

Cause No. F16-00779-RE

Original
B 292
11/10/16

STATE OF TEXAS

VS.

PATRICK LYNN RUSSELL

IN THE 292ND JUDICIAL

DISTRICT COURT

DALLAS COUNTY, TEXAS

Court's Charge to the Jury

Members of the Jury:

The defendant, Patrick Lynn Russell, stands charged in Count I of the indictment with capital murder. In Count II of the indictment, the defendant stands charged with felony murder. To both charges, the defendant has pleaded not guilty.

I. Count I: Capital Murder

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

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

OR

A person commits the offense of **capital murder** if he intentionally commits murder, as defined above, in the course of committing or attempting to commit the offense of **robbery**.

1.1 Definitions

Robbery is a felony. A person commits the offense of **robbery** if, in the course of committing theft, as that term is defined below, and with intent to obtain or maintain control of property of another, he:

- (1) intentionally or knowingly causes bodily injury to another; or
- (2) intentionally or knowingly threatens or places another in fear of imminent bodily injury or death.

“Theft” is the unlawful appropriation of property with intent to deprive the owner of the property.

“Appropriation” and **“appropriate,”** means to acquire or otherwise exercise control over property other than real property. Appropriation of property is unlawful if it is without the owner's effective consent.

“Property” means tangible or intangible personal property or documents, including money, that represents or embodies anything of value.

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

“Effective consent” means assent in fact, whether express or apparent, and includes consent by a person legally authorized to act for the owner. Consent is not effective if induced by deception or coercion.

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

“Possession” means actual care, custody, control, or management of the

property.

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

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

1.2 Culpable Mental States

Murder and 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. 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.

Robbery: 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.

1.3 Causation

A person is criminally responsible if the result would not have occurred but for his conduct, operating either alone or concurrently with another cause, unless the concurrent cause was clearly sufficient to produce the result and the conduct of the actor clearly insufficient.

A person is nevertheless criminally responsible for causing a result if the only difference between what actually occurred and what he desired, contemplated, or risked is that:

- (1) a different offense was committed; or
- (2) a different person or property was injured, harmed, or otherwise affected.

1.4 Law of Parties

A person is criminally responsible as a party to an offense if the offense is committed by his own conduct, or 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.

If, in the attempt to carry out a conspiracy to commit one felony, another felony is committed by one of the conspirators, all conspirators are guilty of the felony actually committed, though having no intent to commit it, if the offense was committed in furtherance of the unlawful purpose and was one that should have been anticipated as a result of the carrying out of the conspiracy.

You are instructed that robbery is a felony.

1.5 Application: Count I, Capital Murder

Now, if you unanimously find from the evidence beyond a reasonable doubt that, on or about September 5th, 2013, in Dallas County, Texas, the defendant, PATRICK LYNN RUSSELL, either individually or as a party as that term has been defined:

did then and there intentionally or knowingly cause the death of an individual, namely, TAVARES TELL, by shooting TAVARES TELL with a firearm, and did then and there intentionally and knowingly cause the death of another individual, namely, KENNY GARCIA, by shooting KENNY GARCIA with a firearm, and both murders were committed during the same criminal transaction,

OR,

did then and there intentionally cause the death of an individual, namely, TAVARES TELL, by shooting TAVARES TELL with a firearm, and the defendant was then and there in the course of committing or attempting to commit the offense of robbery,

then you will find the defendant guilty of capital murder as charged in Count I of the indictment, and you will not render a verdict with respect to Count II.

Unless you so find, or if you have a reasonable doubt, you will find the defendant not guilty of capital murder under Count I, and you shall next consider Count II.

1.6 Self-Defense and Capital Murder

You are instructed that a person is justified in using force against another when and to the degree he reasonably believes the force is immediately necessary to protect

himself against the other person's use or attempted use of unlawful force. The use of force against another is not justified in response to verbal provocation alone.

A person is justified in using deadly force against another if he would be justified in using force against the other in the first place, as set out above, when and to the degree he reasonably believes that such deadly force is immediately necessary to protect himself against the other person's use or attempted use of unlawful deadly force.

"Reasonable belief" means a belief that would be held by an ordinary and prudent person in the same circumstances as the defendant.

"Deadly force" means force that is intended or known by the person using it to cause, or in the manner of its use or intended use is capable of causing, death or serious bodily injury.

You are instructed that you may consider all relevant facts and circumstances surrounding the offense, if any, and the previous relationship existing between the accused and TAVARES TELL and KENNY GARCIA, together with all relevant facts and circumstances going to show the condition of the mind of the accused at the time of the offense, if any.

