

THE STATE OF TEXAS	§	IN CRIMINAL DISTRICT COURT
	§	
VS.	§	NUMBER ONE IN AND FOR
	§	
JEFFREY O'NEAL DODSON	§	TARRANT COUNTY, TEXAS

COURT'S CHARGE

MEMBERS OF THE JURY:

The defendant, Jeffrey O'Neal Dodson, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 11th day of June 2007, in Tarrant County, Texas. 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 the offense of "capital murder" if he intentionally commits the murder in the course of committing or attempting to commit the offense of robbery.

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, a person intentionally or knowingly threatens or places another in fear of imminent bodily injury or death. A robbery is "aggravated robbery" if the person uses or exhibits a deadly weapon.

"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.

"Theft" is committed if a person unlawfully appropriates property with the intent to deprive the owner of the property.

"Appropriate" means to acquire or otherwise exercise control over property other than real property.

"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.

"Appropriation of property" is unlawful if it is without the owner's effective consent.

"Effective consent" includes consent by a person authorized to act for the owner. Consent is not effective if induced by deception or coercion.

"Property" means a document, including money that represents or embodies anything of value.

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

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

AUG 14 2008

TIME 3:37 PM
BY [Signature] DEPUTY

"Deadly weapon" means a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury.

"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.

"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 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 the result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

All persons are parties to an offense who are guilty of acting together in the commission of 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 whom 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.

If in an attempt to carry out a conspiracy to commit one felony, another felony is committed by one of the conspirators, all conspirators are guilty of the felony actually committed, though having no intent to commit it, if the offense was committed in furtherance of the unlawful purpose and was one that should have been anticipated as a result of carrying out of the conspiracy.

Mere presence alone does not constitute one a party to an offense.

A conviction cannot be had upon the testimony of an accomplice witness unless the testimony is corroborated by other evidence tending to connect the defendant with the offense committed; and the corroboration is not sufficient if it merely shows the commission of the offense. An accomplice is someone who participates with the accused before, during, or after the commission of the crime. The witness, Fredrick Hughs, is an accomplice as a matter of law.

Now, if you find from the evidence beyond a reasonable doubt, that Jeffrey O'Neal Dodson, in Tarrant County, Texas, on or about the 11th day of June 2007, did intentionally cause the death of an individual, Gaurab Rajbanshi, by shooting him with a firearm, and the said defendant was then and there in the course of committing or attempting to commit the offense of robbery; or that Jeffrey O'Neal Dodson, acting with the intent to promote or assist in the commission of the offense of capital murder, solicited, encouraged, directed, aided, or attempted to aid Theodis Dodson or Fredrick Hughs to commit the offense of capital murder; or that Fredrick Bryan Hughs, Theodis Dodson and Jeffrey Dodson, in the attempt to carry

out a conspiracy to commit robbery, committed capital murder, though Jeffrey O'Neal Dodson having no intent to commit capital murder, if the capital murder was committed in furtherance of the unlawful purpose of Fredrick Bryan Hughs, Theodis Dodson and Jeffrey Dodson and should have been anticipated by Jeffrey O'Neal Dodson as a result of the carrying out of the conspiracy; or that Jeffrey O'Neal Dodson, acting with the intent to promote or assist in the commission of the offense of capital murder, solicited, encouraged, directed, aided, or attempted to aid Theodis Dodson or Fredrick Hughs to commit the offense of capital murder, then you will find the defendant guilty of the offense of capital murder.

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will find the defendant not guilty of capital murder as charged in the indictment, and you will next consider whether the defendant is guilty of the offense of murder.

Now if you find from the evidence beyond a reasonable doubt that on or about the 11th day of June 2007 in Tarrant County, Texas, the defendant, Jeffrey O'Neal Dodson, did intentionally or knowingly cause the death of an individual, Gaurab Rajbanshi, by shooting him with a firearm, or if you find that Theodis Dodson or Fredrick Hughs committed the offense of murder of Gaurab Rajbanshi, and acting with the intent to promote or assist the commission of the murder, the defendant, Jeffrey O'Neal Dodson, solicited, encouraged, directed, aided or attempted to aid Theodis Dodson or Fredrick Hughs to commit the offense of murder then you will find the defendant guilty of the offense of murder.

Unless you so find beyond a reasonable doubt, or if you have reasonable doubt thereof, you will find the defendant not guilty of murder.

If you should find from the evidence beyond a reasonable doubt that the defendant is either guilty of capital murder or murder, but you have a reasonable doubt as to which offense he is guilty, then you should resolve the doubt in the defendant's favor, and in such event you will find the defendant guilty of the lesser offense of murder.

