

Grain Charges

State

vs

James. Milton Davis
m. 1674

1.

The Court charges the jury that the innocence of the defendant is presumed until his guilt is established by the evidence in all the material aspects of the case beyond a reasonable doubt and to a moral certainty, and it may also be said that evidence of guilt must be strong and cogent, and, unless it is so strong and cogent as to show that defendant is guilty to a moral certainty, defendant should be acquitted.

*Given
1/11/1911
J. H. P.*

The Court charges the jury that the defendant enters into this trial with a legal presumption of innocence which is to be regarded as a matter of evidence by the jury to the benefit of which the accused is entitled, and, as a matter of evidence, it attends the defendant until his guilt is, by the evidence, proved beyond all reasonable doubt and to a moral certainty.

*Given
1/10/1911
J.H.H.*

The Court charges the jury that the only foundation for a verdict of guilty in this case is that each individual juror shall believe from the evidence, beyond a reasonable doubt and to a moral certainty, that the defendant is guilty as charged in the indictment, to the exclusion of every probability of his innocence, and every reasonable doubt of his guilt, and, if the prosecution has failed to furnish such measure of proof, and to so impress the minds of the jury of his guilt, they should find him not guilty.

*Given
H. M. Lee
Judge*

The Court charges the jury that each and every juror must be separately satisfied, beyond a reasonable doubt and to a moral certainty, that the defendant is guilty of the crime charged, or you cannot convict him.

*Given
1/11/1911
Judge*

The Court charges the jury that the defendant is authorized under the Statutes to testify in his own behalf, and the jury has a right to give full credit to his statements.

*Given
10/11/44
Jury*

6.

The Court charges the jury that if the jury have a reasonable doubt, generated by all the evidence in the cause, as to whether the defendant acted in self-defense, or not, then you should acquit the defendant.

*Grove
1 Mitchell
Jury*

The Court charges the jury that if any individual juror has a reasonable doubt, arising out of any part of the evidence, as to whether or not the defendant acted in self defense, you cannot convict him.

*Swain
Hill
Hall*

The Court charges the jury that in all criminal cases, under the law of our land, every man on trial has the right to offer his standing in the community before the jury, not for the purpose of disproving that he did not do a thing or that he did do a thing, but, if he can show a good reputation, it is for the jury to look at that reputation, in connection with all of the rest of the evidence, to say whether or not a man of such standing would have done the act he is charged with having done; and if, after considering all the testimony, the jury have a reasonable doubt as to whether a man would do what he is charged with having done, bearing a good reputation, if the jury believe that has been established, then that would be sufficient to entitle him to an acquittal at your hands; but you do not acquit by reason of the good reputation that a man has established, but by reason of the reasonable doubt engendered by having established a good reputation.

*Good
Reputation
jury*

The Court charges the jury that proof of good character, if proved to your reasonable satisfaction, may be sufficient to authorize you to acquit the defendant, when taken in connection with all the other testimony.

*Since
1/24/44
page*

The Court charges the jury that the fact that JAMES MILTON DAVIS, the defendant, was accused of and was arrested for killing DEWEY WESLEY EVERETT, and the fact that the Grand Jury found an indictment against him in this case, are not facts or circumstances to which you are allowed to look in the case, in considering the case, and I charge you that the indictment is neither a circumstance in law or fact tending to show that the defendant is guilty of the charge, and I further charge you that JAMES MILTON DAVIS, the defendant, is presumed by the law of Alabama not to have murdered the deceased, and that presumption goes with him to your verdict unless the evidence convinces you, and each of you, individually, beyond a reasonable doubt and to a moral certainty of the truth of every element necessary to show guilt.

*Given
to the jury*

The Court charges the jury that murder in the second degree is the unlawful and malicious killing of a human being. The distinction between the two degrees of murder is the absence in murder in the second degree of that deliberation and premeditation required in murder in the first degree.

*Swi
Hustace
jury*

The Court charges the jury that malice may be inferred from the use of a deadly weapon, unless the facts and circumstances of the killing rebut such a presumption. For instance, if a deadly weapon is used, and death results, but the facts of the case show that it was used in self-defense, then the presumption of malice from the use of such a weapon is overcome.

Gwen
1/11/19

The Court charges the jury that malice, as the word is used in courts of law, signifies a wrongful act done intentionally, without legal justification or excuse. In this case it signifies the formed design on the part of the defendant to take the life of the deceased unlawfully, not in self-defense, and without provocation allowed by law to be such as would repel the imputation of malice. In other words, malice is criminal intention.

*Given
10/11/18
J. M. Hall*

The Court charges the jury that, if the killing was not malicious,
then the defendant would not be guilty of murder in either degree.

*Given
1st degree
murder*

The Court charges the Jury that, if you believe from the evidence that the deceased, DEWEY WESLEY EVERETT, was a violent and dangerous man, then the defendant would be justified in using more prompt and decisive measures of defense than if the deceased were of a peaceful disposition.

*Given
10 minutes
Jury*

The Court charges the jury that the bare fear of the commission of an offense, to prevent which the defendant used a deadly weapon, is not sufficient to justify it; but the circumstances must be sufficient to excite the fear of a reasonable man, and the defendant must have acted under the influence of such fear alone. It is not necessary, however, to justify the use of a deadly weapon, that the danger be actual. It is enough that it be apparent danger; such an appearance as would induce a reasonable person in defendant's position to believe that he was in immediate danger of great bodily harm. Upon such appearances the party may act with safety; nor will he be held accountable, though it would afterwards appear that the indication upon which he acted was wholly fallacious, and that he was in no actual peril. The rule in such a case is this: what would a reasonable person, a person of ordinary caution, judgment, and observation, in the position of the defendant, seeing what he saw and knowing what he knew, honestly believe from the situation and these surroundings? If such reasonable person, so placed, would have been justified in believing himself in imminent danger, then the defendant would be justified in believing himself in such peril, and in acting upon such appearances.

Don't forget

The Court charges the Jury that they must find the defendant in this case not guilty, if the conduct of the defendant upon a reasonable hypothesis is consistent with his innocence.

Mr. [unclear] 10/11/1944

The Court charges the jury that a reasonable doubt may arise, though there is no probability of the defendants innocence in the testimony; and, if the jury have not an abiding conviction to a moral certainty of his guilt, then they should find him not guilty

Wm. M. Jones

31.

*from
Hillier
just*

The Court charges the jury that if from the evidence in this case you have a reasonable doubt that defendant was sufficiently sober to form a specific intent to take life, you cannot convict him of murder in the first degree.

The Court charges the jury that intoxication may render the accused incapable of forming or entertaining the specific intent which is a material ingredient of the crime of murder.

*Given
1/20/11
JMS*