Therefore, if you find from the evidence beyond a reasonable doubt that the defendant, PATRICK LYNN RUSSELL, did intentionally or knowingly cause the death of TAVARES TELL by shooting TAVARES TELL, with a deadly weapon, namely a firearm, and did intentionally or knowingly cause the death of KENNY GARCIA by shooting KENNY GARCIA with a deadly weapon, namely a firearm, as alleged, but you further find from the evidence, as viewed from the standpoint of the

defendant at the time, that from the words or conduct, or both, of TAVARES TELL, that it reasonably appeared to the defendant that his life or person was in danger and there was created in his mind a reasonable expectation or fear of death or serious bodily injury from the use of unlawful deadly force at the hands of TAVARES TELL, and that acting under such apprehension and reasonably believing that the use of deadly force on his part was immediately necessary to protect himself against TAVARES TELL's use or attempted use of unlawful deadly force, he shot TAVARES TELL, and you also find from the evidence, as viewed from the standpoint of the defendant at the time, that from the words or conduct, or both of KENNY GARCIA that it reasonably appeared to the defendant that his life or person was in danger and there was created in his mind a reasonable expectation or fear of death or serious bodily injury from the use of unlawful deadly force at the hands of KENNY GARCIA, and that acting under such apprehension and reasonably believing that the use of deadly force on his part was immediately necessary to protect himself against KENNY GARCIA's use or attempted use of unlawful deadly force, he shot KENNY GARCIA, then you should acquit the defendant on the grounds of self-defense; or if you have a reasonable doubt as to whether or not the defendant was acting in self-defense, then you should give the defendant the benefit of that doubt and say by your verdict, not guilty of capital murder.

If you find from the evidence beyond a reasonable doubt that at the time and place in question the defendant did not reasonably believe that he was in danger of death or serious bodily injury at the hands of both TAVARES TELL and KENNY GARCIA, or that the defendant, under the circumstances as viewed by him from his

standpoint at the time, did not reasonably believe that the degree of force actually used by him was immediately necessary to protect himself against TAVARES TELL and KENNY GARCIA's use or attempted use of unlawful deadly force, then you should find against the defendant on the issue of self-defense.

If you find from the evidence that, at the time and place in question, the defendant reasonably believed that he was in danger of death or serious bodily injury from TAVARES TELL, but you find beyond a reasonable doubt that he did not reasonably believe he was in danger of death or serious bodily injury from KENNY GARCIA, or the defendant reasonably believed that he was in danger of death or serious bodily injury from KENNY GARCIA, but you find beyond a reasonable doubt that he did not reasonably believe he was in danger of death or serious bodily injury from TAVARES TELL, then you shall not convict the defendant of capital murder, and you shall next consider whether the defendant is guilty of the lesser included offense of murder.

Therefore, if you unanimously find from the evidence beyond a reasonable doubt that the defendant, PATRICK LYNN RUSSELL, on or about the September 5th, 2013, in Dallas County, Texas, did intentionally or knowingly cause the death of TAVARES TELL by shooting TAVARES TELL with a deadly weapon, namely a firearm, but you further find from the evidence, as viewed from the standpoint of the defendant at the time, that from the words or conduct, or both, of TAVARES TELL, that it reasonably appeared to the defendant that his life or person was in danger and there was created in his mind a reasonable expectation or fear of death or serious bodily injury from the use of unlawful deadly force at the hands of TAVARES TELL,

and that acting under such apprehension and reasonably believing that the use of deadly force on his part was immediately necessary to protect himself against TAVARES TELL's use or attempted use of unlawful deadly force, he shot TAVARES TELL, and you also unanimously find from the evidence beyond a reasonable doubt that PATRICK LYNN RUSSELL, did not reasonably believe that he was in danger of death or serious bodily injury at the hands of KENNY GARCIA, or that the defendant, under the circumstances as viewed by him from his standpoint at the time, did not reasonably believe that the degree of force actually used by him was immediately necessary to protect himself against KENNY GARCIA's use or attempted use of unlawful deadly force, then you will find the defendant guilty of the lesser included offense of murder of KENNY GARCIA, as included in Count I, and you will make no finding with respect to Count II.

