



OUR LAW PROVIDES THAT A PERSON COMMITS THE OFFENSE OF CAPITAL MURDER WHEN SUCH PERSON INTENTIONALLY COMMITS THE MURDER IN THE COURSE OF COMMITTING OR ATTEMPTING TO COMMIT THE OFFENSE OF OBSTRUCTION.

OUR LAW PROVIDES THAT A PERSON COMMITS THE OFFENSE OF KIDNAPPING OR ATTEMPTED KIDNAPPING IF HE INTENTIONALLY OR KNOWINGLY ABDUCTS ANOTHER PERSON OR ATTEMPTS TO ABDUCT ANOTHER PERSON.

OUR LAW PROVIDES THAT A PERSON COMMITS THE OFFENSE OF OBSTRUCTION OR ATTEMPTED OBSTRUCTION IF HE INTENTIONALLY OR KNOWINGLY HARMS OR THREATENS TO HARM ANOTHER BY AN UNLAWFUL ACT TO PREVENT OR DELAY THE SERVICE OF ANOTHER AS A WITNESS OR PROSPECTIVE WITNESS OR A PERSON WHO THE ACTOR KNOWS INTENDS TO REPORT THE OCCURRENCE OF A CRIME.

## II.

"INDIVIDUAL" MEANS A HUMAN BEING WHO IS ALIVE, INCLUDING AN UNBORN CHILD AT EVERY STAGE OF GESTATION FROM FERTILIZATION UNTIL BIRTH.

"FIREARM" MEANS ANY DEVICE DESIGNED, MADE, OR ADAPTED TO EXPEL A PROJECTILE THROUGH A BARREL BY USING THE ENERGY GENERATED BY AN EXPLOSION OR BURNING SUBSTANCE, OR ANY DEVICE READILY CONVERTIBLE TO THAT USE.

"ABDUCT" MEANS TO RESTRAIN A PERSON WITH INTENT TO PREVENT HER LIBERATION BY (A) SECRETING OR HOLDING HER IN A PLACE WHERE SHE IS NOT LIKELY TO BE FOUND OR (B) USING OR THREATENING TO USE DEADLY FORCE.

"RESTRAIN" MEANS TO RESTRICT A PERSON'S MOVEMENTS WITHOUT CONSENT, SO AS TO INTERFERE SUBSTANTIALLY WITH HER LIBERTY, BY MOVING HER FROM ONE PLACE TO ANOTHER OR BY CONFINING HER.

RESTRAINT IS "WITHOUT CONSENT" IF IT IS ACCOMPLISHED BY FORCE, INTIMIDATION, OR DECEPTION.

"DEADLY FORCE" MEANS FORCE THAT IS INTENDED OR KNOWN BY THE PERSON ACTING TO CAUSE, OR IN THE MANNER OF ITS USE OR INTENDED USE IS CAPABLE OF CAUSING DEATH OR SERIOUS BODILY INJURY.

"PERSON" MEANS AN INDIVIDUAL.

"HARM" MEANS ANYTHING REASONABLY REGARDED AS LOSS, DISADVANTAGE, OR INJURY, INCLUDING HARM TO ANOTHER PERSON IN WHOSE WELFARE THE PERSON AFFECTED IS INTERESTED.

"ATTEMPT" TO COMMIT AN OFFENSE OCCURS IF, WITH SPECIFIC INTENT TO COMMIT AN OFFENSE, A PERSON DOES AN ACT AMOUNTING TO MORE THAN MERE PREPARATION THAT TENDS, BUT FAILS, TO EFFECT THE COMMISSION OF THE OFFENSE INTENDED.

### III.

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.

### IV.

NOW, THEREFORE, IF YOU FIND FROM THE EVIDENCE BEYOND A REASONABLE DOUBT THAT ON OR ABOUT THE 26TH DAY OF SEPTEMBER, A.D., 2013, IN UPSHUR COUNTY, TEXAS, THE DEFENDANT, JONATHAN RAY SHEPHERD, DID INTENTIONALLY CAUSE THE DEATH OF CHEYENNE GREEN BY SHOOTING HER WITH A FIREARM, AND THE SAID DEFENDANT WAS THEN AND THERE IN THE COURSE OF COMMITTING OR ATTEMPTING TO COMMIT THE OFFENSE OF KIDNAPPING, AS

ALLEGED IN PARAGRAPH A OF THE INDICTMENT, THEN YOU WILL FIND THE DEFENDANT GUILTY OF CAPITAL MURDER BY KIDNAPPING OR ATTEMPTED KIDNAPPING.

