

State of Florida - vs - Curtis Rewe

2014 CF 000216 CFAXES

**INTRODUCTION TO FINAL INSTRUCTIONS**

**Members of the jury, I thank you for your attention during this trial.  
Please pay attention to the instructions I am about to give you.**

**Filed in Open Court**

This 25 day of February, 2022

Nikki Alvarez-Sowles, Esq., Clerk & Comptroller  
Pasco County, Florida

By:  Deputy Clerk

## **STATEMENT OF CHARGE**

**Curtis Reeves, the defendant in this case, has been accused of the crimes of Murder in the Second Degree and Aggravated Battery.**

## INTRODUCTION TO HOMICIDE

**Curtis Reeves is accused of Second Degree Murder.**

**Murder in the Second Degree includes the lesser crime of Manslaughter, which is unlawful. However, a killing that was excusable or that was committed by the justifiable use of deadly force is lawful.**

**If you find Chad Oulson was killed by Curtis Reeves, you will then consider the circumstances surrounding the killing in deciding if the killing was Murder in the Second Degree or Manslaughter, or whether the killing was excusable or resulted from justifiable use of deadly force.**

### JUSTIFIABLE HOMICIDE

**The killing of a human being is justifiable homicide and lawful if necessarily done while resisting an attempt to murder or commit a felony upon the defendant, or to commit a felony in any dwelling house in which the defendant was at the time of the killing.**

### EXCUSABLE HOMICIDE

**The killing of a human being is excusable, and therefore lawful, under any one of the following three circumstances:**

- 1. When the killing is committed by accident and misfortune in doing any lawful act by lawful means with usual ordinary caution and without any unlawful intent, or**
- 2. When the killing occurs by accident and misfortune in the heat of passion, upon any sudden and sufficient provocation, or**
- 3. When the killing is committed by accident and misfortune resulting from a sudden combat, if a dangerous weapon is not used and the killing is not done in a cruel or unusual manner.**

**A “dangerous weapon” is any object that will likely cause death or great bodily harm if used in the ordinary and usual manner contemplated by its design and construction.**

**An object not designed to inflict bodily harm may nonetheless be a “dangerous weapon” if it was used in a manner likely to cause death or great bodily harm.**

**“Great bodily harm” means great as distinguished from slight, trivial, minor, or moderate harm, and as such does not include mere bruises.**

**I now instruct you on the circumstances that must be proved before Curtis Reeves may be found guilty of Murder in the Second Degree or any lesser included crime.**

## **MURDER — SECOND DEGREE**

**To prove the crime of Second-Degree Murder, the State must prove the following three elements beyond a reasonable doubt:**

- 1. Chad Oulson is dead.**
- 2. The death was caused by the criminal act of Curtis Reeves.**
- 3. There was an unlawful killing of Chad Oulson by an act imminently dangerous to another and demonstrating a depraved mind without regard for human life.**

**An “act” includes a series of related actions arising from and performed pursuant to a single design or purpose.**

**An act is “imminently dangerous to another and demonstrating a depraved mind” if it is an act or series of acts that:**

- 1. a person of ordinary judgment would know is reasonably certain to kill or do serious bodily injury to another, and**
- 2. is done from ill will, hatred, spite, or an evil intent, and**
- 3. is of such a nature that the act itself indicates an indifference to human life.**

**In order to convict of Second Degree Murder, it is not necessary for the State to prove the defendant had an intent to cause death.**

**POSSESSION OF A FIREARM AND DISCHARGE CAUSING GREAT  
BODILY HARM OR DEATH**

If you find that Curtis Reeves committed Murder in the Second Degree and you also find beyond a reasonable doubt that during the commission of the crime, he discharged a firearm, and in doing so, caused great bodily harm or the death of Chad Oulson, you should find the Curtis Reeves guilty of Murder in the Second Degree with discharge of a firearm causing great bodily harm or death.

“Great bodily harm” means great as distinguished from slight, trivial, minor, or moderate harm, and as such does not include mere bruises.

If you find that Curtis Reeves committed Murder in the Second Degree and you also find beyond a reasonable doubt that during the commission of the crime, he discharged a firearm, you should find the Curtis Reeves guilty of Murder in the Second Degree with discharge of a firearm.

If you find that Curtis Reeves committed Murder in the Second Degree and you also find beyond a reasonable doubt that during the commission of the crime, he actually possessed a firearm, you should find the Curtis Reeves guilty of Murder in the Second Degree with actual possession of a firearm.

A “firearm” is legally defined as any weapon, including a starter gun, which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term “firearm” does not include an antique firearm unless the antique firearm is used in the commission of a crime.

