

ORIGINAL

*In The 416<sup>th</sup> Judicial District Court,  
Collin County, Texas  
Honorable Chris Oldner, Presiding*

**Cause No. 416-80782-2013**

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**STATE OF TEXAS**

**VS.**

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**CHRISTOPHER JAMES HOLDER**

**CHARGE OF THE COURT**

**MEMBERS OF THE JURY:**

The defendant, **CHRISTOPHER JAMES HOLDER**, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 10<sup>th</sup> day of November, 2012, in Collin County, Texas. To this charge the defendant has pleaded not guilty.

**Definitions**

Our law provides that a person commits the offense of murder if the person intentionally or knowingly causes the death of an individual;

Individual means a person who has been born and is alive.

A person commits capital murder when he intentionally commits murder in the course of committing or attempting to commit burglary of habitation.

Our law provides that a person commits the offense of burglary if, without the effective consent of the owner, he enters a habitation with intent to commit a felony, theft, or an assault.

Enter means to intrude any part of the body, or any physical object connected to the body.

Consent means assent in fact, whether expressed or apparent.

Effective consent means assent in fact, whether express or apparent, and includes consent by a person legally authorized to act for the owner. Consent is not effective if induced by force, threat, or fraud.

Owner means a person who has title to property, possession of the property, whether lawful or not, or a greater right to possession of the property than the defendant.

Possession means actual care, custody, control or management of property.

Habitation means a structure that is adapted for the overnight accommodation of persons, and includes each separately secured or occupied portion of the structure and each structure appurtenant to or connected with the structure.

Knife means any bladed hand instrument that is capable of inflicting serious bodily injury or death by cutting or stabbing a person with the instrument.

Voluntary intoxication does not constitute a defense to the commission of a crime.

For the purpose of the offense of capital murder and murder, a person acts intentionally, or with intent, with respect to the result of his conduct when it is his conscious objective or desire to cause the result.

For the purpose of the offense of murder, 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.

The State has introduced evidence of extraneous crimes or bad acts other than the one charged in the indictment in this case. This evidence was admitted only for the purpose of assisting you, if it does, in determining credibility, motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or accident, or to rebut a defensive theory. You cannot consider the testimony for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other acts, if any were committed.

You are instructed that while the indictment alleges that the offense was committed on or about the 10<sup>th</sup> day of November, 2012, you are not bound to find that the offense, if any, took place on that specific date. It is sufficient if the alleged date is approximately accurate, and you find that the offense, if any, occurred prior to the 9<sup>th</sup> day of April 2013, the date of the return of the indictment in this case.

### **Capital Murder**

Now, if you find from the evidence beyond a reasonable doubt that on or about the 10<sup>th</sup> day of November, 2012, in Collin County, Texas, that **CHRISTOPHER JAMES HOLDER**, hereinafter called defendant, did then and there, intentionally cause the death of an individual, namely, Billy Tanner, by striking Billy Tanner in the head with an unknown object or stabbing Billy Tanner with a knife or an unknown object, and the defendant was then and there in the course of committing or attempting to commit the offense of burglary of a habitation of Billy Tanner, who was the owner of said habitation, then you will find him guilty as charged.



Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will next consider the lesser included offense of murder.

**Murder**

Now, if you find from the evidence beyond a reasonable doubt that on or about the 10<sup>th</sup> day of November, 2012, in Collin County, Texas, that **CHRISTOPHER JAMES HOLDER**, did then and there, intentionally or knowingly cause the death of an individual, namely, Billy Tanner, by striking Billy Tanner in the head with an unknown object or stabbing Billy Tanner with a knife or an unknown object, then you will find him guilty of the lesser included offense of murder.

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

If you believe 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 the defendant is guilty, then you will resolve that doubt in the defendant's favor and, in such event, find him guilty of the lesser included offense of murder.

You are instructed that a statement of the defendant may be used as evidence against him if the jury believes beyond a reasonable doubt that the statement was freely and voluntarily made by the defendant without compulsion or persuasion.

You are instructed that no statement by an accused as a result of custodial interrogation is admissible as evidence against him in any criminal proceeding unless it is shown on the recording that:

1. he has the right to remain silent and not make any statement at all and that any statement he makes may be used against him at his trial;
2. any statement he makes may be used as evidence against him in court;
3. he has the right to have a lawyer present to advise him prior to and during any questioning;
4. if he is unable to employ a lawyer, he has the right to have a lawyer appointed to advise him prior to and during any questioning; and
5. he has the right to terminate the interview at any time.

Before you may consider any statement by **CHRISTOPHER JAMES HOLDER**, or any evidence obtained as a result thereof, you must first find beyond a reasonable doubt that prior to and during the making of the statement **CHRISTOPHER JAMES HOLDER** knowingly, intelligently, and voluntarily waived the above rights.

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will disregard the statement and not consider the statement for any purpose whatsoever.

Our law provides that a defendant may testify on his own behalf if he elects to do so. This, however, is a privilege accorded a defendant, and, in the event he elects not to testify, that fact cannot be taken as a circumstance against him. In this case, the defendant has elected not to testify, and you are instructed that you cannot and must not refer or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against the defendant.

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 charged with an 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 of 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 they fail to do so, you must acquit the defendant.

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 instructed that any statements of counsel made during the course of the 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 you should not question the Bailiff concerning the testimony or the law of the case, nor should you discuss the case in his presence. If you have any questions, you should reduce them to writing, to be signed by the presiding juror, and present them to the Court.

If the Jurors disagree as to the statement of any witness, they may, upon applying to the Court, have read to them from the Court Reporter's notes that portion of such witness' testimony, and only that portion, on the point in dispute.



You are instructed that the indictment is the means whereby a defendant is brought to trial in a felony prosecution. It is not evidence, nor can it be considered as such when passing upon whether the defendant is guilty or not guilty.

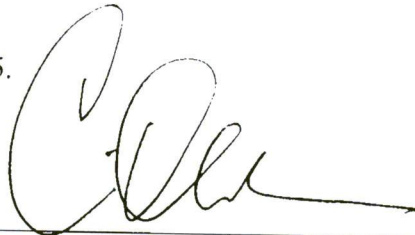
During your deliberations in this case, you must not consider, discuss, nor relate any matters not in evidence before you. You should not consider nor mention any personal knowledge or information you may have about any fact or person connected with this case which is not shown by the evidence.

After you retire to the jury room, you should select one of your members as your presiding juror. It is their duty to preside at your deliberations and vote with you. Your verdict must be unanimous and signed by the presiding juror.

You are the exclusive judges of the facts proved, of the credibility of the witnesses, and the weight to be given their testimony, but you must be governed by the law you receive in these written instructions.

Suitable forms for your verdict are attached hereto. Your verdict must be in writing and signed by your presiding juror. Your sole duty at this time is to determine whether the defendant is guilty or not guilty under the indictment in this cause and you are to restrict your deliberations to that issue.

Signed this the 1<sup>st</sup> day of June, 2015.

A handwritten signature in black ink, appearing to read 'C. Oldner', written over a horizontal line.

CHRIS OLDNER  
Judge Presiding

## VERDICT

We, the Jury, find the defendant guilty of capital murder as charged in the indictment.

(signature)



(printed name)

Emily M. Tupper

**PRESIDING JUROR**

**OR,**

We, the Jury, find the defendant guilty of the lesser included offense of murder.

(signature)

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(printed name)

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**PRESIDING JUROR**

**OR,**

We, the Jury, find the defendant not guilty.

(signature)

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(printed name)

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**PRESIDING JUROR**