



**CASE No. 1702735 Count 1**

**INCIDENT No./TRN: 9279965891**

**THE STATE OF TEXAS**

§

**IN THE CRIMINAL DISTRICT COURT NO. 3**

§

**vs.**

§

§

**JASON ALAN THORNBURG**

§

**TARRANT COUNTY, TEXAS**

§

SID: 17533036

§

ON CHANGE OF VENUE FROM: N/A

**JUDGMENT OF CONVICTION BY JURY – CAPITAL MURDER**

Judge Presiding:	• Hon. Douglas A. Allen • Hon. Bob Brotherton	Date Sentence Imposed:	<b>12/4/2024</b>
Attorney for State:	• D'AVIGNON, KIMBERLY - 24028258 • DIXON, EMILY - 24085993 • ALLIN, AMY - 24101433	Attorney for Defendant:	• ST.JOHN, J.WARREN - 18986300 • GILL, ROBERT - 07921600 • BRISSETTE, D.MILES - 50511628

Offense for Which Defendant Convicted:

**09990026 CAPITAL MURDER OF MULTIPLE PERSONS (19.03(a)(7)) - FX**

Charging Instrument:

Statute for Offense:

**Indictment**

19.03(a)(7)

Date of Offense:

Plea to Offense:

9/21/2021 -

Not Guilty

Degree of Offense:

**CAPITAL MURDER**

Verdict of Jury:

Findings on Deadly Weapon:

**GUILTY**

**Yes, Not a Firearm**

Punished Assessed by:

Date Sentence to Commences:

**Jury**

**12/4/2024**

Punishment and Place of Confinement:

**DEATH ID-TDCJ: Confinement**

Court Costs:

**\$ 290.00**

Reimbursement Fees:

**\$60.00**

Restitution:

**\$ 0**

Restitution Payable to: N/A

(See special finding or order of restitution which is incorporated herein by this reference.)

Was the victim impact statement returned to the attorney representing the State? **Yes**

This cause was called for trial by jury and the parties appeared. The State appeared by her District Attorney as named above.

**Counsel / Waiver of Counsel (select one)**

Defendant appeared with counsel.

Defendant appeared without counsel and knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. It appeared to the Court that Defendant was mentally competent to stand trial. A jury was selected, impaneled, and sworn. The Indictment was read to the jury, and Defendant entered a plea to the charged offense. The Court received the plea and entered it of record.

The jury heard the evidence submitted and argument of counsel. The Court charged the jury as to its duty to determine Defendant's guilt or innocence, and the jury retired to consider the evidence. Upon returning to open court, the jury delivered its verdict in



the presence of Defendant and Defense Counsel.

The Court received the verdict and **ORDERED** it entered upon the minutes of the Court.

The jury heard evidence relative to the question of punishment. The Court charged the jury and it retired to consider the special issues set out in the jury charge. After due deliberation, the jury was brought into open court, where it returned its answers to the special issues as indicated below:

(1) The jury found beyond a REASONABLE DOUBT that there is a probability that defendant would commit criminal acts of violence that would constitute a continuing threat to society.

- Yes (unanimous)
- No (by at least 10 jurors)

(2) The jury found beyond a REASONABLE DOUBT that considering all the evidence, including the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant, that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed?

- Yes (by at least 10 jurors)
- No (unanimous)

**Special Issues to be included if necessary:**

**(If Defendant is found GUILTY as a party under TEX. PEN. CODE §§ 7.01; 7.02)**

The jury found beyond a REASONABLE DOUBT that the defendant actually caused the death of the deceased or did not actually cause the death of the deceased but intended to kill the deceased or another or anticipated that a human life would be taken.

- Yes (unanimous)
- No (by at least 10 jurors)

**(If Defendant has a mental impairment or defect)**

The jury found from a PREPONDERANCE OF THE EVIDENCE that defendant is a person with:

- Mental Illness**
- Mental Retardation**

The Court **FINDS** Defendant committed the above offense and **ADJUDGES** Defendant **GUILTY** of the above offense.

