

CAUSE NO. 1540170

THE STATE OF TEXAS

VS.

SHERRICK WASHINGTON

§ IN THE 208TH DISTRICT COURT

§ OF HARRIS COUNTY, TEXAS

§ JANUARY TERM, A. D., 2017

Members of the Jury:

The defendant, Sherrick Washington, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 3rd day of May, 2015, in Harris County, Texas. The defendant has pleaded not guilty.

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

A person commits the offense of capital murder if he commits murder, as hereinbefore defined, and the person murders an individual under 10 years of age.

A person commits the offense of felony murder if he commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

"Deadly weapon" means 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.

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

"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.

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

All persons are parties to an offense who are guilty of acting together in the commission of the offense. A person is criminally responsible as a party to an offense if the offense is committed by his own conduct, by the conduct of another for which he is criminally responsible, or by both.

A person is criminally responsible for an offense committed by the conduct of another if, acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense. Mere presence alone will not constitute one a party to an offense.

You are instructed that you may consider all relevant facts and circumstances surrounding the death, 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 offense, if any.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 3rd day of May, 2015, in Harris County, Texas, the defendant, Sherrick Washington, did then and there unlawfully, intentionally or knowingly cause the death of Amarie Daniels, an individual under ten years of age, by striking Amarie Daniels with a deadly weapon, namely a blunt object, or if you find from the evidence beyond a reasonable doubt that on or about the 3rd day of May, 2015, in Harris County, Texas, Brandi Howard, did then and there unlawfully, intentionally or knowingly cause the death of Amarie Daniels, an individual under ten years of age, by striking Amarie Daniels with a deadly weapon, namely a blunt object, and that the defendant, Sherrick Washington, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Brandi Howard to commit the offense, if he did; or

If you find from the evidence beyond a reasonable doubt that on or about the 3rd day of May, 2015, in Harris County, Texas, the defendant, Sherrick Washington, did then and there unlawfully, intentionally or knowingly cause the death of Amarie Daniels, an individual under ten years of age, by striking Amarie Daniels against a deadly weapon, namely a blunt object, or you find from the evidence beyond a reasonable doubt that on or about the 3rd day of May, 2015, in Harris County, Texas, Brandi Howard, did then and there unlawfully, intentionally or

knowingly cause the death of Amarie Daniels, an individual under ten years of age, by striking Amarie Daniels against a deadly weapon, namely a blunt object, and that the defendant, Sherrick Washington, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Brandi Howard to commit the offense, if he did; or

If you find from the evidence beyond a reasonable doubt that on or about the 3rd day of May, 2015, in Harris County, Texas, the defendant, Sherrick Washington, did then and there unlawfully, intentionally or knowingly cause the death of Amarie Daniels, an individual under ten years of age, by striking Amarie Daniels with a deadly weapon, namely a hand, or if you find from the evidence beyond a reasonable doubt that on or about the 3rd day of May, 2015, in Harris County, Texas, Brandi Howard, did then and there unlawfully, intentionally or knowingly cause the death of Amarie Daniels, an individual under ten years of age, by striking Amarie Daniels with a deadly weapon, namely a hand, and that the defendant, Sherrick Washington, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Brandi Howard to commit the offense, if he did, then you will find the defendant guilty of capital murder, as charged in the indictment.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, or if you are

unable to agree, you will next consider whether the defendant is guilty of the lesser offense of felony murder.

Therefore, if you find from the evidence beyond a reasonable doubt that on or about the 3rd day of May, 2015, in Harris County, Texas, the defendant, Sherrick Washington, did then and there unlawfully, while in the furtherance of the commission or attempted commission of the felony of injury to a child of Amarie Daniels, or in immediate flight from the commission or attempted commission of the felony of injury to a child of Amarie Daniels, commit an act clearly dangerous to human life, to-wit: by striking Amarie Daniels with a deadly weapon, namely a blunt object, that caused the death of Amarie Daniels, or if you find from the evidence beyond a reasonable doubt that on or about the 3rd day of May, 2015, in Harris County, Texas, Brandi Howard, did then and there unlawfully, while in the furtherance of the commission or attempted commission of the felony of injury to a child of Amarie Daniels, or in immediate flight from the commission or attempted commission of the felony of injury to a child of Amarie Daniels, commit an act clearly dangerous to human life, to-wit: by striking Amarie Daniels with a deadly weapon, namely a blunt object, that caused the death of Amarie Daniels, and that the defendant, Sherrick Washington, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Brandi Howard to commit the offense, if he did; or

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Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, or if you are unable to agree, you will next consider whether the defendant is guilty of the lesser offense of serious bodily injury to a child.

