

THE STATE OF TEXAS

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IN CRIMINAL DISTRICT COURT

VS.

NUMBER ONE IN AND FOR

MICHAEL JUSTIN SNAPAT

TARRANT COUNTY, TEXAS

COURT'S CHARGE

MEMBERS OF THE JURY:

The defendant, Michael Justin Snapat, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 18th day of October 2007, in Tarrant County, Texas. To this charge, the defendant has pleaded not guilty.

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

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

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

"Individual" means a human being who is alive.

"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.

"Theft" is committed if a person unlawfully appropriates property with the intent to deprive the owner of the property.

"Appropriate" means to acquire or otherwise exercise control over property other than real property.

"Deprive" means to withhold property from the owner permanently or for so extended a period of time that a major portion of the value or enjoyment of the property is lost to the owner.

"Appropriation of property" is unlawful if it is without the owner's effective consent.

"Effective consent" includes consent by a person authorized to act for the owner.

"Owner" means a person who has title to the property, possession of the property, whether lawful or not, or a greater right to possession of the property than the actor.

"Property" means tangible or intangible personal property or a document, including money that represents or embodies anything of value.

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

JAN 15 2009

TIME 11:31 AM
BY STJ DEPUTY Jed

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

A person acts "intentionally," or with intent, with respect to a result of his conduct when it is his conscious objective or desire to cause the result.

Regarding the offense of "robbery," a person acts "knowingly," or with knowledge, with respect to the result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

All persons are parties to an offense who are guilty of acting together in the commission of the offense. 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 whom he is criminally responsible, or by both.

A person is criminally responsible for an offense committed by the conduct of another, if acting with the 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.

If in an attempt to carry out a conspiracy to commit one felony, another felony is committed by one of the conspirators, all conspirators are guilty of the felony actually committed, though having no intent to commit it, if the offense was committed in furtherance of the unlawful purpose and was one that should have been anticipated as a result of carrying out of the conspiracy.

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

A conviction cannot be had upon the testimony of an accomplice witness unless the testimony is corroborated by other evidence tending to connect the defendant with the offense committed; and the corroboration is not sufficient if it merely shows the commission of the offense. An accomplice is someone who participates with the accused before, during, or after the commission of the crime.

If you find from the evidence that the witness, Deondra Redic, was an accomplice, or you have a reasonable doubt thereof, then you are instructed that if you find beyond a reasonable doubt that an offense was committed, you cannot convict the Defendant, Michael Justin Snapat, upon the testimony of Deondra Redic unless you first believe that her testimony is true and shows that the defendant is guilty as charged; and even then you cannot convict the defendant unless you further believe that there is other evidence in this case, outside the testimony of Deondra Redic, tending to connect the defendant with the offense committed, if you find that an offense was committed, and tending to establish that the defendant committed the offense.

In a prosecution in which an actor's criminal responsibility is based on the conduct of another, the actor may be convicted on proof of commission of the offense and that he was a party to its commission, and it is no defense that the person for whose conduct the actor is criminally responsible has been convicted of a different offense or of a different type or class of offense.

Now if you find from the evidence beyond a reasonable doubt, in Tarrant

County, Texas, on or about the 18th day of October 2007, Michael Justin Snapat, Dominic Redic and Tracy Tennison, in the attempt to carry out a conspiracy to commit robbery, committed capital murder by intentionally causing the death of Cedric Jones by shooting him with a firearm, though Michael Justin Snapat having no intent to commit capital murder, if the capital murder was committed in furtherance of the unlawful purpose of Michael Justin Snapat, Dominic Redic, and Tracy Tennison and should have been anticipated by Michael Justin Snapat as a result of the carrying out of the conspiracy; or that Michael Justin Snapat, acting with the intent to promote or assist in the commission of the offense of capital murder of Cedric Jones by intentionally shooting him with a firearm, solicited, encouraged, directed, aided, or attempted to aid Dominic Redic or Tracy Tennison to commit the offense of capital murder, then 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, you will find the defendant not guilty of capital murder as charged in the indictment and next consider the offense of ~~_____~~ (B) robbery.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 18th day of October 2007, in Tarrant County, Texas, the defendant, Michael Justin Snapat, did intentionally or knowingly, while in the course of committing theft of property and with intent to obtain or maintain control of said property of Cedric Jones, he threatened or places Cedric Jones in fear of imminent bodily injury or death, or that Michael Justin Snapat, acting with the intent to promote or assist in the commission of the offense of robbery, solicited, encouraged, directed, aided, or attempted to aid Dominic Redic or Tracy Tennison to commit the offense of robbery, then you will find the defendant guilty of the offense of robbery.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will find the defendant not guilty.