The Court **ORDERS** Defendant punished as indicated above. The Court **FINDS** that the State of Texas is entitled to recover all costs and fees associated with the prosecution of this case from Defendant and may issue execution to recover the same.

**Punishment Options**

**Confinement in Institutional Division.** The Court **ORDERS** the authorized agent of the State of Texas or the County Sheriff to take, safely convey, and deliver Defendant to the **DIRECTOR OF THE CORRECTIONAL INSTITUTIONS DIVISION, TDCJ**, for placement in confinement in accordance with this judgment. The Court **ORDERS** Defendant remanded to the custody of the Sheriff until the Sheriff can obey the directions of this judgment. The Court **ORDERS** TDCJ to make withdrawals from Defendant's inmate account as such funds become available. TDCJ is hereby notified that Defendant has been ordered to pay court costs, reimbursement fees, and restitution as indicated above. The Court **ORDERS** TDCJ to make withdrawals from Defendant's inmate account as such funds become available to pay said court costs, reimbursement fees, and restitution until said amounts are paid in full. Any restitution ordered above shall be paid to the individual or agency indicated above. The withdrawals and payments shall be made in accordance with Section 501.014, Tex. Gov't Code, and TDCJ's policies and procedures, to the extent that such policies and procedures are consistent with Sec. 501.014.

**Death.** The Court **ORDERS** the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the **DIRECTOR OF THE CORRECTIONAL INSTITUTIONS DIVISION, TDCJ**. Defendant shall be confined in said Institutions Division in accordance with the provisions of the law governing TDCJ until a date of execution of the said Defendant is imposed by this Court after receiving the mandate of affirmance from the Court of Criminal Appeals of the State of Texas. The Court **Orders** Defendant remanded to the custody of the Sheriff of this County until the Sheriff can obey the directions of this judgment.

**Execution**

The Court **ORDERS** Defendant's sentence **EXECUTED**.

After having conducted an inquiry into Defendant's ability to pay, the Court **ORDERS** Defendant to pay the court costs, reimbursement fees, and restitution indicated above.

**Furthermore, the following special findings or orders apply:**

**Special Finding**



COURT COSTS IN THE AMOUNT OF \$290.00 AND REIMBURSEMENT FEES IN THE AMOUNT OF \$60.00 TO BE CREDITED FOR TIME SERVED.

NOTICE OF APPEAL FILED: DECEMBER 04, 2024.

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**Date Judgment Entered: 4th day of December, 2024**

*Douglas A. Allen*

DOUGLAS A. ALLEN, PRESIDING JUDGE

NOV 20 2024

TIME 4:13 pm  
BY ALC DEPUTY

NO. 1702735D

THE STATE OF TEXAS           §       IN THE CRIMINAL DISTRICT  
VS.                                   §       COURT NO. 3  
JASON ALAN THORNBURG       §       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. 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.

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 alleged in the indictment. Neither are you concerned with the guilt of any person or persons not on trial as a defendant in this case.

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, Jason Alan Thornburg, stands charged by indictment in Count One with the offense of capital murder, alleged to have been committed in Tarrant County, Texas, on or about the 21<sup>st</sup> day of September 2021. To this charge the defendant has pleaded not guilty.

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

A person commits capital murder when such person murders more than one person during different criminal transactions but pursuant to the same scheme or course of conduct.

“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.

You are instructed as the law in this case that the State is not required to prove the exact date alleged in the indictment, but may prove the offense, if any, to have been committed at any time prior to the presentment of the indictment, and before the expiration of the statute of limitations. There is no statute of limitations

for the offense of capital murder. The court has taken judicial notice of December 13, 2021 as the date of the return of the indictment in this case.

You are instructed that a deadly weapon is anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury; or anything that 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 or any bodily member or organ.

“Intoxication” means disturbance of mental or physical capacity resulting from the introduction of any substance into the body.

You are instructed that voluntary intoxication does not constitute a defense to the commission of a crime.