A person commits the offense of injury to a child if he intentionally, knowingly, or with criminal negligence, by act,

causes to a child, serious bodily injury. Injury to a child is a felony offense.

"Child" means a person fourteen years of age or younger.

Therefore, if you find from the evidence beyond a reasonable doubt that on or about the 3rd day of May, 2015, in Harris County, Texas, the defendant, Sherrick Washington, did then and there unlawfully, commit the felony offense of injury to a child by intentionally or knowingly causing serious bodily injury to Amarie Daniels, a child under ten years of age, by striking Amarie Daniels with a blunt object, then you will find the defendant guilty of serious bodily injury to a child; or if you find from the evidence beyond a reasonable doubt that on or about the 3rd day of May, 2015, in Harris County, Texas, Brandi Howard, did then and there unlawfully, commit the felony offense of injury to a child by intentionally or knowingly causing serious bodily injury to Amarie Daniels, a child under ten years of age, by striking Amarie Daniels with a blunt object, and that the defendant, Sherrick Washington, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Brandi Howard to commit the offense, if he did, or

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Washington, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Brandi Howard to commit the offense, if he did, then you will find the defendant guilty of serious bodily injury to a child.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, or if you are unable to agree, you will next consider whether the defendant is guilty of the lesser offense of bodily injury to a child.

A person commits the offense of injury to a child if he intentionally, knowingly, or with criminal negligence, by act, causes to a child, bodily injury. Injury to a child is a felony offense.

"Child" means a person fourteen years of age or younger.

Therefore, if you find from the evidence beyond a reasonable doubt that on or about the 3rd day of May, 2015, in Harris County, Texas, the defendant, Sherrick Washington, did then and there unlawfully, commit the felony offense of injury to a child by intentionally or knowingly causing bodily injury to Amarie Daniels, a child under ten years of age, by striking Amarie Daniels with a blunt object, then you will find the defendant guilty of injury to a child; or if you find from the evidence beyond a reasonable doubt that on or about the 3rd day of May, 2015, in Harris County, Texas, Brandi Howard, did then and there unlawfully, commit the felony offense of injury to a child by intentionally or knowingly causing bodily injury to Amarie Daniels, a child under ten years of age, by striking Amarie

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intentionally or knowingly causing bodily injury to Amarie Daniels, a child under ten years of age, by striking Amarie Daniels with a hand, then you will find the defendant guilty of injury to a child; or if you find from the evidence beyond a reasonable doubt that on or about the 3rd day of May, 2015, in Harris County, Texas, Brandi Howard, did then and there unlawfully, commit the felony offense of injury to a child by intentionally or knowingly causing bodily injury to Amarie Daniels, a child under ten years of age, by striking Amarie Daniels with a hand, and that the defendant, Sherrick Washington, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Brandi Howard to commit the offense, if he did, then you will find the defendant guilty of bodily injury to a child.

If you believe from the evidence beyond a reasonable doubt that the defendant is guilty of either capital murder on the one hand or felony murder on the other hand, but you have a reasonable doubt as to which of said offenses he is guilty, then you must resolve that doubt in the defendant's favor and find him guilty of the lesser offense of felony murder.

If you believe from the evidence beyond a reasonable doubt that the defendant is guilty of either felony murder on the one hand or serious bodily injury to a child on the other hand, but you have a reasonable doubt as to which of said offenses he is guilty, then you must resolve that doubt in the defendant's

favor and find him guilty of the lesser offense of serious bodily injury to a child.

If you believe from the evidence beyond a reasonable doubt that the defendant is guilty of either serious bodily injury to a child on the one hand or bodily injury to a child on the other hand, but you have a reasonable doubt as to which of said offenses he is guilty, then you must resolve that doubt in the defendant's favor and find him guilty of the lesser offense of bodily injury to a child.

If you have a reasonable doubt as to whether the defendant is guilty of any offense defined in this charge you will acquit the defendant and say by your verdict "Not Guilty."

Our law provides that a defendant may testify in his own behalf if he elects to do so. This, however, is a right accorded 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 to or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against him.

