

NO. 32021-422

FILED *Dec 4, 2014*
RHONDA HUGHEY, DISTRICT CLERK
KAUFMAN COUNTY, TX
By *Rhonda Hughey* Deputy
IN THE 422ND JUDICIAL

THE STATE OF TEXAS

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IN THE 422ND JUDICIAL

V.

DISTRICT COURT OF

ERIC LYLE WILLIAMS

KAUFMAN COUNTY, TEXAS

CHARGE OF THE COURT

MEMBERS OF THE JURY:

The defendant, Eric Lyle Williams, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about March 30, 2013, in Kaufman County, Texas. To this charge the defendant has pleaded not guilty.

1.

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

A person commits capital murder if he intentionally causes the death of an individual in the course of committing or attempting to commit the offense of burglary, or

A person commits the offense of capital murder if he commits murder as defined above and he murders more than one person during the same criminal transaction.

2.

Our law provides that a person commits burglary if, without the effective consent of the owner, the person enters a habitation with intent to commit a felony or assault, or the person enters a habitation and commits or attempts to commit a felony or assault.

3.

A person commits assault if he intentionally or knowingly causes bodily injury to another.

4.

“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 force, threat, or fraud.

“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.

“Another” means a person other than the actor.

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

“Enter” means to intrude any part of the body.

“Felony” means an offense so designated by law or punishable by death or confinement in the penitentiary.

“Habitation” means a structure that is adapted for the overnight accommodation of persons.

An “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 effect the commission of the offense intended.

“Individual” means a human being who is alive.

5.

With respect 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 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.

With respect to the offense of burglary:

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

6.

You are instructed that if there is any testimony before you in this case regarding the defendant having committed offenses other than the offense alleged against him in the indictment in this case, you are instructed that the defendant is presumed innocent and that you cannot consider said testimony for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other offenses, if any were committed,

and even then you may only consider the same in determining the defendant's motive, opportunity, intent, preparation, plan, knowledge, or identity, and for no other purpose.

7.

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 no rise to an 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, 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 exclude 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 and say by your verdict "Not Guilty".

The burden of proof in all criminal cases rests upon the State throughout the trial and

never shifts to the defendant.

8.

Now bearing in mind the foregoing instructions, if you believe from the evidence beyond a reasonable doubt that on or about March 30, 2013, the defendant, Eric Lyle Williams, did then and there intentionally cause the death of an individual, Cynthia McLelland, by shooting her with a firearm, in the course of attempting to commit or committing burglary of a habitation of Cynthia McLelland, you will find the defendant guilty of capital murder as charged in the indictment,

-OR-

if you believe from the evidence beyond a reasonable doubt that on or about March 30, 2013, the defendant, Eric Lyle Williams did then and there murder more than one person during the same criminal transaction, to-wit: the said Defendant did then and there intentionally or knowingly cause the death of an individual, Michael McLelland, by shooting him with a firearm, and the said Defendant did then and there intentionally or knowingly cause the death of another individual, Cynthia McLelland, by shooting her with a firearm, you will find the defendant guilty of capital murder as charged in the indictment,

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."

9.

You are instructed that you are not to allow yourselves to be influenced in any degree whatsoever by what you think or surmise the opinion of the Court to be. The Court has no

right by any word or any act to indicate any opinion respecting any matter of fact involved in this case, nor to indicate any desire respecting its outcome. The Court has not intended to express any opinion respecting any matter of fact in this case, and if you have observed anything which you have or may interpret as the Court's opinion upon any matter of fact in this case, you must wholly disregard it.

10.

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.

11.

You are instructed that any statements of counsel made during the course of the trial or during argument not supported by the evidence, or statements of law made by counsel not in harmony with the law as stated to you by the Court in these instructions, are to be wholly disregarded.

12.

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

13.

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.

14.

After argument of Counsel, you will retire and select one of your members as your presiding juror. It is the duty of your presiding juror to preside at your deliberations and to vote with you in arriving at a verdict, 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.

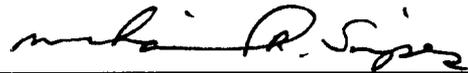
In deliberating on this case you are not to refer to any matter or issue not in evidence before you, nor talk about this case to anyone not of your jury.

After you have retired to consider your verdict, no one has any authority to communicate with you except the officer who has you in charge. You may communicate with the Court in writing, signed by your presiding juror, through the officer who has you in charge. Do not attempt to talk with the officer, the attorneys, or the Court concerning any questions you may have.

If you as jurors disagree as to the testimony of any witnesses, you may, upon applying to the Court through your presiding juror, request to have read the Court Reporter's notes on that portion of the witness's testimony in dispute. If you desire to hear

any portion of the testimony of any witness, you must certify through your presiding juror that you are in disagreement as to the testimony of the witness, and you should request that part of the testimony on the point in dispute, and only that point which is in dispute.

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 handwritten signature in black ink, appearing to read "Michael Snipes", written over a horizontal line.

Judge Michael Snipes
Criminal District Court No. 7
Dallas County, Texas
Sitting by Assignment

VERDICT FORMS

We, the jury, unanimously find the defendant, Eric Lyle Williams, guilty of capital murder, as charged in the indictment.

Anthony Rice
Presiding Juror
Printed Name: Anthony Rice

-OR-

We, the jury, unanimously find the defendant, Eric Lyle Williams, not guilty.

Presiding Juror
Printed Name: _____