The jury heard evidence that the Defendant gave a statement to law enforcement officers, if he did. Unless the jury believes beyond a reasonable doubt that the statement was voluntarily made, the jury shall not consider such statement for any purpose, nor any evidence obtained as a result thereof.

You are instructed that no evidence obtained by a law enforcement officer in violation of any provision of the Constitution or laws of the State of Texas, or the Constitution or laws of the United States of America, shall be admitted into evidence against an accused in the trial of any criminal case.



No oral statement of an accused made in violation of the rights of an accused shall be admissible against the accused in a criminal proceeding if the evidence shows that the accused invoked his right to counsel when dealing with law enforcement officers.

Unless the jury believes beyond a reasonable doubt that the Defendant did not invoke his Fifth Amendment right to counsel during the giving of the statement, if any, the jury shall not consider such statement after the point that the jury believes that the Defendant invoked his right to counsel for any purpose, nor any evidence obtained as a result thereof.

Therefore, if you believe beyond a reasonable doubt that the Defendant did not invoke his right to counsel before giving the statement, if any, you may consider it. Otherwise, if you have a reasonable doubt that the Defendant invoked his right to counsel during the giving of the statement or if you find that the Defendant did invoke his right to counsel during the giving of the statement, you may not consider said evidence beyond that point for any purpose against the Defendant; nor should you consider any testimony or evidence derived from said evidence from that point forward against the Defendant.

No oral statement of an accused made in violation of the rights of an accused shall be admissible against the accused in a criminal proceeding if the evidence shows that the accused terminated the interview when dealing with law enforcement officers.

Unless the jury believes beyond a reasonable doubt that the Defendant did not terminate the interview during the giving of the statement, the jury shall not consider such statement after the point that the Defendant terminated the interview for any purpose, nor any evidence obtained as a result thereof.

Therefore, if you believe beyond a reasonable doubt that the Defendant did not terminate the interview during the giving of the statement, you may consider it. Otherwise, if you have a reasonable doubt that the Defendant terminated the interview during the giving of the statement or if you find that the Defendant did terminate the interview during the giving of the statement, you may not consider said evidence past that point for any purpose against the Defendant; nor should you consider any testimony or evidence derived from said evidence against the Defendant.

You are further instructed that if there is any testimony before you in this case regarding acts of the Defendant, other than those alleged in the indictment, you cannot consider said evidence for any purpose unless you find and believe beyond a reasonable doubt that the Defendant committed such other acts, if he did. Even then, you may only consider the same to assist you, if it does, to understand the prior relationship of the Defendant and the deceased, if any, or to understand the condition of the mind of the Defendant at the time of the offense alleged in the indictment, but for no other purpose.

You are instructed that if there is any testimony before you in this case regarding the defendant's having committed crimes, wrongs or acts other than the

crimes alleged in the indictment in this case, you cannot consider said testimony for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other crimes, wrongs or acts, if any were committed, and even then you may only consider those other crimes, wrongs or acts in determining the proof of motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident, if any, in connection with the crime alleged in the indictment in this case, and for no other purpose.

#### COUNT ONE

Now, if you find from the evidence beyond a reasonable doubt that on or about the 21<sup>st</sup> day of September 2021, in Tarrant County, Texas, the defendant, Jason Alan Thornburg, did intentionally or knowingly cause the death of an individual, David Lueras, by cutting David Lueras with a deadly weapon, to-wit: a knife, that in the manner of its use or intended use was capable of causing death or serious bodily injury, and did intentionally or knowingly cause the death of an individual, Lauren Phillips, by impeding the normal breathing or circulation of the blood of Lauren Phillips, by applying pressure to her throat or neck by a manner or means unknown to the grand jury, and did intentionally or knowingly cause the death of an individual, Maricruz Mathis, by cutting Maricruz Mathis with a deadly weapon, to-wit: a knife, that in the manner of its use or intended use was capable of causing death or serious bodily injury, and these murders were committed pursuant to the same scheme or course of conduct, but during different criminal transactions; or