UNLESS YOU FIND BEYOND A REASONABLE DOUBT, OR IF YOU HAVE A REASONABLE DOUBT THEREOF, YOU WILL ACQUIT THE DEFENDANT OF CAPITAL MURDER BY KIDNAPPING OR ATTEMPTED KIDNAPPING AND NEXT CONSIDER WHETHER THE DEFENDANT IS GUILTY OF THE OFFENSE OF CAPITAL MURDER BY OBSTRUCTION OR ATTEMPTED OBSTRUCTION AS ALLEGED IN PARAGRAPH B OF THE INDICTMENT.

V.

NOW, THEREFORE, IF YOU FIND FROM THE EVIDENCE BEYOND A REASONABLE DOUBT THAT ON OR ABOUT THE 26TH DAY OF SEPTEMBER, A.D., 2013, IN UPSHUR COUNTY, TEXAS, THE DEFENDANT, JONATHAN RAY SHEPHERD, DID INTENTIONALLY CAUSE THE DEATH OF CHEYENNE GREEN BY SHOOTING HER WITH A FIREARM, AND THE SAID DEFENDANT WAS THEN AND THERE IN THE COURSE OF COMMITTING OR ATTEMPTING TO COMMIT THE OFFENSE OF OBSTRUCTION, AS ALLEGED IN PARAGRAPH B OF THE INDICTMENT, THEN YOU WILL FIND THE DEFENDANT GUILTY OF CAPITAL MURDER BY OBSTRUCTION OR ATTEMPTED OBSTRUCTION.

UNLESS YOU FIND BEYOND A REASONABLE DOUBT, OR IF YOU HAVE A REASONABLE DOUBT THEREOF, YOU WILL ACQUIT THE DEFENDANT OF CAPITAL MURDER BY OBSTRUCTION OR ATTEMPTED OBSTRUCTION AND NEXT CONSIDER WHETHER THE DEFENDANT IS GUILTY OF THE OFFENSE OF MURDER.

VI.

IF YOU FIND FROM THE EVIDENCE BEYOND A REASONABLE DOUBT THAT ON OR ABOUT THE 26TH DAY OF SEPTEMBER, A.D., 2013, IN UPSHUR COUNTY, TEXAS, THE DEFENDANT, JONATHAN RAY SHEPHERD, DID INTENTIONALLY OR KNOWINGLY

CAUSE THE DEATH OF CHEYENNE GREEN BY SHOOTING HER WITH A FIREARM, THEN YOU FIND THE DEFENDANT GUILTY OF MURDER.

IF YOU BELIEVE FROM THE EVIDENCE BEYOND A REASONABLE DOUBT THAT THE DEFENDANT IS GUILTY OF EITHER CAPITAL MURDER ON THE ONE HAND OR MURDER ON THE OTHER HAND BUT YOU HAVE A REASONABLE DOUBT AS TO WHICH OFFENSE HE IS GUILTY OF THEN YOU MUST RESOLVE THAT DOUBT IN THE DEFENDANT'S FAVOR AND FIND HIM GUILTY OF THE LESSER OFFENSE OF MURDER.

UNLESS YOU FIND BEYOND A REASONABLE DOUBT THAT THE DEFENDANT IS GUILTY OF MURDER, OR IF YOU HAVE A REASONABLE DOUBT THEREOF, YOU WILL ACQUIT THE DEFENDANT AND SAY BY YOUR VERDICT "NOT GUILTY".

VII.

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.

VIII.

YOU ARE INSTRUCTED THAT CERTAIN EVIDENCE WAS ADMITTED IN EVIDENCE BEFORE YOU IN REGARD TO THE DEFENDANT HAVING BEEN ACCUSED, OF OFFENSES OTHER THAN THE ONE FOR WHICH HE IS NOW ON TRIAL. SUCH EVIDENCE CANNOT BE CONSIDERED BY YOU AGAINST THE DEFENDANT AS ANY EVIDENCE OF GUILT IN THIS CASE. SAID EVIDENCE WAS ADMITTED BEFORE YOU FOR THE PURPOSE OF AIDING YOU, IF IT DOES AID YOU, IN DETERMINING THE INTENT OR MOTIVE OF THE DEFENDANT IN THIS TRIAL, AND YOU MAY CONSIDER IT FOR THAT PURPOSE ONLY IF YOU FIND THOSE ACTS WERE COMMITTED BEYOND A REASONABLE DOUBT.

## IX.

OUR LAW PROVIDES THAT A DEFENDANT MAY TESTIFY IN 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.

