

MAY 25 2012

TIME 2:19  
BY [Signature] DEPUTY

CAUSE NO. 1233936R

THE STATE OF TEXAS                   §           IN THE DISTRICT COURT  
  
VS.   §           TARRANT COUNTY, TEXAS  
  
SAMSON LOYNACHAN                   §           213<sup>th</sup> JUDICIAL DISTRICT

**COURT'S CHARGE**

**MEMBERS OF THE JURY:**

The defendant, Samson Loynachan, stands charged by Indictment with the offense of capital murder, alleged to have been committed on or about the 25th day of August 2010, in Tarrant County, Texas. To this charge the defendant has pleaded not guilty.

You are instructed that the law applicable to this case is as follows:

A person commits the offense of capital murder if he knowingly causes the death of an individual under six years of age.

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 injury to a child if he intentionally, knowingly, recklessly, or with criminal negligence, causes to a child serious bodily injury, serious mental deficiency, impairment, or injury, or bodily injury.

You are instructed that injury to a child is a felony offense.

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

"Child" means a person 14 years of age or younger.

"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 acts intentionally, or with intent, with respect to the 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 the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that

the result will occur. This 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.

A person acts with criminal negligence, or is criminally negligent, with respect to the result of his conduct when he ought to be aware of a substantial and unjustifiable risk that the result will occur. The risk must be of such a nature and degree that the failure to perceive it 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.

Now bearing in mind the foregoing instructions, if you believe from the evidence beyond a reasonable doubt that on or about the 25th day of August 2010, in Tarrant County, Texas, the defendant, Samson Loynachan, did then and there knowingly cause the death of an individual, Chloe Robinson, by shaking her with his hands and/or striking her with his hand, or by striking her with or against a hard or soft surface, and the said Chloe Robinson was then and there an individual under six years of age, then you will find the defendant guilty of the offense of capital murder as alleged in Count One of the Indictment.

Unless you so find and believe from the evidence beyond a reasonable doubt, or if you have a reasonable doubt as to whether the Defendant is guilty of capital murder, or if you are unable to agree, you will next consider whether he is guilty of murder.

Now, therefore, if you believe from the evidence beyond a reasonable doubt that on or about the 25th day of August 2010, in Tarrant County, Texas, the defendant, Samson Loynachan, did then and there commit the offense of injury to a child, and that while in the commission of said injury to a child, if any, the Defendant, Samson Loynachan, did then and there commit an act clearly dangerous to human life that caused the death of an individual, Chloe Robinson, by shaking her with his hands and/or striking her with his hand or by striking her with or against a hard or soft surface, then you will find the Defendant guilty of murder.

Unless you so find and believe from the evidence beyond a reasonable doubt, or if you have a reasonable doubt as to whether the Defendant is guilty of murder, or if you are unable to agree, you will next consider whether he is guilty of intentionally or knowingly causing injury to a child.

Now, therefore, if you believe from the evidence beyond a reasonable doubt that on or about the 25th day of August 2010, in Tarrant County, Texas, the defendant, Samson Loynachan, did then and there intentionally or knowingly cause serious bodily injury to Chloe Robinson, a child 14 years of age or younger, by shaking her with his

hands and/or striking her with his hand or by striking her with or against a hard or soft surface, you will find the defendant guilty of intentionally or knowingly committing the offense of injury to a child.

Unless you so find and believe from the evidence beyond a reasonable doubt, or if you have a reasonable doubt as to whether the Defendant is guilty of committing the offense of intentionally or knowingly causing injury to a child, or if you are unable to agree, you will next consider whether he is guilty of committing the offense of recklessly causing injury to a child.

Now, therefore, if you believe from the evidence beyond a reasonable doubt that on or about the 25th day of August 2010, in Tarrant County, Texas, the defendant, Samson Loynachan, did then and there recklessly cause serious bodily injury to Chloe Robinson, a child 14 years of age or younger, by shaking her with his hands and/or striking her with his hand or by striking her with or against a hard or soft surface, you will find the defendant guilty of recklessly committing the offense of injury to a child.