To “actually possess” a firearm means that the Curtis Reeves

a. carried a firearm on his person.

or

b. had a firearm within immediate physical reach with ready access with the intent to use the firearm during the commission of the crime.

### **3.4 WHEN THERE ARE LESSER INCLUDED CRIMES OR ATTEMPTS**

**In considering the evidence, you should consider the possibility that although the evidence may not convince you that the defendant committed the main crimes of which he is accused, there may be evidence that he committed other acts that would constitute a lesser included crime. Therefore, if you decide that the main accusation has not been proved beyond a reasonable doubt, you will next need to decide if the defendant is guilty of any lesser included crime. The lesser crimes indicated in the definition of Murder in the Second Degree is :**

**Manslaughter**

## **MANSLAUGHTER**

**To prove the crime of Manslaughter, the State must prove the following two elements beyond a reasonable doubt:**

- 1. Chad Oulson is dead.**
- 2. a. Curtis Reeves intentionally committed an act or acts that caused the death of Chad Oulson or**
  - b. The death of Chad Oulson was caused by the culpable negligence of Curtis Reeves.**

**Every person has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. The defendant cannot be guilty of Manslaughter by committing a merely negligent act or if the killing was either justifiable or excusable homicide, as I have previously instructed you.**

**In order to convict of Manslaughter by act, it is not necessary for the State to prove that the defendant had an intent to cause death, only an intent to commit an act that was not merely negligent, justified, or excusable and which caused death.**

**I will now define “culpable negligence” for you. As I have said, every person has a duty to act reasonably toward others. If there is a violation of that duty, without any conscious intention to harm, that violation is negligence. But culpable negligence is more than a failure to use ordinary care toward others. In order for negligence to be culpable, it must be gross and flagrant. Culpable negligence is a course of conduct showing reckless disregard of human life, or of the safety of persons exposed to its dangerous effects, or such an entire want of care as to raise a presumption of a conscious indifference to consequences, or which shows wantonness or recklessness, or a grossly careless disregard for the safety and welfare of the public, or such an indifference to the rights of others as is equivalent to an intentional violation of such rights.**

**The negligent act or omission must have been committed with an utter disregard for the safety of others. Culpable negligence is consciously doing an act or following a course of conduct that the defendant must have known, or reasonably should have known, was likely to cause death or great bodily injury.**

## **AGGRAVATION OF A FELONY BY CARRYING A FIREARM**

**If you find that Curtis Reeves committed Manslaughter and you also find beyond a reasonable doubt that during the commission of the crime he personally carried, displayed, or used a firearm, you should find him guilty of Manslaughter with a firearm.**

**If you find Curtis Reeves committed Manslaughter, but you are not convinced beyond a reasonable doubt that he personally carried, displayed, or used a firearm, then you should find him guilty only of Manslaughter.**



## **JUSTIFIABLE USE OF DEADLY FORCE**

**An issue in this case is whether Curtis Reeves acted in self-defense. It is a defense to the crimes of second degree murder and manslaughter if the death of Chad Oulson resulted from the justifiable use of deadly force. "Deadly force" means force likely to cause death or great bodily harm.**

**The use of deadly force is justifiable if Curtis Reeves reasonably believed that the force was necessary to prevent imminent death or great bodily harm to himself while resisting an attempt to commit the felony offense of battery on a person 65 years of age or older upon him.**

**A person is justified in using deadly force if he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another, or the imminent commission of an aggravated battery against himself or another.**

**In deciding whether Curtis Reeves was justified in the use of deadly force, you must judge him by the circumstances by which he was surrounded at the time the force was used. The danger facing Curtis Reeves need not have been actual; however, to justify the use of deadly force, the appearance of danger must have been so real that a reasonably cautious and prudent person under the same circumstances would have believed that the danger could be avoided only through the use of that force. Based upon appearances, Curtis Reeves must have actually believed that the danger was real.**

**If Curtis Reeves was not engaged in an unlawful activity and was attacked in any place where he had a right to be, he had no duty to retreat and had the right to stand his ground and meet force with force, including deadly force, if he reasonably believed that it was necessary to do so to prevent death or great bodily harm to himself or another or to prevent the commission of a forcible felony.**

**In considering the issue of self-defense, you may take into account the relative physical abilities and capacities of Curtis Reeves and Chad Oulson.**

**If in your consideration of the issue of self-defense you have a reasonable doubt on the question of whether Curtis Reeves was justified in the use of deadly force, you shall find Curtis Reeves not guilty.**

**However, if from the evidence you are convinced beyond a reasonable doubt that Curtis Reeves was not justified in the use of deadly force, you shall find him guilty if all the elements of the charge have been proved.**

