

**NO. 22DC-CR-00562**

**THE STATE OF TEXAS**

**IN THE DISTRICT COURT**

**VS.**

**LIBERTY COUNTY, TEXAS**

**EDWIN THOMAS BATY**

**253<sup>rd</sup> JUDICIAL DISTRICT**

**JURY CHARGE**

**LADIES AND GENTLEMEN OF THE JURY:**

The defendant, EDWIN THOMAS BATY, stands charged in the indictment with the felony offense of CAPITAL MURDER, alleged to have been committed on or about the 1<sup>st</sup> day of May 2022, in Liberty County, Texas. The defendant has pled not guilty.

Our law requires that I submit the following Charge to you in this case. This Charge contains all of the law necessary to enable you to reach a verdict. If any evidence was presented to raise an issue, the law on that issue must be and is provided.

You will note that the Indictment charges that the offense was committed "on or about" a certain date. The proof need not establish with certainty the exact date of the alleged offense. It is sufficient if the evidence in the case establishes beyond a reasonable doubt that the offense was committed before July 27, 2022.

1. **DEFINITIONS**

**CAPITAL MURDER**

A person commits the offense of Capital Murder if he intentionally commits Murder, in the course of committing or attempting to commit the offense of Obstruction or Retaliation.

**MURDER**

A person commits the offense of Murder if he intentionally causes the death of an individual.

**OBSTRUCTION**

A person commits the offense of Obstruction if the person intentionally or knowingly harms or threatens to harm another by an unlawful act to prevent or delay, the service of another as a prospective witness, informant, or person who the actor knows intends to report the occurrence of a crime.

**RETALIATION**

A person commits the offense of Retaliation if the person 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 prospective witness, informant, or person who the actor knows intends to report the occurrence of a crime.

## **Definitions**

- “Person” means an individual.
- “Individual” means a human being who is alive.
- “Unlawful” means criminal or tortious or both and includes what would be criminal or tortious but for a defense not amounting to justification or privilege.
- “Another” means a person other than the actor.
- “Actor” means a person whose criminal responsibility is in issue in a criminal action.
- “Act” means a bodily movement, whether voluntary or involuntary, and includes speech.

## **2. INTENTIONALLY AND KNOWINGLY**

A person acts intentionally with respect to a result of his conduct when it is his conscious objective or desire to cause the result.

A person acts knowingly with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

“Conduct” means an act and its accompanying mental state.

“Act” means a bodily movement, whether voluntary or involuntary, and includes speech.

3. **APPLICATION OF LAW TO FACTS**

You must decide whether the State has proved, beyond a reasonable doubt, five elements. The elements are that:

1. On or about the 1<sup>st</sup> day of May, 2022, in Liberty County, Texas;
2. The defendant, EDWIN THOMAS BATY, did then and there, intentionally;
3. Cause the death of Christopher Aaron Jorgensen;
4. By shooting Christopher Aaron Jorgensen with a firearm;
5. And EDWIN THOMAS BATY was in the course of committing or attempting to commit the offense of Obstruction or Retaliation

You must all agree on elements 1, 2, 3, 4, and 5 listed above.

If you all agree the State has proved each of the five elements listed above, beyond a reasonable doubt, then you will next consider whether the defendant's conduct was justified under the law of self-defense.

If you all agree the State has failed to prove, beyond a reasonable doubt, one or more of elements 1, 2, 3, 4, or 5 listed above, you must find the defendant "not guilty" of Capital Murder.

Should you find the defendant not guilty of Capital Murder, then and only then will you next consider whether the defendant is guilty of the lesser-included offense of Murder.

**4. LESSER-INCLUDED FELONY OFFENSE – MURDER**

Should you find the defendant not guilty of Capital Murder, you must then decide whether the State has proved, beyond a reasonable doubt, -four elements.

The elements are that:

- A. On or about the 1<sup>st</sup> day of May 2022, in Liberty County, Texas;
- B. The defendant, EDWIN THOMAS BATY, did then and there intentionally or knowingly;
- C. Cause the death of an individual, namely, Christopher Aaron Jorgensen;
- D. By shooting Christopher Aaron Jorgensen with a firearm.

If you all agree the State has proved elements A, B, C, and D, beyond a reasonable doubt, then you will next consider whether the defendant's conduct was justified under the law of self-defense.

