

NO. 86276-CR

THE STATE OF TEXAS	§	IN THE DISTRICT COURT OF
VS.	§	BRAZORIA COUNTY, TEXAS
JOSEPH ANDREW BEACH	§	149TH JUDICIAL DISTRICT

JURY INSTRUCTIONS

MEMBERS OF THE JURY:

The defendant, JOSEPH ANDREW BEACH, is accused of the offense of Solicitation of Capital Murder. The defendant has pleaded "not guilty," and you have heard all of the evidence that will be produced on whether the defendant has been proved guilty.

Both sides will soon present final arguments. Before they do so, I must now give you the instructions you must follow in deciding whether the defendant has been proved guilty or not.

You will have a written copy of these instructions to take with you and to use during your deliberations.

First, I will tell you about some general principles of law that must govern your decision of this case. Then, I will tell you about the specific law applicable to this case. Finally, I will instruct you on the rules that must control your deliberations.

GENERAL PRINCIPLES

The Indictment

The indictment is not evidence of guilt. The indictment is only a document required to bring the case before you. The indictment cannot be considered in any way by the jury. Do not consider the fact that the defendant has been arrested, confined, or indicted or otherwise charged. You may not draw any inference of guilt from any of these circumstances.

Presumption of Innocence

The defendant is presumed innocent of the charge. 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 law does not require a defendant to prove his innocence or produce any evidence at all. 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 presumption of innocence alone is sufficient to acquit the defendant.

Burden of Proof

The burden of proof throughout the trial is always on the state. The defendant does not have the burden to prove anything. The state must prove every element of the offense beyond a reasonable doubt to establish guilt for the offense. If the state proves every element of the offense beyond a reasonable doubt, then you must find the defendant guilty. If the state does not prove every element of the offense beyond a reasonable doubt, then you must find the defendant not guilty. If, after you have considered all the evidence and these instructions, you have a reasonable doubt about whether the defendant is guilty, you must find the defendant not guilty.

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.

Jury as Fact Finder

As the jurors, you review the evidence and determine the facts and what they prove. You judge the believability of the witnesses and what weight to give their testimony.

In judging the facts and the believability of the witnesses, you must apply the law provided in these instructions.

Evidence

The evidence consists of the testimony and exhibits admitted in the trial. You must consider only evidence to reach your decision. You must not consider, discuss, or mention anything that is not evidence in the trial. You must not consider or mention any personal knowledge or information you may have about any fact or

person connected with this case that is not evidence in the trial.

Statements made by the lawyers are not evidence. The questions asked by the attorneys are not evidence. Evidence consists of the testimony of the witnesses and materials admitted into evidence.

Nothing the judge has said or done in this case should be considered by you as an opinion about the facts of this case or influence you to vote one way or the other.

You should give terms their common meanings, unless you have been told in these instructions that the terms are given special meanings. In that case, of course, you should give those terms the meanings provided in the instructions.

While you should consider only the evidence, you are permitted to draw reasonable inferences from the testimony and exhibits that are justified in the light of common experience. In other words, you may make deductions and reach conclusions that reason and common sense lead you to draw from the facts that have been established by the evidence.

You are to render a fair and impartial verdict based on the evidence admitted in the case under the law that is in these instructions. Do not allow your verdict to be determined by bias or prejudice.

You are further instructed that there is evidence before you regarding actions that could be considered an extraneous offense and you are instructed that if there is any testimony before you in this case regarding the defendant's having committed offenses other than the offenses 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 aiding you, if it does, in considering any motive, opportunity, intent, preparation, plan or absence of mistake, if any, in connection with the offenses, if any alleged against him in the indictment in this case, and for no other purpose.

Juror Notes

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 may 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 that juror did or did not

take notes. Your notes are not official transcripts. They are personal memory aids, 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.

Admitted Exhibits

You may, if you wish, examine the exhibits. If you wish to examine an exhibit, the foreperson will inform the court and specifically identify the exhibit you wish to examine. Only exhibits that were admitted into evidence may be given to you for examination.

Testimony

Certain testimony will be read back to you by the court reporter if you request. To request that testimony be read back to you, you must follow these rules. The court will allow testimony to be read back to the jury only if the jury, in a writing signed by the foreperson, (1) states that it is requesting that testimony be read back, (2) states that it has a disagreement about a specific statement of a witness or a particular point in dispute, and (3) identifies the name of the witness who made the statement. The court will then have the court reporter read back only that part of the statement that is in disagreement.

The Verdict

The law requires that you render a verdict of either "guilty" or "not guilty."

You may return a verdict only if all twelve of you agree on this verdict.

When you reach a verdict, the foreperson should notify the court.

Defendant's Right to Remain Silent

The defendant has a constitutional right to remain silent. The defendant may testify on his own behalf. The defendant may also choose not to testify. The defendant's decision not to testify cannot be held against him, and it is not evidence of guilt. You must not speculate, guess, or even talk about what the defendant might have said if he had taken the witness stand or why he did not. The foreperson of the jury must immediately stop any juror from mentioning the defendant's decision not to testify.