OR, if you unanimously find from the evidence beyond a reasonable doubt that the defendant, PATRICK LYNN RUSSELL, on or about September 5th, 2013, in Dallas County, Texas, did intentionally or knowingly cause the death of KENNY GARCIA by shooting KENNY GARCIA with a deadly weapon, namely a firearm, but you further find from the evidence, as viewed from the standpoint of the defendant at the time, that from the words or conduct, or both, of KENNY GARCIA, that it reasonably appeared to the defendant that his life or person was in danger and there was created in his mind a reasonable expectation or fear of death or serious bodily injury from the use of unlawful deadly force at the hands of KENNY GARCIA, and that acting under such apprehension and reasonably believing that the use of deadly force on his part was immediately necessary to protect himself against

KENNY GARCIA's use or attempted use of unlawful deadly force, he shot KENNY GARCIA, and you also unanimously find from the evidence beyond a reasonable doubt that PATRICK LYNN RUSSELL, did not reasonably believe that he was in danger of death or serious bodily injury at the hands of TAVARES TELL, or that the defendant, under the circumstances as viewed by him from his standpoint at the time, did not reasonably believe that the degree of force actually used by him was immediately necessary to protect himself against TAVARES TELL's use or attempted use of unlawful deadly force, then you will find the defendant guilty of the lesser included offense of murder of TAVARES TELL, as included in Count I of the indictment, and you will make no finding with respect to Count II.

If you have a reasonable doubt as to whether the defendant is guilty of any offense charged or included in Count I, then you will acquit the defendant and say by your verdict "Not Guilty" with respect to Count I, and next consider Count II.

2. Count II: Felony Murder

A person commits **felony murder** if he commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he commits an act clearly dangerous to human life that causes the death of an individual.

"**Act**" means a bodily movement, whether voluntary or involuntary, and includes speech.

"**Felony**" means an offense so designated by law or punishable by death or confinement in a penitentiary.

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

2.1 Other felonies and definitions

Robbery

Robbery has been defined above, and has the same definition for purposes of felony murder. A person commits the offense of **aggravated robbery** if the person commits robbery, as defined, and the person uses or exhibits a deadly weapon.

“**Deadly weapon**” means a firearm or 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.

“**Firearm**” means any device designed, made or adapted to expel a projectile through a barrel by using energy generated by an explosion or burning substance or any device readily convertible to that use.

Possession of a Controlled Substance

Our law provides that a person commits an offense if he knowingly or intentionally possesses a controlled substance. Under our law, cocaine is a controlled substance.

“**Possession**” means actual care, custody, control or management.

Unlawful Possession of a Firearm by a Felon

Our law provides that a person who has been convicted of a felony commits the offense of unlawful possession of a firearm by a felon if he intentionally or knowingly

possesses a firearm:

- (1) after conviction and before the fifth anniversary of the person's release from confinement following conviction of the felony; or
- (2) after the period described by paragraph (1) at any location other than the premises at which the person lives.

“**Possession**” and “**firearm**” have the same meanings already given.

Robbery, aggravated robbery, possession of a controlled substance, cocaine, and unlawful possession of a firearm by a felon, are felony offenses.

2.2 Application: Count II, Felony Murder

Now, if you unanimously find from the evidence beyond a reasonable doubt that, on or about September 5th, 2013, in Dallas County, Texas, the defendant, PATRICK LYNN RUSSELL, either individually or as a party, as that term has been defined, did then and there commit or attempt to commit an act clearly dangerous to human life, to-wit: shooting TAVARES TELL with a firearm, that caused the death of TAVARES TELL, an individual, and the defendant was then and there in the course of intentionally or knowingly committing a felony, to-wit: robbery, aggravated robbery, possession of a controlled substance, namely, cocaine, or unlawful possession of a firearm by a felon, and the death of TAVARES TELL was caused while the defendant was in the course of and in furtherance of the commission or attempted commission of said felony(ies), then you will find the defendant guilty of the felony murder of TAVARES TELL as alleged in Count II of the indictment.

Unless you so find, or if you have a reasonable doubt, or if you cannot agree, you will next consider the allegation of felony murder of KENNY GARCIA, which is

included in Count II.

Now, if you unanimously find from the evidence beyond a reasonable doubt that, on or about September 5th, 2013, in Dallas County, Texas, the defendant, PATRICK LYNN RUSSELL, either individually or as a party, as that term has been defined, did then and there commit or attempt to commit an act clearly dangerous to human life, to-wit: shooting KENNY GARCIA with a firearm, that caused the death of KENNY GARCIA, an individual, and the defendant was then and there in the course of intentionally or knowingly committing a felony, to-wit: robbery, aggravated robbery, possession of a controlled substance, namely, cocaine, or unlawful possession of a firearm by a felon, and the death of KENNY GARCIA was caused while the defendant was in the course of and in furtherance of the commission or attempted commission of said felony(ies), then you will find the defendant guilty of the felony murder of KENNY GARCIA, as alleged in Count II of the indictment.

