

22-DCR-099866  
 CHCO 218  
 Charge of the Court  
 6961949



No. 22-DCR-099866

**THE STATE OF TEXAS**                    §    **IN THE DISTRICT COURT OF**  
**VS.**    §    **FORT BEND COUNTY, TEXAS**  
**ANDREW CHRISTOPHER BURKE**       §    **458TH JUDICIAL DISTRICT COURT**

**JURY CHARGE**

Members of the Jury:

Having found the defendant, Andrew Christopher Burke, guilty of solicitation of capital murder, it now becomes your duty to assess the punishment in this case.

Our statutes provide that the punishment for solicitation of capital murder shall be by confinement in the institutional division of the Texas Department of Criminal Justice for not less than five years nor more than ninety-nine years or life. In addition thereto, a fine not to exceed \$10,000 may be assessed.

Therefore, you will assess the punishment of the defendant upon said finding of guilt at confinement in the institutional division of the Texas Department of Criminal Justice for any term of not less than five years nor more than ninety-nine years or life, and the jury in its discretion may, if it chooses, assess a fine in any amount not to exceed \$10,000.00.

The length of time for which a defendant is imprisoned may be reduced by the award of parole.

Under the law applicable in this case, if the defendant is sentenced to a term of imprisonment, the defendant will not become eligible for parole until the actual time served equals one-half of the sentence imposed or 30 years, whichever is less. Eligibility for parole does not guarantee that parole will be granted.

It cannot accurately be predicted how the parole law might be applied to this defendant if sentenced to a term of imprisonment, because the application of that law will depend on decisions made by parole authorities.

You may consider the existence of the parole law. You are not to consider the manner in which the parole law may be applied to this particular defendant.

You are instructed that the defendant may testify on his own behalf if he chooses to do so, but if he elects not to do so, that fact cannot be taken by you as a circumstance against him nor prejudice him in any way. The defendant has elected not to testify in this punishment phase of trial, and you are instructed that you cannot and must not refer to or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever.

The burden of proof in all criminal cases rests upon the State throughout the trial and never shifts to the defendant.

You are further instructed that in fixing the defendant's punishment, which you will show in your verdict, you may take into consideration all the facts shown by the evidence admitted before you in the full trial of this case and the law as submitted to you in this charge.

You are further instructed that if there is any evidence before you in this case regarding the defendant's 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.

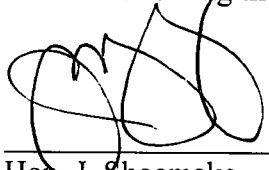
Your verdict must be by a unanimous vote of all members of the jury. In arriving at the amount of punishment to be assessed, it will not be proper for you to fix the same by lot, chance, any system of averages, or any other method than by a full, fair, and free exercise of the opinion

of the individual jurors, and you must not refer to nor discuss any matter not in evidence before you.

You are the exclusive judges of the facts proved, of the credibility of the witnesses and of the weight to be given their testimony, but you are bound to receive the law from the Court, which has been given to you.

No one has authority to communicate with you except the officer who has you in charge. During your deliberations in this case, you must not consider, discuss, nor relate any matters not in evidence before you. You should not consider nor 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 have reached a unanimous verdict, the Foreperson will certify thereto by using the appropriate form attached to this charge and signing the same as Foreperson.

Following the arguments of counsel, you will retire to deliberate your verdict.

  
\_\_\_\_\_  
Hon. L. Shoemake  
Judge Presiding  
458<sup>th</sup> District Court  
Fort Bend County, Texas

**FILED**  
SEP 20 2023  
AT 3:03 P.M.  
*Brendy M. Green, Clerk*  
CLERK DISTRICT COURT, FORT BEND CO., TX

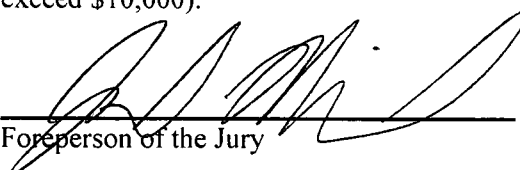
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THE STATE OF TEXAS § IN THE DISTRICT COURT OF  
VS. § FORT BEND COUNTY, TEXAS  
ANDREW CHRISTOPHER BURKE § 458TH JUDICIAL DISTRICT COURT

VERDICT

Choose One

We, the jury, having found the defendant, ANDREW CHRISTOPHER BURKE, guilty of the offense of solicitation to commit capital murder assess his punishment at confinement in the institutional division of the Texas Dept. of Criminal Justice for life and assess a fine in the amount of \$ 10,000 (not to exceed \$10,000).

  
\_\_\_\_\_  
Foreperson of the Jury

**FILED**

SEP 20 2023

AT 4:08 P.M.  
*Brenda M. Allen, Clerk* VB  
CLERK DISTRICT COURT, FORT BEND CO., TX

We, the jury, having found the defendant, ANDREW CHRISTOPHER BURKE, guilty of the offense of solicitation to commit capital murder assess his punishment at confinement in the institutional division of the Texas Dept. of Criminal Justice for \_\_\_\_\_ years (5-99 years) and assess a fine in the amount of \$ \_\_\_\_\_ (not to exceed \$10,000).

\_\_\_\_\_  
Foreperson of the Jury