SPECIFIC INSTRUCTIONS

Our law provides that a person commits the offense of murder if he intentionally or knowingly causes the death of an individual or intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual.

Our law provides that a person commits the offense of capital murder if he employs another to commit the murder for remuneration or the promise of remuneration.

“Remuneration” means payment by one person to another in compensation for a specific service or services pursuant to an agreement.

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.

You are instructed that a person may not be convicted for solicitation on the uncorroborated testimony of the person allegedly solicited and unless the solicitation is made under circumstances strongly corroborative of both the solicitation itself and the defendant’s intent that the other person act on the solicitation.

And so, in this case, unless you find from the evidence beyond a reasonable doubt that the testimony of George O’Day is corroborated by other evidence in the case, outside of the testimony of George O’Day, and that the solicitation itself was made under circumstances strongly corroborative of both the solicitation itself, if any, and the defendant’s intent, if any, that George O’Day act on the alleged solicitation, or if you have a reasonable doubt as to the existence of either of such matters, then you will find the defendant not guilty.

Our law provides that a person commits the offense of Solicitation of Capital Murder if with the intent that a capital murder be committed, he requests, commands, or attempts to induce another to engage in specific conduct that, under the circumstances surrounding his conduct as the defendant believes them to be, would constitute capital murder or make the other a party to its commission.

If you find from the evidence beyond a reasonable doubt that on or about the 3rd day of December, 2018 in Brazoria County, Texas, the defendant JOSEPH ANDREW BEACH did then and there with the intent that Capital Murder, a capital felony be committed, request, command, or attempt to induce George O’Day to engage in specific conduct, to wit: to kill Christine Beach for remuneration or the promise of

remuneration, that under the circumstances surrounding the conduct of George O'Day, as the defendant believed them to be, would have constituted Capital Murder, then you will find the defendant guilty of Criminal Solicitation of Capital Murder as charged in the indictment.

If you do not so believe or if you have a reasonable doubt thereof then you will acquit the defendant and say by your verdict not guilty.

RULES THAT CONTROL DELIBERATIONS

You must follow these rules while you are deliberating and until you reach a verdict. After the closing arguments by the attorneys, you will go into the jury room.

Your first task will be to pick your foreperson. The foreperson should conduct the deliberations in an orderly way. Each juror has one vote, including the foreperson. The foreperson must supervise the voting, vote with other members on the verdict, and sign the verdict sheet.

While deliberating and until excused by the trial court, all jurors must follow these rules:

1. You must not discuss this trial with any court officer, or the attorneys or anyone not on the jury.
2. You must not discuss this case unless all of you are present in the jury room. If anyone leaves the room, then you must stop your discussions about the case until all of you are present again.
3. You must communicate with the judge only in writing, signed by the foreperson and given to the judge through the bailiff assigned to you.
4. You must not conduct any independent investigation, research, or experiments.
5. You must tell the judge if anyone attempts to contact you about the case before you reach your verdict.

Your sole duty at this point is to determine whether the defendant has been proved guilty. You must restrict your deliberations to this matter.

After you have arrived at your verdict, you are to use one of the forms

attached to these instructions. You should have your foreperson sign his or her name to the particular form that conforms to your verdict.

After the closing arguments by the attorneys, you will begin your deliberations to decide your verdict.

Temi Holden
JUDGE PRESIDING

FILED
At 2:12 o'clock P M.
AUG 24 2022
Donna Staskiewicz
Clerk of District Court Brazoria Co., Texas
BY _____ DEPUTY

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THE STATE OF TEXAS

IN THE DISTRICT COURT OF

VS.

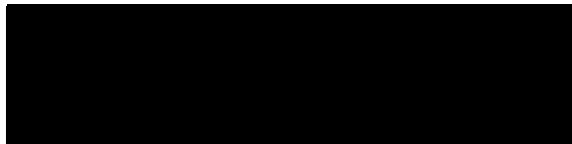
BRAZORIA COUNTY, TEXAS

JOSEPH ANDREW BEACH

149TH JUDICIAL DISTRICT

VERDICT

We, the jury, find the defendant, JOSEPH ANDREW BEACH, guilty of the offense of Solicitation of Capital Murder, as charged in the indictment.



JURY FOREPERSON

FILED
At 5:20 o'clock P. M.
AUG 24 2022
Donna Starkey
Clerk of District Court Brazoria Co., Texas
BY _____ DEPUTY

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THE STATE OF TEXAS

IN THE DISTRICT COURT OF

VS.

BRAZORIA COUNTY, TEXAS

JOSEPH ANDREW BEACH

149TH JUDICIAL DISTRICT

VERDICT

We, the jury, find the defendant, JOSEPH ANDREW BEACH, not guilty of the offense of Solicitation of Capital Murder, as charged in the indictment.

JURY FOREPERSON