

ORIGINAL

CAUSE NOS. 17-06-16091, 20-05-17305 (Counts I & II), 20-06-17370,
20-06-17371, 20-06-17372

Filed
AT 12:45 6-30-21
O'Clock P M
BY LIZ PIRKLE
WALLER COUNTY, TEXAS
DEPUTY

STATE OF TEXAS § IN THE DISTRICT COURT
§
VS. § 506TH JUDICIAL DISTRICT
§
VICTOR KEVIN TOME § WALLER COUNTY, TEXAS

JURY CHARGE

MEMBERS OF THE JURY:

The defendant, VICTOR KEVIN TOME, stands charged by Indictment in Cause No. 17-06-16091 with the offense of Capital Murder, alleged to have been committed on or about March 25, 2017, in Waller County, Texas. The defendant has pleaded not guilty by reason of insanity.

The defendant, VICTOR KEVIN TOME, stands charged by Indictment in Cause No. 20-05-17305 (Count I) with the offense of Aggravated Assault with a Deadly Weapon, alleged to have been committed on or about March 25, 2017, in Waller County, Texas. The defendant has pleaded not guilty by reason of insanity.

The defendant, VICTOR KEVIN TOME, stands charged by Indictment in Cause No. 20-05-17305 (Count II) with the offense of Aggravated Assault with a Deadly Weapon, alleged to have been committed on or about March 25, 2017, in Waller County, Texas. The defendant has pleaded not guilty by reason of insanity.

The defendant, VICTOR KEVIN TOME, stands charged by Indictment in Cause No. 20-06-17370 with the offense of Accident Involving Serious Bodily Injury, alleged to have been committed on or about March 25, 2017, in Waller County, Texas. The defendant has pleaded not guilty by reason of insanity.

The defendant, VICTOR KEVIN TOME, stands charged by Indictment in Cause No. 20-06-17371 with the offense of Accident Involving Death, alleged to have been committed on or about March 25, 2017, in Waller County, Texas. The defendant has pleaded not guilty by reason of insanity.

The defendant, VICTOR KEVIN TOME, stands charged by Indictment in Cause No. 20-

06-17372 with the offense of Accident Involving Death, alleged to have been committed on or about March 25, 2017, in Waller County, Texas. The defendant has pleaded not guilty by reason of insanity.

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 the person intentionally or knowingly causes the death of two individuals during the same criminal transaction.

A person commits the offense of AGGRAVATED ASSAULT WITH A DEADLY WEAPON if the person intentionally or knowingly threatens another with a deadly weapon.

A person commits the offense of AGGRAVATED ASSAULT WITH A DEADLY WEAPON if the person intentionally, knowingly, or recklessly causes bodily injury to another by using a deadly weapon.

A person commits the offense of ACCIDENT INVOLVING SERIOUS BODILY INJURY if the person intentionally or knowingly drives a vehicle that became involved in an accident that resulted in injury to another, and the Defendant did thereafter, knowing the accident had occurred, intentionally and knowingly leave the scene of the accident, without giving his name address, registration number of the vehicle the person was driving or the name of the defendant's motor vehicle liability insurer to any person and without rendering reasonable assistance to the complainant when it was apparent that the complainant was in need of medical treatment, and the accident resulted in serious bodily injury to the complainant.

A person commits the offense of ACCIDENT INVOLVING DEATH if the person intentionally or knowingly drives a vehicle that became involved in an accident that resulted in injury to another, and the Defendant did thereafter, knowing the accident had occurred, intentionally and knowingly leave the scene of the accident, without giving his name address, registration number of the vehicle the person was driving or the name of the defendant's motor vehicle liability insurer to any person and without rendering reasonable assistance to the complainant when it was apparent that the complainant was in need of medical treatment, and the accident resulted in the death of the complainant.

II.

"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.

"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.

"Motor vehicle" means a self-propelled vehicle or a vehicle that is propelled by electric power from overhead trolley wires. The term does not include an electric bicycle or an electric personal assistive mobility device.

"Intoxicated" means not having the normal use of mental or physical faculties by reason of the introduction of alcohol, a controlled substance, a drug, a dangerous drug, a combination of two or more of those substances, or any other substance into the body.

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. 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 recklessly, or is reckless, with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the defendant's standpoint.

Even when an actor is justified in threatening or using force or deadly force against another, if in doing so he also recklessly injures or kills an innocent third person, the justification afforded is unavailable in a prosecution for the reckless injury or killing of the innocent third person.

