

FILED

CAUSE NO. F08-50213-N

2009 MAY -5 AM 9:38

GARY FITZGERALD  
CLERK  
DALLAS COUNTY, TEXAS  
DEPUTY

THE STATE OF TEXAS

||  
||  
||  
||  
||

IN THE 195TH JUDICIAL  
DISTRICT COURT OF  
DALLAS COUNTY, TEXAS

VS.

OREN WILLIAM SIBLEY

COURT'S CHARGE

MEMBERS OF THE JURY:

The defendant, Oren William Sibley, stands charged by indictment with the offense of capital murder, alleged to have been committed in Dallas County, Texas, on or about March 21, 2007. To that charge, the defendant has pled not guilty.

A person commits the offense of murder if he intentionally causes the death of an individual. The offense becomes capital murder if the person intentionally commits the murder in the course of committing or attempting to commit robbery.

An "attempt" to commit an offense occurs where one, with specific intent to commit an offense, does an act amounting to more than mere preparation that tends, but fails, to effect the commission of the offense intended.

A person commits the offense of robbery if, in the course of committing theft and with intent to obtain or maintain control of the property, he intentionally causes bodily injury to another.

A person commits the offense of theft if he unlawfully appropriates property with intent to deprive the owner of property.

“Appropriate” means to acquire or otherwise exercise control over property other than real property. Appropriation of property is unlawful if it is without the owner’s effective consent.

“Deprive” means to withhold property from the owner permanently or for so extended a period of time that a major portion of the value or enjoyment of the property is lost to the owner.

“Property” means tangible personal property.

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

“Consent” means assent in fact, whether express or apparent. Consent is not effective if induced by force.

“In the course of committing theft” means conduct that occurs in an attempt to commit, during the commission or in immediate flight after the attempt or commission of theft.

As used in the definition of murder or capital murder, 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.

As used in the definition of robbery, a person acts “intentionally,” or with intent, with respect to the nature of his conduct when it is his conscious objective or desire to engage in the conduct.

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

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

“Deadly weapon” means a firearm or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

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

“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.

For Oren William Sibley to be convicted of capital murder in this case, it must be proved beyond a reasonable doubt that he intentionally caused the death of Vincent Wesley by shooting him with a firearm, a deadly weapon, and that he intentionally caused the death of Vincent Wesley while in the course of committing or attempting to commit robbery of Vincent Wesley.

If you find beyond a reasonable doubt that the defendant, Oren William Sibley, on or about March 21, 2007, in the County of Dallas and said State, did unlawfully then and there intentionally cause the death of Vincent Wesley, an individual, hereinafter called deceased, by shooting the deceased with a firearm, and the defendant was then and there in the course of committing or attempting to commit the offense of robbery of said deceased, then you will 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 will find the defendant not guilty and so say by your verdict.

A person is criminally responsible for an offense committed by the conduct of another if acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense.

A person is criminally responsible as a party to an offense if the offense is committed by his own conduct, by the conduct of another for which he is criminally responsible, or by both. A person is criminally responsible for an offense committed by the conduct of another if, acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense. Mere presence alone will not constitute one a party

to an offense.

An accomplice as the word is here used means anyone connected as a party, as defined above, with the crime charged.

You are instructed that a conviction cannot be had upon the testimony of an accomplice unless the jury first believes that the accomplice's testimony is true and that it shows the Defendant is guilty of the offense charged against him, and even then you cannot convict unless the testimony of the accomplice is corroborated by other evidence tending to connect the Defendant with the offense charged. The corroboration, if any, is not sufficient if it merely shows the commission of the offense, but it must tend to connect the Defendant with its commission.

If you find from the evidence beyond a reasonable doubt that Oren William Sibley, in Dallas County, Texas, on or about the 21st day of March, 2007, did then and there intentionally cause the death of Vincent Wesley by shooting him with a firearm in the course of committing robbery of Vincent Wesley, but you find from the evidence beyond a reasonable doubt that the witness, Desmond Metcalf, did not know of the intent, if any, of the said Oren William Sibley to cause the death of Vincent Wesley by shooting him with a firearm in the course of committing robbery of Vincent, or even if Desmond Metcalf had knowledge of such intent of Oren William Sibley, that Desmond Metcalf did not act with intent to promote or assist

the commission of the offense by Oren William Sibley by soliciting, encouraging, directing, aiding, or attempting to aid Oren William Sibley to commit the offense, then you will find the witness, Desmond Metcalf, was not an accomplice to the offense of capital murder.

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will find that the witness, Desmond Metcalf, was an accomplice to the offense of capital murder. If you find from the evidence that the witness, Desmond Metcalf, was an accomplice, or you have a reasonable doubt thereof, then you are instructed that if you find beyond a reasonable doubt that an offense was committed, you cannot convict the Defendant, Oren William Sibley, of capital murder upon the testimony of Desmond Metcalf unless you first believe that his testimony is true and shows that the Defendant is guilty as charged; and even then you cannot convict the Defendant unless you further believe that there is other evidence in this case, outside the testimony of Desmond Metcalf, tending to connect the Defendant with the offense committed, if you find that an offense was committed and tending to establish that the Defendant, Oren William Sibley, intentionally caused the death of Vincent Wesley by shooting him with a firearm in the course of committing robbery of Vincent Wesley, and then from all the evidence you must believe beyond a reasonable doubt that the Defendant is guilty

of capital murder. The corroboration, if any, is not sufficient if it merely shows the commission of the offense, but it must tend to connect the Defendant with its commission and tend to establish that the Defendant intentionally caused the death of Vincent Wesley by shooting him with a firearm in the course of committing robbery of Vincent Wesley.

An indictment is no evidence of guilt; therefore, you shall not consider the indictment in this case as any evidence of guilt.

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, indicted for, or otherwise charged with an offense raises no inference of guilt at his trial. A defendant is not required to prove his innocence or to produce any evidence at all. The presumption of innocence alone is sufficient to acquit a 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.

You are instructed that if there is any testimony before you in this case regarding the defendant's having committed offenses 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 offenses, if any were committed, and even then you may only consider the same in determining the intent 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.

A defendant may testify in his own behalf if he elects to do so. This is a privilege accorded a defendant, but 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 during your deliberations or take it into consideration for any purpose whatsoever as a circumstance against the defendant.

The prosecution has the burden of proving the defendant guilty and must prove each and every element of the offense charged beyond a reasonable doubt. If it fails to do so, you must acquit the defendant. The prosecution is not required to prove guilt beyond all possible doubt, but 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 shall acquit the defendant and say by your

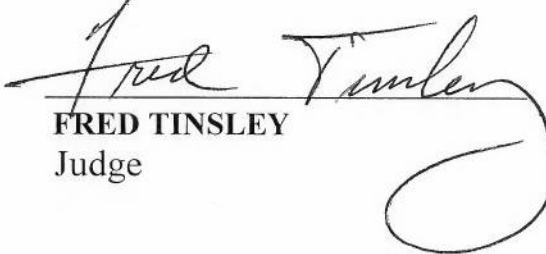


verdict, "not guilty."

During your deliberations in this case, you must not consider, discuss, or relate any matters not in evidence before you, nor should you 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. Neither shall you, in deciding your verdict, discuss the punishment which may be assessed in the event 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 the testimony, but you are bound to receive the law from the Court, which is herein given you, and be governed thereby.

  
**FRED TINSLEY**  
Judge

