

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

NO. 0974892D

APR 21 2008

TIME

12:24

THE STATE OF TEXAS

)(IN THE CRIMINAL DISTRICT

VS.

)(COURT NUMBER TWO

TARRENCE LAMONE STEVENSON)(TARRANT COUNTY, TEXAS

MEMBERS OF THE JURY:

The Defendant, Tarrence Lamone Stevenson, stands charged by Indictment with the offense of Capital Murder, alleged to have been committed on or about the 13th day of April, 2005, in Tarrant County, Texas. To this charge, the Defendant has pled not guilty.

1.

Our law provides that a person commits the offense of Murder if he intentionally or knowingly causes the death of an individual, or intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual. Or, if he commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or

in the 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.

2.

A person commits the offense of Capital Murder if the person intentionally commits the offense of Murder in the course of committing or attempting to commit Robbery.

3.

A person commits the offense of Robbery if, in the course of committing Theft, as that term is hereinafter defined, and with intent to obtain or maintain control of property of another, he intentionally or knowingly causes bodily injury to another or intentionally or knowingly threatens or places another in fear of imminent bodily injury or death.

The offense is Aggravated Robbery if the person committing Robbery uses or exhibits a deadly weapon.

4.

A person commits the offense of Theft if he unlawfully

appropriates property with intent to deprive the owner of said property.

“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.

“Attempt” means to commit an act with the specific intent to commit an offense where the act committed amounts to more than mere preparation that tends, but fails, to effect the commission of the offense intended.

“Property” means tangible or intangible property including anything severed from land; or a document, including money, that represents or embodies anything of value.

“Appropriation” and “appropriate” mean to acquire or otherwise exercise control over property other than real property. Appropriation of property is unlawful if it is without the owner's effective consent.

“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 Defendant.

"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.

"Consent" means assent in fact, whether express or apparent.

"Effective consent" includes consent by a person legally authorized to act for the owner. Consent is not effective if induced by deception or coercion or force or threats.

"Act" means a bodily movement, whether voluntary or involuntary and includes speech.

"Possession" means actual care, custody, control or management of property.

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

"Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily converted to that use.

"Felony" means an offense so designated by law or punishable by

death or confinement in a penitentiary. Robbery and Aggravated Robbery are felonies.

5.

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

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.

6.

The term "conspiracy" as used in these instructions, is meant as an agreement between two or more persons, that they, or one or more of them, engage in conduct that would constitute a felony. An agreement

constituting a conspiracy may be inferred from acts of the parties.

If, in the 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 the carrying out of the conspiracy.

You are instructed that in a prosecution in which a Defendant's criminal responsibility is based on the conduct of another, the Defendant may be convicted on proof of the commission of the offense and that he was a party to its commission, as herein defined, and it is no defense that the person for whose conduct the Defendant is criminally responsible has been acquitted, has not been prosecuted, has been convicted of a different offense or of a different type or class of offense, or is immune from prosecution.

Mere presence alone will not constitute one a party to a crime.

7.

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

8.

The Court has taken judicial notice of the fact that the indictment in this case was returned on June 29, 2005, and that the indictment was returned within the time permissible by law.

The jury is instructed that it may, but is not required to, accept as conclusive any facts judicially noticed.

9.

All persons are presumed 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 acquit the Defendant.

It is not required that the prosecution prove guilt beyond all possible doubt; it is required that the prosecutions' 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, and these

instructions, you will acquit the Defendant and say by your verdict "not guilty".

10.

You are instructed that an "accomplice" as the term is herein used means anyone connected with the crime charged, as a party thereto, and includes all persons who are connected with the crime by unlawful act or omission on their part transpiring either before or during the time of the commission of the offense, and whether or not they were present and participated in the commission of the crime. 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 by both.

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, or aids or attempts to aid the other person to commit the offense. The term "conduct" means any act or omission and its accompanying mental state.

You are further instructed that a conviction cannot be had upon

the testimony of an accomplice unless the jury first believes that the accomplice's evidence is true and that it shows the Defendant is guilty of the offense charged against him, and even then you cannot convict unless the accomplice's testimony is corroborated by other evidence tending to connect the Defendant with the offense charged, and the corroboration is not sufficient if it merely shows the commission of the offense, but it must also tend to connect the Defendant with its commission.

Mere presence of the Defendant with an accomplice shortly before or shortly after the commission of a crime is not sufficient corroboration of an accomplice witness' testimony to convict the Defendant.

11.

Now, if you believe from the evidence beyond a reasonable doubt that an offense was committed and you further believe from the evidence that the witness, Amanda Bivins, was an accomplice, or you have a reasonable doubt as to whether she was or not, as that term is defined in the foregoing instructions, then you cannot convict the Defendant upon the testimony of Amanda Bivins unless you first believe that the testimony of Amanda Bivins is true and that it shows

the Defendant is guilty as charged in the Indictment; even then you cannot convict the Defendant unless you further believe that there is further evidence in the case, outside the evidence of Amanda Bivins, tending to connect the Defendant with the commission of the offense charged in the Indictment, and then from all the evidence you must believe beyond a reasonable doubt that the Defendant is guilty.

12.

Before you would be warranted in convicting the defendant, Tarrence Lamone Stevenson, of capital murder, you must find from the evidence beyond a reasonable doubt not only that Tarrence Lamone Stevenson with either Darrell Glenn Bell and/or Julian Hailey on the occasion in question were engaged in the commission of the felony offense of robbery or attempted robbery of Syed Karim as defined in this charge, but also that during the commission of the robbery, if any, Tarrence Lamone Stevenson or Darrell Glenn Bell or Julian Hailey shot Syed Karim with the intention of killing him. Unless you find from the evidence beyond a reasonable doubt that Tarrence Lamone Stevenson or Darrell Glenn Bell or Julian Hailey on the occasion in question specifically intended to kill the said Syed Karim when he shot him, if he

did, and unless you find from the evidence beyond a reasonable doubt that said act, if any, was committed in the course of committing or attempting to commit robbery, you cannot convict Tarrence Lamone Stevenson of the offense of capital murder.

