

NO. 50,138-A

THE STATE OF TEXAS	§	IN THE 47 TH DISTRICT COURT
	§	
VS.	§	IN AND FOR
	§	
RONNIE DUANE MASON	§	POTTER COUNTY, TEXAS

CHARGE TO THE JURY ON GUILT-INNOCEENCE

MEMBERS OF THE JURY:

The Defendant, RONNIE DUANE MASON, stands charged by indictment with the offense of Capital Murder, alleged to have been committed in Potter County, Texas on or about the 28th day of June, 2004. 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.

"Individual" means a human being who is alive.

A person commits the offense of capital murder if the person murders an individual under six years of age.

II.

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

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 BY: JKC DEPUTY

respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

III.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 28th day of June, 2004, in Potter County, Texas, the Defendant, RONNIE DUANE MASON, did then and there intentionally or knowingly cause the death of an individual, namely Iveyonna Durley, a child under six years of age, by striking her in the head or body with a mop handle, or his hands, or his foot, you will find the defendant guilty of the offense of Capital Murder.

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

IV.

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 your retirement to consider your verdict allude to, comment on, or in any manner refer to the fact that the defendant has not testified.

V.

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.

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 he 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.

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."

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

Before you can return a verdict of "guilty" or "not guilty" in this case, all twelve jurors must unanimously agree upon the verdict. 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.

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.

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 this officer. Any communication relative to the cause must be written, prepared and signed

by the Presiding Juror and shall be submitted to the Court through this officer. Do not attempt to talk to the officer who has you in charge, or the attorneys, or the Court, or anyone else concerning any questions you may have.

Your sole duty at this time is to determine the guilt or innocence of the defendant under the indictment in this cause and restrict your deliberations solely to the issue of guilt or innocence of the defendant.

Following the arguments of counsel, you will retire to consider your verdict.

Hal Menes

Judge Presiding

submitted to
jury - 1:17 PM
8-28-2007

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NO. 50138-A

THE STATE OF TEXAS

§ IN THE 47TH DISTRICT COURT

VS.

§
§ IN AND FOR

RONNIE DUANE MASON

§
§ POTTER COUNTY, TEXAS

VERDICT FORMS

(1) VERDICT OF THE JURY

We, the jury, find the defendant, RONNIE DUANE MASON, not guilty.

Presiding Juror

(2) VERDICT OF THE JURY

We, the jury, find the defendant, RONNIE DUANE MASON, guilty of the offense of Capital Murder as alleged in the indictment.

Ant Chan Alibai

Presiding Juror

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KAROLINE WOODBURN,
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POTTER COUNTY, TEXAS

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