

RECORDED
FEB 05 2024
CLERK OF DISTRICT COURT

CAUSE NO. 1848650

THE STATE OF TEXAS

VS.

DAVID SPATES

§ IN THE 176TH DISTRICT COURT

§ OF HARRIS COUNTY, TEXAS

§ JANUARY TERM, A. D., 2024

Members of the Jury:

The defendant, David Spates, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 24th day of June, 2020, in Harris County, Texas. The defendant has pleaded not guilty.

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 intentionally commits murder, as hereinbefore defined, in the course of committing or attempting to commit the offense of retaliation. Retaliation is a felony.

A person commits the offense of retaliation if he intentionally or knowingly harms or threatens to harm another by an unlawful act in retaliation for or on account of the service or status of another as a:

- (1) witness or prospective witness; or
- (2) person who has reported or who the actor knows intends to report the occurrence of a crime.

"Harm" means anything reasonably regarded as loss, disadvantage, or injury, including harm to another person in whose welfare the person affected is interested.

"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.

A person commits the offense of kidnapping if he intentionally or knowingly abducts another person.

The term "abduct" means to restrain a person with intent to prevent his/her liberation by secreting or holding him/her in a place where is he/she not likely to be found.

The term "restrain" means to restrict a person's movements without consent, so as to interfere substantially with his/her liberty, by moving him/her from one place to another or by confining him/her.

Restraint is "without consent" if it is accomplished by force, intimidation, or deception.

"Consent" means assent in fact, whether expressed or apparent.

The definition of intentionally relative to the offense of capital murder is as follows:

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.

The definitions of intentionally or knowingly relative to the offense of murder are as follow:

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.

The definitions of intentionally and knowingly relative to the offense of retaliation are as follow:

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.

The definitions of intentionally or knowingly relative to the offense of kidnapping are as follow:

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.

All persons are parties to an offense who are guilty of acting together in the commission of the offense. A person is criminally responsible as a party to an offense if the offense is committed by his/her own conduct, by the conduct of another for which he/she 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. Mere presence alone will not constitute one a party to an offense.

Before you would be warranted in finding the defendant guilty of capital murder, you must find from the evidence beyond a reasonable doubt not only that on the occasion in question the defendant was in the course of committing or attempting to commit the felony offense of retaliation against Kayla Lary, as alleged in this charge, but also that the defendant specifically intended to cause the death of Kayla Lary, by striking Kayla Lary with a

blunt object, or by stabbing Kayla Lary with a deadly weapon, namely a knife, or by asphyxia by placing bags over Kayla Lary's head, or by asphyxia by drowning Kayla Lary in water, or by manual strangulation by holding Kayla Lary's neck with his hand in a manner that would cause death by asphyxia, or by a manner or means unknown; or the defendant was in the course of committing or attempting to commit the felony offense of kidnapping against Kayla Lary, as alleged in this charge, but also that the defendant specifically intended to cause the death of Kayla Lary, by striking Kayla Lary with a blunt object, or by stabbing Kayla Lary with a deadly weapon, namely a knife, or by asphyxia by placing bags over Kayla Lary's head, or by asphyxia by drowning Kayla Lary in water, or by manual strangulation by holding Kayla Lary's neck with his hand in a manner that would cause death by asphyxia, or by a manner or means unknown; or you must find from the evidence beyond a reasonable doubt that the defendant, David Spates, with the intent to promote or assist in the commission of the offense of retaliation, if any, solicited, encouraged, directed, aided, or attempted to aid Cynthia McClellan, and/or Veronica Jim, and/or Detroy Alfred by striking Kayla Lary with a blunt object, or stabbing Kayla Lary with a deadly weapon, namely a knife, or by asphyxia by placing bags over Kayla Lary's head, or by asphyxia by drowning Kayla Lary in water, or by manual strangulation by holding Kayla Lary's neck with his hand in a manner that would cause death by asphyxia or by a manner or means unknown; or with the intent to promote or assist in the commission of the offense of kidnapping, if any, solicited, encouraged, directed, aided, or attempted to

