

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT,
IN AND FOR ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO: 01-2021-CF-003691-A

Division I

vs.

Andre Abrams Sr.
Defendant.

Filed in open court
Date March 6 2025
Bev Hurtado
Bev Hurtado

JURY INSTRUCTIONS

Case: 2021 CF 003691 A



00090140526
Dkt: JI-X

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.

STATEMENT OF CHARGE

Andre Abrams Sr., the defendant in this case, has been accused of the crime of Aggravated Assault with a Deadly Weapon. There are three counts.

COUNT I: AGGRAVATED ASSAULT WITH A DEADLY WEAPON § 784.021, Fla. Stat.

To prove the crime of Aggravated Assault with a Deadly Weapon, the State must prove the following four elements beyond a reasonable doubt. The first three elements define Assault.

1. Andre Abrams Sr. intentionally and unlawfully threatened, either by word or act, to do violence to A [REDACTED] S [REDACTED]
2. At the time, Andre Abrams Sr. appeared to have the ability to carry out the threat.
3. The act of Andre Abrams Sr. created in the mind of A [REDACTED] S [REDACTED] a well-founded fear that the violence was about to take place.
4. The assault was made with a deadly weapon.

If the circumstances were such as to ordinarily induce a well-founded fear in the mind of a reasonable person, then A [REDACTED] S [REDACTED] may be found to have been in fear, and actual fear on the part of A [REDACTED] S [REDACTED] need not be shown.

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.

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

It is not necessary for the State to prove that the defendant had an intent to kill.

COUNT II: AGGRAVATED ASSAULT WITH A DEADLY WEAPON
§ 784.021, Fla. Stat.

To prove the crime of Aggravated Assault with a Deadly Weapon, the State must prove the following four elements beyond a reasonable doubt. The first three elements define Assault.

1. Andre Abrams Sr. intentionally and unlawfully threatened, either by word or act, to do violence to N[REDACTED] E[REDACTED].
2. At the time, Andre Abrams Sr. appeared to have the ability to carry out the threat.
3. The act of Andre Abrams Sr. created in the mind of N[REDACTED] E[REDACTED] a well-founded fear that the violence was about to take place.
4. The assault was made with a deadly weapon.

If the circumstances were such as to ordinarily induce a well-founded fear in the mind of a reasonable person, then N[REDACTED] E[REDACTED] may be found to have been in fear, and actual fear on the part of N[REDACTED] E[REDACTED] need not be shown.

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.

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

It is not necessary for the State to prove that the defendant had an intent to kill.

COUNT III: AGGRAVATED ASSAULT WITH A DEADLY WEAPON
§ 784.021, Fla. Stat.

To prove the crime of Aggravated Assault with a Deadly Weapon, the State must prove the following four elements beyond a reasonable doubt. The first three elements define Assault.

1. Andre Abrams Sr. intentionally and unlawfully threatened, either by word or act, to do violence to M[REDACTED] E[REDACTED].
2. At the time, Andre Abrams Sr. appeared to have the ability to carry out the threat.
3. The act of Andre Abrams Sr. created in the mind of M[REDACTED] E[REDACTED] a well-founded fear that the violence was about to take place.

4. The assault was made with a deadly weapon.

If the circumstances were such as to ordinarily induce a well-founded fear in the mind of a reasonable person, then M [REDACTED] E [REDACTED] may be found to have been in fear, and actual fear on the part of M [REDACTED] E [REDACTED] need not be shown.

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.

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

It is not necessary for the State to prove that the defendant had an intent to kill.

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 or crimes. 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 Assault with a Deadly Weapon are Improper Exhibition of a Weapon and Assault.

IMPROPER EXHIBITION OF A WEAPON **§ 790.10, Fla. Stat.**

To prove the crime of Improper Exhibition of a Weapon, the State must prove the following three elements beyond a reasonable doubt:

1. Andre Abrams Sr. had or carried a weapon.
2. Andre Abrams Sr. exhibited the weapon in a rude, careless, angry, or threatening manner.
3. He did so in the presence of one or more persons.

A "weapon" is any dirk, knife, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife.

A "deadly weapon" is any object other than a firearm 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 "deadly weapon" if it was used, threatened to be used, or intended to be 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.

ASSAULT
§ 784.011, Fla. Stat.

To prove the crime of Assault, the State must prove the following three elements beyond a reasonable doubt:

1. Andre Abrams Sr. intentionally and unlawfully threatened, either by word or act, to do violence to [REDACTED]
2. At the time, Andre Abrams Sr. appeared to have the ability to carry out the threat.
3. The act of Andre Abrams Sr. created in the mind of [REDACTED] a well-founded fear that the violence was about to take place.

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:

Proof beyond a reasonable doubt does not mean proof beyond all doubt. 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 should find the defendant not guilty. If you have no reasonable doubt, you should 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?

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.

Law enforcement witness.

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.

Witness talked to lawyer.

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 NOT TESTIFYING

The constitution requires the State to prove its accusations against the defendant. It is not necessary for the defendant to disprove anything. Nor is the defendant required to prove his innocence. It is up to the State to prove the defendant's guilt by evidence.

The defendant exercised a fundamental right by choosing not to be a witness in this case. You must not view this as an admission of guilt or be influenced in any way by his decision. No juror should ever be concerned that the defendant did or did not take the witness stand to give testimony in the case.

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. 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 crime as the evidence may justify, or not guilty.

If you return a verdict of guilty, it should be for the highest offense on 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 form of verdict has been prepared for you. It is as follows:

SINGLE DEFENDANT, MULTIPLE COUNTS

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 crimes charged.

SUBMITTING CASE TO JURY

In just a few moments you will be taken to the jury room by the bailiff. The first thing you should do is elect 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 when all of you have agreed on a verdict and to bring the verdict form 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. If you have voted, do not disclose the actual vote in the note.

If you have questions, 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 exhibits you think will help you in your deliberations.

- a. Most of these exhibits will be sent to the jury room with you when you begin to deliberate however any audio or video recording(s) will not. In addition, State's exhibit 3, flame thrower, will not be going back to the jury room with you.
- b. If you wish to review any items in evidence not sent back with you, please make that request in writing, and arrangements can be made for you to review it in the courtroom.

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.