If you find from the evidence beyond a reasonable doubt that on or about the 21<sup>st</sup> day of September 2021, in Tarrant County, Texas, the defendant, Jason Alan Thornburg, did intentionally or knowingly cause the death of an individual, David Lueras, by manner and means unknown to the grand jury, and did intentionally or knowingly cause the death of an individual, Lauren Phillips, by manner or means unknown to the grand jury, and did intentionally or knowingly cause the death of an individual, Maricruz Mathis, by manner and means unknown to the grand jury, and these murders were committed pursuant to the same scheme or course of conduct, but during different criminal transactions, then you will proceed to the next section to consider whether the Defendant was insane at the time of the offense.

If you do not so believe the Defendant committed the offense of capital murder, or if you have a reasonable doubt thereof, then you will acquit the defendant and say by your verdict not guilty.

#### Insanity Defense

It is an affirmative defense to prosecution that, at the time of the conduct charged, the actor, as a result of severe mental disease or defect, did not know that his conduct was wrong.

“Actor” means a person whose criminal responsibility is in issue in a criminal action

The term “mental disease or defect” does not include an abnormality manifested only by repeated criminal or otherwise anti-social conduct.

The burden of proof is on the defendant to prove this affirmative defense by a preponderance of the evidence.

By the term "preponderance of the evidence" is meant the greater weight and degree of credible evidence in this case.

Now, if you believe from the evidence beyond a reasonable doubt that on or about the 21<sup>st</sup> day of September 2021 in Tarrant County, Texas, the defendant, Jason Alan Thornburg, did then and there intentionally or knowingly cause the death of an individual, David Lueras, by cutting David Lueras with a deadly weapon, to-wit: a knife, that in the manner of its use or intended use was capable of causing death or serious bodily injury, and did intentionally or knowingly cause the death of an individual, Lauren Phillips, by impeding the normal breathing or circulation of the blood of Lauren Phillips, by applying pressure to her throat or neck by a manner or means unknown to the grand jury, and did intentionally or knowingly cause the death of an individual, Maricruz Mathis, by cutting Maricruz Mathis with a deadly weapon, to-wit: a knife, that in the manner of its use or intended use was capable of causing death or serious bodily injury, and these murders were committed pursuant to the same scheme or course of conduct, but during different criminal transactions; or

If you find from the evidence beyond a reasonable doubt that on or about the 21<sup>st</sup> day of September 2021, in Tarrant County, Texas, the defendant, Jason Alan Thornburg, did intentionally or knowingly cause the death of an individual, David Lueras, by manner and means unknown to the grand jury, and did

intentionally or knowingly cause the death of an individual, Lauren Phillips, by manner or means unknown to the grand jury, and did intentionally or knowingly cause the death of an individual, Maricruz Mathis, by manner and means unknown to the grand jury, and these murders were committed pursuant to the same scheme or course of conduct, but during different criminal transactions, as alleged in Count One of the indictment,

but

You further believe, by a preponderance of the evidence in the case, that at the time he committed the act, if he did, the defendant, as a result of mental disease or defect, did not know that his conduct was wrong, then you will find the defendant not guilty by reason of insanity, and so state in your verdict.

Under the instructions given to you herein, you will state in your verdict whether you find the defendant guilty, not guilty, or not guilty by reason of insanity. Forms for your verdict are provided in these instructions.

You were allowed to take notes during this trial. Any notes you have taken are for your own personal use. You may take your notes back into the jury room and consult them during deliberations, but do not show or read your notes to your fellow jurors during your deliberations. Your notes are not evidence. Each of you should rely on your independent recollection of the evidence and not be influenced by the fact that another juror has or has not taken notes. You may use your notes to refresh your memory and recollection of the evidence, but you may not read out loud from your notes nor may you share your notes in any way

with the other jurors. If any juror reveals his or her notes to any other juror, you or the presiding juror must report it to me or my staff immediately.

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, 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, Snap Chat, Instagram, 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.

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.

