

ORIGINAL

***In The 416th Judicial District Court,
Collin County, Texas
Honorable Andrea Thompson, Presiding***

Cause No. 416-80133-2022

STATE OF TEXAS

VS.

BLAKE RYAN RICHARDS

CHARGE OF THE COURT

MEMBERS OF THE JURY:

The defendant, **BLAKE RYAN RICHARDS**, stands charged by indictment with the offense of **CAPITAL MURDER**, alleged to have been committed on or about the 27th day of October, 2021, in Collin County, Texas. To this charge the defendant has pleaded not guilty.

Offense Definitions:

Our law provides that a person commits the offense of Murder if he intentionally or knowingly causes the death of an individual.

Our law provides that a person commits the offense of Capital Murder if he murders more than one person during the same criminal transaction.

Term Definitions:

“Deadly weapon” means a firearm.

“Individual” means a human being who is alive.

A person acts intentionally, or with intent, with respect 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 a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

Application of the Law to the Facts:

Capital Murder

NOW, if you find from the evidence beyond a reasonable doubt that on or about the 27th day of October, 2021, in Collin County, State of Texas, the Defendant, **BLAKE RYAN RICHARDS**, did then and there, intentionally or knowingly cause the death of an individual, namely, **BRITTANY RICHARDS**, by shooting **BRITTANY RICHARDS** with a firearm, a deadly weapon, and did then and there intentionally or knowingly cause the death of another individual, namely **ROSS ESCALANTE**, by shooting **ROSS ESCALANTE** with a firearm, a deadly weapon, and these murders were committed during the same criminal transaction, 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 that the Defendant committed Capital Murder, or if you cannot agree, you will consider the lesser-included offense of Murder as instructed below.

Murder

NOW, if you find from the evidence beyond a reasonable doubt that on or about the 27th day of October, 2021, in Collin County, State of Texas, the Defendant, **BLAKE RYAN RICHARDS**, did then and there, intentionally or knowingly cause the death of an individual, namely, **BRITTANY RICHARDS**, by shooting **BRITTANY RICHARDS** with a firearm, a deadly weapon, then you will find the defendant guilty of Murder, a lesser included offense.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof that the defendant committed Murder, or if you cannot agree, you will acquit the defendant and say by your verdict "not guilty."

Self Defense

If you have found the defendant guilty of the lesser-included offense of murder, you will next consider whether he committed the offense in self-defense.

A person is justified in using force against another when and to the degree he reasonably believes the force is immediately necessary to protect himself against the other's apparent use, attempted use, or actual use of unlawful force.

The use of force against another is not justified in response to verbal provocation alone.

A person is justified in using deadly force against another:

- (1) if the person would be justified in using force against the other; and
- (2) when and to the degree the person reasonably believes the deadly force is immediately necessary:
 - a. to protect himself against the other's use or attempted use of unlawful deadly force; or
 - b. to prevent the other's imminent commission of murder.

The defendant's belief that the deadly force was immediately necessary is presumed to be reasonable if the defendant:

- (1) knew or had reason to believe that the person against whom the deadly force was used was committing or attempting to commit murder;
- (2) the defendant did not provoke the person against whom the force was used; and
- (3) the defendant was not otherwise engaged in criminal activity, other than a Class C misdemeanor that is a violation of law or ordinance regulating traffic at the time the force was used.

A person who has a right to be present at the location where the deadly force is used, who has not provoked the person against whom the deadly force is used, and who is not engaged in criminal activity at the time the deadly force is used is not required to retreat before using deadly force.

In determining whether an actor reasonably believed that the use of deadly force was necessary, you may not consider whether the actor failed to retreat.

"Reasonable belief" means a belief that would be held by an ordinary and prudent person in the same circumstances as the defendant.

“*Deadly force*” means force that is intended or known by the person using it to cause, or in the manner of its use or intended use is capable of causing, death or serious bodily injury.

The presumption of reasonable belief applies unless the State proves beyond a reasonable doubt that the facts giving rise to the presumption do not exist.

If the State fails to prove beyond a reasonable doubt that the facts giving rise to the presumption do not exist, the jury must find that the presumed facts exist.

Even though the jury may find the presumed fact does not exist, the State must prove beyond a reasonable doubt each of the elements of the offense charged.

If the jury has a reasonable doubt as to whether the presumed fact exists, the presumption applies and the jury must consider the presumed fact to exist.

You are further instructed that it is your duty to consider all relevant facts and circumstances surrounding the alleged killing and the previous relationship existing between the accused and the deceased, together with all the relevant facts and circumstances going to show the condition of the mind of the accused at the time of the alleged offense.

Therefore, if you find from the evidence beyond a reasonable doubt the defendant, BLAKE RYAN RICHARDS, is guilty of murder, but you further find, or have a reasonable doubt thereof, that the defendant reasonably believed, or is presumed to have reasonably believed, that deadly force, if any, was immediately necessary to protect himself against BRITTANY RICHARDS use or attempted use of unlawful deadly force or to prevent BRITTANY RICHARDS from committing murder, then you will find his conduct was justified and find the defendant “not guilty.”

Final Instructions:

In all criminal cases the burden of proof is on the State. 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 indicted for, or otherwise charged with the offense gives rise to no inference of guilt at his trial.

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 the defendant and say by your verdict "Not Guilty".

The defendant is on trial solely on the charge contained in the indictment. In reference to evidence, if any, that the defendant has previously participated in recent transactions or acts, other than but similar to that which is charged in the indictment in this case, you are instructed that you can not consider such other transactions or acts, if any, for any purpose unless you find and believe beyond a reasonable doubt that the defendant participated in such transactions or committed such acts, if any; and even then you may only consider the same for the purpose of determining intent, knowledge, identity, motive, or common plan or scheme, if it does, 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.

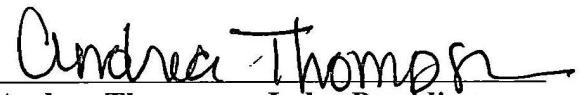
During your deliberations in this case, you must not consider, discuss, nor relate any matters not in evidence before you. You should not consider nor mention any personal knowledge or information you may have about any fact or person connected with this case which is not shown by the evidence.

After you retire to the jury room, you should select one of your members as your presiding juror. It is his or her duty to preside at your deliberations, vote with you, see that your deliberations are conducted in an orderly manner and in accordance with the instructions in this charge, write out and hand to the bailiff any communications concerning the case which you desire to have delivered to the Court, and, when you have unanimously agreed upon a verdict, to certify your verdict by signing the same as 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.

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 October 12, 2022.

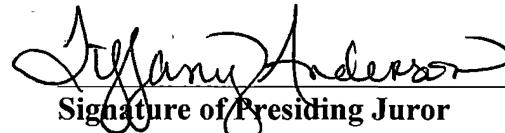


Andrea Thompson, Judge Presiding

Filed: October 13, 2022 3:54 PM
Lynne Finley
District Clerk
Collin County, Texas
By: Crow, Keri Deputy

VERDICT FORM

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



Signature of Presiding Juror

Tiffany Anderson

Printed Name of Presiding Juror

OR,

We, the Jury, find the defendant guilty of Murder, a lesser included offense.

Signature of Presiding Juror

Printed Name of Presiding Juror

OR,

We, the Jury, find the defendant not guilty.

Signature of Presiding Juror

Printed Name of Presiding Juror