

Original

No. 14-2699

THE STATE OF TEXAS
VS.
ASHLEE ANNE DEAN

IN THE 106TH JUDICIAL
DISTRICT COURT OF
GARZA COUNTY, TEXAS

CHARGE OF THE COURT

Ladies and Gentlemen of the Jury:

The Defendant, ASHLEE ANNE DEAN, stands charged by indictment with the offense of Capital Murder, alleged to have been committed in Garza County, Texas on or about the 20th day of February, 2014. To these charges the Defendant has pled not guilty. You are instructed that the law applicable to this case is as follows:

I.

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

A person commits capital murder when such person commits the murder to an individual under ten years of age.

II.

A person acts intentionally, or with intent, with respect to the nature of his conduct when it is his conscious objective or desire to engage in the conduct.

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.

"Individual" means a human being who has been born and is alive.

A "firearm" is a deadly weapon.

III.

Now bearing in mind the foregoing instructions, if you believe from the evidence beyond a reasonable doubt, that the defendant, ASHLEE ANNE DEAN, on or about the 20th day of February, 2014, did then and there, intentionally or knowingly cause the death of an individual, namely, Alexandria Lee Courtney, an individual younger than 10 years of age, by shooting the said Alexandria Lee Courtney with a deadly weapon, to-wit, a firearm, then you will find the defendant, Ashlee Anne Dean, 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 find the Defendant not guilty of Capital Murder as charged in the indictment.

IV.

In all criminal cases, the burden of proof is upon the State. All persons are presumed innocent and no person may be convicted 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 an offense gives rise to no inference of guilt at his trial. The law does not require the 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 a 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 prosecutor's proof excludes all reasonable doubt concerning the defendant's guilt.

You are instructed that if there is any testimony before you in this case regarding the defendant's having committed offenses other than the offenses alleged against him in the indictment in this case, you cannot consider said testimony for any other 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 the credibility of the Defendant in giving testimony regarding this case, and for no other purpose.

“On or about” is a legal term used in indictments meaning that the offense date is proved if it occurred at any time prior to the date of indictment and within the Statute of Limitations. You are further charged as the law in this case that the State is not required to prove the exact date alleged in the indictment but may prove the offense, if any, to have been committed at any time prior to ~~February~~ ^{May} 20, 2014, the presentment date of the indictment. There is no Statute of Limitations for this offense.

CTS
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J

You are further instructed as a part of the law in this case that the indictment against the defendant is not evidence in the case; the purpose of the indictment is to charge the offense, and to inform the defendant of the offense alleged against him. The reading of the indictment to the jury cannot be considered as a fact or circumstance against the defendant in your deliberations.

In deliberating on the cause, you are not to refer to or discuss any matter or issue not in evidence before you; and in determining the guilt or innocence of the defendant, you shall not discuss or consider the punishment, if any, which may be assessed against the defendant in the event he is found guilty beyond a reasonable doubt.

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 you, 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 the charge as a whole and you must not refer to or discuss any matters not in evidence before you. In arriving at your verdict, it will not be proper to fix the same by lot, chance, or by any method other than by a full, fair, and free exercise of the opinion of the individual jurors under the evidence admitted before you.

When the jury wishes to communicate with the court, it shall notify the bailiff, who shall inform the court thereof. Any communication relative to the cause must be in writing, signed by the presiding juror, and shall be submitted to the court through the bailiff.

You are instructed that upon request to the bailiff you shall be furnished any exhibits admitted as evidence in the case.

After the reading of this charge, you shall not be permitted to separate from each other, nor shall you talk with anyone not of your jury. After argument of counsel, you will retire and select one of your members as your presiding juror. It is the presiding juror's duty to preside at your deliberations and to vote with you in arriving at a unanimous verdict. After you have arrived at your verdict, you

may use the forms attached hereto by having your presiding juror sign his or her name to the particular form that conforms to your verdict.


Hon. Carter T. Schildknecht, Judge Presiding

Filed 10-20 2017 1:30 P.M.
JIM PLUMMER
CLERK OF DISTRICT COURT
GARZA COUNTY, TEXAS
By Jim Montoya Deputy

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VERDICT FORMS

(Presiding Juror to sign only one)

We, the Jury, find the Defendant, ASHLEE ANNE DEAN, guilty of the offense of Capital Murder as charged in the indictment.



PRESIDING JUROR

We, the Jury, find the Defendant, ASHLEE ANNE DEAN, not guilty.

PRESIDING JUROR