

CAUSE NOS. 16509 & 16544

STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
VS.	§	HOWARD COUNTY, TEXAS
	§	
QUINCY LAMAR HENRY	§	118TH JUDICIAL DISTRICT

JURY INSTRUCTIONS

Members of the Jury,

The Defendant, Quincy Lamar Henry, is accused of the felony offenses of Capital Murder in Cause Number 16509 and Aggravated Assault in Cause Number 16544. The Defendant has pleaded “not guilty” in both cases, and you have heard all of the evidence that will be produced on whether the Defendant has been proved guilty.

Both sides will soon present final arguments. Before they do so, I must now give you the instructions you must follow in deciding whether or not the State has proved the Defendant guilty beyond a reasonable doubt.

You will have a written copy of these instructions to take with you and to use during your deliberations.

First, I will first tell you about some general principles that apply in all criminal cases. Then I will tell you about the specific law applicable to this case. Finally, I will instruct you on the rules that must control your deliberations.

GENERAL PRINCIPLES

The Indictment

The Indictment is not evidence of guilt. The Indictment is a document required to bring the case before you. Do not consider the fact that the Defendant has been arrested, confined, or indicted or otherwise charged. Do not draw any inference of guilt from any of these circumstances.

Presumption of Innocence

The Defendant is presumed innocent of all charges. All persons are presumed to be innocent, and no person may be convicted of an offense unless the State proves each element of the offense beyond a reasonable doubt. The law does not require a Defendant to prove their innocence or produce any evidence at all. The presumption of innocence alone is sufficient for you to return a verdict of not guilty. You may find the Defendant guilty only after careful and impartial consideration of all of the evidence and only if the State has proved the Defendant's guilt beyond a reasonable doubt.

Burden of Proof

The burden of proof throughout the trial is always on the State. The Defendant does not have the burden to prove anything. The State has the burden to prove every element of the offense beyond a reasonable doubt. If the State proves every element of the offense beyond a reasonable doubt, then you must find the Defendant guilty. If the State does not, then you must find the Defendant not guilty. If, after you have considered all the evidence and these instructions, you have a reasonable doubt about whether the Defendant is guilty, you must find the Defendant not guilty.

Jury as Fact Finder

As the jurors, you review the evidence and determine the facts and what they prove. You are the sole judges of the believability of the witnesses and what weight to give their testimony.

However, in judging the facts and the believability of the witnesses, you must apply the law provided in these instructions.

Evidence

The evidence consists of the testimony and exhibits admitted in the trial. You must consider only evidence to reach your decision. You must not consider, discuss, or mention anything that is not evidence in the trial. You must not consider or mention any personal knowledge or information you may have about any fact or person connected with this case that is not evidence in the trial.

Statements made by the lawyers are not evidence. The questions asked by the lawyers are not evidence. Evidence consists of the testimony of the witnesses and materials, documents or things admitted into evidence.

Nothing the Judge has said or done in this case should be considered by you as an opinion about the facts of this case or influence you to vote one way or the other.

You should give terms their common meanings, unless you have been told in these instructions that the terms are given special meanings. In that case, of course, you should give those terms the meanings provided in the instructions.

While you should consider only the evidence, you are permitted to draw reasonable inferences from the testimony and exhibits if those inferences are justified in the light of common experience. In other words, you may make deductions and reach conclusions that reason, and common sense lead you to draw from the evidence.

You are to render a fair and impartial verdict based on the evidence admitted in the case under the law that is in these instructions. Do not allow your verdict to be determined by bias or prejudice.

Admitted Exhibits

You may, if you wish, examine exhibits. If you wish to examine an exhibit, the Presiding Juror should inform the Court, through the bailiff, and specifically identify the exhibits you wish to examine. Only exhibits that were admitted into evidence will be given to you for examination.

Testimony

Certain testimony will be read back to you by the Court Reporter if you request. To request that testimony be read back to you, you must follow these rules. The Presiding Juror must make the request in writing and sign it. That request must (1) state that the jury is requesting that testimony be read back, (2) state that you have a disagreement about a specific statement of a witness or a particular point in dispute, and (3) identify the name of the witness who made the statement. The Court will then have the Court Reporter read back only that part of the statement that is in dispute.