III.

You are instructed that no act done in a state of insanity can be punished as an offense. It is an affirmative defense to prosecution that, at the time of the conduct charged, the defendant, as a result of severe mental disease or defect, did not know that his conduct was wrong.

The severe mental disease or defect must have existed at the very time or times inquired about, that is, at the very time of the alleged commission of the offense.

The term "mental disease or defect" does not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct.

"Mental illness" means an illness, disease, or condition, other than epilepsy, dementia, substance abuse, or intellectual disability, that substantially impairs a person's thought, perception of reality, emotional process, or judgment; or grossly impairs behavior as demonstrated by recent disturbed behavior.

You are instructed that the defendant is presumed to be sane.

The burden of proof, as to this affirmative defense, is upon the defendant to prove by a preponderance of the evidence.

By the term "preponderance of the evidence" is meant the greater weight and degree of the credible evidence in the case.

You are instructed that voluntary intoxication does not constitute a defense to the commission of a crime. You are further instructed that under our law neither voluntary intoxication nor temporary insanity of the mind caused by voluntary intoxication shall constitute any defense to the commission of a crime.

IV.

Capital Murder Cause No. 17-06-16091

Now, if you find from the evidence beyond a reasonable doubt that on or about March 25, 2017, in Waller County, Texas, the defendant, Victor Kevin Tome, did then and there during the same criminal transaction, intentionally or knowingly cause the deaths of Keri Guillory and Craig Tippit, by driving his motor vehicle into Keri Guillory and Craig Tippit, then you will find the defendant guilty of capital murder, as charged in the indictment.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant and say by your verdict "Not Guilty."

Now if you believe from the evidence beyond a reasonable doubt that on or about March 25 2017, in Waller County, Texas, the defendant, Victor Kevin Tome, did then and there during the same criminal transaction, intentionally or knowingly cause the deaths of Keri Guillory and Craig Tippit, by driving his motor vehicle into Keri Guillory and Craig Tippit, as alleged in the indictment, but you further believe, by a preponderance of the evidence in the case, that at the time he committed said act, if he did, the defendant, as a result of severe mental disease or defect, did not know that his conduct was wrong, then you will find the defendant "Not Guilty by Reason of Insanity," and so state in your verdict.

Under the instructions given you herein, you will state in your verdict whether you find the defendant "Guilty," or "Not Guilty," or "Not Guilty by Reason of Insanity."

Aggravated Assault Cause No. 20-05-17305 Count I

Now, if you find from the evidence beyond a reasonable doubt that on or about March 25, 2017, in Waller County, Texas, the defendant, Victor Kevin Tome, did then and there, intentionally or knowingly threaten Michael Guillory with imminent bodily injury by using or exhibiting a deadly weapon, namely, a motor vehicle, then you will find the defendant guilty of aggravated assault, as charged in the indictment.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant and say by your verdict "Not Guilty."

Now if you believe from the evidence beyond a reasonable doubt that on or about March 25 2017, in Waller County, Texas, the defendant, Victor Kevin Tome, did then and there, intentionally or knowingly threaten Michael Guillory with imminent bodily injury by using or exhibiting a deadly weapon, namely, a motor vehicle, as alleged in the indictment, but you further believe, by a preponderance of the evidence in the case, that at the time he committed said act, if he did, the defendant, as a result of severe mental disease or defect, did not know that his conduct was wrong, then you will find the defendant "Not Guilty by Reason of Insanity," and so state in your verdict.

Under the instructions given you herein, you will state in your verdict whether you find the defendant "Guilty," or "Not Guilty," or "Not Guilty by Reason of Insanity."

Aggravated Assault Cause No. 20-05-17305 Count II

Now, if you find from the evidence beyond a reasonable doubt that on or about March 25, 2017, in Waller County, Texas, the defendant, Victor Kevin Tome, did then and there, intentionally, knowingly or recklessly cause bodily injury to Michael Joseph Guillory by using a deadly weapon, namely, a motor vehicle, then you will find the defendant guilty of aggravated assault, as charged in the indictment.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant and say by your verdict "Not Guilty."

Now if you believe from the evidence beyond a reasonable doubt that on or about March 25 2017, in Waller County, Texas, the defendant, Victor Kevin Tome, did then and there intentionally, knowingly or recklessly cause bodily injury to Michael Joseph Guillory by using a deadly weapon, namely, a motor vehicle, as alleged in the indictment, but you further believe, by a preponderance of the evidence in the case, that at the time he committed said act, if he did, the defendant, as a result of severe mental disease or defect, did not know that his conduct was wrong, then you will find the defendant "Not Guilty by Reason of Insanity," and so state in your verdict.