  
\_\_\_\_\_  
DOUGLAS A. ALLEN, Judge  
Criminal District Court No. 3  
Tarrant County, Texas



VERDICT FORMS

We, the jury, find the defendant, Jason Alan Thornburg, guilty of the offense of capital murder, as charged in the indictment.

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

NOV 20 2024

TIME 6:29 pm  
BY HC DEPUTY

Alley J. Giff  
PRESIDING JUROR

-OR-

We, the jury, find the defendant, Jason Alan Thornburg, not guilty.

\_\_\_\_\_  
PRESIDING JUROR

-OR-

We, the jury, find the defendant, Jason Alan Thornburg, not guilty by reason of insanity.

\_\_\_\_\_  
PRESIDING JUROR

DEC 04 2024

TIME 10:37am  
BY HC DEPUTY

CAUSE NO. 1702735

THE STATE OF TEXAS	§	IN CRIMINAL DISTRICT
	§	
v.	§	COURT NO. 3,
	§	
JASON ALAN THORNBURG	§	TARRANT COUNTY, TEXAS

COURT'S CHARGE

MEMBERS OF THE JURY:

You have found the Defendant, Jason Alan Thornburg, guilty of the offense of capital murder. You are instructed that the Defendant shall be punished by confinement in the Texas Department of Criminal Justice for life without parole or by death. It is now necessary for you to determine, from all the evidence in the case, the answers to certain Special Issues, which are as follows:

**SPECIAL ISSUE NUMBER 1:** Whether there is a probability that the Defendant would commit criminal acts of violence that would constitute a continuing threat to society.

You shall answer Special Issue Number 1 "Yes" or "No."

The prosecution has the burden of proving that the answer to Special Issue Number 1 should be "Yes," and it must do so by proving a "Yes" answer to Special Issue Number 1 beyond a reasonable doubt. If the State fails to do so, you must answer Special Issue Number 1 "No."

In deliberating on Special Issue Number 1, the jury shall consider all evidence admitted at the guilt or innocence stage and the punishment stage, including evidence of the Defendant's background or character or the circumstances of the offense that militates for or mitigates against the imposition of the death penalty.

Members of the jury need not agree on what particular evidence supports a “No” answer to Special Issue Number 1.

You may not answer Special Issue Number 1 “Yes” unless you agree unanimously. You may not answer Special Issue Number 1 “No” unless ten (10) or more jurors agree.

If the jury answers Special Issue Number 1 “Yes,” then you shall answer the following Special Issue Number 2. If the jury answers Special Issue Number 1 “No,” do not answer Special Issue Number 2.

**SPECIAL ISSUE NUMBER 2:** Whether, taking into consideration all of the evidence, including the circumstances of the offense, the Defendant’s character and background, and the personal moral culpability of the Defendant, there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed.

You shall answer Special Issue Number 2 “Yes” or “No.”

You are instructed that you may not answer Special Issue Number 2 “No” unless you agree unanimously. You may not answer Special Issue Number 2 “Yes” unless ten (10) or more jurors agree.

You are instructed that if a jury answers that a circumstance or circumstances warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed, the Court will sentence the Defendant to imprisonment in the Texas Department of Criminal Justice for life without parole. Under the law applicable in this case, if the Defendant is sentenced to confinement for life without parole in the Texas Department of Criminal Justice, the Defendant will be ineligible for release from the department on parole.

Members of the jury need not agree on what particular evidence supports a “Yes” answer on Special Issue Number 2.

In deliberating on Special Issue Number 2, you shall consider mitigating evidence to be evidence that a juror might regard as reducing the Defendant’s moral blameworthiness.

If the jury returns a “Yes” answer on Special Issue Number 1 and a “No” answer on Special Issue Number 2, the Court shall sentence the Defendant to death. If the jury returns a “No” answer on Special Issue Number 1 or a “Yes” answer to Special Issue Number 2, the Court shall sentence the Defendant to confinement in the Texas Department of Criminal Justice for life without parole.

