

NO. 1184294D

THE STATE OF TEXAS )  
 )  
VS. )  
 )  
JOHN WILLIAM HUMMEL )

IN THE 22nd JUDICIAL DISTRICT  
DISTRICT COURT OF  
TARRANT COUNTY, TEXAS

FILED  
THOMAS A WILDER, DIST. CLERK  
TARRANT COUNTY, TEXAS  
JUN 22 2011  
TIME 1:30  
DEPUTY

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.

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 him and say by your verdict "Not Guilty".

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 given 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 or crimes charged.

The Defendant is not on trial for any act, conduct, or offense not arising out of this incident, if any. The State has introduced evidence of an extramarital affair with Kristie Freeze in this case. This evidence was admitted only for the purpose of assisting you, if it does, for the purpose of showing the defendant's motive, if any. You cannot consider the testimony unless you find and believe beyond a reasonable doubt that the defendant committed these acts, if any were committed.

Now, bearing in mind these instructions, the Defendant, John William Hummel, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 17<sup>th</sup> day of December, 2009, in Tarrant County, Texas. To this charge, the Defendant stood mute and the Court entered a plea of not guilty on the Defendant's behalf.

A person commits an offense of murder if he knowingly causes the death of an individual.

A person commits an offense of capital murder if he commits murder and murders more than one person during the same criminal transaction.

"Individual" means a human being who is alive.

A person acts "knowingly," or with knowledge, with respect to the 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 John William Hummel, in Tarrant County, Texas, on or about the 17<sup>th</sup> day of December, 2009, did then and there knowingly cause the death of an individual, Clyde Bedford, by striking him with a bat, and did then and there knowingly cause the death of an individual, Joy Hummel, by stabbing her with a knife, or by stabbing her with a dagger, or by stabbing her with a sword, and both murders were committed during the course of the same criminal transaction, then you will find the defendant guilty of the offense of capital murder as charged in the indictment.

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will find the Defendant not guilty of capital murder as charged in the indictment and next consider the lesser included offenses of murder.

Now, if you find from the evidence beyond a reasonable doubt, that John William Hummel, in Tarrant County, Texas, on or about the 17<sup>th</sup> day of December, 2009, did knowingly cause the death of an individual, Clyde Bedford, by striking him with a bat, then you will find the Defendant guilty of the offense of

murder of Clyde Bedford.

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will find the Defendant not guilty of the murder of Clyde Bedford and next consider the offense of murder of Joy Hummel.

Now, if you find from the evidence beyond a reasonable doubt, that John William Hummel, in Tarrant County, Texas, on or about the 17th day of December, 2009, did cause the death of an individual, Joy Hummel, by stabbing her with a knife or by stabbing her with a dagger or by stabbing her with a sword, then you will find the Defendant guilty of the offense of murder of Joy Hummel.

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will find the defendant not guilty of the murder of Joy Hummel.

If you should find from the evidence beyond a reasonable doubt that the Defendant is either guilty of capital murder or murder, but you have a reasonable doubt as to which offense he is guilty, then you should resolve the doubt in the defendant's favor, and in such event you will find the Defendant guilty of the lesser offense of murder.

Under our law, a statement of a defendant made while under arrest or in custody may not be used in evidence against the defendant unless it appears that the statement was freely and

voluntarily made without compulsion or persuasion. The Court has admitted into evidence before you the alleged oral and written statement of the defendant given in the San Diego County Jail on the evening of December 20, 2009 and morning of December 21, 2009; you are instructed that before you may consider the same for any purpose you must first believe from the evidence beyond a reasonable doubt that the same was freely and voluntarily made by the defendant without compulsion or persuasion.

In this case, if you find from the evidence, or have a reasonable doubt thereof that John William Hummel at the time the oral and or written confession was made, was under the influence of cocaine, if he was under the influence of cocaine, which rendered his oral and or written statement involuntary due to being impaired mentally; and thereby was the product of the law enforcement's unlawful persuasion; then such statement would not be freely and voluntarily made, and in such case you will disregard the alleged oral and or written statement or confession and not consider either for any purpose nor evidence obtained as a result thereof.

Therefore, unless you believe from the evidence beyond a reasonable doubt that the alleged confession or statement introduced into evidence was freely and voluntarily made by the Defendant without compulsion or persuasion, or if you have a

reasonable doubt thereof, you shall not consider such alleged statement or confession for any purpose, nor any evidence obtained as a result thereof.

You are instructed that our law provides that in the event a defendant chooses not to testify, that fact cannot be taken as a circumstance against him. The Defendant, John William Hummel, has chosen not to testify and you are instructed that you cannot and must not refer or allude to that fact throughout your deliberation or take it into consideration for any purpose whatsoever as a circumstance against him.

Your verdict must be by a unanimous vote of all members of the jury. In deliberating on this case, you shall consider the charge as a whole and you must not refer to nor discuss any matters not in evidence.