Under the instructions given you herein, you will state in your verdict whether you find the defendant "Guilty," or "Not Guilty," or "Not Guilty by Reason of Insanity."

Accident Involving Serious Bodily Injury Cause No. 20-06-17370

Now, if you find from the evidence beyond a reasonable doubt that on or about March 25, 2017, in Waller County, Texas, the defendant, Victor Kevin Tome, did then and there intentionally or knowingly drive a vehicle that became involved in an accident that resulted in serious bodily injury to Michael Joseph Guillory, and the Defendant did thereafter, knowing the accident had occurred, intentionally and knowingly leave the scene of the accident, without giving his name address, registration number of the vehicle the Defendant was driving or the name of the defendant's motor vehicle liability insurer to any person and without rendering reasonable assistance to Michael Joseph Guillory when it was apparent that Michael Joseph Guillory was in need of medical treatment, then you will find the defendant guilty as charged in the indictment.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant and say by your verdict "Not Guilty."

Now if you believe from the evidence beyond a reasonable doubt that on or about March 25

2017, in Waller County, Texas, the defendant, Victor Kevin Tome, did then and there intentionally or knowingly drive a vehicle that became involved in an accident that resulted in serious bodily injury to Michael Joseph Guillory, and the Defendant did thereafter, knowing the accident had occurred, intentionally and knowingly leave the scene of the accident, without giving his name address, registration number of the vehicle the Defendant was driving or the name of the defendant's motor vehicle liability insurer to any person and without rendering reasonable assistance to ~~the~~ Michael Joseph Guillory when it was apparent that ~~the~~ Michael Joseph Guillory was in need of medical treatment, as alleged in the indictment, but you further believe, by a preponderance of the evidence in the case, that at the time he committed said act, if he did, the defendant, as a result of severe mental disease or defect, did not know that his conduct was wrong, then you will find the defendant "Not Guilty by Reason of Insanity," and so state in your verdict.

Under the instructions given you herein, you will state in your verdict whether you find the defendant "Guilty," or "Not Guilty," or "Not Guilty by Reason of Insanity."

Accident Involving Death Cause No. 20-06-17371

Now, if you find from the evidence beyond a reasonable doubt that on or about March 25, 2017, in Waller County, Texas, the defendant, Victor Kevin Tome, did then and there intentionally or knowingly drive a vehicle that became involved in an accident that resulted in the death of Keri Blanchard Guillory, and the Defendant did thereafter, knowing the accident had occurred, intentionally and knowingly leave the scene of the accident, without giving his name address, registration number of the vehicle the Defendant was driving or the name of the defendant's motor vehicle liability insurer to any person and without rendering reasonable assistance to Keri Blanchard Guillory when it was apparent that ~~the~~ Keri Blanchard Guillory was in need of medical treatment, and the accident resulted in serious bodily injury to ~~the~~ Keri Blanchard Guillory, then you will find the defendant guilty as charged in the indictment.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant and say by your verdict "Not Guilty."

Now if you believe from the evidence beyond a reasonable doubt that on or about March 25 2017, in Waller County, Texas, the defendant, Victor Kevin Tome, did then and there intentionally or knowingly drive a vehicle that became involved in an accident that resulted in the death of Keri

Blanchard Guillory, and the Defendant did thereafter, knowing the accident had occurred, intentionally and knowingly leave the scene of the accident, without giving his name address, registration number of the vehicle the Defendant was driving or the name of the defendant's motor vehicle liability insurer to any person and without rendering reasonable assistance to Keri Blanchard Guillory when it was apparent that ~~the~~ Keri Blanchard Guillory was in need of medical treatment, and the accident resulted in serious bodily injury to ~~the~~ Keri Blanchard Guillory, as alleged in the indictment, but you further believe, by a preponderance of the evidence in the case, that at the time he committed said act, if he did, the defendant, as a result of severe mental disease or defect, did not know that his conduct was wrong, then you will find the defendant "Not Guilty by Reason of Insanity," and so state in your verdict.

Under the instructions given you herein, you will state in your verdict whether you find the defendant "Guilty," or "Not Guilty," or "Not Guilty by Reason of Insanity."

