

alone is sufficient to acquit the defendant.

Burden of Proof

The burden of proof throughout the trial is always on the state. The defendant does not have the burden to prove anything. The state must prove every element of the offense beyond a reasonable doubt to establish guilt for the offense. If the state proves every element of the offense beyond a reasonable doubt, then you must find the defendant guilty. If the state does not prove every element of the offense beyond a reasonable doubt, then you must find the defendant not guilty. If, after you have considered all the evidence and these instructions, you have a reasonable doubt about whether the defendant is guilty, you must find the defendant not guilty.

Jury as Fact Finder

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.

Evidence

The evidence consists of the testimony and exhibits admitted in the trial. You must consider only evidence to reach your decision. You must not consider, discuss, or mention anything that is not evidence in the trial. You must not consider or mention any personal knowledge or information you may have about any fact or person connected with this case that is not evidence in the trial.

Statements made by the lawyers are not evidence. The questions asked by the attorneys are not evidence. Evidence consists of the testimony of the witnesses and materials admitted into evidence.

Nothing the judge has said or done in this case should be considered by you as an opinion

about the facts of this case or influence you to vote one way or the other.

You should give terms their common meanings, unless you have been told in these instructions that the terms are given special meanings. In that case, of course, you should give those terms the meanings provided in the instructions.

While you should consider only the evidence, you are permitted to draw reasonable inferences from the testimony and exhibits that are justified in the light of common experience. In other words, you may make deductions and reach conclusions that reason and common sense lead you to draw from the facts that have been established by the evidence.

You are to render a fair and impartial verdict based on the evidence admitted in the case under the law that is in these instructions. Do not allow your verdict to be determined by bias or prejudice.

Admitted Exhibits

There shall be furnished to the jury any exhibits admitted as evidence in this case.

Note Taking

You have been permitted to take notes during the testimony in this case. In the event any of 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.

Testimony

Certain testimony may be read back to you by the court reporter if you request. To request that testimony be read back to you, you must follow these rules. The court will allow testimony to be read back to the jury only if the jury, in a writing signed by the foreperson, (1) states that it is requesting that testimony be read back, (2) states that it has a disagreement about a specific statement of a witness or a particular point in dispute, and (3) identifies the name of the witness who made the statement. The court will then have the court reporter read back only that part of the statement that is in disagreement.

The Verdict

The law requires that you render a verdict of either “guilty” or “not guilty.” The verdict of “not guilty” simply means that the state’s evidence does not prove the defendant guilty beyond a reasonable doubt.

You may return a verdict only if all twelve of you agree on this verdict.

When you reach a verdict, the foreperson should notify the court.

Defendant’s Right Not to Testify

The defendant may testify in his own behalf if he elects to do so. This, however, is a privilege accorded to a defendant. And in the event he elects not to testify, that fact cannot be taken as a circumstance against him. In this case, the defendant has elected not to testify, and you are

instructed that you cannot and must not refer or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against the defendant.

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

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, including an unborn child at every stage of gestation from fertilization until birth.

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

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

A person commits a criminal attempt if, with specific intent to commit an offense, he does an act amounting to more than mere preparation that tends but fails to effect the commission of the offense intended.

A person commits the offense of robbery if, in the course of committing theft and with intent to obtain or maintain control of the property, the person intentionally, knowingly, or recklessly causes bodily injury to another or intentionally or knowingly threatens or places another in fear of imminent bodily injury or death.

“In the course of committing theft” means conduct that occurs in an attempt to commit, during the commission, or in immediate flight after the commission of theft.

A person commits the offense of theft if the person unlawfully appropriates property with

intent to deprive the owner of the property.

“Appropriate” means to acquire or otherwise exercise control over property.

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

“Effective consent” includes consent by a person legally authorized to act for the owner.

Consent is not effective if induced by coercion.

“Consent” means assent in fact, whether express or apparent.

“Coercion” means a threat, however communicated to commit an offense; or to inflict bodily injury in the future on the person threatened or another.

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

“Property” means tangible or intangible personal property including anything severed from land; or a document, including money, that represents or embodies anything of value.

“Deprive” means 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 to dispose of property in a manner that makes recovery of the property by the owner unlikely.

“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.

“Actor” means a person whose criminal responsibility is in issue in a criminal action.

II.

With regard 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.

With regard to the offense of robbery, a person acts intentionally, or with intent, with respect to the nature of his conduct or a result of his conduct when it is his conscious objective or desire to

engage in the conduct or cause the result.

With regard to the offense of robbery, 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 his conduct is reasonably certain to cause the result.