Unless you so find and believe from the evidence beyond a reasonable doubt, or if you have a reasonable doubt as to whether the Defendant is guilty of committing the offense of recklessly causing injury to a child, or if you are unable to agree, you will next consider whether he is guilty of committing the offense of causing injury to a child with criminal negligence.

Now, therefore, if you believe from the evidence beyond a reasonable doubt that on or about the 25th day of August 2010, in Tarrant County, Texas, the defendant, Samson Loynachan, did then and there with criminal negligence cause serious bodily injury to Chloe Robinson, a child 14 years of age or younger, by shaking her with his hands and/or striking her with his hand or by striking her with or against a hard or soft surface, you will find the defendant guilty of committing the offense of injury to a child with criminal negligence.

Unless you so find and believe 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."

With respect to the offense of injury to a child, a person is nevertheless criminally responsible for causing a result if the only difference between what actually occurred and what he desired, contemplated, or risked is that a different offense was committed.

You are instructed that it is a defense to prosecution that a person through mistake formed a reasonable belief about a matter of fact if his mistaken belief negated the kind of culpability required for commission of the offense.

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

So if you find from the evidence in this case that at the time the defendant hit Chloe Robinson, if he did, he acted under a mistake of fact, that is, a reasonable belief that serious bodily injury would not result from that act, or if you have a reasonable doubt thereof, you will find the defendant "Not Guilty."

You are instructed that if there is any testimony before you in this case regarding the defendant having committed offenses other than the offense 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 determining identity, motive, intent, knowledge, absence of mistake or accident, previous relationship existing between the accused and the deceased, condition of the mind of the accused at the time of the offense or to rebut a defensive theory, if any, of the defendant in connection with the offense, if any, alleged against him in the Indictment in this case and for no other purpose.

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 the defendant has been arrested, confined, or indicted for or otherwise charged with the offense gives rise to no inference of guilt at the defendant's trial.

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 the Defendant and say by your verdict, "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 indictment in this case is no evidence whatsoever of the guilt of the defendant. It is a mere pleading necessary in order to bring this case into court for trial, and you will consider it for no purpose at all.

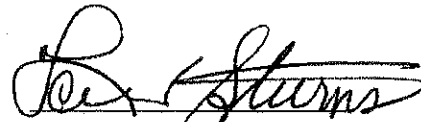
You are the exclusive judges of the facts proven, of the credibility of the witnesses and of the weight to be given to their testimony, but you are bound to receive the law from the Court, which is herein given, and be governed thereby.



Your verdict must be by a unanimous vote of all members of the jury. In deliberating on this case, you shall consider these written instructions as a whole, and you must not refer to or discuss any matters not in evidence before you.

Any further communication must be in writing by your foreperson through the bailiff to the Court, except as to your personal needs which may be communicated orally to the bailiff in charge.

After you retire to the jury room, you should select one of your number as your foreperson. It is his or her duty to preside at your deliberation, vote with you, and when you have unanimously agreed upon a verdict, to certify to your verdict by using the appropriate form and signing the same as your foreperson.

A handwritten signature in cursive script, appearing to read "Louis Sturns".

**LOUIS STURNS, Judge**

**213th District Court**

VERDICT FORMS

We, the Jury, find the Defendant guilty of the offense of capital murder as charged in the indictment.

\_\_\_\_\_  
Foreperson

FILED  
THOMAS A WILDER, DIST. CLERK  
TARRANT COUNTY, TEXAS

MAY 25 2012

TIME 5:20  
BY [Signature] DEPUTY

-OR-

We, the Jury, find the Defendant guilty of the offense of murder.

[Signature]  
Foreperson

-OR-

We, the Jury, find the Defendant guilty of the offense of intentionally or knowingly causing injury to a child.

\_\_\_\_\_  
Foreperson

-OR-

We, the Jury, find the Defendant guilty of the offense of recklessly causing injury to a child.

\_\_\_\_\_  
Foreperson

-OR-

We, the Jury, find the Defendant guilty of the offense of causing injury to a child with criminal negligence.

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Foreperson

-OR-

We, the Jury, find the Defendant not guilty.

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Foreperson