

10-DCR-084213
CNCO
Charge of the Court
1172000



No. 54,233

THE STATE OF TEXAS	{	IN THE DISTRICT COURT OF
	{	
VS.	{	FORT BEND COUNTY, TEXAS
	{	
ALBERT JAMES TURNER	{	268 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 punishment for capital murder is death or confinement in the institutional division of the Texas Department of Criminal Justice for life without parole. 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.

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.

II.

In deliberating on Issue No. 1, 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 the 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 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

III.

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? The jury shall answer this question "Yes or No" with the presiding juror signing the appropriate verdict below.

Answer: Yes - Traci Munsey
Presiding Juror

- Answer : No - 1. _____ 2. _____
- 3. _____ 4. _____
- 5. _____ 6. _____
- 7. _____ 8. _____
- 9. _____ 10. _____
- 11. _____

FILED

JUN 07 2011
AT 3:10 PM
Christina R. Ebbel
Clerk District Court, Fort Bend Co., TX

IV.

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 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 jury need not agree on what particular evidence supports an affirmative finding on this 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: No - Traci Munsay
Presiding Juror

Answer: Yes - 1. _____ 2. _____
3. _____ 4. _____
5. _____ 6. _____
7. _____ 8. _____

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AT 3:10 P.M. (C)

Clerk District Court, Fort Bend Co., TX

9. _____ 10. _____

11. _____

V.

In a criminal case, the law permits the defendant to testify in his own behalf, but he is not compelled to do so; and the same law provides that the fact that a defendant does not testify shall not be considered as a circumstance against him. You will, therefore, not consider the fact that the defendant did not testify in the punishment portion of the trial as a circumstance against him; and you will not in your retirement to consider your verdict allude to, comment on, or in any manner refer to the fact that the defendant did not testify in punishment portion of the trial.

VI.

You are charged that you are the exclusive judges of the facts proven, of the credibility of the witnesses and of the weight to be given their testimony, but the law of the case you must receive from the Court as laid down in these instructions, and be governed thereby.

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.

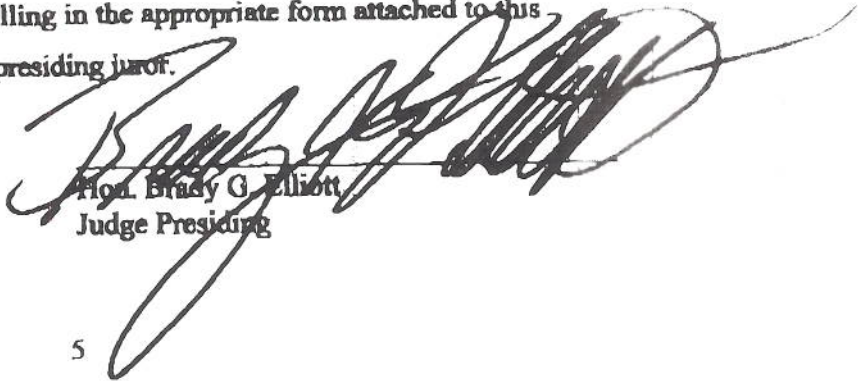
After the reading of this charge, you shall not be permitted to separate from each other, nor shall you talk with anyone not of your jury. After you retire to consider your verdict, no one has any authority to communicate with you except the officer who has you in charge. You may communicate with this 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.

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JUN 07 2011

AT 9:52 AM @

Daniel R. ...
Clerk District Court, Fort Bend Co., TX


Hon. Brady G. Elliott
Judge Presiding

No. 54,233

THE STATE OF TEXAS

VS.

ALBERT JAMES TURNER

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IN THE DISTRICT COURT OF

FORT BEND COUNTY, TEXAS

268TH JUDICIAL DISTRICT

VERDICT OF THE JURY

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

Presiding Juror