## X.

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 THE 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 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 SUMMATION, DO NOT CONSTITUTE EVIDENCE. YOU ARE FURTHER INSTRUCTED THAT ANY STATEMENTS OF COUNSEL NOT SUPPORTED IN 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.

## XI.

A GRAND JURY INDICTMENT IS THE MEANS WHEREBY A DEFENDANT IS BROUGHT TO TRIAL IN A FELONY PROSECUTION. IT IS NOT EVIDENCE OF GUILT NOR CAN IT BE CONSIDERED BY YOU IN PASSING UPON THE ISSUE OF GUILT OF THE DEFENDANT. THE BURDEN OF PROOF IN ALL CRIMINAL CASES RESTS UPON THE STATE THROUGHOUT THE TRIAL AND NEVER SHIFTS TO 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 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.

## XII.

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.

ANY REASONABLE DOUBT ISSUE OR QUESTION WHICH ARISES CONCERNING ANY ELEMENT OF THE OFFENSE CHARGED, MUST BE RESOLVED IN THE DEFENDANT'S FAVOR.

IN THE EVENT YOU HAVE A REASONABLE DOUBT AS TO THE DEFENDANT'S GUILT AFTER CONSIDERING ALL THE EVIDENCE BEFORE YOU, AND THE INSTRUCTIONS, YOU WILL ACQUIT HIM AND SAY BY YOUR VERDICT "NOT GUILTY".

YOU ARE CHARGED THAT YOU MAY CONSIDER ALL EVIDENCE ADMITTED BY THE COURT IN THIS CASE. NO JUROR IS PERMITTED TO COMMUNICATE TO ANY OTHER JUROR ANYTHING HE OR SHE MAY HAVE HEARD REGARDING THE CASE FROM ANY SOURCE OTHER THAN THE EVIDENCE ADMITTED IN THIS CASE.

XIII.

YOU ARE THE EXCLUSIVE JUDGES OF THE FACTS PROVED, OF THE CREDIBILITY OF THE WITNESSES, AND THE WEIGHT TO BE GIVEN THEIR TESTIMONY, BUT THE LAW YOU MUST BE GOVERNED BY YOU SHALL RECEIVE IN THESE WRITTEN INSTRUCTIONS.

AFTER YOU RETIRE TO THE JURY ROOM, YOU SHOULD SELECT ONE OF YOUR MEMBERS AS YOUR FOREPERSON. IT IS HIS OR HER 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.

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 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 HAVE RETIRED, YOU MAY COMMUNICATE WITH THIS COURT IN WRITING THROUGH THE OFFICER WHO HAS YOU IN CHARGE. DO NOT ATTEMPT TO TALK TO THE OFFICER WHO HAS YOU IN CHARGE, OR THE ATTORNEYS, OR THE COURT, OR ANYONE ELSE CONCERNING ANY QUESTION YOU MAY HAVE. AFTER



YOU HAVE REACHED A UNANIMOUS VERDICT, THE FOREPERSON WILL CERTIFY  
THERE TO BY FILLING IN THE APPROPRIATE FORM ATTACHED TO THIS CHARGE AND  
SIGNING HIS OR HER NAME AS FOREPERSON. YOU MAY NOW RETIRE TO CONSIDER  
YOUR VERDICT.

*Lauren Paish*  
DISTRICT JUDGE PRESIDING

FILED  
 In the District Court of  
 Tarrant County, Texas  
 this 22nd day of April  
 2015  
 Karen Burns, District Clerk

VERDICT

WE, THE JURY, FIND THE DEFENDANT, JONATHAN RAY SHEPHERD, GUILTY OF CAPITAL MURDER BY KIDNAPPING OR ATTEMPTED KIDNAPPING, AS CHARGED IN THE INDICTMENT IN PARAGRAPH A.

*Robt. Hill*  
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 PRESIDING JUROR

WE, THE JURY, FIND THE DEFENDANT, JONATHAN RAY SHEPHERD, GUILTY OF CAPITAL MURDER BY OBSTRUCTION OR ATTEMPTED OBSTRUCTION, AS CHARGED IN THE INDICTMENT IN PARAGRAPH B.

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 PRESIDING JUROR

WE, THE JURY, FIND THE DEFENDANT, JONATHAN RAY SHEPHERD, GUILTY OF MURDER.

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 PRESIDING JUROR

WE, THE JURY, FIND THE DEFENDANT, JONATHAN RAY SHEPHERD, "NOT GUILTY".

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 PRESIDING JUROR