

THE STATE OF TEXAS

§

IN THE 371st DISTRICT

VS.

§

COURT OF

VALERIAN W O'STEEN

§

TARRANT COUNTY, TEXAS

**COURT'S CHARGE**

**MEMBERS OF THE JURY:**

The Defendant, VALERIAN W O'STEEN, stands charged by indictment with the offense of the capital murder, alleged to have been committed in Tarrant County, Texas, on or about the 13th day of February 2022. To this charge, the defendant has pled not guilty.

A person commits the offense of "capital murder" if he intentionally causes the death of an individual in the course of committing or attempting to commit the offense of obstruction or retaliation.

A person commits the offense of "murder" if he intentionally or knowingly causes the death of an individual; or intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual; or commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in the immediate flight from the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

A person commits the offense of "obstruction or retaliation" if the person intentionally or knowingly harms or threatens to harm another by an unlawful act in retaliation of or on account of the service of the status of another as a witness, prospective witness, or informant; or a person who has reported or who the actor knows intends to report the occurrence of a crime. Or, a person commits the offense of "obstruction or retaliation" if the person intentionally or knowingly harms or threatens to harm another by an unlawful act to prevent or delay the service of another as a witness, prospective witness, or informant; or a person who has reported or who the actor knows intends to report the occurrence of a crime.

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

SEP 10 2025

TIME 9:49 AM  
BY BGT DEPUTY

You are instructed that the offense of “obstruction or retaliation” is a felony offense.

"Actor" means a person whose criminal responsibility is in issue in a criminal action.

“Another” means a person other than the actor.

"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 affect the commission of the offense intended.

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

“Harm” means anything reasonably regarded as loss, disadvantage, or injury, including harm to another person in whose welfare the person affected is interested.

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

“Informant” means a person who has communicated information to the government in connection with any governmental function.

"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.

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 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 on or about the 13<sup>th</sup> day of February 2022, in Tarrant County, Texas, the defendant, VALERIAN W O’STEEN, did then and there, intentionally cause the death of Marissa Grimes, by striking her with his hand or hands or an object unknown to the grand jury, and the said Defendant was in the course of committing or attempting to commit the offense of obstruction or retaliation against Marissa Grimes, then you will find the defendant guilty of capital murder.

If you do not so believe the defendant committed capital murder, or if you have a reasonable doubt thereof, you will proceed to the next section to determine whether the defendant is guilty of the lesser-included offense of murder. If you, however, find from the evidence beyond a reasonable doubt that the defendant is guilty of capital murder, you need not proceed to the lesser-included offense below.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 13th day of February 2022, in Tarrant County, Texas, the defendant, VALERIAN W O'STEEN, did then and there, intentionally or knowingly cause the death of Marissa Grimes by striking her with his hand or hands or an object unknown to the grand jury; or intended to cause serious bodily injury and committed an act clearly dangerous to human life, namely, striking Marissa Grimes with his hand or hands or an object unknown to the grand jury, that caused the death of Marissa Grimes; or committed or attempted to commit a felony, namely, obstruction or retaliation, and in the course of and in furtherance of the commission or attempt, or in the immediate flight from the commission or attempt, he committed or attempted to commit an act clearly dangerous to human life, namely, striking Marissa Grimes with his hand or hands or an object unknown to the grand jury, that causes the death of an Marissa Grimes, then you will find the defendant guilty of the lesser-included offense of murder.

If you believe from the evidence, beyond a reasonable doubt, that the defendant is guilty of either capital murder or murder, but you have a reasonable doubt about which offenses he is guilty of, you must resolve the doubt in the defendant's favor. In that situation, you must find him guilty of the lesser offense of murder.

Unless you find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will next consider whether the Defendant is guilty of the offense of obstruction or retaliation.

Now if you find from the evidence beyond a reasonable doubt that on or about the 13<sup>th</sup> day of February 2022, in Tarrant County, Texas, the Defendant, VALERIAN W. O'STEEN, did then and there intentionally or knowingly, threaten to harm Marissa Grimes by an unlawful act in retaliation for or on account of the service or status of Marissa Grimes as a witness, prospective witness or informant or person who has reported or who the Defendant knew intended to report the occurrence of a crime or to prevent or delay the service of Marissa

Grimes as a witness, prospective witness or informant or person who has reported or who the defendant knew intended to report the occurrence of a crime then you will find him "guilty" of the offense of obstruction or retaliation.