## **BATTERY ON PERSON 65 YEARS OF AGE OR OLDER**

**The crime of Battery on a Person 65 Years of Age or Older involves the following elements:**

- 1. Chad Oulson actually and intentionally touched or struck Curtis Reeves against his will or intentionally caused bodily harm to Curtis Reeves; and**
- 2. Curtis Reeves was at the time 65 years of age or older.**

**It is not necessary to establish that Chad Oulson knew or had reason to know the age of Curtis Reeves.**

**An intentional touching or striking includes situations where Chad Oulson knows that a touch or strike is substantially certain to result from his act.**

**A battery may be found as a result of the intentional touching or intentional striking of something other than the actual body of the person. However, the object that is touched or struck must have such an intimate connection with the person that it is to be regarded as a part or as an extension of the person.**

## **AGGRAVATED BATTERY**

**The crime of Aggravated Battery involves the following elements. The first element is a definition of Battery.**

- 1. Chad Oulson actually and intentionally touched or struck Curtis Reeves against his will or intentionally caused bodily harm to Curtis Reeves.**
- 2. Chad Oulson, in committing the Battery,**
  - a. intentionally or knowingly caused**

**great bodily harm to Curtis Reeves, or,  
permanent disability to Curtis Reeves, or,  
permanent disfigurement to Curtis Reeves.**

**or**

- b. used a deadly weapon.**

**A “deadly weapon” is any object that will likely cause death or great bodily harm if used or threatened to be used in the ordinary and usual manner contemplated by its design and construction.**

**An object not designed to inflict bodily harm may nonetheless be a “deadly weapon” if it was used or threatened to be used in a manner likely to cause death or great bodily harm.**

**An intentional touching or striking includes situations where a defendant knows that a touch or strike is substantially certain to result from his or her act.**

**A battery may be found as a result of the intentional touching or intentional striking of something other than the actual body of the person. However, the object that is touched or struck must have such an intimate connection with the person that it is to be regarded as a part or as an extension of the person.**

## **AGGRAVATED BATTERY**

**To prove the crime of Aggravated Battery, the State must prove the following two elements beyond a reasonable doubt. The first element is a definition of Battery.**

**1. Curtis Reeves**

**actually and intentionally touched or struck [REDACTED] against her will.**

**2. Curtis Reeves in committing the Battery,**

**a. intentionally or knowingly caused**

**great bodily harm to [REDACTED] or,  
permanent disability to [REDACTED] or,  
permanent disfigurement to [REDACTED]**

**or**

**b. used a deadly weapon.**

**A “deadly weapon” is any object that will likely cause death or great bodily harm if used or threatened to be used in the ordinary and usual manner contemplated by its design and construction.**

**“Great bodily harm” means great, as distinguished from slight, trivial, minor, or moderate harm, and as such does not include mere bruises.**

**POSSESSION OF A FIREARM AND DISCHARGE CAUSING GREAT  
BODILY HARM OR DEATH**

If you find that Curtis Reeves committed Aggravated Battery and you also find beyond a reasonable doubt that during the commission of the crime, he discharged a firearm, and in doing so, caused great bodily harm or the death of [REDACTED] you should find the Curtis Reeves guilty of Aggravated Battery with discharge of a firearm causing great bodily harm or death.

“Great bodily harm” means great as distinguished from slight, trivial, minor, or moderate harm, and as such does not include mere bruises.

If you find that Curtis Reeves committed Aggravated Battery and you also find beyond a reasonable doubt that during the commission of the crime, he discharged a firearm, you should find the Curtis Reeves guilty of Aggravated Battery with discharge of a firearm.

If you find that Curtis Reeves committed Aggravated Battery and you also find beyond a reasonable doubt that during the commission of the crime, he actually possessed a firearm, you should find the Curtis Reeves guilty of Aggravated Battery with actual possession of a firearm.

A “firearm” is legally defined as any weapon, including a starter gun, which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun. The term “firearm” does not include an antique firearm unless the antique firearm is used in the commission of a crime.

To “actually possess” a firearm means that the Curtis Reeves

- a. carried a firearm on his person.
- or
- b. had a firearm within immediate physical reach with ready access with the intent to use the firearm during the commission of the crime.

### **When There are Lesser Included Crimes or Attempts**

**In considering the evidence, you should consider the possibility that although the evidence may not convince you that the defendant committed the main crime of which he is accused, there may be evidence that he committed other acts that would constitute a lesser included crime. Therefore, if you decide that the main accusation has not been proved beyond a reasonable doubt, you will next need to decide if the defendant is guilty of any lesser included crime. The lesser crimes indicated in the definition of Aggravated Battery are:**

- 1. Felony Battery**
- 2. Battery**

## FELONY BATTERY

To prove the crime of Felony Battery, the State must prove the following two elements beyond a reasonable doubt.