In all criminal cases, the burden of proof is on the State. The burden of proof rests upon the State throughout the trial and never shifts to the Defendant.

The indictment in this case is no evidence whatsoever of the guilt of the Defendant. It is a mere pleading that is necessary in order to bring this case into court for trial and you will not consider it for any purpose.

All persons are presumed to be innocent and no person may be convicted of an offense unless each element of the offense is proven beyond a reasonable doubt. The fact that a defendant has



been arrested, confined, indicted for, or otherwise charged with an offense gives no rise to any 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.

You are charged that it is only from the witness stand that the jury is permitted to receive evidence regarding the case and no juror is permitted to communicate to any other juror anything he may have heard regarding the case or any witness therein, from any other source than the witness stand.

You are the exclusive judges of the facts proven, 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 given in these written instructions, and be governed thereby.

The indictment in this case is no evidence whatsoever of the guilt of the Defendant. It is a written instrument necessary in order to bring this case into court for trial, and you will not consider the indictment as any evidence in this case or as any circumstance whatsoever against the Defendant.

You are instructed that a request to have portions of the

trial transcript to be released to the jury cannot be complied with unless the jury disagrees as to a specific statement of a witness. Therefore, it will be necessary, if you desire any part of the testimony of any witness, for you to certify that you are in disagreement as to the statement of a witness, and you should request that specific part of the witness's testimony on the point in dispute, and only on that point which is in dispute.

You are further instructed that the Court Reporter will be required to prepare the testimony of the witness involved in order to pick out the point or points upon which you state you are in disagreement, and it will take the Court Reporter more time to prepare the relevant portions of the transcript than it did for the attorneys to put the testimony on. In the event you ask for any testimony, please be patient and give the Court Reporter sufficient time to prepare the transcript on the point or points in dispute.

Exhibits that were not offered and admitted into evidence by the Court do not exist as evidence. Therefore, the Court will not and cannot supply any items that have not been admitted into evidence during the trial.

You are the exclusive judges of the facts proved, of the credibility of the witnesses and of the weight to be given to

the testimony, but you are bound to receive the law from the Court, which is herein given you, and be governed thereby.

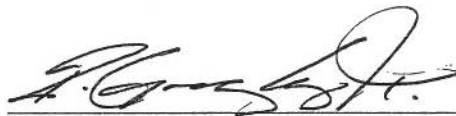
During your deliberations, you must not communicate with or provide any information to anyone by any means about this case. You may not use any electronic device or media, such as a telephone, cell phone, smart phone, iPhone, Blackberry, or computer; the internet, any internet service, or any text or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

After you retire to the jury room, you should select one of your members as your foreman. It is his or her duty to preside at your deliberation, to vote with you, and when you have reached a unanimous verdict, to certify to your verdict by using the attached forms and signing the same as your foreman.

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 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 presiding juror. Do not attempt to talk to the bailiff, the attorneys or the Court regarding any question you may have concerning the trial of the case. Do not disclose to the Court or the bailiff your votes pertaining to guilty or not guilty in your communications.

After you have reached a unanimous verdict or if you desire to communicate with the Court, please press the button, and the bailiff will respond.



---

RUBEN GONZALEZ, JR., JUDGE  
432ND Judicial District Court

VERDICT FORMS: CAPITAL MURDER

FILED  
THOMAS A WILDER, DIST. CLERK  
TARRANT COUNTY, TEXAS

JUN 22 2011

TIME \_\_\_\_\_  
BY \_\_\_\_\_  
RW 4:00  
DEPUTY

We, the Jury, find the Defendant, John William Hummel guilty of the offense of capital murder as charged in the indictment.

*David C. Base*  
Foreman  
DAVID C. BASE

-OR-

We, the Jury, find the Defendant, John William Hummel, not guilty of the offense of capital murder as charged in the indictment.

\_\_\_\_\_  
Foreman

If the jury finds the Defendant, John William Hummel, guilty of the offense of capital murder, the jury shall not consider whether he is guilty of the lesser included offenses of murder of Clyde Bedford or murder of Joy Hummel.

In the event that the jury finds the Defendant, John William Hummel, not guilty of capital murder, the jury shall proceed to consider whether he is guilty of the lesser included offenses of murder of Clyde Bedford and murder of Joy Hummel.

VERDICT FORMS: LESSER INCLUDED OFFENSES OF MURDER

We, the Jury, find the Defendant, John William Hummel, guilty of the lesser included offense of murder of Clyde Bedford.

\_\_\_\_\_  
Foreman

-OR-

We, the Jury, find the Defendant, John William Hummel, not guilty of the lesser included offense of murder of Clyde Bedford.

\_\_\_\_\_  
Foreman

-AND-

We, the Jury, find the Defendant, John William Hummel,  
guilty of the lesser included offense of murder of Joy Hummel.

---

Foreman

-OR-

We, the Jury, find the Defendant, John William Hummel, not  
guilty of the lesser included offense of murder of Joy Hummel.

---

Foreman