

PROPOSED SPEEDING JURY INSTRUCTIONS

An operator may not drive at a speed greater than is reasonable and prudent under the circumstances then existing. A speed in excess of the lawful posted limits is prima facie evidence that the speed is not reasonable and prudent and that the speed is unlawful.

In some cases, Texas law provides for what are called “presumptions.” “Prima facie evidence” in this instance is the same thing as a “presumption.” A “presumption” is simply a conclusion that you may, but are not required to, reach when the state proves, beyond a reasonable doubt, one or more underlying facts.

In this case, the law provides for a presumption that the defendant’s speed was greater than was reasonable and prudent under the circumstances then existing if the state proves, beyond a reasonable doubt, the defendant’s speed and the lawfully posted speed limit, and that the defendant’s speed was above the lawfully posted speed limit.

If you have a reasonable doubt about either the defendant’s speed or the lawfully posted speed limit, you must find the defendant not guilty.

If you find that the state has proven beyond a reasonable doubt the defendant’s speed and the lawfully posted speed limit, and that the defendant’s speed was above the lawfully posted speed limit, you nevertheless must find the defendant not guilty if you are satisfied the evidence as a whole precludes a finding beyond a reasonable doubt that the defendant’s speed

was greater than was reasonable and prudent under the circumstances then existing.

If you find that the state has proven beyond a reasonable doubt the defendant's speed and the lawfully posted speed limit, that the defendant's speed was above the lawfully posted speed limit, and you are satisfied the evidence as a whole does not preclude a finding beyond a reasonable doubt that the defendant's speed was greater than was reasonable and prudent under the circumstances then existing, then you may infer that the defendant's speed was greater than was reasonable and prudent under the circumstances then existing. You are not required to infer this, however.

If you find that defendant's speed was greater than was reasonable and prudent under the circumstances then existing, you must still decide, however, whether the state has proven, beyond a reasonable doubt, the other elements as listed above.