

NO. B-44,752

THE STATE OF TEXAS

IN THE DISTRICT COURT

VS.

OF ECTOR COUNTY, TEXAS

RYAN CARTER

161ST JUDICIAL DISTRICT

FILED FOR RECORD
 ECTOR COUNTY, TEXAS
 2017 SEP -1 PM 2:58
 CLAYTON W. CARTER
 DISTRICT CLERK
 BY DEPT. *Clayton W. Carter*

CHARGE OF THE COURT

MEMBERS OF THE JURY:

The Defendant, RYAN CARTER, stands charged by Indictment with the offense of Capital Murder, alleged to have been committed on or about the 19th day of February, 2015, in Ector County, Texas. The Defendant has pled not guilty.

A person commits capital murder when such person intentionally commits the murder in the course of committing or attempting to commit the offense of robbery.

A person commits the offense of robbery if, in the course of committing theft and with intent to obtain and maintain control of property of another, he intentionally or knowingly causes bodily injury to another or threatens or places another in fear of imminent bodily injury.

A person commits the offense of murder when he intentionally or knowingly causes the death of an individual.

A person commits the offense of murder if he commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he commits

or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

A person commits the offense of murder if he intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual.

"In the course of committing theft" means conduct that occurs in an attempt to commit, during the commission or in immediate flight after the attempt or commission of theft.

Our statutes provide that a person commits the offense of Manslaughter if the person recklessly causes the death of an individual.

"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 failed to effect the commission of the offense intended.

"Bodily injury" means physical pain, illness, or any impairment or 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.

"Theft" is the unlawful appropriation of the corporeal person property of another with the intent to deprive such person of said property.

"Appropriation" and "appropriate" mean to acquire or otherwise exercise control over property other than real property. Appropriation of property is unlawful if it is without the owner's effective consent.

"Property" as used herein means tangible or intangible personal property or documents, including money that represent or embodies anything of value.

"Deprive" as used herein means to withhold property from the owner permanently.

"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 deception or coercion or force or threats.

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

"Possession" means actual care, custody, control or management of property.

"Individual" means a human being who is alive, including an unborn child at every stage of gestation from fertilization until birth.

"Deadly weapon" means anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

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 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 actor's standpoint.

Voluntary intoxication does not constitute a defense to the commission of a crime.

“Intoxication” means disturbance of mental or physical capacity resulting from the introduction of any substance into the body.

The State has introduced evidence of extraneous crimes or bad acts other than the one charged in the indictment in this case. This evidence was admitted only for the purpose of assisting you, if it does, for the purpose of showing the defendant's motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or accident, or consciousness of guilt, if any. You cannot consider the testimony unless you find and believe beyond a reasonable doubt that the defendant committed these acts, if any, were committed.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 19th day of February, 2015, in Ector County, Texas, the Defendant, RYAN CARTER, did then and there intentionally cause the death of an individual, namely, Maikil Maduok, by stabbing him with a deadly weapon, to-wit: a knife, and the defendant was then and there in the course of committing or attempting to commit the offense of robbery of Maikil Maduok or Angelina Garang, then you will find the Defendant guilty of Capital Murder, as charged in the Indictment.

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the Defendant of Capital Murder and next consider whether the Defendant is guilty of the lesser included offense Murder.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 19th day of February, 2015, in Ector County, Texas, the Defendant, RYAN CARTER, did then and there intentionally or knowingly commit or attempt to commit an act clearly dangerous to human life, to-wit: stabbing Maikil Maduok with a deadly weapon, to wit: a knife, that caused the death of Maikil Maduok, and the defendant was then and there in the course of intentionally or knowingly committing a felony, to-wit: robbery, and the death of the complainant was caused while the defendant was in the course of and in furtherance of or immediate flight from the commission or attempt of the felony; or did then and there, intending to cause serious bodily injury to Maikil Maduok, intentionally or knowingly commit an act clearly dangerous to human life, namely stabbing Maikil Maduok with a deadly weapon, to wit: a knife, which caused the death of the said Maikil Maduok; or did then and there intentionally or knowingly cause the death of an individual, namely, Maikil Maduok, by stabbing him with a deadly weapon, to-wit: a knife, then you will find the Defendant, RYAN CARTER, guilty of the lesser included offense Murder.