You are instructed that evidence of temporary insanity caused by intoxication may be introduced in mitigation of the penalty attached to the offense for which he is being tried.

“Intoxication” means disturbance of mental or physical capacity resulting from the introduction of any substance into the body.

“Actor” a person whose criminal responsibility is in issue in a criminal action.

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 herein given, and to be governed thereby.

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 deciding punishment. You cannot consider

the evidence for any purpose unless you find and believe beyond a reasonable doubt that the Defendant committed such acts, if any.

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.

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.

You were allowed to take notes during this trial. Any notes you have taken are for your own personal use. You may take your notes back into the jury room and consult them during deliberations, but do not show or read your notes to your fellow jurors during your deliberations. Your notes are not evidence. Each of you should rely on your independent recollection of the evidence and not be influenced by the fact that another juror has or has not taken notes. You may use your notes to refresh your memory and recollection of the evidence, but you may not read out loud from your notes nor may you share your notes in any way with the other jurors. If any

juror reveals his or her notes to any other juror, you or the presiding juror must report it to me or my staff immediately.

In deliberating on this case, you shall consider the charge as a whole and you must not refer to or discuss any matters not in evidence before you. You must not consider or mention any personal knowledge or information you may have about any facts or person connected with this case that is not shown by the evidence. You shall not consult law books or anything not in evidence in this case.

You may not use any electronic device or media, such as telephone, cell phone, smart phone, iPhone, 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, Snap Chat, Instagram, You Tube, or Twitter, to communicate to any information about this case or to conduct any research about this case until I accept your verdict, if any.

It will not be proper for you to arrive at your answers to the Special Issue or Issues by lot, chance, or any other random method. Your answers, if any, must be arrived at by a full, fair, and free exchange of the opinions of each individual juror. Each of you must decide the case for yourself, but only after an impartial consideration of the evidence with your fellow jurors. 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 answering the Special Issues.

Any further communication must be in writing signed by your presiding juror through the bailiff to the Court, except as to your personal needs, which may be

communicated orally to the bailiff. Do not attempt to talk to the bailiff, the attorneys, or the Court regarding any questions you may have concerning the trial of the case.

After argument of counsel, you will retire to the jury room to deliberate.

When you have reached a verdict, you may use the attached forms to indicate your answers to the Special Issue or Issues, and your presiding juror should sign the appropriate form certifying to your verdict.



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HON. DOUGLAS A. ALLEN  
Criminal District Court No. 3  
Tarrant County, Texas

ANSWERS TO SPECIAL ISSUE(S)

SPECIAL ISSUE NUMBER 1:

Do you find from the evidence beyond a reasonable doubt that there is a probability that the Defendant would commit criminal acts of violence that would constitute a continuing threat to society?

In your verdict, you will answer "Yes" or "No."

Answer: We, the jury, unanimously find from the evidence beyond a reasonable doubt that the answer to Special Issue Number 1 is "Yes."

Alley J. Gill  
PRESIDING JUROR

OR

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

DEC 04 2024

TIME 4:30pm  
BY HU DEPUTY

Answer: We, the jury, because at least ten (10) jurors agree, find that the answer to Special Issue Number 1 is "No."

\_\_\_\_\_  
PRESIDING JUROR

If your answer to Special Issue Number 1 is "Yes," then you will answer Special Issue Number 2; otherwise, you will not answer Special Issue Number 2.



**SPECIAL ISSUE NUMBER 2:**

Taking into consideration all of the evidence, including the circumstances of the offense, the Defendant's character and background, and the personal moral culpability of the Defendant, do you find that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed?

In your verdict, you will answer "Yes" or "No."

Answer: We, the jury, unanimously find that the answer to Special Issue Number 2 is "No."

Alley J. Hill  
PRESIDING JUROR

OR

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

DEC 04 2024

TIME 4:30 pm  
BY HC DEPUTY

Answer: We, the jury, because at least ten (10) jurors agree, find that the answer to Special Issue Number 2 is "Yes."

\_\_\_\_\_  
PRESIDING JUROR