If you should find from the evidence that the defendant is guilty of neither capital murder nor murder, or if you have a reasonable doubt thereof, you will find the defendant not guilty of capital murder and murder and next consider whether he is guilty of the offense of aggravated robbery.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 11th day of June 2007, in Tarrant County, Texas, the defendant, Jeffrey O'Neal Dodson, did intentionally or knowingly, while in the course of committing theft of property and with intent to obtain or maintain control of said property of Gaurab Rajbanshi, used or exhibited a deadly weapon, to-wit; a firearm, or that Jeffrey O'Neal Dodson, acting with the intent to promote or assist in the commission of the offense of aggravated robbery, solicited, encouraged, directed, aided, or attempted to aid Theodis Dodson or Fredrick Hughs to commit the offense of aggravated robbery, then you will find the defendant guilty of the offense of

aggravated robbery.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will find the defendant not guilty.

You are instructed that our law provides that in the event a defendant chooses not to testify, that fact cannot be taken as a circumstance against him. Jeffrey O'Neal Dodson has chosen 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 him.

You are instructed that if there is any testimony before you in this case regarding the defendant's having committed a crime other than the crime 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 crime, if any were committed, and even then you may only consider that other crime in determining the proof of intent, preparation, knowledge, identity, or existence of conspirator relationship between Theodis and Jeffrey Dodson, if any, in connection with the crime alleged in the indictment in this case, and for no other purpose.

You have been permitted to take notes during the testimony in this case. In the event any of you took notes, you may rely on your notes during your deliberations. However, you may not share your notes with the other jurors and you should not permit the other jurors to share their notes with you. You may, however, discuss the contents of your notes with the other jurors. You shall not use your notes as authority to persuade your fellow jurors. In your deliberations, give no more and no less weight to the views of a fellow juror just because that juror did or did not take notes. Your notes are not official transcripts. They are personal memory aids, just like the notes of the judge and the notes of the lawyers. Notes are valuable as a stimulant to your memory. On the other hand, you might make an error in observing or you might make a mistake in recording what you have seen or heard. Therefore, you are not to use your notes as authority to persuade fellow jurors of what the evidence was during the trial.

Occasionally, during jury deliberations, a dispute arises as to the testimony presented. If this should occur in this case, you shall inform the court and request that the court read the portion of disputed testimony to you from the official transcript. You shall not rely on your notes to resolve the dispute because those notes, if any, are not official transcripts. The dispute must be settled by the official transcript, for it is the official transcript, rather than any juror's notes, upon which you must base your determination of the facts and ultimately your verdict in this case.

Your verdict must be by a unanimous vote of all members of the jury. In deliberating on this case, you shall consider the charge as a whole and you must not refer to nor discuss any matters not in evidence.

In all criminal cases, the burden of proof is on the State. The burden of proof rests upon the State throughout the trial and never shifts to the defendant.

The indictment in this case is no evidence whatsoever of the guilt of the defendant. It is a mere pleading that is necessary in order to bring this case into court for trial and you will not consider it for any purpose.

All persons are presumed to be innocent and no person may be convicted of an offense unless each element of the offense is proven beyond a reasonable doubt. The fact that a defendant has been arrested, confined, indicted for, or otherwise charged with an offense gives no rise to any 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.

You are charged that it is only from the witness stand that the jury is permitted to receive evidence regarding the case and no juror is permitted to communicate to any other juror anything he may have heard regarding the case or any witness therein, from any other source than the witness stand.

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 given in these written instructions, and be governed thereby.

After you retire to the jury room, you should select one of your members as your foreman. It is his or her duty to preside at your deliberations, to vote with you, and when you have reached a unanimous verdict, to certify to your verdict by using one of the attached forms and signing the same as your foreman.

Any further communication must be in writing signed by your foreman through the bailiff to the Court, except as to your personal needs which may be communicated orally to the bailiff in charge. After you have reached a unanimous verdict or if you desire to communicate with the Court, please use the jury call button on the wall and one of the bailiffs will respond.



JUDGE SHAREN WILSON
Criminal District Court No. 1
Tarrant County, Texas

VERDICT FORMS

We, the jury, find the defendant, Jeffrey O'Neal Dodson, guilty of the offense of capital murder as charged in the indictment.

Frederick Paul Wray
Foreman

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THOMAS A. WILDER, DIST. CLERK
WARRANT COUNTY, TEXAS

AUG 15 2008

-OR-

TIME 10:13am
BY 80 DEPUTY

We, the jury, find the defendant, Jeffrey O'Neal Dodson, guilty of the lesser included offense of murder.

Foreman

-OR-

We, the jury, find the defendant, Jeffrey O'Neal Dodson, guilty of the lesser included offense of aggravated robbery.

Foreman

-OR-

We, the jury, find the defendant, Jeffrey O'Neal Dodson, not guilty.

Foreman