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7 Judge  
1:00 PM  
5/20/15*

CAUSE NO. 74,817

THE STATE OF TEXAS                   §                   IN THE 426TH JUDICIAL  
VS.   §                   DISTRICT COURT OF  
RICO DOYLE                               §                   BELL COUNTY, TEXAS

**CHARGE OF THE COURT**

Ladies and Gentlemen of the Jury:

The defendant, RICO DOYLE, stands charged by indictment with the offense of Capital Murder alleged to have been committed in Bell County, Texas, on or about the 21st day of April, 2015.

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 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 he murders more than one person during the same criminal transaction.

II.

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



III.

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.

IV.

You are further instructed that you may consider all relevant facts and circumstances surrounding the killings, 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 alleged in the indictment.

V.

Now bearing in mind the foregoing instructions and definitions, if you believe from the evidence beyond a reasonable doubt, that the defendant, RICO DOYLE, on or about the 21st day of April, 2015, in the County of Bell, and State of Texas, as alleged in the indictment, did then and there intentionally or knowingly cause the death of an individual, namely, Kysha Edmond-Gray, by shooting Kysha Edmond-Gray with a firearm, and did then and there intentionally or knowingly cause the death of another individual, namely Deanna Buster, by shooting Deanna Buster with a firearm, and both murders were committed during the same criminal transaction, you will find the defendant guilty of capital murder and so say by your verdict, but if you do not believe or if you have a reasonable doubt thereof, you will acquit the defendant of capital murder, and next consider the lesser included offenses of murder.

## VI.

Now bearing in mind the foregoing instructions and definitions, if you believe from the evidence beyond a reasonable doubt, that the defendant, RICO DOYLE, on or about the 21st day of April, 2015, in the County of Bell, and State of Texas, as alleged in the indictment, did then and there intentionally or knowingly cause the death of an individual, namely, Kysha Edmond-Gray, by shooting Kysha Edmond-Gray with a firearm, you will find the defendant guilty of the murder of Kysha Edmond-Gray and so say by your verdict, but if you do not believe or if you have a reasonable doubt thereof, you will acquit the defendant of the murder of Kysha Edmond-Gray.

Now bearing in mind the foregoing instructions and definitions, if you believe from the evidence beyond a reasonable doubt, that the defendant, RICO DOYLE, on or about the 21<sup>st</sup> day of April, 2015, in the County of Bell, and State of Texas, as alleged in the indictment, did then and there intentionally or knowingly cause the death of an individual, namely Deanna Buster, by shooting Deanna Buster with a firearm, you will find the defendant guilty of the murder of Deanna Buster and so say by your verdict, but if you do not believe or if you have a reasonable doubt thereof, you will acquit the defendant of the murder of Deanna Buster.

## VII.

You are instructed that if there is any testimony before you in this case regarding the defendant's having committed 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 offenses, if any were committed, and even then you may only consider the same in determining the intent, knowledge, motive, absence of mistake or accident 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.

## VIII.

In a criminal case, the law permits the defendant to testify in his own behalf; but the same law provides that his election not to testify shall not be considered as a circumstance against him. You will, therefore, not consider the defendant's election not to 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.

## IX.

You have been permitted to take notes during the testimony in this case. In the event any of any you took notes, you may rely on your notes during your deliberations. However, you may not share your notes with the other jurors and you should not permit the other jurors to share their notes with you. You shall not use your notes as authority to persuade your fellow jurors. In your deliberations, give no more and no less weight to the views of a fellow juror just because did or did not take notes. Your notes are not official transcripts. They are personal memory aides, just like the notes of the judge and the notes of the lawyers. Notes are valuable as a stimulant to your memory. On the other hand, you might make an error in observing or you might make a mistake in recording what you have seen or heard. Therefore, you are not to use your notes as authority to persuade fellow jurors of what the evidence was during the trial. Occasionally, during jury deliberations, a dispute arises as to the testimony presented. If this should occur in this case, you shall inform the court and request that the court read the portion of disputed testimony to you from the official transcript. You shall not rely on your notes to resolve the dispute because those notes, if any, are not official transcripts. The disputes must be settled by the official transcript, for it is the official transcript, rather than any juror's notes, upon which you must base your determination of the facts and, ultimately, your verdict in this case.

X.

You have a right to consider all of the facts that are shown by the evidence, and to draw natural and reasonable inferences from such facts. You alone have the authority and the duty to determine what the facts are in this case. In evaluating the evidence, you must totally disregard what you believe is my opinion about any factual matter.

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.

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.

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 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.


You must not consider facts that have not been introduced into evidence or legal principles not contained in this charge. It is improper for a juror to discuss or consider anything which they know or have learned outside of the testimony presented to you, and the law contained in this charge. If a juror should discover that they have any outside information, they must not mention this information to any other juror, nor consider it themselves in arriving at a verdict.

