

NO. 2010-CR-5922

THE STATE OF TEXAS § IN THE DISTRICT COURT
VS. § 290TH JUDICIAL DISTRICT
LORENZO THOMPSON § BEXAR COUNTY, TEXAS

CHARGE OF THE COURT

MEMBERS OF THE JURY:

The defendant, Lorenzo Thompson, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 12th Day of April, 2010, in Bexar County, Texas. The defendant has pleaded not guilty.

I.

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

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

II.

"Individual" means a human being who has been born and is alive.

"In the course of committing" an offense means conduct that occurs in an attempt to commit, during the commission, or in immediate flight after the attempt or commission of the offense.

"Attempt" to commit an offense occurs if, with specific intent to commit an offense, a person does an act amounting to more than mere preparation that tends, but fails, to effect the commission of

the offense intended.

III.

For the offense of capital murder, 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.

IV.

A person commits a robbery if, in the course of committing theft, as defined hereinafter, and with intent to obtain or maintain control of the property, he intentionally, knowingly, or recklessly causes bodily injury to another, or intentionally or knowingly threatens or places another in fear of imminent bodily injury or death.

V.

"In the course of committing" and "attempt" as defined in paragraph II applies and has the same meaning here.

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

VI.

A person commits the offense of theft if he unlawfully appropriates property with intent to deprive the owner of property.

VII.

"Appropriation" and "appropriate" mean to acquire or otherwise exercise control over property other than real property. Appropriation of property is unlawful if it is without the owner's effective consent.

"Property" means tangible or intangible personal property or documents, including money, that represents or embodies anything of value.

"Deprive" means to withhold property from the owner permanently or for so extended a period of time that a major portion of the value or enjoyment of the property is lost to the owner.

"Effective consent" means assent in fact, whether express or apparent, and includes consent by a person legally authorized to act for the owner. Consent is not effective if induced by deception or coercion.

"Owner" means a person who has title to the property, possession of the property, or a greater right to possession of the property than the person charged.

VIII.

For the offenses of robbery and theft, a person acts intentionally, or with intent, with respect to the nature of his conduct or to a result of his conduct when it is his conscious

objective or desire to engage in the conduct or cause the result.

For the offense of robbery a person acts knowingly, or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. For the offense of robbery, 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.

For the offense of robbery a person acts "recklessly", or is "reckless" with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or 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.

A person is criminally responsible if the result would not have occurred but for his conduct, operating either alone or concurrently with another cause, unless the concurrent cause was clearly sufficient to produce the result and the conduct of the actor clearly insufficient.

You are instructed that a person commits an offense only if he voluntarily engages in conduct, including an act, omission, or possession. Conduct is not rendered involuntary merely because the person did not intend the results of his conduct. A person's conduct is voluntary if the conduct itself is sufficient to cause the injury without any intervening event.

Therefore, if you believe from the evidence beyond a reasonable doubt that on the occasion in question the Defendant, Lorenzo Thompson, did cause the death of Vanessa Pitts, by driving and swerving a motor vehicle from side to side, and/or by steering the said vehicle into another motor vehicle, causing Vanessa Pitts to be thrown from said vehicle, as alleged in the indictment, but you further believe from the evidence, or you have a reasonable doubt thereof, that this alleged conduct was not the result of a voluntary act of the Defendant, then you will acquit the Defendant and say by your verdict "Not Guilty" to the offense of capital murder.

However, if you believe from the evidence beyond a reasonable doubt that, at the time and place in question, the defendant's alleged conduct was the result of a voluntary act of the defendant,

you will consider whether he is guilty of the offense of capital murder.

IX.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 12th Day of April, 2010, in Bexar County, Texas, the defendant, Lorenzo Thompson, did intentionally cause the death of an individual, namely, Vanessa Pitts, by driving and swerving a motor vehicle from side to side, and/or by steering the said vehicle into another motor vehicle, causing Vanessa Pitts to be thrown from said vehicle, and Lorenzo Thompson was in the course of committing or attempting to commit the offense of robbery of Vanessa Pitts, then you will find the defendant guilty of capital murder as charged in the indictment.

If you do not so find beyond a reasonable doubt, if you have a reasonable doubt thereof, or you are unable to agree, you will next consider whether the defendant is guilty of the lesser included offense of murder.

X.

Our law provides that a person commits the offense of 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 an act clearly dangerous to human life that causes the death of an individual.

Robbery is a felony offense.

XI.

"Individual" and "attempt" are defined in paragraphs II and have the same meaning here.

XII.

Robbery and its terms and definitions are defined in paragraph IV through VIII and have the same meaning here.

A person is criminally responsible if the result would not have occurred but for his conduct, operating either alone or concurrently with another cause, unless the concurrent cause was clearly sufficient to produce the result and the conduct of the actor clearly insufficient.

You are instructed that a person commits an offense only if he voluntarily engages in conduct, including an act, omission, or possession. Conduct is not rendered involuntary merely because the person did not intend the results of his conduct. A person's conduct is voluntary if the conduct itself is sufficient to cause the injury without any intervening event.

