



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

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.

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 of an offense unless each element of the offense is proved beyond a reasonable doubt. The fact that a person has been arrested, confined, or indicted for, or otherwise charged with, the offense gives rise to no inference of guilt at his trial.

The law does not require a defendant to prove his innocence or produce any evidence at all. The presumption of innocence alone is sufficient to acquit the defendant, unless the jurors are satisfied beyond a reasonable doubt of the defendant's guilt after a careful and impartial consideration of all the evidence in the case.

The prosecution has the burden of proving the defendant guilty and it must do so by proving each and every element of the offense charged beyond a reasonable doubt and if it fails to do so, you must acquit the defendant.

It is not required that the prosecution prove guilt beyond all possible doubt; it is required that the prosecution's proof excludes all reasonable doubt concerning

the defendant's guilt.

In the event you have a reasonable doubt as to the defendant's guilt after considering all the evidence before you, and these instructions, you will acquit the defendant and say by your verdict "not guilty".

You further are instructed that the State is not required to prove the exact date alleged in the indictment, but may prove the offense, if any, to have been committed at any time prior to the filing of the indictment and that "on or about February 19, 2011" as used herein, means any date preceding March 4, 2011.

You are instructed that if there is any testimony before you in this case regarding a witness having been convicted of an offense, said evidence was admitted before you for the purpose of aiding you, if it does aid you, in passing upon the credibility of the witness in this case, and to aid you, if it does aid you, in deciding upon the weight you will give to him or her as such witness, and you will not consider the same for any other purpose.

You are further instructed that if there is any testimony before you in this case regarding other crimes, wrongs, or acts committed by the defendant against Sarai Staten, you cannot consider said testimony for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other crimes, wrongs or acts against Sarai Staten, and then you may only consider said

testimony for the purpose of its bearing, if any, on the state of mind of the defendant and Sarai Staten and the previous and subsequent relationship between the defendant and Sarai Staten.

Now, bearing in mind the foregoing instructions, if you find and believe from the evidence beyond a reasonable doubt that on or about the 19th day of February, 2011, in the County of Dallas and State of Texas, JOHNNY LEWIS, did unlawfully then and there intentionally or knowingly cause the death of SARAI STATEN, an individual, herinafter called deceased, by striking the deceased with or against an unknown object, a deadly weapon, the exact nature or description of which is unknown or unknowable to the Grand Jury or by shaking the deceased with defendant's hands, a deadly weapon, and the deceased was at the time of the offense under six years of age, then you will find the defendant, guilty of Capital Murder, as charged in the indictment and so say by your verdict.

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant of the offense of Capital Murder and next proceed to consider the offense of Injury to a Child, as included in the indictment.

Our law provides that a person commits the offense of Injury to a Child if he intentionally or knowingly causes serious bodily injury to a child.

By the term "bodily injury" is meant physical pain, illness, or any impairment of physical condition.

"Serious bodily injury" means a bodily injury that causes a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

"Child" means a person younger than 14 years of age.

The terms "intentionally" and "knowingly" are defined on Page 2.

Now, bearing in mind the foregoing instructions, if you find and believe from the evidence beyond a reasonable doubt that on or about the 19th day of February, 2011, in the County of Dallas and State of Texas, JOHNNY LEWIS, did unlawfully then and there intentionally or knowingly cause serious bodily injury to SARAI STATEN, an individual, hereinafter called deceased, by striking the deceased with or against an unknown object, a deadly weapon, the exact nature or description of which is unknown or unknowable to the Grand Jury or by shaking the deceased with defendant's hands, a deadly weapon, and the deceased was at the time of the offense under six years of age, then you will find the defendant, guilty of Injury to a Child, as included in the indictment and so say by your verdict.

If you do not so find and believe beyond a reasonable doubt, or if you have a reasonable doubt thereof, then you will acquit the defendant, and say by your

verdict, "not guilty".

If you find from the evidence beyond a reasonable doubt that the defendant is guilty of either Capital Murder or Injury to a Child, but you have a reasonable doubt as to which offense he is guilty, then you must resolve the doubt in the defendant's favor and find him guilty of the lesser included offense of Injury to a Child.

If you have a reasonable doubt as to whether the defendant is guilty of Capital Murder or Injury to a Child, then you should acquit the defendant and say by your verdict "not guilty".

You are instructed that any statements of counsel made during the course of this trial or during argument not supported by the evidence, or statements of law made by counsel not in harmony with the law as stated to you by the Court in these instructions, are to be wholly disregarded.

You are further instructed that an indictment is no evidence of guilt. Therefore, you are instructed in this case that the indictment herein shall not be considered by the jury as any evidence of guilt, if any.

At times throughout the trial, the Court has been called upon to pass on the question of whether or not certain offered evidence might properly be admitted. You are not to be concerned with the reasons for such rulings and are not to draw any inference from her. Whether offered evidence is admissible is purely a

question of law.

In admitting evidence to which an objection is made, the Court does not determine what weight should be given such evidence, nor does it pass on the credibility of the witness. As to any offer of evidence that has been rejected by the Court, you, of course, must not consider the same. As to any question to which an objection was sustained, you must not conjecture as to what the answer might have been or as to the reason for the objection.

You are instructed that you are not to allow yourselves to be influenced in any degree whatsoever by what you may think or surmise the opinion of the Court to be.

The Court has no right by any word or any act to indicate any opinion respecting any matter of fact involved in this case, nor to indicate any desire respecting its outcome. The Court has not intended to express any opinion upon any matter of fact in this case, and if you have observed anything which you have or may interpret as the Court's opinion upon any matter of fact in this case, you must wholly disregard it.

You are the exclusive judges of the facts proved, of the credibility of the witnesses and of the weight to be given their testimony, but you are bound to receive the law from the Court, which is hereby given you, and be governed thereby.

After you retire to the jury room, you will select one of your members as foreperson. It is the foreperson's duty to preside at your deliberations, vote with you, and when you have unanimously agreed upon a verdict, to certify to your verdict by using the appropriate form attached hereto, and signing the same as foreperson.

After you retire to consider your verdict, no one has any authority to communicate with you except the officer who has you in charge. During your deliberations in this case, you must neither consider, discuss, nor relate any matters not in evidence before you. You should neither consider nor mention any personal knowledge or information you may have about any fact or person connected with this case which is not shown by the evidence.

After you have retired, you may communicate with this Court in writing through the bailiff who has you in charge. Your written communication must be signed by the foreperson. Do not attempt to talk to the bailiff, the attorneys, or the Court regarding any question you may have concerning the trial of this case.



After you have reached a unanimous verdict or if you desire to communicate with the Court, please use the jury call button on the wall and one of the bailiffs will respond.

Gracie Lewis  
HONORABLE GRACIE LEWIS, JUDGE  
CRIMINAL DISTRICT COURT NO. 3

**VERDICT FORM**

We, the jury, find the defendant, JOHNNY LEWIS, guilty of the offense of Capital Murder, as charged in the indictment.

John Scholl  
FOREPERSON

John Scholl  
(Printed Name of Foreperson)

**-OR-**

We, the jury, find the defendant, JOHNNY LEWIS, guilty of the offense of Injury to a Child, as included in the indictment.

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
(Printed Name of Foreperson)

**-OR-**

We, the jury, find the defendant, JOHNNY LEWIS, not guilty.

\_\_\_\_\_  
FOREPERSON

\_\_\_\_\_  
(Printed Name of Foreperson)