You shall not discuss or consider the punishment, if any, which may be assessed against the defendant in the event he is found guilty.

Questions and comments of the attorneys do not constitute testimony and must not be considered as evidence. You must also disregard any statement of the attorneys that is inconsistent with the law contained in this charge.

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.

After the reading of this Charge, you shall not be permitted to separate from each other, nor shall you talk with anyone not of your jury. After argument of counsel, you will retire and select one of your members as your foreman. It is his or her duty to preside at your deliberations and to vote with you in arriving at an unanimous verdict. After you have arrived at your verdict, you may use one of the forms attached hereto by having your foreman sign his or her name to the particular line or lines that conforms to your verdict.

  
\_\_\_\_\_  
JUDGE PRESIDING

CAUSE NO. 74,<sup>817</sup>~~718~~

THE STATE OF TEXAS                    §                    IN THE 426TH JUDICIAL  
VS.    §                    DISTRICT COURT OF  
RICO DOYLE                                §                    BELL COUNTY, TEXAS

**VERDICT OF THE JURY**

We, the Jury, find beyond a reasonable doubt that the Defendant, RICO DOYLE, is GUILTY of the offense of Capital Murder, as charged in the indictment.

**Foreman of the Jury**  
**Do Not Disclose**

We, the Jury, find beyond a reasonable doubt that the Defendant, RICO DOYLE, is GUILTY of the lesser included offense of Murder of Kysha Edmond-Gray.

\_\_\_\_\_  
FOREMAN

We, the Jury, find beyond a reasonable doubt that the Defendant, RICO DOYLE, is GUILTY of the lesser included offense of Murder of Deanna Buster.

\_\_\_\_\_  
FOREMAN

We, the Jury, find the Defendant, RICO DOYLE, not guilty.

\_\_\_\_\_  
FOREMAN

*Joanna Stator*  
JOANNA STATOR  
DISTRICT CLERK  
BELL COUNTY, TEXAS

2018 JUN 19 PM 4:27



*Filed  
of Doyle, Judge  
11/18  
3:28 PM*

NO. 74,817

THE STATE OF TEXAS                    §                    IN THE 426TH DISTRICT  
VS.    §                    COURT OF  
RICO DOYLE                                §                    BELL COUNTY, TEXAS

**CHARGE ON PUNISHMENT**

LADIES AND GENTLEMEN OF THE JURY:

You have found the defendant guilty of the offense of capital murder. You are instructed that a sentence of life without parole or death is mandatory on conviction for capital murder. In order for the court to assess the proper punishment, certain special issues are submitted to you. Before answering these issues you will consider the following instructions:

I.

In arriving at the answers to the issues submitted, it will not be proper for you to fix the same by lot, chance or any other method than by a full, fair and free exchange of the opinion of each individual juror.

II.

You are instructed that there is evidence before you in this case regarding the defendant having committed or participated in other acts or transactions other than the offense alleged against him in the indictment in this case. You are further instructed that you cannot consider such other acts or transactions, if any, unless you first find and believe beyond a reasonable doubt that the defendant committed or participated in such acts or transactions, if any, but if you do not so believe, or if you have reasonable doubt thereof, you will not consider such evidence for any purpose.





### III.

You have been permitted to take notes during the testimony in this case. In the event any of you took notes, you may rely on your notes during your deliberations. However, you may not share your notes with the other jurors and you should not permit the other jurors to share their notes with you. You shall not use your notes as authority to persuade your fellow jurors. In your deliberations, give no more and no less weight to the views of a fellow juror just because he or she did or did not take notes. Your notes are not official transcripts. They are personal memory aides, just like the notes of the judge and the notes of the lawyers. Notes are valuable as a stimulant to your memory. On the other hand, you might make an error in observing or you might make a mistake in recording what you have seen or heard. Therefore, you are not to use your notes as authority to persuade fellow jurors of what the evidence was during the trial. Occasionally, during jury deliberations, a dispute arises as to the testimony presented. If this should occur in this case, you shall inform the court and request that the court read the portion of disputed testimony to you from the official transcript. You shall not rely on your notes to resolve the dispute because those notes, if any, are not official transcripts. The disputes must be settled by the official transcript, for it is the official transcript, rather than any juror's notes, upon which you must base your determination of the facts and, ultimately, your verdict in this case.

### IV.

In deliberating on Special Issue Number 1 and Special Issue Number 2, the jury shall consider all evidence admitted at the guilt or innocence stage and the punishment stage, including evidence of the defendant's background or character or circumstances of the offense that militates for or mitigates against the imposition of the death penalty.

### SPECIAL ISSUE NUMBER 1

Whether there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society.

You are instructed that in answering Special Issue Number 1 the State has the burden to prove beyond a reasonable doubt that the answer should be "Yes" and if it fails to do so, you must answer Special Issue Number 1 "No". The jury may not answer Special Issue No. 1 "Yes" unless the jury agrees unanimously on the answer.

