

NO. F16-291-362

FILED
DENTON COUNTY, TEXAS

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DAVID TRANHAM
DISTRICT CLERK

BY  DEPUTY

THE STATE OF TEXAS

§

IN THE 362ND JUDICIAL

VS.

§

DISTRICT COURT OF

KEDRIC ALEXANDER

§

DENTON COUNTY, TEXAS

CHARGE OF THE COURT

LADIES AND GENTLEMEN OF THE JURY:

The defendant, KEDRIC ALEXANDER, stands charged by indictment with the offense of Capital Murder, alleged to have been committed on or about the 4th day of November, 2015. The defendant has pleaded not guilty.

A person commits Capital Murder when the person intentionally commits Murder in the course of committing or attempting to commit the offense of Burglary of a Habitation.

A person commits Murder when the person intentionally causes the death of an individual.

A person commits Burglary of a Habitation if, without the effective consent of the owner, he intentionally or knowingly enters a habitation with intent to commit Theft.

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

DEFINITIONS

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.

“Enter” means to intrude any part of the body or any physical object connected with the body into the habitation.

“Habitation” means a structure or vehicle that is adapted for the overnight accommodation of persons and includes: (a) each separately secured or occupied portion of the structure or vehicle, and (b) each structure appurtenant to or connected with the structure or vehicle.

A person commits the offense of theft if, with intent to deprive the owner of property, he appropriates the property without the owner's effective consent.

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

"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.

"Owner" means a person who has title to the property, possession of the property, or a greater right to possession of the property than the person charged.

"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 force, threat, deception, or fraud.

An "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.

CRIMINAL RESPONSIBILITY FOR CONDUCT OF ANOTHER

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

A person is criminally responsible for an offense committed by the conduct of another if:

- A. acting with intent to promote or assist the commission of the offense, he aids or attempts to aid the other person to commit the offense; or,
- B. 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.

Mere presence alone will not make a person a party to an offense.

“Conspiracy” means an agreement between two or more persons, with intent that a felony be committed, that they, or one or more of them, engage in conduct that would constitute the offense and he or one or more of them performs an overt act in pursuance of the agreement. An agreement constituting a conspiracy may be inferred from acts of the parties.

CAPITAL MURDER

Therefore, if you believe from the evidence beyond a reasonable doubt that the defendant, KEDRIC ALEXANDER, on or about the 4th day of November, 2015, in Denton County, Texas, did then and there intentionally cause the death of an individual, namely, Steve Lehman, by cutting or stabbing Steve Lehman with a knife, and the defendant was then and there in the course of committing or attempting to commit the offense of Burglary of a Habitation of Steve Lehman, then you will find the defendant, KEDRIC ALEXANDER, guilty of Capital Murder, as charged in the indictment; OR

If you believe from the evidence beyond a reasonable doubt that, the defendant, KEDRIC ALEXANDER entered into a conspiracy with Big Boy to commit the felony offense of Burglary of a Habitation and that on or about the 4th day of November, 2015, in Denton County, Texas, in an the attempt to carry out this agreement, if any, Big Boy did then and there intentionally cause the death of an individual, Steve Lehman, by cutting or stabbing Steve Lehman with a knife, if he did, and that such offense was committed in furtherance of the unlawful purpose to commit Burglary of a Habitation and was an offense that should have been anticipated as a result of the carrying out of the agreement, though KEDRIC ALEXANDER may have had no intent to commit Murder, then you will find the defendant, KEDRIC ALEXANDER, guilty of Capital Murder, as charged in the indictment.

If you do not so believe beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will next consider whether or not the defendant is guilty of the lesser included offense of Burglary of a Habitation.

LESSER INCLUDED BURGLARY OF HABITATION

If you believe from the evidence beyond a reasonable doubt that the defendant, KEDRIC ALEXANDER, on or about the 4th day of November, 2015, in Denton County, Texas, did then and there, acting with intent to promote or assist the commission of the offense, either aided or attempted to aid Big Boy in committing the offense, to wit: by driving the vehicle utilized to

commit the Burglary of a Habitation, and Big Boy, with the intent to commit theft, did enter a habitation without the effective consent of Steve Lehman, the owner thereof, then you will find the defendant, KEDRIC ALEXANDER, guilty of Burglary of a Habitation.

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

You are instructed that an indictment is no evidence of guilt. Therefore, the indictment in this case shall not be considered by the jury as any evidence of guilt, if any.

An "Accomplice" means anyone connected with the crime charged and includes all persons who are connected with the crime by unlawful act or omission on their part transpiring either before, at the time of, or after the commission of the offense.

Upon the law of accomplice witness testimony, you are instructed that Chassidy Spraglin was an accomplice, if any offense was committed, as alleged in the indictment. With this in mind, you are further instructed that you cannot convict the defendant upon Chassidy Spraglin's testimony, unless you first believe that her testimony is true and shows the guilt of the defendant as charged in the indictment. Additionally, you cannot convict the defendant unless Chassidy Spraglin's testimony is corroborated by other evidence tending to connect the defendant with the offense charged. The corroboration is not sufficient if it merely shows the commission of an offense, but it must tend to connect the defendant with its commission. Then from all the evidence, you must believe beyond a reasonable doubt that the defendant is guilty of the offense charged against him.

