

No. 11-DCR-56513

THE STATE OF TEXAS	{	IN THE DISTRICT COURT OF
	{	
VS.	{	FORT BEND COUNTY, TEXAS
	{	
CORNELIUS MILAN HARPER	{	434 TH JUDICIAL DISTRICT

COURT'S CHARGE ON PUNISHMENT

LADIES AND GENTLEMEN OF THE JURY:

You have found the defendant guilty of the offense of capital murder. You are instructed that the mandatory sentence for capital murder is life without parole or death. In order for the court to assess the proper punishment, certain questions or issues are submitted to you. Before answering these issues you will consider the following instructions:

I.

All words, phrases and terms used in these instructions are to be taken and understood in their usual acceptance in common language, except where specifically defined.

In arriving at the answers to the issues submitted, it will not be proper for you to fix the same by lot, chance or any other method than by a full, fair and free exchange of the opinion of each individual juror.

II.

You are instructed that a defendant sentenced to confinement for life without parole is ineligible for release from the Department of Criminal Justice on parole.

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III.

You are instructed that if there is any testimony before you in this case regarding the defendant's having committed offenses other than the offense for which you have found him guilty, you cannot consider said testimony for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other offenses, if any were committed.

In deliberating the issues hereinafter submitted, the jury shall consider all evidence admitted at the guilt or innocence stage and the punishment stage, including evidence of the defendant's background or character or circumstances of the offense that militates for or mitigates against the imposition of the death penalty

You are instructed that in answering Issue No. 1, the State has the burden to prove beyond a reasonable doubt that the answer should be "Yes." The jury may not answer Issue No. 1 "Yes" unless the jury agrees unanimously on the answer. You are also instructed that in answering Issue No. 1 that the jury may not answer "No" unless ten or more jurors agree. The jurors need not agree on what particular evidence supports a negative answer to Issue No. 1.

IV.

ISSUE NO. 1

Do you find from the evidence beyond a reasonable doubt that there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society?

Answer (Yes or No): Yes

V.

If the jury has answered Issue No. 1 in the affirmative, the jury shall answer the following issue:

ISSUE NO. 2:

Do you find from the evidence, taking into consideration all of the evidence, including the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant, that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed?

You are instructed that in answering this issue, you shall answer the issue "Yes" or "No." You may not answer the issue "No" unless the jury unanimously agrees, and you may not answer the issue "Yes" unless ten or more jurors agree. The jurors need not agree on what particular evidence supports an affirmative finding on the issue. The jury shall consider mitigating evidence to be evidence that a juror might regard as reducing the defendant's moral blameworthiness.

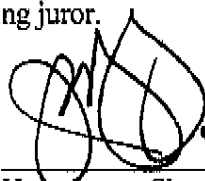
You are instructed that if the jury answers that a circumstance or circumstances warrant that a sentence of life without parole rather than a death sentence be imposed, the court will sentence the defendant to imprisonment in the Institutional Division of the Texas Department of Criminal Justice for life without parole.

Answer (Yes or No):

Yes

VI.

After the reading of this charge, you shall not be permitted to separate from each other, nor shall you talk with anyone not of your jury. After you retire to consider your verdict, no one has any authority to communicate with you except the officer who has you in charge. You may communicate with this Court in writing signed by the presiding juror through the officer who has you in charge. Do not attempt to talk to the officer, the attorneys, or the Court concerning any questions you may have. After argument of counsel, you will retire and consider your answer to the issues submitted to you. It is the duty of your foreperson to preside in the jury room and vote with you on the answers to the issues submitted. After you have reached an answer to the foregoing issues, the presiding juror will certify thereof by filling in the appropriate form attached to this charge and signing his or her name as presiding juror.

 434⁰³ 6-18-14

Hon. James Shoemake
Judge Presiding

FILED
CO

JUN 18 2014

AT 11:40 A.M.


Christie Renee Elliott
Clerk District Court, Fort Bend Co., TX

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VERDICT OF THE JURY

We, the jury, having answered the foregoing issues, return the same into Court as our verdict.



 Presiding Juror

FILED
 JUN 18 2014
 AT 7:11 P.M.
 Clerk District Court Fort Bend Co., TX