

No. D1DC-13 904096

STATE OF TEXAS)	IN THE 331ST DISTRICT
VS.)	COURT OF
FREDERICK MANUEL)	TRAVIS COUNTY, TEXAS

CHARGE OF THE COURT

Ladies and Gentlemen of the Jury:

The defendant, FREDERICK MANUEL, stands charged by a two count indictment with the offense of capital murder and aggravated robbery alleged to have been committed in Travis County, Texas, on or about the 20th day of January, 2011. To this indictment and each count thereof the defendant, has pleaded not guilty. You are instructed that the law applicable to this case is as follows:

You are instructed that you can find the defendant guilty only on one count, in the event you find the defendant guilty.

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 robbery.

II.

"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.

"Individual" means a human being who is alive.

III.

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.

Filed in The District Court
of Travis County, Texas

DEC 05 2013

At 9:30 P. M.
Amalia Rodriguez-Mendoza, Clerk

IV.

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

V.

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 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 property.

"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.

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

"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.

VI.

Now bearing in mind the foregoing instructions, if you unanimously believe from the evidence beyond a reasonable doubt, that the defendant, FREDERICK MANUEL, on or about the 20th day of January, 2011, in the County of Travis, and State of Texas, as alleged in the indictment, did then and there while in the course of committing robbery intentionally cause the death of AZIZALI MOMIN, by shooting the said AZIZALI MOMIN with a firearm, you will find the defendant guilty of the offense of capital murder as alleged in Count I of the indictment 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 capital murder and proceed to consider the second count of the indictment.

VII.

A person commits the offense of aggravated robbery, if he commits the offense of robbery as hereinafter defined, and he: (A) uses or exhibits a deadly weapon or (B) causes serious bodily injury to another.

VIII.

Robbery and theft have been previously defined in V above.

Appropriation of property is unlawful if it is without the owner's effective consent.

IX.

"Intentionally" has been defined in III above.

"Appropriate" means 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; or (2) to dispose of property in a manner that makes recovery of the property by the owner unlikely.

"In the course of committing theft" is defined in V above.

"Property" means a document, including money that represents anything of value.

"Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

"Bodily injury" is defined in V above.

"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 induced by deception or coercion.

"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 defendant.

"Deadly Weapon" means a firearm, or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury.

"Firearm" is defined in V above.

X.

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

XI.

Now bearing in mind the foregoing instructions, if you unanimously believe from the evidence beyond a reasonable doubt, that the defendant, Frederick Manuel , on or about the 20th day of January, 2011, in the County of Travis, and State of Texas, as alleged in Count II of the indictment, did then and there while in the course of committing theft of property and with intent to obtain or maintain control of said property, intentionally cause serious bodily injury to Azizali Momin by shooting Azizali Momin with a deadly weapon, namely a firearm, you will find the defendant guilty of aggravated robbery 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 Count No. II and say by your verdict "Not Guilty".

XII.

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 proved beyond a reasonable doubt. The fact that a defendant 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."

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.

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.

In deliberating on the cause you are not to refer to or discuss any matter or issue not in evidence before you and in deliberating on your 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 beyond a reasonable doubt.

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 may have heard regarding the case or any witness therein, from any other source than the witness stand.

You are instructed that 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.

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.

A juror may believe any, all, none or part of any evidence given by any witness. You are instructed that upon request to the bailiff you shall be furnished any exhibits admitted as evidence in the case.

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 foreperson. 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 the forms attached hereto by having your foreperson sign his or her name to the particular form that conforms to your verdict but in no event shall he or she sign more than one of such forms.



BOB PERKINS, Judge
331st District Court
Travis County, Texas

No. D1DC-13 904096

THE STATE OF TEXAS

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IN THE 331ST DISTRICT

VS.

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COURT OF

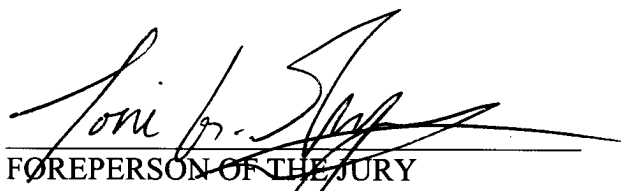
FREDERICK MANUEL

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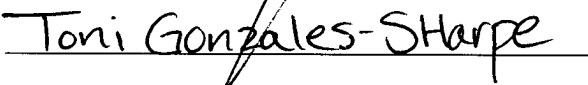
TRAVIS COUNTY, TEXAS

VERDICT OF THE JURY

We, the jury, find the defendant, FREDERICK MANUEL, guilty of the offense of Capital Murder as alleged in Count I of the indictment.



FOREPERSON OF THE JURY



Printed name of foreperson

No. D1DC-13 904096

THE STATE OF TEXAS

)

IN THE 331ST DISTRICT

VS.

)

COURT OF

FREDERICK MANUEL

)

TRAVIS COUNTY, TEXAS

VERDICT OF THE JURY

We, the jury, find the defendant, FREDERICK MANUEL, guilty of the offense of Aggravated Robbery as alleged in Count II of the indictment.

FOREPERSON OF THE JURY

Printed name of foreperson

No. D1DC-13 904096

THE STATE OF TEXAS

)

IN THE 331ST DISTRICT

VS.

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COURT OF

FREDERICK MANUEL

)

TRAVIS COUNTY, TEXAS

VERDICT OF THE JURY

We, the jury, find the defendant, FREDERICK MANUEL, Not Guilty.

FOREPERSON OF THE JURY

Printed name of foreperson