You are further instructed that any evidence that any witness has been convicted in any case or cases was admitted before you for the purpose of aiding you, if it does aid you, in passing upon the credibility of the witness and the weight to be given his or her testimony, and you will not consider the same for any other purpose.

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 the law you shall receive in these written instructions, and you must be governed thereby.

After you retire to the jury room, you should select one of your members as your Foreman. 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 Foreman.

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.

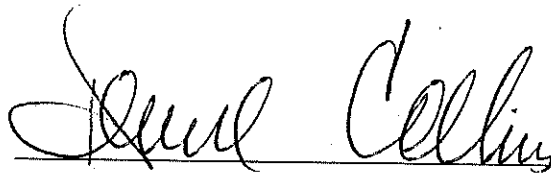
No one has any authority to communicate with you except the officer who has you in charge. After you have retired, you may communicate with this Court in writing through this officer. Any communication relative to the cause must be written, prepared and signed by the Foreman and shall be submitted to 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.

Your verdict must be by a unanimous vote of all members of the jury.

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



Denise Collins, Judge
208th District Court
Harris County, TEXAS

FILED

Chris Daniel
District Clerk

JUN 28 2017

Time:

12:29pm

By

Harris County, Texas



Deputy

CAUSE NO. 1540170

THE STATE OF TEXAS

§ IN THE 208TH DISTRICT COURT

VS.

§ OF HARRIS COUNTY, TEXAS

SHERRICK WASHINGTON

§ JANUARY TERM, A. D., 2017

CHOOSE ONE

"We, the Jury, find the defendant, Sherrick Washington, not guilty."

Foreman of the Jury

(Please Print) Foreman

"We, the Jury, find the defendant, Sherrick Washington, guilty of capital murder, as charged in the indictment."

Sherry A. Williams

Foreman of the Jury

Sherry A. Williams

(Please Print) Foreman

FILED
Chris Daniel
District Clerk

Time: JUN 28 2017
12:20pm
By: *B. Jones*
Deputy
Harris County, Texas

"We, the Jury, find the defendant, Sherrick Washington, guilty of felony murder."

Foreman of the Jury

(Please Print) Foreman

"We, the Jury, find the defendant, Sherrick Washington,
guilty of serious bodily injury to a child."

Foreman of the Jury

(Please Print) Foreman

"We, the Jury, find the defendant, Sherrick Washington,
guilty of bodily injury to a child."

Foreman of the Jury

(Please Print) Foreman

CAUSE NO. 1540170

THE STATE OF TEXAS § IN THE 208TH DISTRICT COURT
VS. § OF HARRIS COUNTY, TEXAS
SHERRICK WASHINGTON § JANUARY TERM, A. D., 2017

SPECIAL ISSUE

Now, if you have found the defendant guilty of the offense of injury to a child causing serious bodily injury or bodily injury, you must determine beyond a reasonable doubt whether or not he used or exhibited a deadly weapon, namely, a blunt object or a hand, during the commission of the offense or during the immediate flight therefrom.

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

The prosecution has the burden of proving the defendant used or exhibited a deadly weapon, namely, a blunt object or a hand, during the commission of the offense or during the immediate flight therefrom and it must do so by proving it beyond a reasonable doubt and if it fails to do so, you must find that the defendant did not use or exhibit a deadly weapon, namely, a blunt object or a hand, during the commission of the offense or during the immediate flight therefrom.

It is not required that the prosecution prove use or exhibition of a deadly weapon, namely, a blunt object or a hand, beyond all possible doubt; it is required that the prosecution's proof excludes all reasonable doubt concerning the defendant's use or exhibition of a deadly weapon, namely, a blunt object or a hand, during the commission of the offense or during the immediate flight therefrom.

In the event you have a reasonable doubt as to whether the defendant used or exhibited a deadly weapon, namely, a blunt object or a hand, after considering all the evidence before you, and these instructions, you will find the defendant did not use or exhibit a deadly weapon, namely, a blunt object or a hand, during the commission of the offense or during the immediate flight therefrom.

Do you the Jury find beyond a reasonable doubt that the defendant used or exhibited a deadly weapon, namely, a blunt object or a hand, during the commission of the offense for which he has been convicted or during the immediate flight therefrom?

The Jury will answer either, "We do" or "We do not."

ANSWER: _____

Foreman of the Jury