If you all agree the State has failed to prove, beyond a reasonable doubt, one or more of elements A, B, C, and D, you must find the defendant "not guilty".

**5. SELF-DEFENSE**

You have heard evidence that, when the defendant shot Christopher Aaron Jorgensen with a firearm, the defendant believed his use of deadly force was necessary to defend himself against Christopher Aaron Jorgensen's use or attempted use of unlawful deadly force.

If you all agree the State has proven Capital Murder or Murder beyond a reasonable doubt, then you will next consider whether the defendant's conduct was justified under the law of self-defense with regard to the offense you believe the State has proven beyond a reasonable doubt.

**RELEVANT STATUTES**

Upon the law of self-defense, you are instructed that a person is justified in using force against another when and to the degree he reasonably believes the force is immediately necessary to protect himself against one or more person's use or attempted use of unlawful force.

A person is justified in using deadly force against another if he would be justified in using force against the other in the first place, as set out above, and when and to the degree he reasonably believes that such deadly force is immediately necessary to protect himself against another's use or attempted use of unlawful deadly force.

The use of force against another is not justified in response to verbal provocation alone.

The use of force against another is not justified if the actor provoked the other's use or attempted use of unlawful deadly force, unless the actor abandons the encounter, or clearly communicates to the other his intent to do so reasonably

believing he cannot safely abandon the encounter; and the other nevertheless continues or attempts to use unlawful force against the actor.

A person who has a right to be present at the location where the deadly force is used, who has not provoked the person against whom the deadly force is used, and who is not engaged in criminal activity at the time the deadly force is used is not required to retreat before using deadly force.

For purposes of determining whether an actor reasonably believed that the use of deadly force was necessary, you may not consider whether the actor failed to retreat.

### **BURDEN OF PROOF – SELF DEFENSE**

The defendant is not required to prove self-defense. Rather, once the defendant has produced some evidence raising the issue of self-defense, the State must prove, beyond a reasonable doubt, that self-defense is not justified regarding defendant's conduct.

### **DEFINITIONS FOR SELF DEFENSE**

“Reasonable belief” means a belief that would be held by an ordinary and prudent man in the same circumstances as the defendant.

“Deadly force” means force that is intended or known by the person using it to cause, or in the manner of its use or intended use is capable of causing, death or serious bodily injury.

## **APPLICATION OF LAW TO FACTS – SELF DEFENSE**

If you have found that the State has proved, beyond a reasonable doubt, that EDWIN THOMAS BATY, on or about the 1<sup>st</sup> day of May 2022 committed all of the elements of the offenses of either Capital Murder or Murder as set out above, you will nevertheless acquit the defendant on the basis of self-defense unless you find that the State has proved beyond a reasonable doubt one of the following:

X. The defendant did not believe his conduct was immediately necessary to protect himself against Christopher Aaron Jorgensen's use of unlawful deadly force; or

Y. The defendant's belief was not reasonable; or

Z. The defendant provoked Christopher Aaron Jorgensen's use of unlawful deadly force.

If you find beyond a reasonable doubt that the State has proven any of the above, and you also find beyond a reasonable doubt that the defendant committed all of the elements of either Capital Murder or the lesser-included offense Murder as set out above, you will find the defendant guilty of either Capital Murder or the lesser-included offense of ~~Capital~~ Murder, as appropriate.

If you find that the State has failed to prove, beyond a reasonable doubt, at least one of the elements X, Y, or Z listed above, or if you have a reasonable doubt



thereof, you must find for the defendant on the issue of self-defense, and find the defendant “not guilty” of Capital Murder and the lesser included felony offense of Murder.

If you all agree the State has proved, beyond a reasonable doubt, each of the elements of either Capital Murder or the lesser-included felony offense of Murder, and you also believe, beyond a reasonable doubt, that the defendant did not act in self-defense, you must find against the defendant on the issue of self-defense, and find the defendant “guilty” of the appropriate offense.

#### **6. THE INDICTMENT**

The Indictment is simply the description of the charge made by the State against the Defendant and is the means by which a defendant is brought to trial in a felony prosecution. It is not evidence of his guilt nor can it be considered by you in passing upon the issue 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.

#### **7. PRESUMPTION OF INNOCENCE**

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. If you have a reasonable doubt as to the defendant’s guilt after considering all the evidence

before you, and these instructions, you will find the defendant “not guilty.”

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.

