

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

CRIMINAL RESPONSIBILITY

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 both.

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.

TERM DEFINITIONS

“Actor” means a person whose criminal responsibility is in issue in a criminal action.

“Appropriate” means to acquire or otherwise exercise control over property. Appropriation of property is unlawful if it is without the owner's effective consent.

“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.

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

“Consent” means assent in fact, whether express or apparent.

“Deprive” means to withhold property from the owner permanently.

“Effective consent” includes consent by a person legally authorized to act for the owner. Consent is not effective if induced by deception or coercion.

“In the course of committing” means conduct occurring in an attempt to commit, during the commission, or in the immediate flight after the attempt or commission of the offense.

“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.

“Possession” means actual care, custody, control or management of the property.

“Property” as used herein means tangible or intangible personal property or documents, including money, that represents or embodies anything of value.

With regard to the offense of capital murder, a person acts intentionally, or with intent, with respect to the nature of his conduct or a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result.

With regard to the offense of robbery, a person acts intentionally, or with intent, with respect to the nature of his conduct or a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result.

With regard to the offense of robbery, 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.

You are further instructed that 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 also tend to connect the defendant with its commission.

Mere presence of the defendant with an accomplice shortly before or shortly after the commission of a crime is not sufficient corroboration of an accomplice witness's testimony to convict the defendant.

You are instructed that an "accomplice," as the term is hereinafter used, means any person connected with the crime charged, as a party thereto, and includes all persons who are connected with the crime, as such parties, by unlawful act or omission on their part transpiring either before or during the time of the commission of the offense. 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. Mere presence alone, however, will not constitute one a party to an offense.

The witness, KENNETH RODGERS, is an accomplice, as a matter of law, if an offense was committed, and you cannot convict the defendant upon his testimony unless you first believe that his testimony is true and shows that the

defendant is guilty as charged, and then you cannot convict the defendant upon said testimony unless you further believe that there is other testimony in the case, outside of the evidence of the said KENNETH RODGERS, tending to connect the defendant with the offense committed, if you find that an offense was committed, and the corroboration is not sufficient if it merely shows the commission of the offense, but it must also tend to connect the defendant with its commission, and then from all of the evidence you must believe beyond a reasonable doubt that the defendant is guilty of the offense charged against him.

It is an affirmative defense to prosecution that under circumstances manifesting a voluntary and complete renunciation of his criminal objective the actor countermanded his solicitation or withdrew from the criminal conduct before commission of the object offense and took further affirmative conduct seeking to prevent the commission of the object offense. It is not enough that the actor merely sought to postpone the criminal conduct or to transfer the criminal act to another but similar objective or victim.

Therefore, if you find and believe, or if you have a reasonable doubt, that the defendant, TONY WILLIAMS, on the occasion in question sought to withdraw from the criminal conduct before its commission and abandoned the criminal conduct, or if you find that the defendant withdrew from the criminal conduct and took such reasonable efforts as he could to prevent the offense, then you will find the defendant not guilty and so say by your verdict.

Now, bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that on or about the 6th day of January, 2008, in the County of Dallas and State of Texas, **TONY ARNELL WILLIAMS**, either acting alone or as a party, as that term has been defined, did unlawfully then and there intentionally cause the death of **PHILLIP WASHINGTON**, an individual, hereinafter called deceased, by shooting the said deceased with a firearm, a deadly weapon, and the defendant was then and there in the course of committing or attempting to commit the offense of robbery of deceased, then you will find the defendant, **TONY ARNELL WILLIAMS**, guilty of Capital Murder, as charged in the indictment and so say by your verdict. If you do not so find and believe beyond a reasonable doubt, or if you have a reasonable doubt thereof, then you will acquit the defendant, and say by your verdict, "not guilty".

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.

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 a 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 proves 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 the defendant and say by your verdict "not guilty".

You are instructed that if there is any testimony before you in this case regarding the defendant having been convicted of an offense, said evidence was admitted before you for the purpose of aiding you, if it does aid you, in passing upon the credibility of the defendant in this case, and to aid you, if it does aid you, in deciding upon the weight you will give him or her as a witness, and you will not consider the same for any other purpose.

The fact that he has been arrested, confined, or indicted for, or otherwise charged with the offense gives no rise to any inference of guilt at his trial.

You are instructed that if there is any testimony before you in this case regarding a witness having been convicted of an offense, said evidence was admitted before you for the purpose of aiding you, if it does aid you, in passing

upon the credibility of the witness in this case, and to aid you if it does aid you, in deciding upon the weight you will give to him or her as such witness, and will not consider the same for any other purpose.

You are instructed that any statements of counsel made during the course of this 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 wholly disregard.

You are further instructed that an indictment is no evidence of guilt. Therefore, you are instructed in this case that the indictment herein shall not be considered by the jury as any evidence of guilt, if any.

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 her. 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.

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

After you retire to the jury room, you will select one of your members as foreperson. It is the foreperson's duty to preside at your deliberations, vote with you, and when you have unanimously agreed upon a verdict, to certify to your verdict by using the appropriate form attached hereto, and signing the same as foreperson.

After you retire to consider your verdict, no one has any authority to communicate with you except the officer who has you in charge. During your deliberations in this case, you must neither consider, discuss, nor relate any matters not in evidence before you. You should neither 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, you may communicate with this Court in writing through the bailiff who has you in charge. Your written communication must be signed by the foreperson. Do not attempt to talk to the bailiff, the attorneys, or the Court regarding any question you may have concerning the trial of this case.

After you have reached a unanimous verdict or if you desire to communicate with the Court, please use the jury call button on the wall and one of the bailiffs will respond.



**HONORABLE GRACIE LEWIS, JUDGE
CRIMINAL DISTRICT COURT #3**

VERDICT FORM

We, the jury, find the defendant, TONY ARNELL WILLIAMS, guilty of the offense of Capital Murder, as charged in the indictment.

James Alvis

FOREPERSON

James Alvis

(Printed Name of Foreperson)

We, the jury, find the defendant, TONY ARNELL WILLIAMS, not guilty.

FOREPERSON

(Printed Name of Foreperson)