



**CAUSE NO. 15-DCR-70091B**

<b>THE STATE OF TEXAS</b>	<b>§</b>	<b>IN THE 434<sup>th</sup> JUDICIAL</b>
<b>V.</b>	<b>§</b>	<b>DISTRICT COURT OF</b>
<b>CHRISTIAN SHAWN WILLIAMS</b>	<b>§</b>	<b>FORT BEND COUNTY, TEXAS</b>

**CHARGE OF THE COURT**

LADIES AND GENTLEMEN OF THE JURY:

The defendant, CHRISTIAN SHAWN WILLIAMS, stands charged by indictment with the offense of Capital Murder, alleged to have been committed on or about the 28<sup>th</sup> day of May, 2015, in Fort Bend County, Texas. To this charge the defendant has pleaded not guilty.

I.

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

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

A person commits robbery if, in the course of committing theft and with intent to obtain or maintain control of the property, he intentionally or knowingly threatens or places another in fear of imminent bodily injury or death.

## II.

“Individual” means a human being who is alive.

“Deadly weapon” means a firearm.

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

“In the course of committing theft” means conduct that occurs in an attempt to commit, during the commission, or in immediate flight after the attempt or commission of theft.

A person acts “intentionally” or with intent, with respect to the <sup>nature of his conduct</sup> ~~result 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.

## III.

A person is criminally responsible as a party to an offense if the offense is committed by his own conduct, by the conduct of another for which he is criminally responsible, or both.

Each party to an offense may be charged with the commission of the offense.

A person is criminally responsible for an offense committed by the conduct of another, if acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids or attempts to aid the other person to commit the offense.

Mere presence alone will not constitute one a party to an offense.

#### IV.

Now, bearing in mind the foregoing instructions, if you find and believe from the evidence beyond a reasonable doubt, that the defendant, CHRISTIAN SHAWN WILLIAMS, on or about the 28th day of May, 2015, in the County of Fort Bend and State of Texas, either acting by his own conduct or as a party to ROBERT DIKE, or both, did intentionally cause the death of Stephanie Pena to wit: by shooting Stephanie Pena with a firearm and the defendant was then and there in the course of committing or attempting to commit robbery, you will find the defendant guilty of the offense of Capital Murder.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, or if you are unable to agree, you will next consider whether the defendant is guilty of the lesser offense of Murder.

#### V.

A person commits murder when he intentionally or knowingly causes the death of an individual; OR if he commits or attempts to commit a robbery, 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.

Now, bearing in mind the foregoing instructions, if you find and believe from the evidence beyond a reasonable doubt, that the defendant, CHRISTIAN SHAWN WILLIAMS, on or about the 28th day of May, 2015, in the County of Fort Bend and State of Texas, either acting by his own conduct or as a party to ROBERT DIKE, or both, did intentionally or knowingly

cause the death of Stephanie Pena to wit: by shooting Stephanie Pena with a firearm; OR if you find from the evidence beyond a reasonable doubt that the defendant, CHRISTIAN SHAWN WILLIAMS, on or about the 28th day of May, 2015, in the County of Fort Bend and State of Texas, either acting by his own conduct or as a party to ROBERT DIKE, or both, did then and there unlawfully, intentionally or knowingly commit or attempt to commit the felony offense of robbery of Stephanie Pena, and while in the course of and furtherance of the commission of said offense did commit an act clearly dangerous to human life, to wit: pointing a deadly weapon, namely a firearm, at Stephanie Pena and by shooting Stephanie Pena with a deadly weapon, namely a firearm and did thereby cause the death of Stephanie Pena, you will find the defendant guilty of the lesser included offense of Murder.

If you believe from the evidence beyond a reasonable doubt that the defendant is guilty of either Capital Murder on the one hand or Murder on the other hand, but you have a reasonable doubt as to which of said offenses he is guilty, then you must resolve that doubt in the defendant's favor and find him guilty of the lesser offense of Murder.

If you have a reasonable doubt as to whether the defendant is guilty, you will acquit the defendant and say by your verdict "Not Guilty."

#### VII.

Our law provides that a <sup>Defendant</sup> 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.

If any juror starts to mention the defendant's election not to testify in this case, then it is the duty of the other jurors to stop him at once.

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 indicted for, or otherwise charged with the 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 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 find the defendant not guilty.

It is not required that the prosecution proves 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, you will acquit him and say by your verdict not guilty.

A Grand Jury Indictment is the means whereby a felony prosecution is brought against a defendant. It is not evidence of guilt nor can it be considered by you in passing upon the issue of guilt of the defendant. The burden of proof in all criminal cases rests upon the State throughout the trial, and never shifts to the defendant.

You are the exclusive judges of the facts proved, of the credibility of the witnesses and the weight to be given their testimony, but the law you shall receive in these written instructions, and you must be governed thereby. You may make reasonable inferences from the evidence admitted.

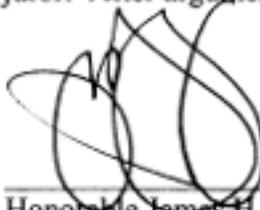
After you retire to the jury room, you should select one of your members as your presiding juror. It is his or her duty to preside at your deliberations, vote with you, and when you have unanimously agreed upon a verdict, to certify to your verdict by using the appropriate form attached hereto, and signing the same as Presiding Juror.

No one has any 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 retired, you may communicate with this court in writing through the officer who has you in charge. Do not attempt to talk to the officer who has you in charge, or the attorneys, or the court, or anyone else concerning any questions you may have.

Your sole duty at this time is to determine the guilt or innocence of the defendant under the indictment in this cause and restrict your deliberations solely to the issue of guilt or innocence of the defendant.

After you have reached a unanimous verdict, the presiding juror will certify thereto by filling in the appropriate form attached to this charge and signing his or her name as presiding juror. Suitable forms for your verdict are hereto attached; your verdict must be in writing, must be unanimous, and signed by your presiding juror. After argument of counsel, you may retire to consider your verdict.



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Honorable James H. Shoemake  
Presiding Judge  
434<sup>th</sup> Judicial District Court  
Fort Bend County, Texas

**FILED**

DEC 07 2017 DM  
4:00 P.M.

AT



Clerk District Court, Fort Bend Co., TX

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**VERDICT**

We, the Jury, find the defendant, CHRISTIAN SHAWN WILLIAMS, GUILTY, as charged in the indictment, of Capital Murder.

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PRESIDING JUROR



