

NO. 05-0331

THE STATE OF TEXAS

VS.

GEORGE ALLEN WILLIAMS

**FILED**  
 AT 1:05 O'CLOCK P.M.  
 IN THE DISTRICT COURT  
 SHERRY GRIFFIS  
 CLERK DISTRICT COURT  
 71<sup>ST</sup> JUDICIAL DISTRICT  
 HARRISON COUNTY TEXAS  
 BY [Signature]  
 HARRISON COUNTY CLERK

**CHARGE OF THE COURT**

**MEMBERS OF THE JURY:**

The Defendant, George Allen Williams, stands charged in Paragraph A of the indictment with the offense of capital murder and in Paragraph B and C of the indictment with the offense of murder, alleged to have been committed in Harrison County, Texas, on or about the 23rd day of April, 1996.

To this indictment the defendant, George Allen Williams, has pleaded not guilty.

**GENERAL INSTRUCTIONS**

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. 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 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 as to any given paragraph, and after considering all the evidence before you, and these instructions, you will acquit him as to such paragraph, and say by your verdict "not guilty".

Our law provides that a defendant may testify in his own behalf if he elects to do so. This, however, is a privilege accorded a defendant, and in the event he elects not to testify, that fact cannot be taken as a circumstance against him. In this case, the defendant has elected not to testify, and you are instructed that you cannot and must not refer or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against the defendant.

"Individual" means a human being who is alive.

"Remuneration" means a reward or benefit received because of the murder.

"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 it is his conscious objective or desire to cause the result.

A person acts intentionally or with intent with respect to the nature of his conduct when it is his conscious objective or desire to engage in the conduct.

A person acts knowingly or with knowledge with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist.

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 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.

You are instructed that if there is any testimony before you in this case regarding the defendant's having committed acts or 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 acts or offenses, if any were committed, and even then you may only consider

the same in determining the intent, motive, plan, or knowledge 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.

#### **PARAGRAPH A: CAPITAL MURDER**

Our law provides that a person commits capital murder when he commits murder by intentionally or knowingly causing the death of an individual, and does so for remuneration.

If you find from the evidence beyond a reasonable doubt that on or about the 23<sup>rd</sup> day of April, 1996, in Harrison County, Texas, the defendant, George Allen Williams, did then and there intentionally or knowingly cause the death of an individual, namely, Leah Jane Sherwood, by means unknown to the Grand Jury, and for remuneration, to-wit: life insurance policy proceeds, then you will find the defendant 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 acquit the defendant of capital murder, and you will proceed to consider the charge of murder contained in the indictment.

#### **PARAGRAPHS B AND C: MURDER**

Our law provides that a person commits murder if he intentionally or knowingly causes the death of an individual; or if he intends to cause serious bodily injury and intentionally or knowingly commits an act clearly dangerous to human life that causes the death of an individual.

Now, bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable

doubt that in Harrison County, Texas, on or about the 23rd day of April, 1996, the defendant, George Allen Williams, did then and there, unlawfully, intentionally or knowingly cause the death of Leah Jane Sherwood by means unknown to the Grand Jury; or if you find from the evidence beyond a reasonable doubt that on or about the 23rd day of April, 1996, in Harrison County, Texas, the defendant, George Allen Williams, did then and there with intent to cause serious bodily injury to Leah Jane Sherwood, and did cause the death of Leah Jane Sherwood by intentionally or knowingly committing an act clearly dangerous to human life, namely by means unknown to the Grand Jury, then you will find the defendant guilty of murder. Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant.

If you find beyond a reasonable doubt that the defendant is guilty of either capital murder or murder, but you have a reasonable doubt as to which offense he is guilty, then you must resolve that doubt in defendant's favor and find him guilty of the offense of murder.

If you have a reasonable doubt as to whether defendant is guilty of any offense defined in this charge, then you will find the defendant "Not Guilty."

### **FURTHER GENERAL INSTRUCTIONS**

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.

You are instructed that the State is not bound to prove the exact date alleged in the indictment in order to obtain a conviction. It is sufficient, insofar as date of the alleged offense is concerned, if the evidence shows beyond a reasonable doubt that the offense, if one was committed, occurred at any time preceding the date of

18<sup>th</sup> day of August, 2005 when the indictment was returned in this case.

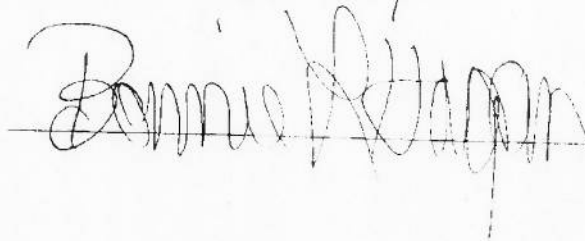
After you retire to the jury room, you should select one of your members as your Presiding Juror. It is the duty of the Presiding Juror to preside at your deliberations, vote with you, and when you have unanimously agreed upon a verdict, to certify to your verdict by using the appropriate form attached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

You are instructed that in considering this case you will not discuss facts not in evidence, and no juror shall disclose to his fellow jurors any fact or facts which may be known to him which were not in evidence upon the trial of this case. You are further instructed that this case must be decided solely on the evidence introduced before you, and the law as given in this charge. Do not let bias, prejudice or sympathy play any part in your decision. You are not to decide any fact or issue by lot or by drawing straws or by any other method of chance.

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.

After you have retired, you may communicate with the 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 reach a verdict, the Presiding Juror will certify thereto by filling in the appropriate form attached to this charge, and signing as Presiding Juror.

Signed this the 17<sup>th</sup> day of October, 2007 at 1:00 o'clock p.m.



JUDGE PRESIDING

NO. 05-0331

THE STATE OF TEXAS

VS.

GEORGE ALLEN WILLIAMS

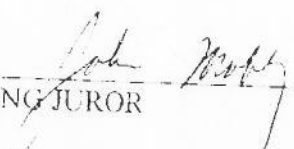
IN THE DISTRICT COURT

HARRISON COUNTY, TEXAS

71<sup>ST</sup> JUDICIAL DISTRICT

CAPITAL MUDER  
VERDICT PAGE

We, the Jury, find the defendant, George Allen Williams, guilty of capital murder, as charged in the indictment.

  
PRESIDING JUROR

We, the Jury, find the defendant, George Allen Williams, guilty of murder, as charge in the indictment.

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PRESIDING JUROR

We, the Jury, find the defendant, George Allen Williams, not guilty of murder.

\_\_\_\_\_  
PRESIDING JUROR