aid Cynthia McClellan, and/or Veronica Jim, and/or Detroy Alfred by striking Kayla Lary with a blunt object, or stabbing Kayla Lary with a deadly weapon, namely a knife, or by asphyxia by placing bags over Kayla Lary's head, or by asphyxia by drowning Kayla Lary in water, or by manual strangulation by holding Kayla Lary's neck with his hand in a manner that would cause death by asphyxia or by a manner or means unknown, if he did, with the intention of thereby killing Kayla Lary, and unless you so find, then you cannot convict the defendant of the offense of capital murder.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, the defendant, David Spates, did then and there unlawfully, while in the course of committing or attempting to commit the retaliation against Kayla Lary, intentionally cause the death of Kayla Lary by striking Kayla Lary with a blunt object; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, the defendant, David Spates, did then and there unlawfully, while in the course of committing or attempting to commit the retaliation against Kayla Lary, intentionally cause the death of Kayla Lary by stabbing Kayla Lary with a deadly weapon, namely a knife; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, the defendant, David Spates, did then and there unlawfully, while in the course of committing or attempting to commit the retaliation against Kayla Lary, intentionally cause the death of Kayla Lary by asphyxia by placing bags over Kayla Lary's head; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, the defendant, David Spates, did then and there unlawfully, while in the course of committing or attempting to commit the retaliation against Kayla Lary, intentionally cause the death of Kayla Lary by asphyxia by drowning Kayla Lary in water; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, the defendant, David Spates, did then and there unlawfully, while in the course of committing or attempting to commit the retaliation against Kayla Lary, intentionally cause the death of Kayla Lary by manual strangulation by holding Kayla Lary's neck with his hand in a manner that would cause the death by asphyxia; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, the defendant, David Spates, did then and there unlawfully, while in the course of committing or attempting to commit the retaliation against Kayla Lary, intentionally cause the death of Kayla Lary by a manner or means unknown; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, the defendant, David Spates, did then and there unlawfully, while in the course of committing or attempting to commit the kidnapping of Kayla Lary, intentionally cause the death of Kayla Lary by striking Kayla Lary with a blunt object; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas,

the defendant, David Spates, did then and there unlawfully, while in the course of committing or attempting to commit the kidnapping of Kayla Lary, intentionally cause the death of Kayla Lary by stabbing Kayla Lary with a deadly weapon, namely a knife; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, the defendant, David Spates, did then and there unlawfully, while in the course of committing or attempting to commit the kidnapping of Kayla Lary, intentionally cause the death of Kayla Lary by asphyxia by placing bags over Kayla Lary's head; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, the defendant, David Spates, did then and there unlawfully, while in the course of committing or attempting to commit the kidnapping of Kayla Lary, intentionally cause the death of Kayla Lary by asphyxia by drowning Kayla Lary in water; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, the defendant, David Spates, did then and there unlawfully, while in the course of committing or attempting to commit the kidnapping of Kayla Lary, intentionally cause the death of Kayla Lary by manual strangulation by holding Kayla Lary's neck with his hand in a manner that would cause the death by asphyxia; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, the defendant, David Spates, did then and there unlawfully, while in the course of committing or attempting to commit the kidnapping

of Kayla Lary, intentionally cause the death of Kayla Lary by a manner or means unknown; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, Cynthia McClellan, and/or Veronica Jim, and/or Detroy Alfred, did then and there unlawfully, while in the course of committing or attempting to commit the retaliation against Kayla Lary, intentionally cause the death of Kayla Lary by striking Kayla Lary with a blunt object, or by stabbing Kayla Lary with a deadly weapon, namely a knife, or by asphyxia by placing bags over Kayla Lary's head, or by asphyxia by drowning Kayla Lary in water, or by manual strangulation by holding Kayla Lary's neck with his hand in a manner that would cause the death by asphyxia, or by a manner and means unknown, and that the defendant, David Spates, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Cynthia McClellan, and/or Veronica Jim, and/or Detroy Alfred to commit the offense, if he did; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, Cynthia McClellan, and/or Veronica Jim, and/or Detroy Alfred, did then and there unlawfully, while in the course of

committing or attempting to commit the kidnapping of Kayla Lary, intentionally cause the death of Kayla Lary by striking Kayla Lary with a blunt object, or by stabbing Kayla Lary with a deadly weapon, namely a knife, or by asphyxia by placing bags over Kayla Lary's head, or by asphyxia by drowning Kayla Lary in water, or by manual strangulation by holding Kayla Lary's neck with his hand in a manner that would cause the death by asphyxia, or by a manner and means unknown, and that the defendant, David Spates, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Cynthia McClellan, and/or Veronica Jim, and/or Detroy Alfred to commit the offense, if he did; or

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, or if you are unable to agree, you will next consider whether the defendant is guilty of the lesser offense of murder.

