

10-DCR-054233  
CHCO 874  
Charge of the Court  
6428273



**CAUSE NO. 10-DCR-054233**

<b>THE STATE OF TEXAS</b>	<b>§</b>	<b>IN THE DISTRICT COURT OF</b>
<b>VS.</b>	<b>§</b>	<b>FORT BEND COUNTY, TEXAS</b>
<b>ALBERT JAMES TURNER</b>	<b>§</b>	<b>268<sup>TH</sup> JUDICIAL DISTRICT</b>

**CHARGE OF THE COURT**

LADIES AND GENTLEMEN OF THE JURY:

The defendant, ALBERT JAMES TURNER, stands charged by indictment with the offense of Capital Murder, alleged to have been committed on or about December 27, 2009, in Fort Bend County, Texas. The defendant has pleaded not guilty.

**I.**

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 or knowingly causes the death of more than one individual during the same criminal transaction.

**II.**

"Individual" means a human being who is alive, including an unborn child at every stage of gestation from fertilization until birth.

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.

### III.

The State has introduced evidence of extraneous crimes or bad acts other than the one charged in the indictment in this case. You are instructed that you cannot consider such other acts unless you first find and believe beyond a reasonable doubt that the defendant committed such acts, but if you do not believe, or have a reasonable doubt thereof, you will not consider such testimony for any purpose. If you find and believe beyond a reasonable doubt that the defendant committed such other acts, then you may only consider the same as proof of intent, knowledge, motive, identity, opportunity, common plan or scheme, absence of mistake, and for no other purpose.

### IV.

You are instructed that you may consider all relevant facts and circumstances surrounding the killings, if any, and the previous relationship existing between the defendant and the deceased, if any, together with all relevant facts and circumstances going to show the condition of the mind of the defendant at the time of the offense alleged in the indictment, if any.

On or About means any date before the returning of the indictment and within the statute of limitations. There is no statute of limitations for capital murder. The indictment was returned on April 5, 2010.

### V.

Now, bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that on or about December 27, 2009, in Fort Bend County, Texas, the defendant, Albert James Turner, during the same criminal transaction, did then and there intentionally or knowingly cause the death of an individual, Betty Frank, by cutting or stabbing Betty Frank, and did then and there intentionally or knowingly cause the death of an individual, Keitha Turner, by

cutting or stabbing Keitha Turner, 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, you will acquit the defendant and say by your verdict "Not Guilty."

## VI.

A Grand Jury Indictment is the means whereby a felony prosecution is brought against a defendant. It is not evidence of guilt nor can it be considered by you in passing upon the issue 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 a person has been arrested, confined, 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 find the defendant not guilty.

It is not required that the prosecution proves 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, you will acquit him and say by your verdict not guilty.

## VII.

You have been permitted to take notes during the testimony of 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 the 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.

Occasionally, during jury deliberations, a dispute arises as to the testimony presented. If this should occur in this case, you shall inform the Court and request that the Court read the portion of disputed testimony to you from the official transcript. You shall not rely on your notes to resolve the dispute because those notes, if any, are not official transcripts. The dispute must be settled by the official transcript, for it is the official transcript, rather than the juror's notes, upon which you must base your determination of the facts and, ultimately, your verdict in this case.

## VIII.

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 or she may have heard regarding the case or any witness therein, from

any source other than the witness stand. In deliberating on the cause you are not to refer to or discuss any matter or issue not in evidence before you; nor talk about this case to anyone not of your jury; and after the reading of this charge you shall not separate from each other until you have reached a verdict.

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. You may make reasonable inferences from the evidence admitted.

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.

No one has any authority to communicate with you except the officer who has you in charge. 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.

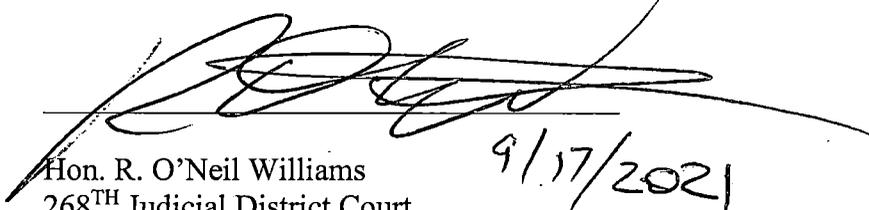
After you have retired, you may communicate with this court in writing through the officer who has you in charge. Do not attempt to talk to the officer who has you in charge, or the attorneys, or the court, or anyone else concerning any questions you may have.

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 in writing, must be unanimous, and signed by your presiding juror.

After you have reached a unanimous verdict, the presiding juror will certify thereto by filling in the appropriate form attached to this charge and signing his or her name as presiding juror.

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

  
Hon. R. O'Neil Williams  
268<sup>TH</sup> Judicial District Court  
Judge Presiding  
Fort Bend County, Texas

9/17/2021

**FILED**

SEP 17 2021

AT 12:54 P.M.  
*Brenda M. Green Walk* af  
CLERK DISTRICT COURT, FORT BEND CO., TX



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**VERDICT**

We, the Jury, find the defendant, ALBERT JAMES TURNER, “Not Guilty” as charged in the indictment, of Capital Murder.

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PRESIDING JUROR