

Case No. _____

THE STATE OF TEXAS
VS

IN THE MUNICIPAL COURT
FOR THE CITY OF CORINTH
DENTON COUNTY, TEXAS

CHARGE OF THE COURT

MEMBERS OF THE JURY:

The Defendant, _____, stands charged by Complaint with the offense of "**Theft - Service**," it being alleged that said offense was committed in the territorial limits of the City of Corinth, Texas, on or about the ____ day of _____, 20____, A.D., to which charge the Defendant has pleaded "Not Guilty."

The statutes provide that A person commits theft of service if, with intent to avoid payment for service that he knows is provided only for compensation he intentionally or knowingly secures performance of the service by deception, threat, or false token; having control over the disposition of services of another to which he is not entitled, he intentionally or knowingly diverts the other's services to his own benefit or to the benefit of another not entitled to them; having control of personal property under a written rental agreement, he holds the property beyond the expiration of the rental period without the effective consent of the owner of the property, thereby depriving the owner of the property of its use in further rentals; or he intentionally or knowingly secures the performance of the service by agreeing to provide compensation and, after the service is rendered, fails to make payment after receiving notice demanding payment. A person guilty of this offense shall be punished by a fine of not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00).

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

You are the exclusive judges of the facts proven, of the credibility of the witnesses, and of the weight to be given to testimony, but you are bound to receive the law from the Court and that is here given you and you will be governed thereby.

In all criminal cases, the burden of proof is on the State. All persons are presumed to be innocent and no person may be convicted unless each element of the offense charged is proven

beyond a reasonable doubt. The fact that a person has been arrested, confined, indicted for, or otherwise charged with, the offense gives rise to no inference of guilt at trial. The law does not require a Defendant to prove innocence or produce any evidence at all. The presumption of innocence alone is sufficient to acquit the defendant.

You are charged that it is only from the witness stand that you, the jury, are permitted to receive or consider evidence regarding the case and none of you are permitted to communicate to any other juror anything you might have heard regarding this case or any witness from any source other than the witness stand.

In deliberating on the case, you are not to refer to or discuss matters or issues not placed in evidence before you nor talk about this case with any person not of your jury. After the reading of this charge, you will not separate from each other until you have reached a verdict. Should you be unable to reach a verdict within a reasonable time, notify the bailiff of your difficulty or problem.

Now, therefore, if you believe beyond a reasonable doubt that on the ____ day of _____, 200__, A.D., within the corporate limits of the City of Corinth, Denton County, Texas, the Defendant did unlawfully, with intent to avoid payment for service: to wit _____, when the value of the service was less than \$50, that the Defendant knew was provided only for compensation, intentionally or knowingly secure the performance of the service by agreeing to provide compensation and, after the service was rendered, failed to make payment after receiving notice demanding payment, you must find the Defendant guilty and assess a fine of not less than one dollar (\$1.00) and not more than five hundred dollars (\$500.00). If you do not so believe, or have a reasonable doubt thereof, you will acquit the Defendant and say by your verdict "Not Guilty."

You will now retire and select one of your members as presiding juror. It is the duty of the presiding juror to preside over your deliberations and vote with you in arriving at a verdict. Your verdict must be unanimous. Upon reaching your verdict, you will return to this courtroom and report your verdict to the Court through the presiding juror.

SIGNED AND ENTERED this the _____ day of _____, 20__.

JUDGE PRESIDING