Therefore, if you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, the defendant, David Spates, did then and there unlawfully, intentionally or knowingly cause the death of Kayla Lary, by striking Kayla Lary with a blunt object; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, the defendant, David Spates, did then and there unlawfully,

intentionally or knowingly cause the death of Kayla Lary, by stabbing Kayla Lary with a deadly weapon, namely a knife; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas,

the defendant, David Spates, did then and there unlawfully, intentionally or knowingly cause the death of Kayla Lary, by asphyxia by placing bags over Kayla Lary's head; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, the defendant, David Spates, did then and there unlawfully, intentionally or knowingly cause the death of Kayla Lary, by asphyxia by drowning Kayla Lary in water; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, the defendant, David Spates, did then and there unlawfully, intentionally or knowingly cause the death of Kayla Lary, by manual strangulation by holding Kayla Lary's neck with his hand in a manner that would cause the death by asphyxia; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, the defendant, David Spates, did then and there unlawfully, intentionally or knowingly cause the death of Kayla Lary, by a manner or means unknown; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, Cynthia McClellan, and/or Veronica Jim, and/or Detroy

Alfred, did then and there unlawfully, intentionally or knowingly cause the death of Kayla Lary by striking Kayla Lary with a blunt object, or by stabbing Kayla Lary with a deadly weapon, namely a knife, or by asphyxia by placing bags over

Kayla Lary's head, or by asphyxia by drowning Kayla Lary in water, or by manual strangulation by holding Kayla Lary's neck with his hand in a manner that would cause the death by asphyxia, or by a manner and means unknown, and that the defendant, David Spates, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Cynthia McClellan, and/or Veronica Jim, and/or Detroy Alfred to commit the offense, if he did; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, the defendant, David Spates, did then and there unlawfully intend to cause serious bodily injury to Kayla Lary, and did cause the death of Kayla Lary by intentionally or knowingly committing an act clearly dangerous to human life, namely by striking Kayla Lary with a blunt object; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, the defendant, David Spates, did then and there unlawfully intend to cause serious bodily injury to Kayla Lary, and did cause the death of Kayla Lary by intentionally or knowingly committing an

act clearly dangerous to human life, namely by stabbing Kayla Lary with a deadly weapon, namely a knife; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, the defendant, David Spates, did then and there unlawfully intend to cause serious bodily injury to Kayla Lary, and did cause the death of Kayla Lary by intentionally or knowingly committing an act clearly dangerous to human life, namely by asphyxia by placing bags over Kayla Lary's head; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, the defendant, David Spates, did then and there unlawfully intend to cause serious bodily injury to Kayla Lary, and did cause the death of Kayla Lary by intentionally or knowingly committing an act clearly dangerous to human life, namely by asphyxia by drowning Kayla Lary in water; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, the defendant, David Spates, did then and there unlawfully intend to cause serious bodily injury to Kayla Lary, and did cause the death of Kayla Lary by intentionally or knowingly committing an act clearly dangerous to human life, namely by manual strangulation by holding Kayla Lary's neck with his hand in a manner that would cause the death by asphyxia; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, the defendant, David Spates, did then and there unlawfully intend

to cause serious bodily injury to Kayla Lary, and did cause the death of Kayla Lary by intentionally or knowingly committing an act clearly dangerous to human life, namely by a manner or means unknown; or