1. Curtis Reeves actually and intentionally touched or struck [REDACTED] against her will and
2. Curtis Reeves caused [REDACTED] great bodily harm, permanent disability, or permanent disfigurement.

“Great bodily harm” means great as distinguished from slight, trivial, minor, or moderate harm, and as such does not include mere bruises.

## **BATTERY**

**To prove the crime of Battery, the State must prove the following element beyond a reasonable doubt.**

- 1. Curtis Reeves intentionally touched or struck [REDACTED] against her will or**
- 2. Curtis Reeves intentionally caused bodily harm to [REDACTED]**



## **TRANSFERRED INTENT**

**If a person intends to shoot a person, and in the process shoots a different person, the law transfers the intent to shoot the intended person to any person who was actually shot.**

**However, if the death of Chad Oulson resulted from the justifiable use of deadly force, then you must find the aggravated battery, or felony battery, or battery of [REDACTED] was also justified.**

**PLEA OF NOT GUILTY; REASONABLE DOUBT;  
AND BURDEN OF PROOF**

The defendant has entered a plea of not guilty. This means you must presume or believe the defendant is innocent. The presumption stays with the defendant as to each material allegation in the information through each stage of the trial unless it has been overcome by the evidence to the exclusion of and beyond a reasonable doubt.

To overcome the defendant's presumption of innocence, the State has the burden of proving the crime with which the defendant is charged was committed and the defendant is the person who committed the crime.

The defendant is not required to present evidence or prove anything.

Whenever the words "reasonable doubt" are used you must consider the following:

A reasonable doubt is not a mere possible doubt, a speculative, imaginary or forced doubt. Such a doubt must not influence you to return a verdict of not guilty if you have an abiding conviction of guilt. On the other hand, if, after carefully considering, comparing and weighing all the evidence, there is not an abiding conviction of guilt, or, if, having a conviction, it is one which is not stable but one which wavers and vacillates, then the charge is not proved beyond every reasonable doubt and you must find the defendant not guilty because the doubt is reasonable.

It is to the evidence introduced in this trial, and to it alone, that you are to look for that proof.

A reasonable doubt as to the guilt of the defendant may arise from the evidence, conflict in the evidence, or the lack of evidence.

If you have a reasonable doubt, you shall find the defendant not guilty. If you have no reasonable doubt, you shall find the defendant guilty.

## **WEIGHING THE EVIDENCE**

**It is up to you to decide what evidence is reliable. You should use your common sense in deciding which is the best evidence and which evidence should not be relied upon in considering your verdict. You may find some of the evidence not reliable, or less reliable than other evidence.**

**You should consider how the witnesses acted, as well as what they said. Some things you should consider are:**

- 1. Did the witness seem to have an opportunity to see and know the things about which the witness testified?**
- 2. Did the witness seem to have an accurate memory?**
- 3. Was the witness honest and straightforward in answering the attorneys' questions?**
- 4. Did the witness have some interest in how the case should be decided?**
- 5. Does the witness's testimony agree with the other testimony and other evidence in the case?**
- 6. Did the witness at some other time make a statement that is inconsistent with the testimony he or she gave in court?**

**Whether the State has met its burden of proof does not depend upon the number of witnesses it has called or upon the number of exhibits it has offered, but instead upon the nature and quality of the evidence presented.**

**The fact that a witness is employed in law enforcement does not mean that his or her testimony deserves more or less consideration than that of any other witness.**

**Expert witnesses are like other witnesses, with one exception—the law permits an expert witness to give his or her opinion. However, an expert's opinion is reliable only when given on a subject about which you believe him or her to be an expert. Like other witnesses, you may believe or disbelieve all or any part of an expert's testimony.**

**The defendant in this case has become a witness. You should apply the same rules to consideration of his testimony that you apply to the testimony of the other witnesses.**

**It is entirely proper for a lawyer to talk to a witness about what testimony the witness would give if called to the courtroom. The witness should not be discredited by talking to a lawyer about his or her testimony.**

**You may rely upon your own conclusion about the credibility of any witness. A juror may believe or disbelieve all or any part of the evidence or the testimony of any witness.**

## **DEFENDANT'S STATEMENTS**

**A statement claimed to have been made by the defendant outside of court has been placed before you. Such a statement should always be considered with caution and be weighed with great care to make certain it was freely and voluntarily made.**