13.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 13th day of April, 2005, in Tarrant County, Texas, Tarrence Lamone Stevenson, either acting alone or as a party or conspirator as herein defined, did then and there intentionally cause the death of an individual, Syed Karim, by shooting him with a firearm, and the said, Tarrence Lamone Stevenson, either acting alone or as a party or conspirator as herein defined, was then and there in the course of committing or attempting to commit the offense of Robbery of Syed Karim, then you will find the Defendant, Tarrence Lamone Stevenson, guilty of Capital Murder, but if you do not so believe, or if you have a reasonable doubt thereof, you will acquit the Defendant of Capital Murder and next consider whether the defendant is guilty of the felony offense of Murder.

14.

Now, if you find from the evidence beyond a reasonable doubt that on or about April 13, 2005, in Tarrant County, Texas, the defendant Tarrence Lamone Stevenson, either acting alone or as a party or conspirator as herein defined, did then and there commit or attempt to commit a felony, to wit: Robbery and in the course of and in furtherance of the commission or in the immediate flight from the commission of said felony, Tarrence Lamone Stevenson, either acting alone or as a party or conspirator as herein defined, committed or attempted to commit an act clearly dangerous to human life, to wit: shooting a firearm, at or in the direction of Syed Karim, then you will find the defendant guilty of murder. Unless you so find from the evidence beyond a reasonable doubt or if you have a reasonable doubt thereof, you will acquit the defendant of the offense of murder and say by your verdict not guilty.

15.

Our law provides that a Defendant may testify in his own behalf if he elects to do so. This, however, is a privilege accorded to 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 him.

16.

You are instructed that a witness may be impeached by showing that he or she has made other and different statements out of court from those made before you in the trial. Such impeachment evidence may be considered by you to aid you in determining, if it does so, the weight, if any, to be given the testimony of the witness at trial and his or her credibility; but such impeaching evidence, if any, is not to be considered as tending to establish the alleged guilt of the Defendant in such case. Therefore, you are further instructed that the testimony of a witness regarding his or her having made other or different statements was admitted for the purposes of impeaching said witnesses, if you find that it does impeach them, and you cannot and will not consider said impeachment testimony as any evidence whatsoever of the guilt of the Defendant.

17.

The Indictment in this case is no evidence whatsoever of the guilt of the Defendant. It is a written instrument necessary in order to bring this case into court for trial, and you will not consider the indictment as any evidence in this case or as any circumstance whatsoever against the Defendant.

18.

You are the exclusive judges of the facts proved, 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, and be governed thereby.

19.

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

20.

Your verdict must be by a unanimous vote of all members of the

jury. In your deliberations you shall consider the charge as a whole and you must not refer to or discuss any matters not in evidence.

21.

At times throughout the trial the Court may have been called upon to rule on the question of whether or not certain offered evidence might properly be admitted. You are not to concern yourselves with the reasons for the Court's ruling nor draw any inferences therefrom. Whether offered evidence is admissible is a question of law and in admitting evidence to which an objection is made, the Court does not determine what weight should be given such evidence; nor does the Court pass on the credibility of the witness. You must not consider any evidence offered that has been rejected by the Court. As to any question to which an objection was sustained, you must not engage in any conjecture as to what the answer might have been or as to the reason for the objection.

22.

You are instructed that you are not to allow yourselves to be influenced in any degree whatsoever by what you may think or surmise the opinion of the Court to be. The Court has no right by any word or

any act to indicate any opinion respecting any matter of fact involved in this case, nor to indicate any desire respecting the outcome of the case. The Court has not intended to express any opinion upon any matter of fact, and if you have observed anything which you may have interpreted as the Court's opinion as to any matter of fact, you must wholly disregard it.

23.

After you retire to the jury room, you should select one of your members as your foreman. Any member of the jury may serve as foreman. It is the foreman's 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 and signing the same as your foreman.

24.

At this time you will confine your deliberations solely to the issue of whether the Defendant is guilty or not guilty of the offense set forth in this charge.

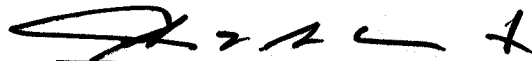
25.

Should the jury desire to have any or all of the admitted exhibits

delivered to the jury for your deliberations, your foreman shall so notify the Court in writing and the requested exhibits will be delivered.

26.

After you have retired, you may communicate with the Court in writing through the bailiff who has you in charge. Your written communication must be signed by the foreman. Do not attempt to talk to the bailiff, the attorneys, or the Court regarding any question you may have concerning the trial of the case. After you have reached a unanimous verdict or if you desire to communicate with the Court, please knock on the door and one of the bailiffs will respond.



JUDGE WAYNE F. SALVANT
Criminal District Court No. 2
Tarrant County, Texas

VERDICT FORMS

We, the jury, find the Defendant, Tarrence Lamone Stevenson,
guilty of the offense of Capital Murder.

FOREMAN

-OR-

We, the jury, find the Defendant, Tarrence Lamone Stevenson,
guilty of the offense of Murder.

Gary D. Logston

FOREMAN

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

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TIME 9:17
BY KW DEPUTY

-OR-

We, the jury, find the Defendant, Tarrence Lamone Stevenson, not
guilty.

FOREMAN