

FILED

CAUSE NO. F08-39144-I

2015 APR 27 AM 10: 25

THE STATE OF TEXAS

§ IN THE CRIMINAL DISTRICT

-vs.-

§

§ COURT NO. 2

§

§ DALLAS COUNTY, TEXAS

FELICIA PITRE
DISTRICT CLERK
DALLAS CO., TEXAS
DEPUTY

WILLIE FRANK WILSON

COURT'S CHARGE TO THE JURY

MEMBERS OF THE JURY:

The defendant, Willie Frank Wilson, stands charged by indictment with the offense of capital murder alleged to have been committed in Dallas County, Texas, on or about February 29, 2008. The defendant has pleaded not guilty to this charge.

OFFENSE DEFINITIONS

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

A person commits the offense of **capital murder** if the person murders more than one person during the same criminal transaction or during different criminal transactions but the murders are committed pursuant to the same scheme or course of conduct.

TERM DEFINITIONS

“**Individual**” means a human being who has been born and is alive.

“**Criminal transaction**” means a continuous and uninterrupted chain of conduct occurring over a very short period of time in a rapid sequence of unbroken events.

“Deadly weapon” means a firearm or anything manifestly designed, made or adapted for the purpose of inflicting death or serious bodily injury, or anything in the manner of its use or intended use is capable of causing death or serious bodily injury

“Serious bodily injury” means bodily injury that creates 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.

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

MENTAL STATE DEFINITIONS

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.

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.

CAPITAL MURDER CHARGE

Now, considering all the law contained in the court’s charge, if you unanimously find and believe from the evidence beyond a reasonable doubt that on or about February 29, 2008, in Dallas County, Texas, the defendant, Willie Frank Wilson, unlawfully then and there intentionally or knowingly caused the death of an individual, to-wit Twaleshia Jones, by stabbing or cutting Twaleshia Jones with a knife, a deadly weapon or by striking Twaleshia Jones with or against a tray table, a deadly weapon, or an unknown object, a deadly weapon, the exact nature and description of which is not truly known to the grand jury, and during the same criminal transaction said defendant did then and there intentionally or knowingly cause the death of another individual, to-wit: Nitalya Tilley, by stabbing or cutting Nitalya Tilley with a knife, a

deadly weapon; or

if you unanimously find and believe from the evidence beyond a reasonable doubt that on or about February 29, 2008, in Dallas County, Texas, the defendant, Willie Frank Wilson, did unlawfully then and there intentionally or knowingly cause the death of an individual, to-wit: Twaleshia Jones, by stabbing or cutting Twaleshia Jones with a knife, a deadly weapon, or by striking Twaleshia Jones with or against a tray table, a deadly weapon, or an unknown object, a deadly weapon, the exact nature and description of which is not truly known to the Grand Jury, and during a different criminal transaction but pursuant to the same scheme or course of conduct said defendant did then and there intentionally or knowingly cause the death of another individual, to-wit: Nitalya Tilley, by stabbing or cutting Nitalya Tilley with a knife, a deadly weapon, you shall find the defendant guilty of capital murder as charged in the indictment.

If you do not so find, or if you have a reasonable doubt thereof, you shall find the defendant not guilty.

CONCLUDING INSTRUCTIONS

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.

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.

If you find that there is evidence in this case regarding the defendant having committed offenses or acts other than the offense for which he is on trial, you cannot consider such evidence, if any, for any purpose unless you first find and believe that the state has proved such offenses or acts, if any, beyond a reasonable doubt.

All persons are presumed 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, indicted for, or otherwise charged with the offense does not give rise to the inference of guilt at this 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 element as charged beyond a reasonable doubt, and if it fails to do so, you must acquit the defendant. However, it is not required that the prosecution prove guilt beyond all possible doubt; it is only required that the prosecution's proof exclude all reasonable doubt concerning the defendant's guilt.

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.

During your deliberation in this case, you must not consider, discuss, or relate any matters

not in evidence before you. You should not consider or 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, nor shall you in deciding your verdict discuss the punishment which may be assessed in the event that the defendant is found guilty.

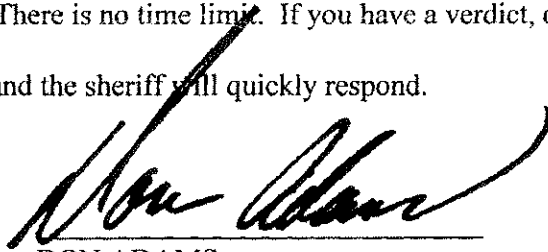
Your verdict must be unanimous and shall be arrived at by due deliberation and not by majority vote or by any method of chance.

You are the exclusive judges of the facts proved, the credibility of the witnesses, and the weight to be given to the testimony. However, you must receive and follow the law provided to you by the court.

After argument of counsel, you will retire to consider your verdict in this case. You should begin by selecting one of your members as presiding juror. It is the duty of the presiding juror to preside at your deliberations, to vote equally as any other juror in arriving at a verdict, and to sign the verdict on behalf of the jury.

Any communications with the court must be in writing, signed by the presiding juror through the bailiff who has you in their charge. No one has any authority to communicate with you except the bailiff who has you in his or her charge. Do not attempt to talk to the bailiff, the attorneys, or the Court concerning any question you may have.

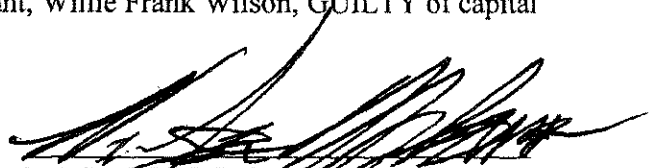
You may deliberate as long as you need. There is no time limit. If you have a verdict, or if you wish to have a break, turn on the red light and the sheriff will quickly respond.

A handwritten signature in black ink, appearing to read "Don Adams", written over a horizontal line.

DON ADAMS
State District Judge

VERDICT FORM

We, the jury, unanimously find the defendant, Willie Frank Wilson, GUILTY of capital murder, as charged in the indictment.


PRESIDING JUROR (*Signature*)

Nick Marlowe
(*Printed name*)

OR

We, the jury, find the defendant, Willie Frank Wilson, NOT GUILTY.

PRESIDING JUROR (*Signature*)

(*Printed name*)