**Therefore, you must determine from the evidence that the defendant's alleged statement was knowingly, voluntarily, and freely made.**

**In making this determination, you should consider the total circumstances, including but not limited to**

- 1. whether, when the defendant made the statement, he had been threatened in order to get him to make it, and**
- 2. whether anyone had promised him anything in order to get him to make it.**

**If you conclude the defendant's out of court statement was not freely and voluntarily made, you should disregard it.**

## **RULES FOR DELIBERATION**

**These are some general rules that apply to your discussion. You must follow these rules in order to return a lawful verdict:**

- 1. You must follow the law as it is set out in these instructions. If you fail to follow the law, your verdict will be a miscarriage of justice. There is no reason for failing to follow the law in this case. All of us are depending upon you to make a wise and legal decision in this matter.**
- 2. This case must be decided only upon the evidence that you have heard from the testimony of the witnesses and have seen in the form of the exhibits in evidence and these instructions.**
- 3. This case must not be decided for or against anyone because you feel sorry for anyone, or are angry at anyone.**
- 4. Remember, the lawyers are not on trial. Your feelings about them should not influence your decision in this case.**
- 5. Your duty is to determine if the defendant has been proven guilty or not, in accord with the law. It is the judge's job to determine a proper sentence if the defendant is found guilty.**
- 6. Whatever verdict you render must be unanimous, that is, each juror must agree to the same verdict.**
- 7. The jury is not to discuss any question[s] that a juror jurors wrote that was not asked by the court, and must not hold that against either party.**
- 8. Your verdict should not be influenced by feelings of prejudice, bias, or sympathy. Your verdict must be based on the evidence, and on the law contained in these instructions.**

**CAUTIONARY INSTRUCTION**

**Deciding a verdict is exclusively your job. I cannot participate in that decision in any way. Please disregard anything I may have said or done that made you think I preferred one verdict over another.**

## VERDICT

**You may find the defendant guilty as charged or guilty of such lesser included crimes as the evidence may justify or not guilty.**

**If you return a verdict of guilt, it should be for the highest offense<sup>on</sup> the verdict form for each count that has been proven beyond a reasonable doubt. If you find that no offense has been proven beyond a reasonable doubt, then, of course, your verdict must be not guilty.**

**The verdict must be unanimous, that is, all of you must agree to the same verdict. Only one verdict may be returned as to each crime charged. The verdict must be in writing and for your convenience the necessary verdict forms have been prepared for you. They are as follows:**



**SINGLE DEFENDANT,  
MULTIPLE COUNTS OR INFORMATIONS**

**A separate crime is charged in each count of the information and, although they have been tried together, each crime and the evidence applicable to it must be considered separately and a separate verdict returned as to each. A finding of guilty or not guilty as to one crime must not affect your verdict as to the other crime(s) charged.**

## SUBMITTING CASE TO JURY

In just a few moments you will be taken to the jury room by the [court deputy] [bailiff]. The first thing you should do is choose a foreperson who will preside over your deliberations. The foreperson should see to it that your discussions are carried on in an organized way and that everyone has a fair chance to be heard. It is also the foreperson's job to sign and date the verdict form[s] when all of you have agreed on a verdict and to bring the verdict form[s] back to the courtroom when you return.

During deliberations, jurors must communicate about the case only with one another and only when all jurors are present in the jury room. If a juror goes to the restroom, the deliberations should stop until the juror returns. You are not to communicate with any person outside the jury about this case. Until you have reached a verdict, you must not talk about this case in person or through the telephone, writing, or electronic communication, such as a blog, twitter, e-mail, text message, or any other means. Do not contact anyone to assist you during deliberations. These communications rules apply until I discharge you at the end of the case. If you become aware of any violation of these instructions or any other instruction I have given in this case, you must tell me by giving a note to the bailiff.

If you need to communicate with me, send a note through the bailiff signed by the foreperson. If you have a question, I will talk with the attorneys before I answer, so it may take some time. You may continue your deliberations while you wait for my answer. I will answer any questions, if I can, in writing or orally here in open court.

During the trial, items were received into evidence as exhibits. You may examine whatever exhibit[s] you think will help you in your deliberations.

- a. These exhibits will be sent into the jury room with you when you begin to deliberate ~~or~~
- b. If you wish to see <sup>the firzarm exhibit</sup> ~~any exhibits~~, please request that in writing.

In closing, let me remind you that it is important that you follow the law spelled out in these instructions in deciding your verdict. There are no other laws that apply to this case. Even if you do not like the laws that must be applied, you must use them. For more than two centuries we have lived by the constitution and the law. No juror has the right to violate rules we all share.