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

"Correctional Facility" means a place designated by law for the confinement of a person arrested for, charged with, or convicted of a criminal offense. The term includes a municipal or county jail.

Now, if you find from the evidence that Larry Lawrence was a person to whom the defendant made a statement, if any, against the defendant's interest during a time when Larry Lawrence was imprisoned or confined in the same correctional facility as the defendant, if he was imprisoned or confined, then you are further instructed that you cannot convict the defendant upon Larry Lawrence's testimony, unless you first believe that his testimony is true and shows the guilt of the defendant as charged in the indictment. Then you cannot convict the defendant unless Larry Lawrence's testimony is corroborated by other evidence tending to connect the defendant with the offense charged. The corroboration is not sufficient if it merely shows the commission of an offense, but it must tend to connect the defendant with its commission. Then from all the evidence, you must believe beyond a reasonable doubt that the defendant is guilty of the offense charged against him. If you have a reasonable doubt thereof, you will acquit the defendant.

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 other purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other offenses, if any were committed. Even then, you may only consider the same in determining the intent, plan, knowledge, or identity of the defendant, if any, in connection with the offense, if any, alleged against him in the indictment in the case and for no other purpose.

You are instructed that unless the jury believes beyond a reasonable doubt that the statement by the defendant was voluntarily made, the jury shall not consider the statement by the defendant for any purpose nor any evidence obtained as a result thereof.

At times throughout the trial the Court has been called upon to pass on the question of whether or not certain offered evidence might properly be admitted. You are not to draw any inferences from them. Whether offered evidence is admissible is purely a question of law. In admitting evidence to which an objection is made, the Court does not determine what weight should be given such evidence, nor does it pass on the credibility of the witness. As to any offer of evidence that has been rejected by the Court, you must not consider the rejected evidence. As to any question to which an objection was sustained, you must not conjecture as to what the answer might have been or as to the reason for the objection.

You are instructed that you are not to allow yourselves to be influenced in any degree whatsoever by what you think or surmise the opinion of the Court to be. The Court has no right by any word or any act to indicate any desire respecting its outcome. The Court has not intended to express any opinion upon any matter of fact in this case. If you have observed anything which you have or may interpret as the Court's opinion upon any matter of fact in this case, you must wholly disregard it.

You are instructed that any statements of counsel, made during the course of the trial or during argument are not evidence.

You are limited in your deliberations as jurors on the verdict of guilt or innocence. You are to consider and discuss only the facts and circumstances as were admitted into evidence. You should not consider nor discuss facts and circumstances that are not in evidence, nor should you make deductions that are not based upon the evidence. You are instructed that no juror may lawfully relate any fact or circumstance of which he or she may claim to have knowledge which has not been admitted into evidence before you. If any evidence has been withdrawn from the jury by the Court, you will not discuss or consider it for any purpose.

All persons are presumed to be innocent and no person may be convicted of any 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.

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 the prosecution fails to do so, you must acquit the defendant.

It is not required that the prosecution proves guilt beyond all possible doubt. It is required that the prosecution's proof excludes all reasonable doubt concerning the defendant's guilt.

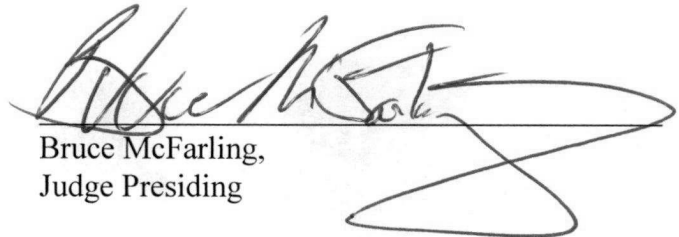
The Presiding Juror or any other juror who observes a violation of the Court's instructions shall immediately warn the one who is violating the same and caution the juror not to do so again.

You will make no further finding in this case except to show in the blank on the form of verdict whether the defendant is guilty beyond a reasonable doubt, or not guilty, as you may find and determine from the law and the evidence in this case.

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. You can believe or disbelieve all or any part of any testimony of any witness or witnesses, but you are bound to receive the law from the Court, which is contained in this charge. You shall be governed by the instructions in this charge.

After you retire to your jury room you should select one of your members as your Presiding Juror. It is the Presiding Juror's 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, and signing the same as Presiding Juror.

SIGNED this the 26th day of July, 2021.



Bruce McFarling,
Judge Presiding

VERDICT FORM

(Presiding Juror to sign only one)

We, the jury, find the defendant, KEDRIC ALEXANDER, guilty of the offense of Capital Murder, as alleged in the indictment.



Presiding Juror

We, the jury, find the defendant, KEDRIC ALEXANDER, guilty of the offense of Burglary of a Habitation, a lesser included offense of that in the indictment.

Presiding Juror

We, the jury, find the defendant, KEDRIC ALEXANDER, not guilty.

Presiding Juror