

CAUSE NO. 1263341

THE STATE OF TEXAS § IN THE 232ND DISTRICT COURT
VS. § OF HARRIS COUNTY, TEXAS
JEREMY MARTIN POTIER § AUGUST TERM, A. D., 2011

Members of the Jury:

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

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

"Deadly weapon" means 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.

All persons are parties to an offense who are guilty of acting together in 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.

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. Mere presence alone will not constitute one a party to an offense.

Now, if you find from the evidence beyond a reasonable doubt that on or about March 16, 2009, in Harris County, Texas, the defendant, Jeremy Martin Potier, did then and there unlawfully, during the same criminal transaction, intentionally or knowingly cause the death of Deandre Goodson by suffocating Deandre Goodson with a deadly weapon, namely a plastic bag, and intentionally or knowingly cause the death of Joseph Bivins by suffocating Joseph Bivins with a deadly weapon, namely a plastic bag; or

If you find from the evidence beyond a reasonable doubt that on or about March 16, 2009, in Harris County, Texas, Kendrick Lewis and/or Terral Murray, did then and there unlawfully, during the same criminal transaction, intentionally or knowingly cause the death of Deandre Goodson by suffocating Deandre Goodson with

a deadly weapon, namely a plastic bag, and intentionally or knowingly cause the death of Joseph Bivins by suffocating Joseph Bivins with a deadly weapon, namely a plastic bag, and that the defendant, Jeremy Martin Potier, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Kendrick Lewis and/or Terral Murray to commit the offense, if he did; or

If you find from the evidence beyond a reasonable doubt that on or about March 16, 2009, in Harris County, Texas, the defendant, Jeremy Martin Potier, did then and there unlawfully, during the same criminal transaction, intentionally or knowingly cause the death of Deandre Goodson by a manner or means unknown, and intentionally or knowingly cause the death of Joseph Bivins by a manner or means unknown; or

If you find from the evidence beyond a reasonable doubt that on or about the 16th day of March, 2009, in Harris County, Texas, Kendrick Lewis and/or Terral Murray, did then and there unlawfully, during the same criminal transaction, intentionally or knowingly cause the death of Deandre Goodson by a manner or means unknown, and intentionally or knowingly cause the death of Joseph Bivins by a manner or means unknown, and that the defendant, Jeremy Martin Potier, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Kendrick Lewis and/or Terral Murray to commit the offense, if he did, 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."

An accomplice is anyone connected with the crime charged as a party as the term is as defined on pg. 2.

A conviction cannot be had upon the testimony of an accomplice 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.

Therefore, if you believe from the evidence beyond a reasonable doubt that an offense was committed and you further believe from the evidence that the witness, Jerry Washington, was an accomplice, or you have a reasonable doubt whether he was or not, then you cannot convict the defendant upon the testimony of Jerry Washington unless you further believe that there is other evidence in the case, outside of the testimony of Jerry Washington tending to connect the defendant with the offense charged in the indictment, and then from all the evidence you must believe beyond a reasonable doubt that the defendant is guilty.

If you took notes during the trial, you may rely on your notes during your deliberations. You may discuss the contents of your notes with other jurors. You may not, however, show your notes to other jurors, and you should not permit other jurors to show their notes to you. You shall not use your notes as

authority to persuade your fellow jurors. In your deliberations, give no more and no less weight to the views of a fellow juror just because that juror did or did not take notes.

Sometimes during jury deliberations, a dispute arises as to the testimony presented. If this should occur in this case, you shall inform the Court and request that the Court read the portion of disputed testimony to you from the official transcript. You shall not rely on your notes to resolve the dispute because those notes, if any, are not official transcripts.

A defendant may testify in his own behalf if he elects to do so. This, however, is a right accorded a defendant, and in the event he elects not to testify, that fact cannot be taken as a circumstance against him.

The defendant has elected not to testify and you are instructed that you cannot and must not refer to or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against him.

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, 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 that 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

Chris Daniel
District Clerk

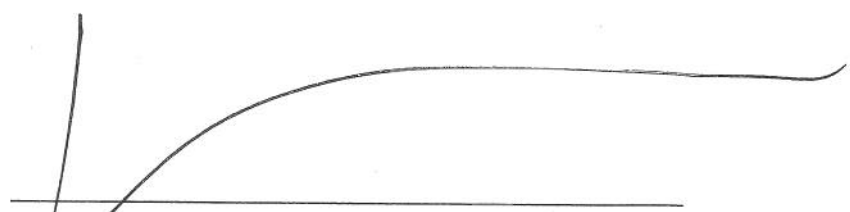
SEP 15 2011

Time: _____

By _____

G. Blain
Harris County, Texas

Deputy



Mary Lou Keel, Judge
232nd District Court
Harris County, TEXAS

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THE STATE OF TEXAS § IN THE 232ND DISTRICT COURT
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JEREMY MARTIN POTIER § AUGUST TERM, A. D., 2011

V E R D I C T

"We, the Jury, find the defendant, Jeremy Martin Potier, not guilty."

Foreman of the Jury

(Please Print) Foreman

"We, the Jury, find the defendant, Jeremy Martin Potier, guilty of capital murder, as charged in the indictment."

FILED
Chris Daniel
District Clerk

SEP 16 2011

Time: 2:07pm
Harris County, Texas

By: [Signature]
Deputy

Greg Willis
Foreman of the Jury

Greg Willis
(Please Print) Foreman