

Refused Charges

State

vs

James Milton Davis

Case No. 1674

A.

Refused
M. W. K.

The Court Charges the jury that if you are convinced beyond a reasonable doubt and to a moral certainty, from the evidence, that the killing in this case was done without deliberation, premeditation, maliciousness, and without unlawful intention, you cannot find the defendant guilty of more than manslaughter in the second degree.

Refused
1 Mile fair
judge

10.

I charge you, Gentlemen of the Jury, that if you believe the evidence in this case, you must find the defendant not guilty.

11.

The Court charges the jury that, if you believe the evidence
in this case, you cannot find the defendant guilty.

*Refused
10 minutes
jury*

The Court charges the Jury that, if you believe the evidence in this case, you must find the defendant not guilty of murder in the first degree.

*Refused
10 minutes
Jury*

The Court charges the jury that, if you believe the evidence in this case, you cannot find the defendant guilty of murder in the first degree.

*Refused
to see judge*

The Court charges the Jury that, if you believe the evidence in this case, you must find the defendant not guilty of murder in the second degree.

*Refused
H. Mitchell
Judge*

The Court charges the Jury that, if you believe the evidence in this case, you cannot find the defendant guilty of murder in the second degree.

*Refused
I will still judge*

The Court charges the jury that, if you believe the evidence in this case, you must find the defendant not guilty of murder in either degree.

*Refused to
find guilty*

The Court charges the jury that, if you believe the evidence in this case, you cannot find the defendant guilty of murder in either degree.

*Refused
1st degree
just*

18.

Refused
10 Mitchell
Judge

The Court charges the jury that, if you believe the evidence in this case, you must find the defendant not guilty of manslaughter in the first degree.

The Court charges the jury that, if you believe the evidence in this case, you cannot find the defendant guilty of manslaughter in the first degree.

*Refused
10 minutes
jury*

The Court charges the jury that the indictment in this case charges murder in the first degree. That Charge embraces not only murder in the first degree, but also murder in the second degree, manslaughter in the first degree and manslaughter in the second degree. Murder in the first degree is the willful, deliberate, malicious and premeditated killing of a human being. Willful means governed by the will, without yielding to reason. Deliberate means formed with deliberation, in contradiction to a sudden, rash act. Malicious means with fixed hate, or done with wicked intentions or motive. Premeditated means contrived or designed previously. I charge you that unless you, and each of you, are convinced beyond all reasonable doubt and to a moral certainty that all of these elements coexisted at the moment the defendant fired the fatal shot you cannot convict him of murder in the first degree.

*Referred
Judge
Jury*

The Court charges the jury that if they find from the evidence that the defendant was so drunk that he was incapable of volition, incapable of voluntarily doing anything, and incapable of forming malice or entertaining malice, then you could not convict defendant of anything more than manslaughter in the second degree.

*Refused
1 mile per hour*

The Court charges the jury that if they believe that the defendant at the time he shot deceased was so drunk that he was incapable of forming the purpose to do a voluntary act, then he cannot be convicted of any offense higher than manslaughter in the second degree.

*Refused
to be tried*