If you do not find beyond a reasonable doubt that the defendant is guilty of either felony murder alleged in Count II of the indictment, or if you have a reasonable doubt, you will next consider the lesser included offense of unlawful possession of a firearm by a felon.

Now, if you find from the evidence beyond a reasonable doubt that on or about September 5th, 2013, in Dallas County, Texas, the defendant, PATRICK LYNN RUSSELL, did then and there unlawfully, intentionally or knowingly possess a firearm at a location other than the premises where he lived at the time, after having been convicted of a felony.

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then you will find the defendant guilty of unlawful possession of a firearm by a felony as included in Count II of the indictment.

Unless you so find, or if you have a reasonable doubt, you shall find the defendant not guilty under Count II.

If you believe from the evidence beyond a reasonable doubt that the defendant is guilty of felony murder or unlawful possession of a firearm by a felon, but you have a reasonable doubt as to which of those offenses he is guilty, then you must resolve that doubt in the defendant's favor and find him guilty of the lesser offense of unlawful possession of a firearm by a felon.

If you have a reasonable doubt as to whether the defendant is guilty of any offense defined in this charge you will acquit the defendant and say by your verdict "Not Guilty."

2.3. Self Defense and Felony Murder

The law of self-defense which has been explained previously in these instructions also applies to felony murder. You are again instructed that you may consider all relevant facts and circumstances surrounding the death, 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 offense, if any.

Therefore, if you find from the evidence beyond a reasonable doubt that the

defendant, PATRICK LYNN RUSSELL, did cause the death of TAVARES TELL by shooting TAVARES TELL with a deadly weapon, namely, a firearm, but you further find from the evidence, as viewed from the standpoint of the defendant at the time, that from the words or conduct, or both, of TAVARES TELL, that it reasonably appeared to the defendant that his life or person was in danger and there was created in his mind a reasonable expectation or fear of death or serious bodily injury from the use of unlawful deadly force at the hands of TAVARES TELL, and that acting under such apprehension and reasonably believing that the use of deadly force on his part was immediately necessary to protect himself against TAVARES TELL's use or attempted use of unlawful deadly force, he shot TAVARES TELL, or if you have a reasonable doubt as to whether or not the defendant was acting in self-defense, then you should give the defendant the benefit of that doubt and you should not convict the defendant for the felony murder of TAVARES TELL, and next consider the alleged felony murder of KENNY GARCIA, also charged in Count II.

If you find from the evidence beyond a reasonable doubt that the defendant, PATRICK LYNN RUSSELL, did cause the death of KENNY GARCIA, by shooting KENNY GARCIA with a deadly weapon, namely, a firearm, but you further find from the evidence, as viewed from the standpoint of the defendant at the time, that from the words or conduct, or both, of KENNY GARCIA, that it reasonably appeared to the defendant that his life or person was in danger, and there was created in his mind a reasonable expectation or fear of death or serious bodily injury from the use of unlawful deadly force at the hands of KENNY GARCIA, and that acting under such apprehension and reasonably believing that the use of deadly force on his

part was immediately necessary to protect himself against KENNY GARCIA's use or attempted use of unlawful deadly force, he shot KENNY GARCIA, or if you have a reasonable doubt as to whether or not the defendant was acting in self-defense, then you should give the defendant the benefit of that doubt and you should not convict the defendant for the felony murder of KENNY GARCIA, and say by your verdict "Not Guilty" with respect to Count II.

3. Accomplice Witnesses

An accomplice is anyone connected with the crime charged, as a party thereto, and includes all persons who are connected with the crime by unlawful act or omission on their part transpiring either before or during the time of the commission of the offense, and whether or not they were present and participated in the commission of the crime. 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. Mere presence alone, however, will not constitute one a party to an 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. The term "conduct" means any act or omission and its accompanying mental state.

You are instructed that 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.

