

ORIGINAL

NO. 219-82731-2020

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| <p>THE STATE OF TEXAS</p> <p>VS.</p> <p>LADARUS DEMARQUIS EARL KEYS</p> | <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> | <p>IN THE 219TH JUDICIAL</p> <p>DISTRICT COURT OF</p> <p>COLLIN COUNTY, TEXAS</p> |
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CHARGE OF THE COURT**MEMBERS OF THE JURY:**

The defendant, **LADARUS DEMARQUIS EARL KEYS**, stands charged by indictment with the offense of Capital Murder, alleged to have been committed on or about the 7th day of November, 2017, in Collin County, Texas. To this charge the defendant has pleaded not guilty.

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

Our law provides that a person commits the offense of felony murder if the person intentionally or knowingly causes the death of an individual or if the person commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

Our law provides that a person commits the offense of robbery if, in the course of committing theft and with the intent to obtain or maintain control of the property, he 1) intentionally, knowingly, or recklessly causes bodily injury to another; OR 2) intentionally or knowingly threatens or places another in fear of imminent bodily injury or death.

Our law provides that a person commits the offense of theft if he unlawfully appropriates property with intent to deprive the owner of property. Appropriation of property is unlawful if it is without the owner's effective consent.

A person acts intentionally, or with intent, with respect to the 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.

A person acts recklessly, or is reckless, 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.

"Individual" means a person who has been born and was alive.

"Attempt" means to commit an act with specific intent to commit an offense where the act committed amounts to more than mere preparation but fails to effect the commission of the offense intended.

"Felony" means an offense so designated by law or punishable by death or confinement in a penitentiary.

"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.

You are instructed that 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. Each party to an offense may be charged with the commission of the offense.

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.

If in the attempt to carry out a conspiracy to commit one felony, another felony is committed by one of the conspirators, all conspirators are guilty of the felony actually committed, though having no intent to commit it, if the offense was committed in furtherance of the unlawful purpose and was one that should have been anticipated as a result of the carrying out of the conspiracy.

The term “conspiracy” means an agreement with one or more persons that they or one or more of them engage in conduct that would constitute a felony.

Robbery is a felony.

Voluntary intoxication does not constitute a defense to the commission of a crime.

CAPITAL MURDER

NOW, If you find from the evidence beyond a reasonable doubt that on or about the 7th day of November, 2017 in Collin County, Texas, the defendant, **LADARUS DEMARQUIS EARL KEYS**, did then and there intentionally cause the death of an individual, namely, Christopher Collinvitti, by shooting Christopher Collinvitti with a firearm, in the course of committing or attempting to commit the offense of robbery, then you will find the defendant guilty of Capital Murder as charged in the indictment.

Or

If you find from the evidence beyond a reasonable doubt that on or about the 7th day of November, 2017, in Collin County, Texas, Jacob Malin or Christopher Walker, or both, did then and there intentionally cause the death of an individual, namely, Christopher Collinvitti, by shooting Christopher Collinvitti with a firearm, in the course of committing or attempting to commit the offense of robbery, and if you further find beyond a reasonable doubt that the Defendant, **LADARUS DEMARQUIS EARL KEYS**, acting as a party, as that term is defined above, did with the intent to promote or assist the commission of the offense, solicit, encourage, direct, aid, or attempt to aid Jacob Malin, or Christopher Walker, or both, in intentionally causing the death of Christopher Collinvitti, then you will find the defendant, **LADARUS DEMARQUIS EARL KEYS**, guilty of capital murder.

Or

If you find from the evidence beyond a reasonable doubt, that on or about the 7th day of November 2017, in Collin County, Texas, the defendant, **LADARUS DEMARQUIS EARL KEYS**, entered into a conspiracy with Jacob Malin or Christopher Walker, or both, to commit the felony offense of robbery, and that in the attempt to carry out this conspiracy, if any, Jacob Malin or Christopher Walker, or both, did then and there intentionally cause the death of an individual, namely, Christopher Collinvitti, by shooting Christopher Collinvitti with a firearm, in the course of committing or attempting to commit the offense of robbery, and you further find that intentionally causing the death of Christopher Collinvitti was committed in furtherance of the unlawful purpose to commit robbery and should have been anticipated as a result of carrying out the conspiracy to commit robbery, whether or not the defendant, **LADARUS DEMARQUIS EARL KEYS**, had the intent to cause the death of Christopher Collinvitti, then you will find the defendant, **LADARUS DEMARQUIS EARL KEYS**, guilty of capital murder.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof that the defendant is guilty of capital murder as charged, or if you

cannot agree, you will next consider whether he is guilty of the lesser included offense of felony murder as instructed below.