If you believe from the evidence beyond a reasonable doubt, that the defendant is guilty of either murder or obstruction or retaliation, but you have a reasonable doubt about which offenses he is guilty of, you must resolve the doubt in the defendant's favor and find him guilty of the offense of obstruction or retaliation.

Unless you find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the Defendant of the offense of obstruction or retaliation and say by your verdict "Not Guilty" to that offense.

You are instructed that under our law a statement of a defendant shall be admissible in evidence if it appears that the same was freely and voluntarily made without compulsion or persuasion. Unless the jury believes beyond a reasonable doubt that the statement of the Defendant made to detectives Cedillo and Pate 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 if there is any testimony before you in this case regarding the Defendant's having committed a crime, wrong or act other than the offense alleged against him 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 crime, wrong or act, if any was committed, and even then you may only consider the same in determining the motive, intent, identity, state of the mind of the Defendant, lack of accident or lack of mistake of the Defendant if any, in connection with the offense, if any, alleged against him in the indictment in this case, and for no other purpose. You may not consider such other crime, wrong or act to prove the defendant's character in order to show that he acted in conformity with the character.

You are instructed that if there is any evidence before you in this case regarding the Defendant's having committed other crimes, wrongs, or acts against Marissa Grimes, you cannot consider said evidence 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 the same for: the condition of the mind of the Defendant at the time of the killing, if any; or for the nature of the relationship between the Defendant and Marissa Grimes; and for no other purpose. You may not consider such other crime, wrong or act to prove the defendant's character in order to show that he acted in conformity with the character.

You are instructed that the State has introduced evidence before you that the Defendant has been convicted of felony offenses, if he was. This evidence was admitted to aid you, if it does, in determining the credibility of the Defendant and the weight to be given to his testimony, and for no other purpose. The evidence is not to be used as evidence that the Defendant committed the offense for which he is on trial. The evidence shall not be considered by you in determining the character of the Defendant in order to show that he acted in conformity therewith in connection with the offense on trial.

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 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 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.

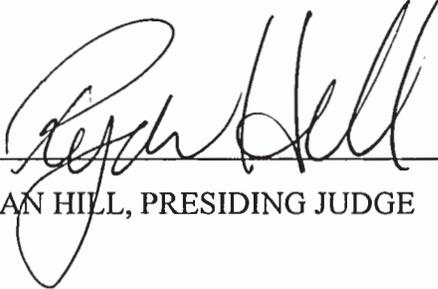
As you determine the facts, you must consider only the evidence presented during the trial, including the sworn testimony of the witnesses and the exhibits. Remember that any statements, objections, or arguments made by the lawyers are not evidence. The function of the lawyers is to point out those things 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.

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 Presiding Juror. 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 Presiding Juror.

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 Presiding Juror will certify thereto by filling in the appropriate form attached to this charge and signing his or her name as Presiding Juror. You may now retire to consider your verdict.



RYAN HILL, PRESIDING JUDGE

VERDICT FORMS – CAPITAL MURDER

We, the jury, find the defendant, VALERIAN W O'STEEN, guilty of the offense of capital murder as alleged in the indictment.

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

SEP 10 2025

TIME 2:50 PM  
BY ES DEPUTY

  
PRESIDING JUROR

-OR-

We, the jury, find the defendant, VALERIAN W O'STEEN, not guilty.

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

If you do not so believe the defendant committed capital murder, or if you have a reasonable doubt thereof, only then will you proceed to the next section to determine whether the defendant is guilty of the lesser-included offense of murder. If you, however, find from the evidence beyond a reasonable doubt that the defendant is guilty of capital murder, you need not proceed to the lesser-included offense below.

**VERDICT FORMS – MURDER**

We, the jury, find the defendant, VALERIAN W O’STEEN, guilty of the lesser-included offense of murder.

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

-OR-

We, the jury, find the defendant, VALERIAN W O’STEEN, not guilty.

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

If you do not so believe the defendant committed murder, or if you have a reasonable doubt thereof, only then will you proceed to the next section to determine whether the defendant is guilty of the lesser-included offense of obstruction retaliation. If you, however, find from the evidence beyond a reasonable doubt that the defendant is guilty of murder, you need not proceed to the lesser-included offense below.

VERDICT FORMS – OBSTRUCTION RETALIATION

We, the Jury, find the Defendant, VALERIAN W O'STEEN, guilty of the offense of  
Obstruction Retaliation.

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PRESIDING JUROR

-OR-

We, the jury, find the defendant, VALERIAN W O'STEEN, not guilty.

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PRESIDING JUROR