With respect to the offense of robbery, a person acts recklessly with respect to a result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

III.

You are further instructed that the State is not bound by the specific date which the offense, if any, is alleged in the indictment to have been committed; but a conviction may be had upon proof that the offense, if any, was committed at any time prior to the filing of the indictment with the court which is within the applicable period of limitations. There is no limitation period applicable to the offense of Capital Murder, the offense charged in this case.

IV.

Even though there has been admitted before you a statement by the defendant admitting, if it does, that he committed the offense, such admission standing alone is not sufficient to convict in this case.

Now, therefore, unless you find and believe that there is other evidence before you, which, taken with the statement of the defendant, convinces you beyond a reasonable doubt that the defendant is guilty as charged in the indictment, you will acquit the defendant and say by your verdict "Not Guilty".

V.

A conviction cannot be had upon the testimony of an accomplice unless the jury first believe that the accomplice's evidence is true and that it shows the defendant is guilty of the offense charged against him, and even then you cannot convict unless the accomplice's testimony is corroborated by other evidence tending to connect the defendant with the offense charged, and the corroboration is not sufficient if it merely shows the commission of the offense, but it must tend to connect the defendant with its commission.

VI.

Now, bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that on or about the 10th day of March, A.D. 2015, in Burleson County, Texas, the defendant, GAVIN DANIEL SNOW, did then and there intentionally cause the death of an individual, namely, Steven R. Bryant, by shooting the said Steven R. Bryant with a firearm, and the defendant was then and there in the course of committing or attempting to commit the offense of robbery of Steven R. Bryant, then you will find the defendant guilty of the offense of Capital Murder as alleged in the indictment.

If you do not so find, or if you have a reasonable doubt thereof, you will find the defendant not guilty.

RULES THAT CONTROL DELIBERATIONS

You must follow these rules while you are deliberating and until you reach a verdict. After the closing arguments by the attorneys, you will go into the jury room.

Your first task will be to pick your foreperson. The foreperson should conduct the deliberations in an orderly way. Each juror has one vote, including the foreperson. The foreperson must supervise the voting, vote with other members on the verdict, and sign the verdict sheet.

While deliberating and until excused by the trial court, all jurors must follow these rules:

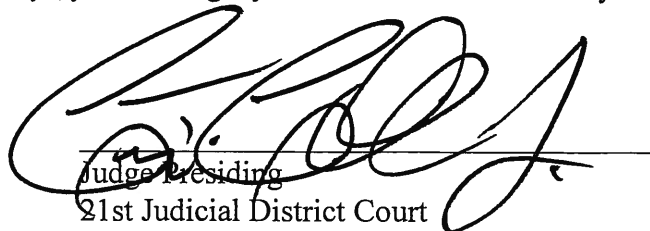
1. You must not discuss this trial with any court officer, or the attorneys, or anyone not on the jury.
2. You must not discuss this case unless all of you are present in the jury room. If anyone leaves the room, then you must stop your discussions about the case until all of you are present again.
3. You must communicate with the judge only in writing, signed by the foreperson and given to the judge through the officer assigned to you.
4. You must not conduct any independent investigations, research, or experiments.
5. You must tell the judge if anyone attempts to contact you about the case before you reach your verdict.

Your sole duty at this point is to determine whether the defendant has been proved guilty.

You must restrict your deliberations to this matter.

After you have arrived at your verdict, you are to use one of the forms attached to these instructions. You should have your foreperson sign his or her name to the particular form that conforms to your verdict.

After the closing arguments by the attorneys, you will begin your deliberations to decide your verdict.


Judge Presiding
21st Judicial District Court
Burlison County, Texas.

FILED 4:10 AM
DATE 03.09.2017
Dana Fritsche
District Clerk, Burlison County
By Cindy See

NO. 14,898

THE STATE OF TEXAS) (IN THE 21ST DISTRICT COURT
VS.) (OF
GAVIN DANIEL SNOW.) (BURLESON COUNTY, TEXAS.

VERDICT OF THE JURY

We, the jury, find the defendant, GAVIN DANIEL SNOW, "Guilty" of the offense of Capital Murder as alleged in the Indictment.

Sydney Oliver
Foreperson of the Jury

Sydney Oliver
Printed Name of Foreperson

FILED 11:05 PM
DATE 3-9-2017
Dana Fritsche
District Clerk, Burleson County
By *Dana Fritsche*

We, the jury, find the Defendant, GAVIN DANIEL SNOW, "Not Guilty" of the offense of Capital Murder as alleged in the Indictment.

Foreperson of the Jury

Printed Name of Foreperson