If you find from the evidence beyond a reasonable doubt that on or about the 24th day of June, 2020, in Harris County, Texas, Cynthia McClellan, and/or Veronica Jim, and/or Detroy Alfred, did then and there unlawfully, intended to cause serious bodily injury to Kayla Lary, and did cause the death of Kayla Lary by intentionally or knowingly committing an act clearly dangerous to human life, namely by striking Kayla Lary with a blunt object, or by stabbing Kayla Lary with a deadly weapon, namely a knife, or by asphyxia by placing bags over Kayla Lary's head, or by asphyxia by drowning Kayla Lary in water, or by manual strangulation by holding Kayla Lary's neck with his hand in a manner that would cause the death by asphyxia, or by a manner and means unknown, and that the defendant, David Spates, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Cynthia McClellan, and/or Veronica Jim, and/or Detroy Alfred to commit the offense, if he did; or

If you believe from the evidence beyond a reasonable doubt that the defendant is guilty of either capital murder on the one hand or murder on the other hand, but you have a reasonable doubt as to which of said offenses he is guilty, then you must resolve that doubt in the defendant's favor and find him guilty of the lesser offense of murder.

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."

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 any evidence that any witness has been convicted in any case or cases was admitted before you for the purpose of aiding you, if it does aid you, in passing upon the credibility of the witness and the weight to be given his or her testimony, and you will not consider the same for any other purpose.

An accomplice, as the term is here used, means 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/her own conduct, by the conduct of another for which he/she 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/she 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 jury first believes that the accomplice's testimony is true and that it shows the defendant is guilty of the offense charged against him, and even then you cannot convict 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.

The witness, Veronica Jim, is an accomplice, if an offense was committed, and you cannot convict the defendant upon her testimony unless you first believe that the testimony of Veronica Jim is true and that it shows the defendant is guilty as charged in the indictment; and even then you cannot convict the defendant unless you further believe that there is other evidence in the case, outside of the testimony of Veronica Jim 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 the offense charged against him.

An accomplice, as the term is here used, means 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, at the time of, or after 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/her own conduct, by the conduct of another for which he/she 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/she 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 jury first believes that the accomplice's testimony is true and that it shows the defendant is guilty of the offense charged against him, and even then you cannot convict 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.

Therefore, if you believe from the evidence beyond a reasonable doubt that an offense was committed and you further believe from the evidence that the witness, Clayton Rogers, was an accomplice, or you have a reasonable doubt whether he was or not, as that term is defined in the foregoing instructions, then you cannot convict the defendant upon the testimony of the said Clayton Rogers unless you further believe that the testimony of Clayton Rogers is true and that it shows the defendant is guilty as charged in the indictment; and even then you cannot convict the defendant unless you further believe that there is other evidence in the case, outside of the testimony of Clayton Rogers tending to connect the defendant with the offense charged in the indictment, and then from all the evidence you must believe beyond a reasonable doubt that the defendant is guilty.

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."

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 Foreman. 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 Foreman.

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 in writing through this officer. Any communication relative to the cause must be written, prepared and signed by the Foreman 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 whether the State has proven each element beyond a reasonable doubt under the

indictment in this case and restrict your deliberations solely to that issue.

Your verdict must be by a unanimous vote of all members of the jury.

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

Denise Collins
Denise Collins, Judge Presiding
176th District Court 1/22/24
Harris County, TEXAS



FILED

Marilyn Burgess
District Clerk

JAN 22 2024

Time: 09:50
Harris County, Texas

By *EB*
Deputy

CAUSE NO. 1848650

THE STATE OF TEXAS

§ IN THE 176TH DISTRICT COURT

VS.

§ OF HARRIS COUNTY, TEXAS

DAVID SPATES

§ JANUARY TERM, A. D., 2024

CHOOSE ONE

"We, the Jury, find the defendant, David Spates, not guilty."

Foreman of the Jury

(Please Print) Foreman

✓ "We, the Jury, find the defendant, David Spates, guilty of capital murder, as charged in the indictment."

FILED

Marilyn Burgess
District Clerk

JAN 22 2024

Time: 11:30am
Harris County, Texas

By EB
Deputy

Anil Gupta
Foreman of the Jury

ANIL GUPTA

(Please Print) Foreman

"We, the Jury, find the defendant, David Spates, guilty of murder."

Foreman of the Jury

(Please Print) Foreman