Accident Involving Death Cause No. 20-06-17372

Now, if you find from the evidence beyond a reasonable doubt that on or about March 25, 2017, in Waller County, Texas, the defendant, Victor Kevin Tome, did then and there intentionally or knowingly drive a vehicle that became involved in an accident that resulted in the death of Craig Tippit, and the Defendant did thereafter, knowing the accident had occurred, intentionally and knowingly leave the scene of the accident, without giving his name address, registration number of the vehicle the Defendant was driving or the name of the defendant's motor vehicle liability insurer to any person and without rendering reasonable assistance to Craig Tippit when it was apparent that Craig Tippit was in need of medical treatment, and the accident resulted in serious bodily injury to Craig Tippit, then you will find the defendant guilty as charged in the indictment.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant and say by your verdict "Not Guilty."

Now if you believe from the evidence beyond a reasonable doubt that on or about March 25 2017, in Waller County, Texas, the defendant, Victor Kevin Tome, did then and there intentionally or knowingly drive a vehicle that became involved in an accident that resulted in the death of Craig Tippit, and the Defendant did thereafter, knowing the accident had occurred, intentionally and knowingly leave the scene of the accident, without giving his name address, registration number

of the vehicle the Defendant was driving or the name of the defendant's motor vehicle liability insurer to any person and without rendering reasonable assistance to Craig Tippit when it was apparent that ~~the~~ Craig Tippit was in need of medical treatment, and the accident resulted in serious bodily injury to ~~the~~ Craig Tippit, as alleged in the indictment, but you further believe, by a preponderance of the evidence in the case, that at the time he committed said act, if he did, the defendant, as a result of severe mental disease or defect, did not know that his conduct was wrong, then you will find the defendant "Not Guilty by Reason of Insanity," and so state in your verdict.

Under the instructions given you herein, you will state in your verdict whether you find the defendant "Guilty," or "Not Guilty," or "Not Guilty by Reason of Insanity."

V.

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 for some other purpose, such as determining the 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.

VI.

Our law provides that a defendant may testify on his own behalf if he elects to do so. This, however, is a privilege 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 or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against the defendant.

VII.

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 he 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 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."

If you believe the prosecution has proved the defendant guilty beyond a reasonable doubt, but you do not believe the Defendant has proved by a preponderance of the evidence that the Defendant was insane at the time of the offense, you will convict him and say by your verdict "Guilty."

If you believe the prosecution has proved the defendant guilty beyond a reasonable doubt, and you believe the Defendant has proved by a preponderance of the evidence that the Defendant was insane at the time of the offense, you will acquit him and say by your verdict "Not Guilty by Reason of Insanity."

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.

VIII.

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 dispute must be settled by the official transcript, for it is the official transcript, rather than the juror's notes, upon which you must base your determination of the facts and, ultimately, your verdict in this case.

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 using the appropriate form attached hereto and signing the same as Presiding Juror.

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 officer who has you in charge. After you have retired, you may communicate with this Court only in writing through this officer. Any communication relative to the cause must be written, prepared and signed by the Presiding Juror and shall be submitted to the court through this officer. Do not attempt to talk to the officer who has you in charge, or the attorneys, or the Court, or anyone else concerning any questions you may have.

Your sole duty at this time is to determine the guilt or innocence of the defendant under the indictment in this cause and restrict your deliberations solely to the issue of guilt or innocence of the defendant.

Following the arguments of counsel, you will retire to consider your verdict.



Judge Presiding

CAUSE NO. 17-06-16091

Filed June 30, 2021
AT 4:50 O'Clock
LIZ PIRKLE
BY AM
WALLER COUNTY, TEXAS
DEPUTY

STATE OF TEXAS

§

IN THE DISTRICT COURT

VS.

§

506TH JUDICIAL DISTRICT

VICTOR KEVIN TOME

§

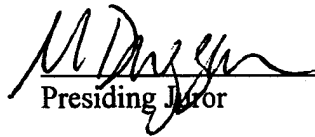
§

WALLER COUNTY, TEXAS

VERDICT OF THE JURY

(SIGN ONLY ONE)

We, the Jury, find the Defendant, VICTOR KEVIN TOME, guilty of the offense of CAPITAL MURDER, as charged in the Indictment.


Presiding Juror

We, the Jury, find the Defendant, VICTOR KEVIN TOME, not guilty.

Presiding Juror

We, the Jury, find the Defendant, VICTOR KEVIN TOME, not guilty by reason of insanity.

Presiding Juror