If you find from the evidence beyond a reasonable doubt that the Defendant is guilty of either Capital Murder or Murder, but you have a reasonable doubt as to which offense he is guilty, then you should find the Defendant guilty of the lesser included offense of Murder.

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the Defendant of Murder and next consider whether the Defendant is guilty of the lesser included offense of Manslaughter.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 19th day of February, 2015, in Ector County, Texas, the Defendant, RYAN CARTER, did then and there did then and there recklessly cause the death of an individual, namely, Maikil Maduok, by stabbing him with a deadly weapon, to wit: a knife, then you will find the Defendant, RYAN CARTER, guilty of the lesser included offense of Manslaughter.

If you find from the evidence beyond a reasonable doubt that the Defendant is guilty of either Murder or Manslaughter, but you have a reasonable doubt as to which offense he is guilty, then you should find the Defendant guilty of the lesser included offense of Manslaughter.

If you have a reasonable doubt as to whether the Defendant is guilty of any offense referred to in this charge, you will acquit the Defendant and say by your verdict "Not 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 issue 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 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 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.

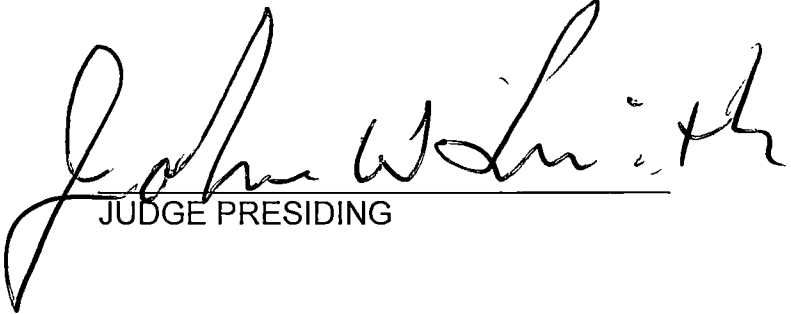
You are the exclusive judges of the facts proved, of the credibility of the witnesses, and the weight to be given their testimony, but the law you must be governed by, you shall receive in these written instructions.

After you retire to the jury room, you should select one of your members as your Foreperson. 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 Foreperson.

No one has any authority to communicate with you except the officer who has you in charge. 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.

After you have retired, you may communicate with this court in writing through the officer who has you in charge. Do not attempt to talk to the officer who has you in charge,

or the attorneys, or the court, or anyone else concerning any question you may have. After you have reached a unanimous verdict, the Foreperson will certify thereto by filling in the appropriate form attached to this charge and signing his or her name as Foreperson.


JUDGE PRESIDING

NO. B-44,752

THE STATE OF TEXAS

IN THE DISTRICT COURT

VS.

OF ECTOR COUNTY, TEXAS

RYAN CARTER

161ST JUDICIAL DISTRICT

VERDICT

We, the Jury, find the Defendant, RYAN CARTER, not guilty of the offense of Capital Murder but guilty of the lesser included offense of Murder.

PRESIDING JUROR

NO. B-44,752

THE STATE OF TEXAS

IN THE DISTRICT COURT

VS.

OF ECTOR COUNTY, TEXAS

RYAN CARTER

161ST JUDICIAL DISTRICT

VERDICT

We, the Jury, find the Defendant, RYAN CARTER, not guilty of the offense of Capital Murder and Murder but guilty of the lesser included offense of Manslaughter.

PRESIDING JUROR

NO. B-44,752

THE STATE OF TEXAS

IN THE DISTRICT COURT

VS.

OF ECTOR COUNTY, TEXAS

RYAN CARTER

161ST JUDICIAL DISTRICT

VERDICT

We, the Jury, find the Defendant, RYAN CARTER, "Not Guilty".

PRESIDING JUROR