

CAUSE NO. D-1-DC-11-100086

THE STATE OF TEXAS

*

IN THE 147TH JUDICIAL

vs.

*

DISTRICT COURT OF

GERALD DEE BELL

*

TRAVIS COUNTY, TEXAS

CHARGE OF THE COURT

Members of the Jury:

The defendant, Gerald Dee Bell, stands charged by indictment with the offense of capital murder, alleged to have been committed in Travis County, Texas, on or about the 25th day of August, 2011. To this charge the defendant has pleaded not guilty. You are instructed that the law applicable to this case is as follows:

I.

A person commits the offense of capital murder if the person intentionally causes the death of an individual and the person intentionally commits the murder in the course of committing or attempting to commit burglary.

With respect to the offense of capital murder, 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.

II.

A person commits the offense of burglary if, without the effective consent of the owner, the person enters a habitation, or a building, or any portion of a building not then open to the public, with intent to commit a felony, theft, or an assault.

Filed in The District Court
of Travis County, Texas

SEP 20 2013

At 11:23 A M.
Amalia Rodriguez-Mendoza, Clerk



III.

A person commits theft if he unlawfully appropriates property with intent to deprive the owner of property.

Appropriation of property is unlawful if it is without the owner's effective consent.

IV.

A person commits the offense of assault if the person intentionally or knowingly, causes bodily injury to another or threatens another with imminent bodily injury.

V.

"Individual" means a human being who has been born and is alive.

"Attempt" means to commit an offense 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.

"Enter" means to intrude any part of the body; or any physical object connected with the body.

"Appropriate" means to acquire or otherwise exercise control over property other than real property.

"Deprive" means to withhold property from the owner permanently or for so extended period of time that a major portion of the value or enjoyment of the property is lost to the owner.

"Owner" means a person who has title to the property, possession of the property, whether lawful or not, or a greater right to possession of the property than the defendant.

"Property" means:

(A) tangible or intangible personal property including anything severed from land; or

(B) a document, including money, that represents or embodies anything of value.

“Consent” means assent in fact, whether express or apparent.

“Effective consent” includes consent by a person legally authorized to act for the owner. Consent is not effective if induced by deception or coercion.

“Knife” means any bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing a person with the instrument.

“Deadly weapon” means 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.

VI.

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.

VII.

A person is criminally responsible if the result would not have occurred but for his conduct.

VIII.

Now bearing in mind the foregoing instructions, if you believe from the evidence beyond a reasonable doubt that the defendant, Gerald Dee Bell, on or about the 25th day of August, 2011, in the County of Travis, and State of Texas, as alleged in the indictment, did then and there intentionally cause the death of an individual, namely, Quinquialita Jackson, by cutting or stabbing Quinquialita Jackson with a knife or a sharp object or by strangling Quinquialita Jackson with a ligature or a cord, and that the defendant, Gerald Dee Bell, was then and there in the course of committing or attempting to commit the offense of burglary of Quinquialita Jackson, who was the owner of said building, you will find the defendant guilty of the offense of capital murder and so say by your verdict, but if you do not so believe, or if you have a reasonable doubt thereof, you will acquit the defendant of the offense of capital murder and proceed to consider whether the defendant is guilty of the lesser offense of murder.

IX.

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

A person commits the offense of murder if he intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual.

X.

Now bearing in mind the foregoing definitions and instructions, if you believe from the evidence beyond a reasonable doubt that the defendant, Gerald Dee Bell, on or about the 25th day of August, 2011, in the County of Travis and State of Texas, as alleged in the indictment, did then and there intentionally or knowingly cause the death of an individual, namely, Quinqualita Jackson, by cutting or stabbing Quinqualita Jackson with a knife or a sharp object or by strangling Quinqualita Jackson with a ligature or a cord

OR

if you believe from the evidence beyond a reasonable doubt, that the defendant, Gerald Dee Bell, on or about the 25th day of August, 2011, in the County of Travis and State of Texas, as alleged in the indictment, did then and there, with intent to cause serious bodily injury to an individual, namely, Quinqualita Jackson, commit an act clearly dangerous to human life, to-wit: stabbing Quinqualita Jackson with a knife or a sharp object or by strangling Quinqualita Jackson with a ligature or a cord thereby causing the death of said Quinqualita Jackson you will find the defendant guilty of murder and so say by your verdict, but if you do not so believe, or if you have a reasonable doubt thereof, you will acquit the defendant and say by your verdict not guilty.

XI.

You are instructed that you may consider all relevant facts and circumstances surrounding the killing, if any, of Quinqualita Jackson, and the previous relationship existing between the accused and Quinqualita Jackson, together with all relevant facts

and circumstances going to show the condition of the mind of the accused at the time of the offense alleged in the indictment.

XII.