FELONY MURDER

NOW, if you find from the evidence beyond a reasonable doubt that on or about the 7th day of November, 2017 in Collin County, Texas, the defendant, **LADARUS DEMARQUIS EARL KEYS**, did then and there intentionally or knowingly commit or attempt to commit the felony offense of robbery, and while in the course of and furtherance of the commission of or attempt to commit said offense did then and there commit an act clearly dangerous to human life, to wit: shooting Christopher Collinvitti with a firearm and did thereby cause the death of an individual, you will find the defendant guilty of Felony Murder as included in the indictment.

If you do not so believe or if you have a reasonable doubt as to the defendant's guilt of any offense defined in this charge, after considering all the evidence before you, and these instructions, you will acquit him and say by your verdict "Not Guilty."

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 those two 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.

ACCOMPLICE TESTIMONY

A conviction cannot be had upon the testimony of an accomplice unless the jury first believes 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.

You are charged that Jacob Malin was an accomplice if any offense was committed, and you are instructed that you cannot find the defendant guilty upon the testimony of Jacob Malin unless you first believe that the testimony of Jacob Malin is true and that it shows the defendant is guilty as charged in the indictment; and even then you cannot convict the defendant, **LADARUS DEMARQUIS EARL KEYS**, unless you further believe that there is other evidence in this case, outside the evidence of Jacob Malin, tending to connect the defendant with the commission of the offense charged in the indictment and then from all the evidence you must believe beyond a reasonable doubt that the defendant is guilty.

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, or charged with an 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 of the evidence in the case.

Our law provides that a defendant may testify in his own behalf if he elects to do so. This, however, is a privilege 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 or allude to that fact throughout your deliberations or take it into account.

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 cannot consider said testimony for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other offense or offenses, if any were committed, and even then you may only consider the same for the

purpose of determining motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident, and for no other purpose.

You are instructed that you are not to allow yourselves to be influenced in any degree whatsoever by what you may 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 upon 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.

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.

You are further instructed that you should not question the Bailiff concerning the testimony or the law of the case, nor should you discuss the case in his presence. If you have any questions, you should reduce them to writing, to be signed by the presiding juror, and present them to the Court.

If the Jurors disagree as to the statement of any witness, they may, upon applying to the Court, have read to them from the Court Reporter's notes that portion of such witness' testimony, and only that portion, on the point in dispute.

You are instructed that the indictment is the means whereby a defendant is brought to trial in a felony prosecution. It is not evidence, nor can it be considered as such when passing upon whether the defendant is guilty or not guilty.

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 retire to the jury room, you should select one of your members as your presiding juror. It is their duty to preside at your deliberations and vote with you. Your verdict must be unanimous and signed by the presiding juror.

You are the exclusive judges of the facts proved, of the credibility of the witnesses, and the weight to be given their testimony, but you must be governed by the law you receive in these written instructions.

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.

In all criminal cases the burden of proof is on the State and the defendant is presumed to be innocent until the defendant's guilt is established by legal evidence beyond a reasonable doubt; and, in case you have a reasonable doubt of the defendant's guilt, you will acquit the defendant and say by your verdict "Not Guilty".

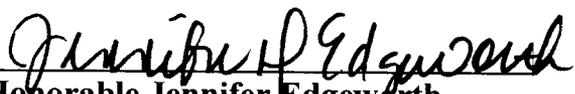
Suitable forms for your verdict are attached hereto. Your verdict must be in writing and signed by your presiding juror. Your sole duty at this time is to determine whether the defendant is guilty or not guilty under the indictment in this cause and you are to restrict your deliberations to that issue.

Signed this the 16th day of June, 2022.

FILED

22 JUN 17 AM 11:57

BY:  DISTRICT CLERK
COLLIN COUNTY, TX
DEPUTY


Honorable Jennifer Edgeworth

Judge Presiding

VERDICT

We, the jury, find the defendant guilty of Capital Murder, as charged in the indictment.


Presiding Juror Signature


Presiding Juror Printed Name

OR,

We, the jury, find the defendant guilty of the lesser included offense of Felony Murder.

Presiding Juror Signature

Presiding Juror Printed Name

OR,

We, the jury, find the defendant not guilty.

Presiding Juror Signature

Presiding Juror Printed Name