

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 injury or death.

- 1. intentionally, knowingly or recklessly causes bodily injury to another, or
- 2. intentionally or knowingly threatens, or places another in fear of, imminent bodily

property of another, he:
term is defined later in these instructions, and with intent to obtain and maintain control of
A person commits the offense of robbery if, in the course of committing theft, as that
the course of committing or attempting to commit the offense of robbery.

A person commits capital murder when such person intentionally commits the murder in individual.

A person commits the offense of murder when he intentionally causes the death of an 2007. The defendant has pleaded not guilty to this charge.

The defendant, Curtis Criss, stands charged by indictment with the offense of capital murder alleged to have been committed in Dallas County, Texas, on or about February 22nd,

MEMBERS OF THE JURY:

COURT'S CHARGE TO THE JURY

CURTIS CRISS

-VS.-

THE STATE OF TEXAS

CAUSE NO. F07-49170

§ IN THE 20th JUDICIAL DISTRICT COURT
§ DALLAS COUNTY, TEXAS

G.M. Lewis

GARY FITZSIMMONS

2008 APR 14 PM 3:39

OFFICE OF COURT ADMINISTRATION

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cause the result.

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. 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.

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

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

"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.

"Theft" is the unlawful appropriation of the personal property of another, without the owner's effective consent, with the intent to deprive such person of said property.

"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.

The term "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 or force or threats.

"Owner" means a person who has title to the property, possession of the property, whether lawful or not, or a greater right to possession of the property than the person charged.

"Possession" means actual care, custody, control or management of property.

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

"Deadly weapon" means a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury; or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

"Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

A conviction cannot be had upon the testimony of an accomplice unless the jury first believe 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 further instructed that accomplice witnesses can not corroborate each other.

You are further instructed that mere presence of the accused in the company of an accomplice witness shortly before or after the time of the offense, if any, is not, in itself, sufficient corroboration of the accomplice witness' testimony.

murder as charged in the indictment.

commit the offense of robbery of the deceased, you shall find the defendant guilty of capital firearm, a deadly weapon, and the defendant was in the course of committing or attempting to Demarco Boyd, an individual, hereinafter called deceased, by shooting the deceased with a Texas, the defendant, Curtis Criss, did unlawfully then and there intentionally cause the death of the evidence beyond a reasonable doubt that on or about February 22nd, 2007, in Dallas County, Now, considering all the law contained in the court's charge, if you find and believe from

reasonable doubt that the defendant is guilty.

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

reasonable doubt that the defendant is guilty.

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

Unless you so find and believe from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant of the offense of capital murder. You are instructed that you may consider all relevant facts and circumstances surrounding the killing, if any, and the previous relationship existing between the accused and the deceased, if any, together with all relevant facts and circumstances going to show the condition of the mind of the accused at the time of the shooting in question, if any.

A grand jury indictment is the means whereby a defendant is brought to trial in a felony prosecution. It is not evidence of guilt nor can it be considered by you in passing upon the issue of guilt of the defendant.

All persons are presumed 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 does not give rise to an inference of guilt at this 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.

You are instructed that if there is any testimony before you in this case regarding the defendant having committed offenses or acts other than the offense alleged against him in the indictment in this case, you cannot consider such testimony for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other offenses or acts, if any were committed. Even then, you may only consider the same in determining the defendant's motive, opportunity, intent, plan, identity, knowledge or absence of mistake or accident, if any.

alleged against him in the indictment in this case, and not for any other purpose.

The prosecution has the burden of proving the defendant guilty and it must do so by proving each element as charged beyond a reasonable doubt, and if it fails to do so, you must acquit the defendant. However, it is not required that the prosecution prove guilt beyond all possible doubt; it is only required that the prosecution's proof exclude all reasonable doubt concerning the defendant's guilt.

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.

During your deliberation in this case, you must not consider, discuss, or relate any matters not in evidence before you. You should not consider or 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, nor shall you in deciding your verdict discuss the punishment which may be assessed in the event that the defendant is found guilty.

At times throughout the trial, the Court has been called upon to pass on the question of whether or not certain offered evidence might properly be admitted. You are not to be concerned with the reasons for such rulings and are not to draw any inference from them. Whether offered evidence is admissible is purely a question of law.

In admitting evidence to which an objection is made, the Court does not determine what weight should be given such evidence, nor does it pass on the credibility of the witness. As to any offer of evidence that has been rejected by the Court, you, of course, must not consider the same. As to any question to which an objection was sustained, you must not conjecture as to

what the answer might have been or as to the reason for the objection.

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.

Your verdict must be unanimous and shall be arrived at by due deliberation and not by

majority vote or by any method of chance.

You are the exclusive judges of the facts proved, the credibility of the witnesses, and the

weight to be given to the testimony. However, you must receive and follow the law provided to

you by the court.

After argument of counsel, you will retire to consider your verdict in this case. You

should begin by selecting one of your members as foreperson. It is the duty of the foreperson to


preside at your deliberations, to vote equally as any other juror in arriving at a verdict, and to

sign the verdict on behalf of the jury.

Any communications with the court must be in writing, signed by the foreperson. You

may deliberate as long as you need. There is no time limit. If you have a verdict, turn on the red

light and the sheriff will quickly respond.



Judge Lena Levario
204th Judicial District Court

VERDICT FORM

We, the jury, find the defendant, Curtis Criss, NOT GUILTY.

FOREPERSON (Signature)

(Printed name)

OR

We, the jury, find the defendant, Curtis Criss, GUILTY of capital murder, as charged in the indictment.

FOREPERSON (Signature)

Gayle McAdams
(Printed name)