Evidence of Prior Convictions of Defendant

Evidence that the Defendant was previously convicted of an offense can be considered only for the limited purpose of determining if you believe the Defendant. Even though evidence was introduced that the Defendant was previously convicted of an offense or offenses, you must not consider it as evidence of guilt in this case. You may choose to disregard the evidence and not consider it at all. But if you choose to consider the evidence, you must consider it only for the limited purpose of determining if you believe the Defendant and the weight to give his testimony.

Evidence of Wrongful Acts Possibly Committed by Defendant

During the trial, you heard evidence that the Defendant may have committed wrongful acts that did not result in any criminal charges or that did not result in criminal convictions. You are not to consider any evidence of any particular wrongful act unless you find, beyond a reasonable doubt, that the Defendant did, in fact, commit that wrongful act. Those of you who believe the Defendant did the wrongful act may consider it.

The Verdict

The law requires that you render a verdict of either "guilty" or "not guilty". The verdict of "not guilty" simply means that the State's evidence does not prove the Defendant guilty beyond a reasonable doubt.

You may return a verdict only if all twelve of you agree on the verdict. In other words, any verdict you reach must be unanimous. When you reach a verdict, the Presiding Juror should knock on the jury room door and inform the bailiff that you have reached a verdict.

LAW SPECIFIC TO THE OFFENSE OF CAPITAL MURDER IN CAUSE NO. 16509

The State accuses the Defendant of having committed the offense of Capital Murder.

Relevant Statutes

A person commits the offense of Capital Murder if the person intentionally or knowingly causes the death of an individual and murders more than one person during the same criminal transaction.

A person causes the death of another if, but for the person's conduct, the death of the other would not have occurred.

Definitions

Intentionally Causing the Death of an Individual

A person intentionally causes the death of an individual if the person has the conscious objective or desire to cause that death.

Knowingly Causing the Death of an Individual

A person knowingly causes the death of an individual if the person is aware that his conduct is reasonably certain to cause that death.

Application of Law to Facts

You must determine whether the State has proved, beyond a reasonable doubt, three elements. The elements are that—

1. the Defendant, in Howard County, Texas, on or about the 17th day of November, 2022, intentionally or knowingly caused the death of Edward Martinez, by shooting Edward Martinez with a firearm;
2. the Defendant, in Howard County, Texas, on or about the 17th day of November, 2022, intentionally or knowingly caused the death of Don Brooks, by shooting Don Brooks with a firearm; and
3. both murders were committed during the same criminal transaction.

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

If you all agree the State has failed to prove, beyond a reasonable doubt, one or more of elements 1, 2, and 3 listed above, you must find the Defendant “not guilty” of Capital Murder and so indicate on the attached verdict form, titled “Jury Verdict – Capital Murder.”

If you all agree the State has proved, beyond a reasonable doubt, all three elements listed above, you must find the Defendant “guilty” and so indicate on the attached verdict form, titled “Jury Verdict – Capital Murder.”

During the trial, you heard evidence that the Defendant is accused of having committed another offense. Specifically, Quincy Lamar Henry is accused of committing the offense of Aggravated Assault in Cause No. 16544. When deliberating as to Cause 16509, you are not to consider evidence pertaining to the “other” case at all unless you find, beyond a reasonable doubt, that the Defendant did, in fact, commit the particular “other” offense. Even if you find, beyond a reasonable doubt, that the Defendant did commit the “other” offense as alleged in Cause 16544, you may not find the Defendant guilty in Cause 16509 unless you unanimously find that the State proved, beyond a reasonable doubt, all the elements for the offense of Capital Murder as alleged in the Indictment in Cause 16509.

LAW SPECIFIC TO THE OFFENSE OF AGGRAVATED ASSAULT IN CAUSE NO. 16544

The State also accuses the Defendant of having committed the offense of Aggravated Assault.

Relevant Statutes

A person commits the offense of Aggravated Assault if the person intentionally, knowingly, or recklessly causes bodily injury to another and uses or exhibits a deadly weapon during the commission of the assault.