**8. EXTRANEOUS CRIMES OR BAD ACTS**

You are instructed that if there is any evidence before you in this case regarding the Defendant 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 in determining the motive, opportunity, intent, preparation, plan, knowledge, or identity in connection with the offense, if any, alleged against him in the indictment, or to rebut a defensive theory, and for no other purpose.

9. **THE 5<sup>TH</sup> AMENDMENT**

Our law provides that a defendant may testify in 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.

10. **TESTIMONY AND EVIDENCE IN THE CASE**

While you should consider only the evidence in the case, you are permitted to draw such reasonable inferences from the testimony and exhibits as you feel are justified in the light of common experience. You may make deductions and reach conclusions which reason and common sense lead you to draw from the facts which have been established by the testimony and evidence in the case.

You may also consider either direct or circumstantial evidence. "Direct evidence" is the testimony of one who asserts actual knowledge of a fact, such as an eye witness. "Circumstantial evidence" is proof of a chain of facts and circumstances indicating either the guilt or innocence of the Defendant.

The law makes no distinction between the weight to be given to either direct or circumstantial evidence. It requires only that you weigh all of the evidence and

be convinced of the Defendant's guilt beyond a reasonable doubt before he can be convicted.

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, but you are bound to receive the law from the Court, which is herein given you, and be governed thereby.

**11. AFTER YOU RETIRE TO DELIBERATE YOUR VERDICT**

Occasionally, during jury deliberations, a dispute arises as to the testimony presented. If this should occur in this case, you shall inform the Court in writing and request that the Court read the portion of disputed testimony to you from the official transcript. If you did take notes, 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 any 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 Foreperson. It is his or her duty to preside over 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.

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

1. You must not discuss this case 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 jury room, then you must stop your discussions about the case until all of you are present again.
3. You must communicate with the Court only in writing, signed by the foreperson and given to the Court through the officer assigned to you.
4. You must not conduct any independent investigation, research, or experiments by cellular phone, electronic device, or any other method.
5. You must advise the Court if anyone attempts to contact you about the case before you reach your verdict.

After selecting your foreperson, your sole duty 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 and only 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.

**12. ALTERNATE JUROR**

The alternate juror shall not participate in any way with the deliberations. Only at such time as one of your number becomes disqualified to continue will I seat an alternate juror who may then participate in deliberations.

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

SIGNED this 17<sup>th</sup> day of July, 2024.



CHAP B. CAIN III  
JUDGE PRESIDING

FILED  
at 3:24 o'clock P M  
JUL 17 2024  
DELIA SELLERS  
Clerk, District Court, Liberty, TX  
BY Delia Sellers DEPUTY

**YOU WILL FIND ONE AND ONLY ONE OF THE FOLLOWING**

**VERDICTS:**

NO. 22DC-CR-00562

THE STATE OF TEXAS

IN THE DISTRICT COURT

VS.

LIBERTY COUNTY, TEXAS

EDWIN THOMAS BATY

253<sup>rd</sup> JUDICIAL DISTRICT

WE, THE JURY, unanimously find the defendant, EDWIN THOMAS BATY, guilty of the felony offense of Capital Murder, as charged in the indictment.

Date: 07-18-2024

*Darren Canova*  
FOREPERSON OF THE JURY

*Darren Canova*  
PRINTED NAME

FILED  
at 11:13 o'clock A M

KK  
JUL 18 2024

DELIA SELLERS

Clerk, District Court, Liberty, TX

BY *Ruthy Kelly* DEPUTY



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**IN THE DISTRICT COURT**

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**LIBERTY COUNTY, TEXAS**

**EDWIN THOMAS BATY**

**253<sup>rd</sup> JUDICIAL DISTRICT**

WE, THE JURY, unanimously find the defendant, EDWIN THOMAS BATY, not guilty of the felony offense of Capital Murder, but guilty of the lesser-included felony offense of Murder.

Date: \_\_\_\_\_

\_\_\_\_\_  
FOREPERSON OF THE JURY

\_\_\_\_\_  
PRINTED NAME

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**253<sup>rd</sup> JUDICIAL DISTRICT**

**WE, THE JURY, find the defendant, EDWIN THOMAS BATY, not guilty.**

Date: \_\_\_\_\_

\_\_\_\_\_  
FOREPERSON OF THE JURY

\_\_\_\_\_  
PRINTED NAME