The defendant is on trial solely on the charge contained in the indictment. In reference to evidence, if any, that the defendant has previously participated in recent transactions or acts, other than that which is charged in the indictment in this case, you are instructed that you cannot consider such other transactions or acts, if any, for any purpose unless you find and believe beyond a reasonable doubt that the defendant participated in such transactions or committed such acts, if any; and even then you may only consider the same for the purpose of determining intent, knowledge, identity or motive if it does, and for no other purpose.

XIII.

Voluntary intoxication does not constitute a defense to the commission of crime.

"Intoxication" means disturbance of mental or physical capacity resulting from the introduction of any substance into the body.

XIV.

In a criminal case the law permits a defendant to testify in his own behalf but he is not compelled to do so, and the same law provides that the fact that a defendant does not testify shall not be considered as a circumstance against him. You will, therefore, not consider the fact that the defendant did not testify as a circumstance against him; and you will not in your retirement to consider your verdict allude to, comment on, or in any manner refer to the fact that the defendant has not testified.

XV.

In all criminal cases the burden of proof is on the State. 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, indicted for, or otherwise charged with the offense gives rise to no inference of guilt at his trial.

"Element of an offense" means (a) the forbidden conduct; (b) the required culpability; and (c) the required result, if any.

"Conduct" means an act or omission and its accompanying mental state.

"Required culpability" means the mental state required by law such as intent, knowledge or criminal negligence.

Now bearing in mind the foregoing instructions and definitions, if you find the State has failed to prove each element of the offense beyond a reasonable doubt or you have a reasonable doubt thereof, you will acquit the defendant and say by your verdict not guilty.

You are further instructed as a part of the law in this case that the indictment against the defendant is not evidence in the case, and that the true and sole use of the indictment is to charge the offense and to inform the defendant of the offense alleged against him. The reading of the indictment to the jury in the statement of the case of the state against the defendant cannot be considered as a fact or circumstance against the defendant in your deliberations.

In deliberating on the cause you are not to refer to or discuss any matter or issue not in evidence before you; and in determining the guilt or innocence of the defendant,

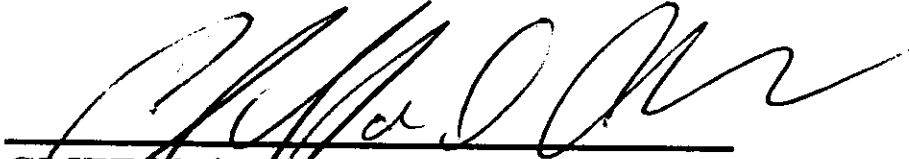
you shall not discuss or consider the punishment, if any, which may be assessed against the defendant in the event he is found guilty beyond a reasonable doubt.

You are charged that it is only from the witness stand that the jury is permitted to receive evidence regarding the case, or any witness therein, and no juror is permitted to communicate to any other juror anything he may have heard regarding the case or any witness therein, from any source other than the witness stand.

You are the exclusive judges of the facts proved, of the credibility of the witnesses, and of the weight to be given to the testimony, but you are bound to receive the law from the Court, which is herein given you, and be governed thereby.

When the jury wishes to communicate with the Court, it shall notify the bailiff, who shall inform the Court thereof. Any communication relative to the cause must be in writing, signed by the presiding juror, and shall be submitted to the Court through the bailiff.

After the reading of this charge, you shall not talk with anyone not of your jury. After argument of counsel, you will retire and select one of your members as your presiding juror. It is his or her duty to preside at your deliberations and to vote with you in arriving at a unanimous verdict. After you have arrived at your verdict, you may use the forms attached hereto by having your presiding juror sign his or her name to the particular form that conforms to your verdict.


CLIFFORD BROWN, Judge
147th Judicial District Court
Travis County, Texas

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vs.

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DISTRICT COURT OF


GERALD DEE BELL

*

TRAVIS COUNTY, TEXAS

VERDICT OF THE JURY

We, the Jury, find the Defendant, Gerald Dee Bell,
(GUILTY or NOT GUILTY) of the offense of capital murder, as alleged in
the indictment.



Presiding Juror

Filed in The District Court
of Travis County, Texas

SEP 20 2013

At 1:19 P.M.
Amalia Rodriguez-Mendoza, Clerk 

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DISTRICT COURT OF

GERALD DEE BELL

*

TRAVIS COUNTY, TEXAS

VERDICT OF THE JURY

We, the Jury, find the Defendant, Gerald Dee Bell,
(GUILTY or NOT GUILTY) of the lesser offense of murder.

Presiding Juror

Evidence Request

- #221 + #? Text Messages from Bell + LeeLee's phone
- Transcript of Bell interview at police station

9/20/13 11:31 a

[Handwritten signature]

- Question

- Can we get the timeline that was shown by State during closing?

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of Travis County, Texas

SEP 20 2013

At 11:31 A M.
Amalia Rodriguez-Mendoza, Clerk

[Handwritten signature]