Definitions

Bodily Injury

“Bodily injury” means physical pain, illness, or any impairment of physical condition.

Intentionally Causing Bodily Injury

A person intentionally causes bodily injury to another if it is the person’s conscious objective or desire to cause the bodily injury to another.

Knowingly Causing Bodily Injury

A person knowingly causes bodily injury to another if the person is aware that the person’s conduct is reasonably certain to cause the bodily injury to another.

Recklessly Causing Bodily Injury

A person recklessly causes bodily injury to another if the person is aware of but consciously disregards a substantial and unjustifiable risk that the person’s action will cause bodily injury to another. 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.

Deadly Weapon

“Deadly weapon” means—

1. a firearm; or
2. anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury; or
3. anything actually used by the defendant in a manner making it capable of causing death or serious bodily injury; or
4. anything that the defendant intended to use in a manner that if so used would make it capable of causing death or serious bodily injury.

Application of Law to Facts

You must determine whether the State has proved, beyond a reasonable doubt, three elements. The elements are that—

1. the Defendant, in Howard County, Texas, on or about the 17th day of November, caused bodily injury to Crystal Mesler;
2. the Defendant did this—
 - a. intending to cause bodily injury; or
 - b. knowing that he would cause bodily injury; or
 - c. with recklessness about whether he would cause bodily injury; and
3. the Defendant, during the alleged assault, used or exhibited a firearm, a deadly weapon.

You must all agree on elements 1, 2, and 3 listed above, but you do not have to agree on the culpable mental states listed in elements 2.a, 2.b, and 2.c above.

If you all agree the State has failed to prove, beyond a reasonable doubt, one or more of elements 1, 2, and 3 listed above, you must find the Defendant “not guilty” and so indicate on the attached verdict form, titled “Jury Verdict – Aggravated Assault.”

If you all agree the State has proved, beyond a reasonable doubt, each of the three elements listed above, you must find the Defendant “guilty” and so indicate on the attached verdict form, titled “Jury Verdict – Aggravated Assault.”

During the trial, you heard evidence that the Defendant is accused of having committed another offense. Specifically, Quincy Lamar Henry is accused of committing the offense of Capital Murder in Cause No. 16509. When deliberating as to Cause 16544, you are not to consider evidence pertaining to the “other” case at all unless you find, beyond a reasonable doubt, that the Defendant did, in fact, commit the particular “other” offense. Even if you find, beyond a reasonable doubt, that the Defendant did commit the “other” offense as alleged in Cause 16509, you may not find the Defendant guilty in Cause 16544 unless you unanimously find that the State proved, beyond a reasonable doubt, all the elements for the offense of Aggravated Assault as alleged in Cause 16544.

RULES THAT CONTROL DELIBERATIONS

You must follow these rules while you are deliberating and until you reach a verdict. After the closing arguments by the attorneys, you will go into the jury room.

Your first task will be to pick a Presiding Juror. The Presiding Juror should conduct the deliberations in an orderly way. Each juror has one vote, including the Presiding Juror. The Presiding Juror must supervise the voting, vote with other members on the verdict, and sign the verdict sheet. The Presiding Juror or any other juror who observes a violation of the Court's instructions shall immediately warn the one who is violating the same and caution the juror not to do so again.

While deliberating and until excused by the Judge, 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 room, then you must stop your discussions about the case until all of you are present again.

3. You must communicate with the Judge only in writing, signed by the Presiding Juror and given to the Judge through the bailiff assigned to you.

4. You must not conduct any independent investigations, research, or experiments.

5. You must tell the Judge if anyone attempts to contact you about the case before you reach your verdict.

Your sole duty at this point is to determine whether the State has proved the Defendant guilty beyond a reasonable doubt. You must restrict your deliberations to this matter.

After you have arrived at your verdict, you are to use the forms attached to these instructions. The Presiding Juror should sign and print his or her name to the lines that corresponds to your verdict in each case.

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

Signed this the 23rd day of August, 2024.

R. Shane Seaton
Presiding Judge

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JOHN S. HARRIS, CLERK
DISTRICT COURT, 3RD DISTRICT
BY DEPUTY