Therefore, if you believe from the evidence beyond a reasonable doubt that on the occasion in question the Defendant, Lorenzo Thompson, did cause the death of Vanessa Pitts, or committed an act clearly dangerous to human life that caused the death of Vanessa Pitts, by driving and swerving a motor vehicle from side to side, and/or by steering the said vehicle into another motor vehicle, causing Vanessa Pitts to be thrown from said vehicle, as alleged in the indictment, but you further believe from the evidence, or you have a reasonable doubt thereof, that this alleged conduct was not the result of a voluntary act of the Defendant, then you will

acquit the Defendant and say by your verdict "Not Guilty" to the offense of murder.

However, if you believe from the evidence beyond a reasonable doubt that, at the time and place in question, the defendant's alleged conduct was the result of a voluntary act of the defendant, you will consider whether he is guilty of the offense of murder.

XIII.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 12th Day of April, 2010, in Bexar County, Texas, the defendant, Lorenzo Thompson, did intentionally or knowingly commit or attempt to commit a felony, to wit: robbery, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt to commit robbery, Lorenzo Thompson did commit an act clearly dangerous to human life, to wit: by driving and swerving a motor vehicle from side to side, and/or by steering the said vehicle into another motor vehicle, causing Vanessa Pitts to be thrown from said vehicle, thereby causing the death of Vanessa Pitts, then you will find the defendant guilty of the lesser included offense of murder.

If you do not so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will find the defendant not guilty.

()

Our law provides 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 or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against him.

Written statements made by a witness to investigators or other officers or police reports made by officers and tendered by the prosecution to the defense for purposes of cross-examination are not part of the evidence unless introduced in evidence. Many times statements and reports may be marked with an exhibit number but are neither offered nor received in evidence. I can send only statements and reports received in evidence to the jury room.

You are instructed that the statements of counsel made during the course of the trial or during the argument, if not supported by evidence, or statements of law made by counsel, if not in harmony with the law as stated to you by the Court in these instructions, are to be wholly disregarded.

You must disregard any comment or statement made by the Court during the trial or in these instructions which may seem to indicate an opinion with respect to any fact, item of evidence or verdict to be reached in this case. No such indication is intended.

You are instructed that the Grand Jury indictment is not evidence of guilt. It is the means whereby a defendant is brought to trial in a felony prosecution. It is not evidence, nor can it be considered by you in passing upon whether this 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 have retired to your jury room, you should select one of your members as your "foreperson". 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 signing the same as "foreperson."

You are the exclusive judges of the facts proved, of the credibility of the witnesses and of the weight to be given to the testimony, but you are bound to receive the law from the Court which is herein given to you and be governed by that law.

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. 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.

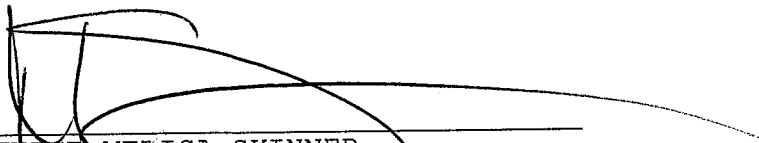
The prosecution has the burden of proving the defendant guilty and it must do so by proving each and every element of the offense charged beyond a reasonable doubt and if it fails to do so, you must acquit the defendant.

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."

Suitable forms for your verdict are attached to the charge for your convenience if you care to use them, but they are not intended to suggest to you in any way what your verdict should be, and you may or may not, as you see fit, make use of them. At any rate, your verdict must be in writing and signed by your foreperson. Your only duty at this time is to determine whether the defendant is guilty or not guilty under the indictment in this cause, and you must restrict your deliberations to the issue of whether the defendant is guilty or not guilty, and nothing else. After you have retired to the jury room, no one has any authority to communicate with you except the officer who has you in charge. Do not attempt to talk to the officer, or anyone else concerning any question you may have; instead address your question to the Court in writing. If you want to communicate with the Court, notify the bailiff. Any communication relative to the case must be written, prepared by the foreperson, and submitted to the Court through the bailiff.

Respectfully submitted,



JUDGE MELISA SKINNER
290th Judicial District Court
Bexar County, Texas

FILED
DISTRICT CLERK
BEXAR CO. TEXAS
D. B. [Signature]
AUG 23 AM 10:09
RECEIVED
BY DEPUTY

NO. 2010-CR-5922

THE STATE OF TEXAS § IN THE DISTRICT COURT
VS. § 290TH JUDICIAL DISTRICT
LORENZO THOMPSON § BEXAR COUNTY, TEXAS


VERDICT FORM

We, the Jury, find the defendant, Lorenzo Thompson, not guilty.

FOREPERSON

VERDICT FORM

We, the Jury, find the defendant, Lorenzo Thompson, guilty of capital murder as charged in the indictment.



FOREPERSON

VERDICT FORM

We, the Jury, find the defendant, Lorenzo Thompson, guilty of the lesser included offense of murder.

FOREPERSON