

CAUSE NO. 1231782

THE STATE OF TEXAS § IN THE 339TH DISTRICT COURT
VS. § OF HARRIS COUNTY, TEXAS
CLIFFORD JAMES GRATTON § MAY TERM, A. D., 2010

Members of the Jury:

The defendant, Clifford James Gratton, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 11th day of May, 2007, in Harris County, Texas. The defendant has pleaded not guilty.

A person commits the offense of murder if he intentionally or knowingly causes the death of an individual.

A person commits the offense of capital murder if he commits murder, as hereinbefore defined, and the person intentionally or knowingly causes the death of more than one person during the same criminal transaction.

"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.

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

"Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent

disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

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.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 11th day of May, 2007, in Harris County, Texas, the defendant, Clifford James Gratton, did then and there unlawfully, during the same criminal transaction, intentionally or knowingly cause the death of Demonceon Coleman, by shooting Demonceon Coleman with a deadly weapon, namely a firearm, and intentionally or knowingly cause the death of Ralph Wesley Houston, Jr., by shooting Ralph Wesley Houston, Jr., with a deadly weapon, namely a firearm, then you will find the defendant guilty of capital murder, as charged in the indictment.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant and say by your verdict "Not Guilty."

You are instructed that the state and defense agree that the witness, Lashaunda Reid, is unavailable to testify. Her sworn testimony from a prior proceeding and written statement have been introduced into evidence in this case and should be considered by you in the same manner as if she were present to testify. You are not to consider or speculate as to why she is unavailable.

You are further instructed that any evidence that any witness has committed any crime was admitted before you for the purpose of aiding you, if it does aid you, in passing upon the credibility of the witness and the weight to be given his testimony, and you will not consider the same for any other purpose.

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 question of guilt of the defendant. The burden of proof in all criminal cases rests upon the State throughout the trial and never shifts to 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 he 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."

You are the exclusive judges of the facts proved, of the credibility of the witnesses and the weight to be given their testimony, but the law you shall receive in these written instructions, and you must be governed thereby.

After you retire to the jury room, you should select one of your members as your Foreman. 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 using the appropriate form attached hereto and signing the same as Foreman.

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.

No one has any authority to communicate with you except the officer who has you in charge. After you have retired, you may communicate with this Court in writing through this officer. Any communication relative to the cause must be written, prepared and signed by the Foreman and shall be submitted to the court through this officer. Do not attempt to talk to the officer who has you in charge, or the attorneys, or the Court, or anyone else concerning any questions you may have.

Your sole duty at this time is to determine the guilt or innocence of the defendant under the indictment in this cause and

restrict your deliberations solely to the issue of guilt or innocence of the defendant.

Following the arguments of counsel, you will retire to consider your verdict.

FILED

Loren Jackson
District Clerk

JUL 08 2010

Time:

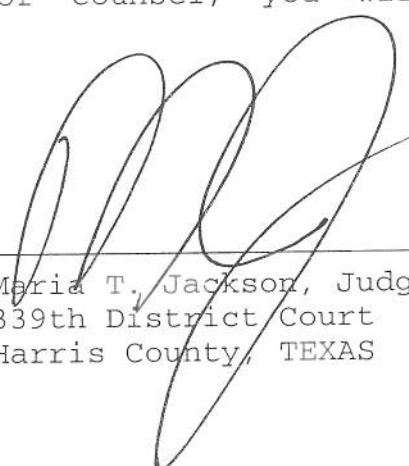
10:49 a.m.

Harris County, Texas

By

[Signature]

Deputy



Maria T. Jackson, Judge
339th District Court
Harris County, TEXAS

CAUSE NO. 1231782

THE STATE OF TEXAS § IN THE 339TH DISTRICT COURT
VS. § OF HARRIS COUNTY, TEXAS
CLIFFORD JAMES GRATTON § MAY TERM, A. D., 2010

V E R D I C T

"We, the Jury, find the defendant, Clifford James Gratton,
not guilty."

Foreman of the Jury

(Please Print) Foreman

"We, the Jury, find the defendant, Clifford James Gratton,
guilty of capital murder, as charged in the indictment."



Foreman of the Jury

JERIKE L. MYERS.

(Please Print) Foreman

HARRIS COUNTY DISTRICT COURT
CLIFFORD JAMES GRATTON
MAY TERM, A. D., 2010

CAUSE NO. 1231782

THE STATE OF TEXAS

IN THE 339TH DISTRICT COURT

VS.

COUNTY CRIMINAL COURT AT

CLIFFORD JAMES GRATTON
(Name of Defendant)

LAW NO. _____

AKA _____

OF HARRIS COUNTY, TEXAS

CERTIFICATE OF FAILURE TO FILE MARK

The below named Deputy District Clerk hereby certifies that the attached COURTS JURY CHARGE was not file marked or properly file marked at the time it was received. The document would have been file marked on JULY 8, 2010 had it been file marked timely.

CHRIS DANIEL
District Clerk, Harris County, Texas

By _____
Deputy

Date: 12-20-2011

