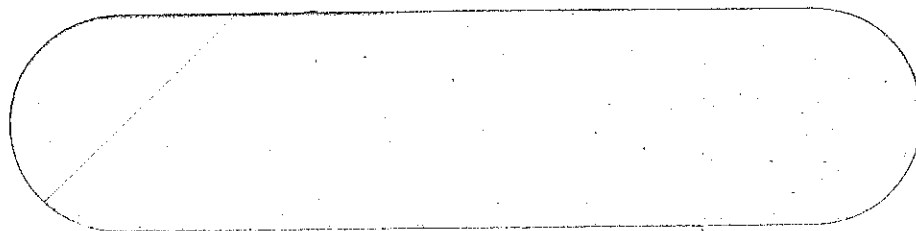


Clinton Nysa

Given Charges



Charge 2.

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.

~~Judge~~
Jeffrey G. Maslbury, Jr.
~~Judge~~

Charge 3.

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.

Given
William J. MacLachlan, Jr.
Judge

Charge 7.

The court charges the jury that if there is, from the evidence, a reasonable probability of defendant's innocence, the jury should acquit the defendant.

Given
Jeffrey J. Marshall, Jr.
Judge.

Charge 8.

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

Given
Jesse J. Mashburn, Jr.
Judge.

Charge 11.

The court charges the jury that the law gives a person the same right to use such force as may be reasonable necessary under the circumstances by which he is surrounded to protect himself from great bodily harm as it does to prevent his life being taken. He may excusably use this necessary force to save himself from any felonious assault.

Given
Jeffair J. Madlebrey, Jr.,
Judge.

Charge 13.

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, to 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

Jefair J. Mashburn Jr.
Judge

21.

Charge 14.

The court charges the jury that if on a consideration of all the evidence in this case you find the evidence so nearly balanced that the mere weight of it is on the side of the state and not so heavy and strong as to satisfy you to a moral certainty that it is true you cannot find defendant guilty.

Suven

Jeffair J. Mashburn, Jr.
Judge.

Charge 16.

The court charges the jury that as fair minded and honest men, the law enjoins upon you gentlemen, the imperative duty of giving defendant the benefit of every reasonable doubt arising from the evidence before you can find him guilty.

Sven
J. J. Mashburn, Jr.
Judge.

Charge 17.

The court charges the jury that, if the jury, upon considering all the evidence, have a reasonable doubt about the defendant's guilt, arising out of any part of the evidence, you should find him not guilty.

Sweeney
Jeffrey J. Maschberry, Jr.
Judge.

The court charges the jury that if there is one single fact proved to the satisfaction of the jury which is inconsistent with the defendant's guilt, this is sufficient to raise a reasonable doubt, and the jury should acquit him.

Siven

*Selmer J. Washburn, Jr.
Judge.*

Charge 19.

The court charges the jury that the only foundation for a verdict of guilty in this case is that the entire jury 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
Jeffair J. Mathews, Jr. - Judge

Charge 20.

The court charges the jury that if the evidence for the state consists of testimony as to the truth of which the jury have a reasonable doubt, the jury must not convict the defendant, although they may not believe the testimony of the defendant's witnesses.

Given
Jeffrey J. Madlibury, Jr.,
Judge.

Charge 22.

The court charges the jury that if the evidence of the state consists in the statement of a witness, of the truth of which the jury has a reasonable doubt, they cannot convict on such evidence, although they may not believe the testimony of defendant's witness.

Given

Jeffair J. Mashebury, Jr.
Judge.

Charge 23.

The court charges the jury that good character itself may, in connection with all the evidence, generate a reasonable doubt and entitle the defendant to an acquittal, even though without such proof of good character you would convict him.

Given
Jelfair J. Marshall, Jr.
Judge

Charge 24.

The court charges the jury that good character itself is part of the evidence in this case and if the jury upon a consideration of all the evidence have a reasonable doubt growing out of any part of the evidence, the jury will give the defendant the benefit of such doubt and acquit him.

Given
Telford J. Mashburn, Jr.
Judge.

Charge 25.

The court charges the jury that the burden is upon the state, and it is the duty of the state to show, beyond a reasonable doubt and to the exclusion of every other reasonable hypothesis every circumstance necessary to show that the defendant is guilty; and, unless the state has done that in this case, it is your duty, gentlemen of the jury, to render a verdict of not guilty.

John
Jeffrey J. Moschese, Jr.
Jr.

Charge 26.

The court charges the jury that the legal presumption of innocence is to be regarded by the jury in every case as a matter of evidence, to the benefit of which the accused is entitled; and, as a matter of evidence, it attends the accused until his guilt is, by the evidence, placed beyond a reasonable doubt.

Devere

Devere
J. M. Devere
Judge.

Charge 27.

The court charges the jury that it is the law that defendant had a right to protect himself from real or reasonably apparent felonious assault upon himself by the deceased, and if, on considering the evidence of any part of it, when considered with the whole evidence, you have a reasonable doubt as to whether defendant was justified in taking the life of deceased in defending himself from such assault, it will become your duty to acquit him.

Given
Selfair J. Washburn, Jr., Judge

Charge 28.

The court charges the jury that if the defendant shot under a bona fide belief that his life was in danger, and had under the circumstances reasonable cause to believe that he was in imminent danger at the moment the shot was fired, it would be immaterial whether there was such actual danger or not.

Given
Seifert J. Maskebury, Jr.
Judge

Charge 29.

The court charges the jury that if you believe from the evidence that the defendant was occupying the building in which this shooting occurred as his home, and that the shooting occurred therein, then the defendant was under no duty to retreat to avoid the difficulty.

Given

Selmer J. Maschbauer, Jr.
Judge.