

NO. CR01125

STATE OF TEXAS

vs.

BILLY RAY BRYANT

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IN THE DISTRICT COURT

102ND JUDICIAL DISTRICT

RED RIVER COUNTY TEXAS

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MEMBERS OF THE JURY:

The defendant, BILLY RAY BRYANT, is charged by indictment with the offense of Capital Murder, alleged to have been committed on or about 10TH day of February, 1987, in Red River County, Texas. The defendant has pleaded not guilty.

I

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

A person commits the offense of capital murder if the person murders more than one person during the same criminal transaction.

II.

"Individual" means a human being who is alive, including an unborn child at every stage of gestation from fertilization until birth.

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

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. 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 bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that on or about the 10TH day of February, 1987, in Red River County, Texas, the defendant, BILLY RAY BRYANT, did commit the offense of Capital Murder by then and there intentionally or knowingly cause the death of an individual, namely Sarah Greer Raulston, by shooting Sarah Greer Raulston, and then and there intentionally or knowingly cause the death of another individual, namely, Johnny Darryl Victory, by shooting Johnny Darryl Victory, and both murders were committed during the same criminal transaction as charged in the indictment, or by acting with the intent to promote or assist the commission of the offense, he solicited, encouraged, directed, aided or attempted to aid in the offense, you will find the defendant guilty of the offense of capital murder as alleged in the indictment.

If you do not so find, or if you have a reasonable doubt thereof, you will find the defendant not guilty.

IV.

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

V.

You are further instructed that a conviction cannot be had upon the testimony of an accomplice unless the jury first believes that the accomplice's evidence is true and that it shows the defendant is guilty of the offense charged against him, and even then you cannot convict 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 also tend to connect the defendant with its commission.

You are instructed that Mitchell Dickey is an accomplice as a matter of law.

VI.

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.

Each party to an offense may be charged with commission of the offense.

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; or having a legal duty to prevent commission of the offense and acting with intent to promote or assist its commission, he fails to make a reasonable effort to prevent commission of the offense. Mere presence alone will not constitute one a party to an offense.

VII.

In this case, the defendant has elected not to testify. That fact cannot be taken as a circumstance against him. You are instructed that you cannot and must not refer nor allude to that act throughout your deliberations, nor take it into consideration for any purpose whatsoever as a circumstance against 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 this case.

VIII.

The burden of proof in all criminal cases 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 doubt; it is required that the prosecution's proof excludes all "reasonable doubt" concerning the defendant's guilt.

IX.

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 of the weight to be given their testimony, but you are bound by the law received from the Court, which is herein given to you, and be governed thereby.

During your deliberations in the 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.

X.

After argument of counsel, you will retire to the jury room, select one of your members as your presiding juror and consider your verdict. 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 and signing the same as presiding juror.

After you have retired, if the jury desires that it be furnished with the exhibits, if any, admitted as evidence in this case, you may request same in writing signed by your presiding juror.

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.

XI.

After you have reached a unanimous verdict and the presiding juror has certified thereto by filling in the appropriate form attached to this charge and signing his name as presiding juror, you

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THE STATE OF TEXAS

IN THE 102ND DISTRICT COURT

VS.

OF

BILLY RAY BRYANT

RED RIVER COUNTY, TEXAS

VERDICT FORMS

HAVE YOUR FOREMAN SIGN THE PARTICULAR VERDICT FORM BELOW WHICH CONFORMS TO YOUR VERDICT.

VERDICT

WE, THE JURY FIND THE DEFENDANT GUILTY OF CAPITAL MURDER, AS CHARGED IN THE INDICTMENT.



PRESIDING JUROR

VERDICT

WE, THE JURY FIND THE DEFENDANT NOT GUILTY OF CAPITAL MURDER, AS CHARGED IN THE INDICTMENT.

PRESIDING JUROR
