case, and that the true and sole use of the indictment is to charge the offense and to inform the defendant of the offense alleged against him. The reading of the indictment to the jury in the statement of the case of the State against the defendant cannot be considered as a fact or circumstance against the defendant in your deliberations.

XIV.

In all criminal cases the burden of proof is on the State. All persons are presumed to be innocent, and no person may be convicted of an offense unless each element of the offense is proven beyond a reasonable doubt. The fact that a person has been arrested, 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 a careful and impartial consideration of all the evidence in the case.

XV.

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; however, 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 the defendant and say by your verdict not guilty.

XVI.

You are charged that it is only from the witness stand that the jury is permitted to receive evidence regarding the case, or any witness therein, and no juror is permitted to communicate to any other juror anything he or she may have heard regarding the case or any witness therein, from any source other than the witness stand.

XVII.

In deliberating on this cause you are not to refer to or discuss any matter or issue not in evidence before you; nor talk about this case to anyone not of your jury. And, after the reading of this charge, you shall not separate from each other until you have reached a verdict.

Further, 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.

XVIII.

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.

XIX.

If the jury wishes to communicate with the Court it must do so in writing. Such writing must be signed by the presiding juror and submitted to the Court through the bailiff.

XX.

After the reading of the charge and argument of counsel, you will retire and select one of your members as your foreperson. It is his or her duty to preside at your deliberations and to vote with you in arriving at a unanimous verdict. Your verdict must be unanimous and it must reflect the individual verdict of each individual juror, and not a mere acquiescence in the conclusion of the other jurors. After you have arrived at your verdict, you may use the forms attached hereto by completing and signing it in conformance with your verdict.

10:35 A.M.
Date & Time
9/19/12



Jim Coronado
Judge Presiding
427th Judicial District Court

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THE STATE OF TEXAS

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IN THE 427TH JUDICIAL

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VS.

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DISTRICT COURT OF

*

SHAUN DAVID SAMUELSON

*

TRAVIS COUNTY, TEXAS

VERDICT OF THE JURY

We, the Jury, find the defendant, Shaun David Samuelson,

GUILTY

(Not Guilty or Guilty)

of the offense of Capital Murder, as alleged in the indictment.

9/19/12 12:01 PM

Date & Time

[Signature]

Forperson of the Jury

WILLIAM B. PARRISH

Printed Name of Forperson

Filed in The District Court
of Travis County, Texas

SEP 19 2012

At 12:01 PM
Amalia Rodriguez-Mendoza, Clerk

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SHAUN DAVID SAMUELSON

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TRAVIS COUNTY, TEXAS

VERDICT OF THE JURY

We, the Jury, find the defendant, Shaun David Samuelson, _____

(Not Guilty or Guilty)

of the offense of Murder.

Date & Time

Forperson of the Jury

Printed Name of Forperson