

NO. 1160104D

FILED  
THOMAS A WILDER, CLERK  
TARRANT COUNTY, TEXAS

JUN 17 2010

TIME  
BY  
11:05 a  
PALL DEPUTY

THE STATE OF TEXAS

)

IN THE 396<sup>TH</sup> JUDICIAL

VS.

)

DISTRICT COURT

JACKIE LEE BIBBS

)

TARRANT COUNTY, TEXAS

COURT'S CHARGE

MEMBERS OF THE JURY:

In any jury trial there are, in effect, two judges. I am one of the judges; the other is the jury. It is my duty to preside over the trial and to decide what evidence is proper for your consideration. It is also my duty at the end of the trial to explain to you the rules of law that you must follow and apply in arriving at your verdict.

First, I will give you some general instructions which apply in every case. Then I will give you some specific rules of law about this particular case, and finally I will explain to you the procedures you should follow in your deliberations.

You, as jurors, are the judges of the facts. But in determining what actually happened, that is, in reaching your decision as to the facts, it is your sworn duty to follow all of the rules of law as I explain them to you.

You have no right to disregard or give special attention to any one instruction, or to question the wisdom or correctness of any rule I may state to you. You must not substitute or follow your own notion or opinion as to what the law is or ought to be. It is your duty to apply the law as I explain it to you, regardless of the consequences. It is also your duty to base your verdict solely upon the evidence that has been presented to you in court.

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 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.

As you determine the facts, you must consider only the evidence presented during the trial, including the sworn testimony of the witnesses and the exhibits.

Remember that any statements, objections, or arguments made by the lawyers are not evidence. The function of the lawyers is to point out those things that are most significant or most helpful to their side of the case, and in so doing to call your attention to certain facts or inferences that might otherwise escape your notice. In the final analysis, however, it is your own recollection and interpretation of the evidence that controls in the case. What the lawyers say is not binding upon you.

Also, do not assume from anything I may have done or said during the trial that I have any opinion concerning any of the issues in this case. Except for the instructions to you on the law, you should disregard anything I may have said during the trial in arriving at your own findings as to the facts.

While you should consider only the evidence, you are permitted to draw such reasonable inferences from the testimony and exhibits as you feel are justified in the light of common experience. In other words, you may make deductions and reach conclusions that reason and common sense lead you to draw from the facts which have been established by the evidence.

You are to decide whether the State has proved beyond a reasonable doubt that the Defendant is guilty of the crime charged. The Defendant is not on trial for any act, conduct, or offense not referred to in these instructions.

Our law provides a defendant may testify in his own behalf if he elects to do so.

This, however, is a privilege accorded to the Defendant, and in the event he does not

testify, that fact cannot be taken as a circumstance against him. In this case the

Defendant has not testified, and you are instructed that you cannot and must not refer

or allude to this fact throughout your deliberations or take it into consideration for any

purpose whatsoever as a circumstance against the Defendant.

Now, bearing in mind these instructions, the Defendant, Jackie Lee Bibbs, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 15<sup>th</sup> day of May, 2009, in Tarrant County, Texas. The Defendant has pleaded not guilty.

A person commits the offense of murder when he intentionally or knowingly causes the death of an individual.

A person commits capital murder when such person intentionally commits the murder in the course of committing or attempting to commit the offense of retaliation

A person commits the offense of retaliation if he intentionally or knowingly harms or threatens to harm another by an unlawful act in retaliation for or on account of the service or status of another as a prospective witness or a person who has reported the occurrence of a crime.

“Harm” means anything reasonably regarded as loss, disadvantage, or injury, including harm to another person in whose welfare the person affected is interested.

**“Bodily injury” means physical pain, illness, or any impairment of physical condition.**

**“Individual” means a human being who is alive, including an unborn child at every stage of gestation from fertilization until birth.**

**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.**

Now, if you find from the evidence beyond a reasonable doubt that on or about the 15<sup>th</sup> day of May, 2009, in Tarrant County, Texas, the Defendant, Jackie Lee Bibbs, did then and there intentionally cause the death of an individual, Candalin Daniels, by shooting her with a deadly weapon, to-wit: a firearm, and the Defendant committed the murder while he was in the course of committing the offense of retaliation against Candalin Daniels, then you will find the Defendant guilty of the offense of capital murder.

Unless you 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 say by your verdict "Not Guilty."



You are instructed that you may consider all relevant facts and circumstances surrounding the killing, if any, and the previous relationship existing between the accused and the deceased, if any, together with all relevant facts and circumstances going to show the condition of the mind of the accused at the time of the shooting in question, if any.

It is your duty to consult with one another and to deliberate in an effort to reach agreement if you can do so. Each of you must decide the case for yourself, but only after an impartial consideration of the evidence with your fellow jurors. During your deliberations, do not hesitate to reexamine your own opinions and change your mind if convinced that you were wrong. But do not give up your honest beliefs as to the weight or effect of the evidence solely because of the opinion of your fellow jurors, or for the mere purpose of returning a verdict.

Remember at all times, you are judges of the facts. Your sole duty is to decide whether the State has proved the Defendant guilty beyond a reasonable doubt.

When you go to the jury room, the first thing that you should do is select one of your number as your presiding juror, who will help to guide your deliberations and will speak for you here in the courtroom.

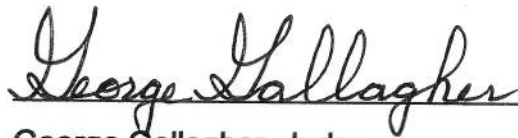
During your deliberations, you must not communicate with or provide any information to anyone by any means about this case. You may not use any electronic device or media, such as a telephone, cell phone, smart phone, iPhone, Blackberry, or computer; the internet, any internet service, or any text or instant messaging service; or any internet chat room, blog, or website such as Facebook, My Space, LinkedIn, YouTube or Twitter, to communicate to anyone any information about this case or to conduct any research about this case until I accept your verdict, if any.

Any verdict you render must be unanimous.

At the conclusion of your deliberations, the presiding juror should sign the appropriate verdict form, if any.

If you need to communicate with me during your deliberations, the presiding juror should write the message, ring the jury call button on the wall, and give it to the bailiff. I will either reply in writing or bring you back into the court to answer your message.

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

A handwritten signature in cursive script that reads "George Gallagher". The signature is written in black ink and is positioned above a solid horizontal line.

George Gallagher, Judge  
396<sup>th</sup> Judicial District Court  
Tarrant County, Texas

VERDICT FORMS

We, the jury, find the Defendant, Jackie Lee Bibbs, not guilty.

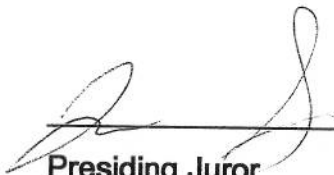
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Presiding Juror

FILED  
THOMAS A WILDER, DIST. CLERK  
TARRANT COUNTY, TEXAS  
JUN 17 2010  
TIME 12:47 pm  
BY Kan DEPUTY

-OR-

We, the jury, find the Defendant, Jackie Lee Bibbs, guilty of the offense of capital  
murder.



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Presiding Juror