

08-DCR-053051  
C/ICO  
Charge of the Court  
#52938



No. 53051

THE STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
OF	§	FORT BEND COUNTY, TEXAS
	§	
EDWARD GEORGE MCGREGOR	§	434 <sup>th</sup> JUDICIAL DISTRICT

**COURT'S CHARGE TO THE JURY**

The defendant, EDWARD GEORGE MCGREGOR, stands charged by indictment with the offense of Capital Murder, alleged to have been committed on or about April 17, 1990, in Fort Bend County, Texas. To this charge, the defendant has pleaded not guilty.

I.

A person commits the offense of murder when he intentionally or knowingly 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 burglary of a habitation or aggravated sexual assault.

II.

A person commits the offense of burglary of a habitation if, without the effective consent of the owner, he enters a habitation or any portion of a habitation not then open to the public with intent to commit a felony, theft, or an assault.

"Enter," as used above, is meant to intrude any part of the body or any physical object connected with the body into the building or habitation.

"Habitation" means a structure or vehicle that is adapted for the overnight accommodation of persons, and includes each separately secured or occupied portion of

the structure or vehicle and each structure appurtenant to or connected with the structure or vehicle.

A person commits the offense of sexual assault if he intentionally or knowingly causes the penetration of the anus or the female sexual organ of another person who is not the spouse of the actor by any means, without that person's consent.

A sexual assault, as that term is used here, is without the consent of the other person if the actor compels the other person to submit or participate by the use of force or physical violence or by threatening to use force or physical violence against the other person and the other person believes that the actor has the present ability to execute the threat.

A person commits the offense of aggravated sexual assault if they commit the offense of sexual assault and uses or exhibits a deadly weapon in the same criminal episode.

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

"Spouse" means a person who is legally married to another.

"Another" means a person other than the actor.

"Individual" means a human being who is alive.

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.

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.

### III.

Now, if you find from the evidence beyond a reasonable doubt that on or about April 17, 1990, in Fort Bend County, Texas, the defendant, Edward George McGregor, did

then and there while in the course of attempting to commit or committing aggravated sexual assault of Kim Wildman intentionally cause the death of Kim Wildman, by stabbing Kim Wildman with deadly weapon, namely, a knife or an unknown object, then you will find the defendant, Edward George McGregor, guilty of Capital Murder as charged in the indictment.

OR

If you find from the evidence beyond a reasonable doubt that on or about April 17, 1990, in Fort Bend County, Texas, the defendant, Edward George McGregor, did then and there while in the course of attempting to commit or committing the burglary of the habitation of Kim Wildman intentionally cause the death of Kim Wildman, by stabbing Kim Wildman with a deadly weapon, namely, a knife or an unknown object, then you will find the defendant, Edward George McGregor, guilty of Capital Murder as charged in the indictment.

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

IV.

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 alleged against him in the indictment in this case, 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, and even then you may only consider the same in determining the identity or consent of the defendant, if any, in connection with the offense, if any, alleged against him in the indictment in this case, and for no other purpose.

## V.

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 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.

In all criminal cases the burden of proof rests upon the State throughout the trial and never shifts to the defendant. 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 the defendant and say by your verdict "Not Guilty".

You are charged that it is only from the witness stand that the jury is permitted to receive evidence regarding the case, or any witness therein, and no juror is permitted to

communicate to any other juror anything he may have heard regarding the case or any witness therein, from any source other than the witness stand. In deliberating on the cause you are not to refer to or discuss any matter or issue not in evidence before you; nor talk about this case to anyone not of your jury; and after the reading of this charge you shall not separate from each other until you have reached a verdict.

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 you, and be governed thereby.

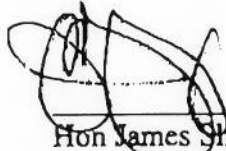
After argument of counsel, you will retire and select one of your members as your presiding juror. It is his or her duty to preside at your deliberations and to vote with you in arriving at a verdict. Your verdict must be unanimous, and after you have arrived at your verdict, you may use one of the forms attached hereto by having your presiding juror sign his or her name to the particular form that conforms to 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 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.

Your deliberations at this time are limited to the issue of guilt or innocence of the defendant of the offense charged, and you are not authorized to pass upon the punishment, if any, to be imposed.

After you have retired, you may communicate with this court in writing through the officer who has you in charge. Do not attempt to talk to the officer who has you in

charge, or the attorneys, or the court, or anyone else concerning any question you may have. After you have reached a unanimous verdict, the presiding juror will certify thereto by filling in the appropriate form attached to this charge and signing his name as presiding juror. After argument of counsel, you may retire to consider your verdict.



Hon James Shoemake  
Judge Presiding  
434th District Court

**FILED**

SEP 02 2010  
AT 11:57 A M  
*Donna Roberts, Clerk*  
Clerk District Court, Fort Bend Co., TX

No. 53051

THE STATE OF TEXAS

OF

EDWARD GEORGE MCGREGOR

§  
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§  
§  
§

IN THE DISTRICT COURT OF

FORT BEND COUNTY, TEXAS

434<sup>th</sup> JUDICIAL DISTRICT

**VERDICT OF THE JURY**

We, the Jury, find the defendant, Edward George McGregor "Not Guilty" of Capital

Murder as charged in the indictment.

\_\_\_\_\_  
Jury Foreperson

09-DCR-053051  
JUVE  
Jury Verdict  
682934




No. 53051

THE STATE OF TEXAS	§	IN THE DISTRICT COURT OF
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OF	§	FORT BEND COUNTY, TEXAS
	§	
EDWARD GEORGE MCGREGOR	§	434 <sup>th</sup> JUDICIAL DISTRICT

**VERDICT OF THE JURY**

We, the Jury, find the defendant, Edward George McGregor "Guilty" of Capital Murder as charged in the indictment.

  
 \_\_\_\_\_  
 Jury Foreperson

**FILED**  
 SEP 03 2010  
 AT 4:06 PM  
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 Clerk District Court, Fort Bend Co., TX