If you should find from the evidence beyond a reasonable doubt that the defendant is either guilty of capital murder or robbery, but you have a reasonable doubt as to which offense he is guilty, then you should resolve the doubt in the defendant's favor, and in such event you will find the defendant guilty of the lesser offense of robbery.

You have been permitted to take notes during the testimony in this case. In the event any of you took notes, you may rely on your notes during your deliberations. However, you may not share your notes with the other jurors and you should not permit the other jurors to share their notes with you. You may, however, discuss the contents of your notes with the other jurors. You shall not use your notes as authority to persuade your fellow jurors. In your deliberations, give no more and no less weight to the views of a fellow juror just because that juror did or did not take notes. Your notes are not official transcripts. They are

personal memory aids, just like the notes of the judge and the notes of the lawyers. Notes are valuable as a stimulant to your memory. On the other hand, you might make an error in observing or you might make a mistake in recording what you have seen or heard. Therefore, you are not to use your notes as authority to persuade fellow jurors of what the evidence was during the trial.

Occasionally, during jury deliberations, a dispute arises as to the testimony presented. If this should occur in this case, you shall inform the court and request that the court read the portion of disputed testimony to you from the official transcript. You shall not rely on your notes to resolve the dispute because those notes, if any, are not official transcripts. The dispute must be settled by the official transcript, for it is the official transcript, rather than any juror's notes, upon which you must base your determination of the facts and ultimately your verdict in this case.

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 nor discuss any matters not in evidence.

In all criminal cases, the burden of proof is on the State. The burden of proof rests upon the State throughout the trial and never shifts to the defendant.

The indictment in this case is no evidence whatsoever of the guilt of the defendant. It is a mere pleading that is necessary in order to bring this case into court for trial and you will not consider it for any purpose.

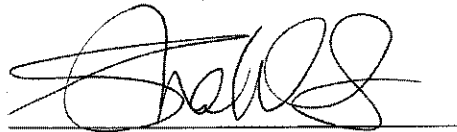
All persons are presumed to be innocent and no person may be convicted of an offense unless each element of the offense is proven beyond a reasonable doubt. The fact that a defendant has been arrested, confined, indicted for, or otherwise charged with an offense gives no rise to any inference of guilt 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.

You are charged that it is only from the witness stand that the jury is permitted to receive evidence regarding the case and no juror is permitted to communicate to any other juror anything he may have heard regarding the case or any witness therein, from any other source than the witness stand.

You are the exclusive judges of the facts proven, 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 is given in these written instructions, and be governed thereby.

After you retire to the jury room, you should select one of your members as your foreman. It is his or her duty to preside at your deliberations, to vote with you, and when you have reached a unanimous verdict, to certify to your verdict by using one of the attached forms and signing the same as your foreman.

Any further communication must be in writing signed by your foreman through the bailiff to the Court, except as to your personal needs which may be communicated orally to the bailiff in charge. After you have reached a unanimous verdict or if you desire to communicate with the Court, please use the jury call button on the wall and one of the bailiffs will respond.

A handwritten signature in black ink, appearing to read 'Sharen Wilson', written over a horizontal line.

JUDGE SHAREN WILSON
Criminal District Court No. 1
Tarrant County, Texas

VERDICT FORMS

We, the Jury, find the defendant, Michael Justin Snapat, guilty of the offense of capital murder as charged in the indictment.

Foreman

-OR-

We, the Jury, find the defendant, Michael Justin Snapat, guilty of the offense of robbery.

Foreman

-OR-

We, the Jury, find the defendant, Michael Justin Snapat, not guilty.

R J Paddy

Foreman

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS
JAN 15 2003
TIME _____
BY *HP* DEPUTY