

**IN THE 296th JUDICIAL DISTRICT COURT
COLLIN COUNTY, TEXAS
Hon. John Roach Jr., Presiding**

Criminal Cause No. 296-81761-2012

STATE OF TEXAS

vs.

TERRANCE DEERING BLACK

CHARGE OF THE COURT

LADIES AND GENTLEMEN OF THE JURY:

The defendant, **Terrance Deering Black**, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about April 19th, 2011, in Collin County, Texas. The defendant has pleaded not guilty.

1. Capital Murder

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

A person commits capital murder when he intentionally commits murder in the course of committing or attempting to commit the offense of kidnapping or burglary.

A person commits kidnapping when he intentionally or knowingly abducts another person.

A person commits burglary when, without the effective consent of the owner, the person enters a building (or any portion of a building) not then open to the public, with the intent to commit a felony, theft, or an assault; or enters a building and commits or attempts to commit a felony, theft, or an assault.

2. Definitions

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

"Abduct" means to restrain a person with intent to prevent her liberation by:

- (A) secreting or holding her in a place where she is not likely to be found;
- or
- (B) using or threatening to use deadly force.

"Restrain" means to restrict a person's movements without consent, so as to interfere substantially with the person's liberty, by moving the person from one place to another or by confining the person. Restraint is "without consent" if it is accomplished by force, intimidation, or deception.

"Enter" means to intrude (1) any part of the body, or (2) any physical object connected with the body.

"Attempt" to commit an offense occurs if, with the specific intent to commit an offense, a person does an act amounting to more than mere preparation that tends, but fails, to effect the commission of the offense intended.

"Felony" means an offense so designated by law or punishable by death or confinement in a penitentiary.

"Effective consent" includes consent by a person legally authorized to act for the owner. Consent is not effective if induced by force, threat, or fraud.

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

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

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.

3. Application of the Law to the Facts

Now if you find from the evidence beyond a reasonable doubt that on or about the 19th day of April, 2011, in Collin County, Texas, the defendant, **Terrance Deering Black**, did intentionally cause the death of an individual, namely, Susan Loper, by striking Susan Loper with or against an object unknown to the grand jurors or strangling Susan Loper with an object unknown to the grand jurors or a combination of striking and strangling Susan Loper with or against an object or objects unknown to the grand jurors, and the defendant was then and there in the course of committing or attempting to commit the offense of kidnapping of Susan Loper, or if you find from the evidence beyond a reasonable doubt that on or about the 19th day of April, 2011, in Collin County, Texas, the defendant, **Terrance Deering Black**, did then and there intentionally cause the death of an individual, namely, Susan Loper, by striking Susan Loper with or against an object unknown to the grand jurors or strangling Susan Loper with an object unknown to the grand jurors or a combination of striking and strangling Susan Loper with or against an object or objects unknown to the grand jurors and the defendant was then and there in the course of committing or attempting to commit the offense of burglary, then you will find the defendant guilty of capital murder as charged in the indictment.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, or if you cannot agree, you shall next consider whether the defendant is guilty of the lesser included offense of murder as instructed in the following paragraph.

Now if you find from the evidence beyond a reasonable doubt that on or about the 19th day of April, 2011, in Collin County, Texas, the defendant, **Terrance Deering Black**, did intentionally or knowingly cause the death of an individual, namely, Susan Loper, by striking Susan Loper with or against an object unknown to the grand jurors or strangling Susan Loper with an object unknown to the grand jurors or a combination of striking and strangling Susan Loper with or against an object or objects unknown to the grand jurors then you

will find the defendant guilty of murder, a lesser included offense of the one charged in the indictment.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant of murder, a lesser included offense of the one charged in the indictment.

4. General Instructions

You are instructed that while the indictment alleges the offense was committed on or about April 19th, 2011, you are not bound to find that the offense, if any, took place on that particular date. It is sufficient if it is shown by the evidence that the offense, if any, occurred prior to the filing of the indictment in the case, and within the statute of limitations. You are instructed that the indictment was filed on August 2nd, 2012, and that there is no statute of limitations for capital murder or murder.

You are instructed that you may consider all relevant facts and circumstances surrounding the killing, if any, and the previous relationship existing between the defendant and the deceased, if any, together with all relevant facts and circumstances going to show the condition of the mind of the defendant at the time of the killing in question, if any.

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, intent, preparation, plan, or knowledge, if any. You cannot consider the testimony unless you find and believe beyond a reasonable doubt that the defendant committed these acts, if any.

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.

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 charged with an 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 of 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.

You are instructed that you are not to allow yourselves to be influenced in any degree whatsoever by what you may think or surmise the opinion of the Court to be. The Court has no right by any word or any act to indicate any opinion respecting any matter of fact involved in this case, nor to indicate any desire respecting its outcome. The court has not intended to express any opinion upon any matter of fact in this case, and if you have observed anything which you have or may interpret as the Court's opinion upon any matter of fact in this case, you must wholly disregard it.

You are instructed that any statements of counsel made during the course of the trial or during argument not supported by the evidence, or statements of law made by counsel not in harmony with the law as stated to you by the Court in these instructions, are to be wholly disregarded.

When words are used in this charge in a sense which varies from the meaning commonly understood, you will be given a proper legal definition, which you are bound to follow and accept in place of any other meaning.

After you have retired to consider your verdict, no one has any authority to communicate with you except the bailiff of this Court. You should not discuss the case with anyone, not even with other members of the jury, unless all of you are present and assembled in the jury room. Should anyone attempt to talk to you about the case before the verdict is returned, whether at the courthouse, at your home, or elsewhere, please so inform the Court.

You are further instructed that you should not question the bailiff concerning the testimony or the law of the case, nor should you discuss the case in

his presence. If you have any questions, you should reduce them to writing, to be signed by the presiding juror, and present them to the Court.

If the jurors disagree as to the statement of any witness, they may, upon applying to the Court, have read to them from the Court Reporter's notes that portion of such witness' testimony, and only that portion, on the point in dispute.

You are instructed that the indictment is the means whereby a defendant is brought to trial in a felony prosecution. It is not evidence, nor can it be considered as such in passing upon whether the defendant is guilty or not guilty.

During your deliberations in this case, you must not consider, discuss or relate any matters not in evidence before you. You should not consider or 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 retire to the jury room, you should select one of your members as your presiding juror. It is his or her duty to preside at your deliberations and vote with you.

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

Suitable forms for your verdict are attached hereto. Your verdict must be in writing and signed by your presiding juror. Your sole duty at this time is to determine whether the defendant is guilty or not guilty under the indictment in this cause, and you are to restrict your deliberations to that issue.

Signed the 30th day of August, 2012.



HON. JOHN ROACH, JR., Presiding
296th Judicial District Court
Collin County, Texas

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JURY VERDICT

We the jury find the defendant, Terrance Deering Black, **guilty** of capital murder as charged in the indictment.

Leisa R. House

Presiding Juror's signature

Leisa R. House

Presiding Juror (printed name)

-- OR --

We the jury find the defendant, Terrance Deering Black, **guilty** of murder, a lesser included offense of the one charged in the indictment.

Presiding Juror's signature

Presiding Juror (printed name)

-- OR --

We the jury find the defendant **not guilty**.

Presiding Juror's signature

Presiding Juror (printed name)