You are instructed that in answering Special Issue No. 1 that the jury may not answer "No" unless ten or more jurors agree. The jurors need not agree on what particular evidence supports a negative answer. If any juror has a reasonable doubt as to his answer to this issue, the juror shall vote "No."

If the jury answers Special Issue Number 1 "Yes", then you shall answer the following Special Issue Number 2; otherwise do not answer Special Issue Number 2.

### SPECIAL ISSUE NUMBER 2

Whether, taking into consideration all of the evidence, including the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant, there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed.

You are instructed that in answering this issue, you shall answer the issue "Yes" or "No." You may not answer the issue "No" unless the jury unanimously agrees, and you may not answer the issue "Yes" unless ten or more jurors agree.

You are instructed that if the jury answers that a circumstance or circumstances warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed, the

Court will sentence the defendant to imprisonment in the Texas Department of Criminal Justice for life without parole.

Under the law applicable in this case, if the defendant is sentenced to confinement for life without parole in the Texas Department of Criminal Justice, the defendant will be ineligible for release from the Department on parole.

The jury need not agree on what particular evidence supports an affirmative finding on this issue.

The jury shall consider mitigating evidence to be evidence that a juror might regard as reducing the defendant's moral blameworthiness.

If the jury returns an affirmative finding on Special Issue Number 1, and a negative finding on Special Issue Number 2, the Court shall sentence the defendant to death. If the jury returns a negative finding on Special Issue Number 1 or an affirmative finding to Special Issue Number 2, the Court shall sentence the defendant to confinement in the Texas Department of Criminal Justice for life without parole.

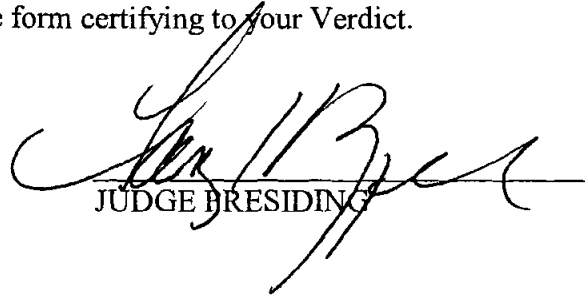
#### V.

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

In deliberating this case, you shall consider the Charge as a whole and you must not refer to or discuss any matters not in evidence before you.

You must not consider or mention any personal knowledge or information you may have about any facts or person connected with this case which is not shown by the evidence. You shall not consult law books or anything not in evidence in this case.

After the reading of this charge, you shall not be permitted to separate from each other, nor shall you talk with anyone not of your jury. After argument of counsel, you will retire and consider your answer to the issues submitted to you. It is the duty of your foreperson to preside in the jury room and vote with you on the answers to the issues submitted. When you have reached a verdict, you may use the attached forms to indicate your answers to the Special Issues, and your foreman should sign the appropriate form certifying to your Verdict.



JUDGE BRESIDING

NO. 74,817

THE STATE OF TEXAS	§	IN THE 426TH DISTRICT
VS.	§	COURT OF
RICO DOYLE	§	BELL COUNTY, TEXAS

**VERDICT OF THE JURY**

Now, bearing in mind the foregoing instructions, you will answer the following Special Issues:

**SPECIAL ISSUE NUMBER 1**

Do you find from the evidence beyond a reasonable doubt that there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society:

In your verdict, you will answer "Yes" or "No."

Answer: We, the jury, unanimously find from the evidence beyond a reasonable doubt that the answer to Special Issue Number 1 is "Yes."

\_\_\_\_\_  
FOREMAN

OR

Answer: We, the jury, because at least ten (10) jurors have a reasonable doubt as to the probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society, determine that the answer to Special Issue Number 1 is "No."

\_\_\_\_\_  
FOREMAN

If your answer to this special issue is “no” and is not unanimous then the 10 or more jurors who agree should sign individually below

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

If your answer to Special Issue Number 1 is “Yes,” then you will answer Special Issue Number 2; otherwise, you will not answer Special Issue Number 2.

**SPECIAL ISSUE NUMBER 2**

Do you find, taking into consideration all of the evidence, including the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant, that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed?

Answer: We, the jury, unanimously find that the answer to Special Issue Number 2 is "No."

\_\_\_\_\_  
FOREMAN

OR

Answer: We, the jury, because at least ten (10) jurors find that there is sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed, answer this Special Issue Number 2 "Yes."

\_\_\_\_\_  
FOREMAN

If your answer to this special issue is "yes" and is not unanimous then the 10 or more jurors who agree should sign individually below

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

We, the jury, return in open Court the above answers to the Special Issues submitted to us and the same is our verdict in this case.

\_\_\_\_\_  
FOREMAN