

RECEIVED

JUN 14 2013

OFFICE OF COURT ADMINISTRATION

CAUSE NO. 27,742

FILED AT 12:13 P M

MAY 24 2013

CLERK, DISTRICT COURT, HUNT CO. TX

THE STATE OF TEXAS	§	IN THE DISTRICT COURT
	§	
VS	§	OF HUNT COUNTY, TEXAS
	§	
MICAH CROFFORD BROWN	§	354TH JUDICIAL DISTRICT

JURY CHARGE

MEMBERS OF THE JURY:

The defendant, MICAH CROFFORD BROWN, stands charged by indictment with the offense of capital murder, alleged to have been committed in Hunt County, Texas, on or about the 20<sup>th</sup> day of July, A.D. 2011. The defendant has pleaded not guilty.

Our law requires that I submit the following charge to you in this case. This charge contains all of the law necessary to enable you to reach a verdict.

1.

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

A person commits the offense of capital murder if he commits murder, and he intentionally commits the murder in the course of committing or attempting to commit: 1.) obstruction or retaliation; or 2) terroristic threat.

2.

A person commits the offense of retaliation if he intentionally or knowingly harms or threatens to harm another by an unlawful act in retaliation for or on account of the service or status of another as a:

- a) public servant;
- b) witness;
- c) prospective witness;

- d) informant;
- e) person who has reported the occurrence of a crime; or
- f) person who the actor knows intends to report the occurrence of a crime.

3.

A person commits the crime of obstruction if he intentionally or knowingly harms or threatens to harm another by an unlawful act to prevent or delay the service of another as a:

- a) public servant;
- b) witness;
- c) prospective witness;
- d) informant;
- e) person who has reported the occurrence of a crime; person who the actor knows intends to report the occurrence of a crime.

4.

A person commits the crime of terroristic threat if he threatens to commit any offense involving violence to any person or property with intent to cause a reaction of any type to his threat by an official or volunteer agency organized to deal with emergencies.

5.

So that you can better understand some of the words and terms used in the charge, the law provides the following definitions:

“Attempt” to commit an offense occurs if, with specific intent to commit an offense, a person does an act amounting to more than mere preparation that tends but fails to effect the commission of the offense intended.

“Individual” means a human being that has been born and is alive.

“Public Servant” means a person elected, selected, appointed, employed, or otherwise designated as an officer, employee or agent of government.

“Honorably Retired Peace Officer” means a peace officer who did not retire in lieu of any disciplinary action and was eligible to retire from a law enforcement agency or was ineligible to retire from a law enforcement agency or was ineligible to retire only as a result of an injury received in the course of the officer’s employment with the agency and is entitled to receive a pension or annuity for service as a law enforcement officer or is not entitled to receive a pension or annuity only because the law enforcement agency that employed the officer does not offer a pension or annuity to its employees.

“Informant” means a person who has communicated information to the government in connection with any governmental function.

“Harm” means anything reasonably regarded as loss, disadvantage, or injury, including harm to another person in whose welfare the person affected is interested.

“Bodily Injury” means physical pain, illness, or any impairment of physical condition.

6.

A person acts intentionally with respect to a result of his conduct when it is his conscious objective or desire to cause the result. Intent can be inferred from acts done or words spoken, if any.

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.

7.

Now, if you believe from the evidence beyond a reasonable doubt that in Hunt County, Texas, on or about the 20th day of July, A.D. 2011, the defendant, MICAH CROFFORD BROWN, did then and there intentionally or knowingly cause the death of an individual, STELLA MICHELLE RAY, by shooting her with a firearm, and the murder of STELLA MICHELLE RAY was committed intentionally in the course of committing or attempting to commit the offense of:

- (1)obstruction;
- (2)retaliation; or

(3)terroristic threat by threatening to commit an offense involving violence to STELLA MICHELLE RAY with intent to cause a reaction of any type to his threat by an official or volunteer agency organized to deal with emergencies,

you shall find the defendant "Guilty" of the offense of capital murder as alleged in the indictment.

Unless you so find, or if you have a reasonable doubt thereof, you shall acquit the defendant and say by your verdict, "Not guilty" of capital murder and next consider the lesser-included offense of murder.

8.

Now, if you believe from the evidence beyond a reasonable doubt that in Hunt County, Texas, on or about the 20th day of July, A.D. 2011, the defendant, MICAH CROFFORD BROWN, did then and there intentionally or knowingly cause the death of an individual, STELLA MICHELLE RAY, by shooting her with a firearm, you shall find the defendant "Guilty" of the lesser-included offense of murder as alleged in the indictment.

Unless you so find, or if you have a reasonable doubt thereof, you shall acquit the defendant and say by your verdict, "Not guilty" of murder.

9.

You are instructed that you may consider all relevant facts and circumstances surrounding the killing, if any, and the previous relationship existing between the accused and the deceased, if any, together with all relevant facts and circumstances going to show the condition of the mind of the accused at the time of the shooting in question, if any.

10.

Evidence may have been introduced in this case regarding the defendant's having committed other crimes, wrongs or acts. You are instructed that you can not consider any such evidence to prove the character of the defendant or that he acted in conformity therewith.

You can consider any such evidence for other purposes such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity or absence of mistake or accident. You cannot consider the testimony for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other acts, if any were committed.

11.

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, 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.

12.

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.

If you chose to take notes, those notes are for your purposes only. You may not show them to your fellow jurors or mention in the jury room that your notes are indicative of some matter. They may be used only to refresh your own personal memory of what you recorded.

After you retire to the jury room, you should select one of your members as your Foreperson. 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 Foreperson.

No one has the authority to communicate with you except the officer who has you in his charge. During your deliberations in this case, you must not consider, discuss, or 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, and consider only evidence that has been introduced during this trial and reasonable inferences therefrom.

After you have retired to deliberate your verdict, you cannot separate from each other except for one of your members to use the restroom. When one member is absent in the restroom, you must cease deliberation until all twelve are present. If one person goes outside to smoke, then all twelve must accompany that person, because the jury can not separate after deliberation begins

Once you have retired, you may not use your cellular phones. If you have an emergency or need to make a call to your family, you shall communicate this in writing to the Court and get permission from the Court to make any necessary calls. Necessary calls do not include calls related to work. You must not make phone calls, texts, or use your cell phones in any way during the deliberations in this case.

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 Foreperson will certify thereto by filling in the appropriate form attached to this charge and signing his/her name as the Foreperson and then notify the bailiff.

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. After final arguments, you may retire to consider your verdict.

Signed this the 24 day of MAY, 2013.

A handwritten signature in black ink, reading "Richard A. Beacom, Jr." with a stylized flourish at the end.

Honorable Richard A. Beacom, Jr.  
354<sup>th</sup> Judicial District  
Hunt County, Texas

FILED  
AT 3:15 P M

VERDICT FORM  
(Choose one ONLY)

MAY 24 2013

*Henry Gardner*  
CLERK, DISTRICT COURT, HUNT CO. TX

We, the Jury, find the defendant, MICAH CROFFORD BROWN, "Guilty" beyond a reasonable doubt of the offense of capital murder, as charged in the indictment.

*Maureen Sweeney*  
\_\_\_\_\_  
Foreperson

OR

We, the Jury, find the defendant, MICAH CROFFORD BROWN, "Guilty" beyond a reasonable doubt of the lesser-included offense of murder.

\_\_\_\_\_  
Foreperson

We, the Jury find the defendant, MICAH CROFFORD BROWN, "Not Guilty."

\_\_\_\_\_  
Foreperson