You are instructed that, with respect to both counts of the indictment, the witness, TEVYNN BOONE, is an accomplice, if an offense was committed, and you cannot convict the defendant upon his testimony unless you further believe that there is other evidence in the case, outside of the testimony of TEVYNN BOONE, tending to connect the defendant with the offense committed, if you find that an offense was committed, 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, and then from all of the evidence you must believe beyond a reasonable doubt that the defendant is guilty of an offense charged or included in the indictment. You are further instructed that one or more accomplices cannot corroborate each other. Such corroborative evidence, if any, must be from some other source than the accomplice, TEVYNN BOONE.

4. Corroboration of Inmate's Testimony

A defendant may not be convicted of an offense on the testimony of a person to whom the defendant made a statement against the defendant's interest during a time when the person was imprisoned or confined in the same correctional facility as the defendant unless the testimony is corroborated by other evidence tending to connect the defendant with the offense committed. "Correctional facility" has the

meaning assigned by Section 1.07, Penal Code. Corroboration is not sufficient if the corroboration only shows that the offense was committed.

You are instructed that, with respect to both counts of the indictment, the inmate witness, JEFF ARRINGTON, is an inmate witness, if an offense was committed, and you cannot convict the defendant upon his testimony unless you further believe that there is other evidence in the case, outside of the testimony of JEFF ARRINGTON, tending to connect the defendant with the offense committed, if you find that an offense was committed, 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, and then from all of the evidence you must believe beyond a reasonable doubt that the defendant is guilty of an offense charged or included in the indictment.

5. General Instructions

Our law provides that 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. In this case, 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.

You are further instructed that if there is any evidence before you in this case regarding the defendant's committing an alleged offense or offenses other than the offense alleged against him in the indictment in this case, you cannot consider such evidence for any purpose unless you find and believe beyond a reasonable doubt that

the defendant committed such other offense or offenses, if any, and even then you may only consider the same in determining motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident of the defendant, if any, in connection with the offense, if any, alleged against him in the indictment and for no other purpose.

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 a defendant 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. 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 presiding juror. 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 signing the appropriate form attached to these instructions.

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.

No one has any authority to communicate with you except the bailiff who has you in charge. After you have retired, you may communicate with this Court in writing through the bailiff. Any communication about the case must be written, prepared and signed by your presiding juror, and shall be submitted to the court through the bailiff. Do not attempt to talk to the bailiff, the attorneys, the Court, or anyone else concerning any questions you have.

Your sole duty at this time is to determine the guilt or innocence of the defendant under the indictment in this cause and you are to restrict your deliberations to that issue. Following the arguments of counsel, you will retire to consider your

verdict. Suitable forms for your verdict are attached. Your verdict must be written, unanimous, and signed by your presiding juror.

This the 10 day of November, 2016.


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HON. BRANDON BIRMINGHAM
DISTRICT JUDGE

JURY VERDICT

Count I

We, the jury, unanimously find the defendant guilty of capital murder, as charged in Count I of the indictment.

Marietha Christentz
PRESIDING JUROR (signature)

MARIETHA CHRISENTERY
PRESIDING JUROR (printed name)

*If this is your verdict, do not consider Count II.
Notify the bailiff that you have reached a verdict.*

We, the jury, unanimously find the defendant guilty of the murder of KENNY GARCIA, as included in Count I of the indictment.

MC
Marietha Christentz
PRESIDING JUROR (signature)

MARIETHA CHRISENTERY
PRESIDING JUROR (printed name)

*If this is your verdict, do not consider Count II.
Notify the bailiff that you have reached a verdict.*

MC

We, the jury, unanimously find the defendant guilty of the murder of TAVARES TELL, as included in Count I of the indictment.

Marietha Chrisentery
PRESIDING JUROR (signature)

MARIEETHA CHRISENTERY
PRESIDING JUROR (printed name)

*If this is your verdict, do not consider Count II.
Notify the bailiff that you have reached a verdict.*

We, the jury, find the defendant not guilty of capital murder.

PRESIDING JUROR (signature)

PRESIDING JUROR (printed name)

If this is your verdict, next consider Count II on the following page.

JURY VERDICT
Count II

If you reach Count II, sign only one of the following:

We, the jury, unanimously find the defendant guilty of the felony murder of TAVARES TELL, as charged in Count II of the indictment.

PRESIDING JUROR (signature)

PRESIDING JUROR (printed name)

We, the jury, unanimously find the defendant guilty of the felony murder of KENNY GARCIA, as charged in Count II of the indictment.

PRESIDING JUROR (signature)

PRESIDING JUROR (printed name)

We, the jury, find the defendant not guilty of felony murder.

PRESIDING JUROR (signature)

PRESIDING JUROR (printed name)