

THE STATE OF TEXAS

*

IN THE 426TH JUDICIAL

VS.

*

DISTRICT COURT OF

JEFFREY CURTIS JOHNSON

*

BELL COUNTY, TEXAS

CHARGE OF THE COURT

LADIES AND GENTLEMEN OF THE JURY:

The Defendant, Jeffrey Curtis Johnson, stands charged by indictment with the offense of Capital Murder, alleged to have occurred on or about the 29th day of July, 2015, in Bell County, Texas. To this charge the Defendant has pled not guilty. You are instructed the law applicable to this case is as follows:

I.

A person commits the offense of Capital Murder if the person commits Murder, as defined below, and the person intentionally commits the Murder in the course of committing or attempting to commit Aggravated Sexual Assault;

II.

A person commits the offense of Capital Murder if he commits murder, as defined below, and the person murders an individual under 10 years of age

III.

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

"Individual" means a human being who is alive.

FILED

.....a.m. 4:42 pm o'clock

AUG 09 2017

YOANNA STANTON
District Court, Bell County, Texas
By: [Signature] Deputy Clerk

Signed _____



IV.

A person commits the offense of Aggravated Sexual Assault if the person intentionally or knowingly causes the penetration of the anus of a child by any means, and at the time, the child was younger than 14 years of age.

V.

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.

VI.

Now bearing in mind the foregoing instructions and definitions, if you believe from the evidence beyond a reasonable doubt that the defendant ,Jeffrey Curtis Johnson, did then and there intentionally cause the death of an individual, namely, Hannah Davis, by striking or hitting the said Hannah Davis with his hands, or by striking or kicking the said Hannah Davis with his foot, or by striking or hitting the said Hannah Davis with an object unknown to the Grand Jury, or by throwing or pushing or shoving the said Hannah Davis against an object unknown to the Grand Jury, and the defendant was then and there in the course of committing or attempting to commit the offense of Aggravated Sexual Assault of the said Hannah Davis, or if you find from the evidence beyond a reasonable doubt that the defendant, Jeffrey Curtis Johnson, did then and there intentionally or knowingly cause the death of an individual, namely Hannah Davis, an individual younger than 10 years of age, by striking or hitting the said Hannah Davis with his hands, or by striking or kicking the said Hannah Davis with his foot, or by striking or hitting the said Hannah Davis with an object unknown to the Grand Jury, or by throwing or pushing or shoving the said Hannah Davis against an object unknown to the Grand Jury, you will find the defendant guilty of Capital Murder and so say by your verdict.

But if you do not so believe, or if you have a reasonable doubt thereof, you will acquit the defendant so say by your verdict, not guilty.

VII.

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 identity, intent, knowledge, preparation, motive, or plan of the defendant, in connection with the offense, if any, alleged against him in the indictment in this case, and for no other purpose.

VIII.

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, 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 this 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.

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".

You are further instructed as a part of the law in this case that the indictment against the defendant is not evidence in the case, and that the true and sole use of the indictment is to charge

the offense, and to inform the defendant of the offense alleged against him. The reading of the indictment to the jury in the statement of the case of the State against the defendant cannot be considered as a fact or circumstance against the defendant in your deliberations.

In deliberating on the cause you are not to refer to or discuss any matter or issue not in evidence before you; and in determining the guilt or innocence of the defendant, you shall not discuss or consider the punishment, if any, which may be assessed against the defendant in the event he is found guilty.

You are charged that it is only from the witness stand that the jury is permitted to receive evidence regarding the case, or any witness therein, 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 source other than the witness stand.

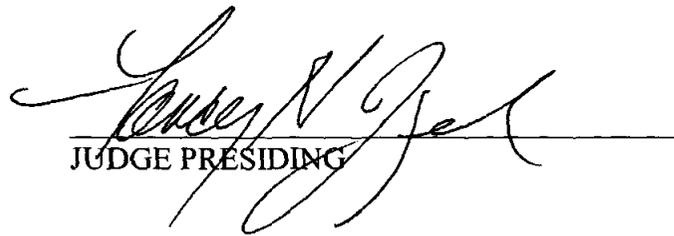
You have a right to consider all of the facts that are shown by the evidence, and to draw natural and reasonable inferences from such facts. You alone have the authority and the duty to determine what the facts are in this case. In evaluating the evidence, you must totally disregard what you believe is my opinion about any factual matter.

You are the exclusive judges of the facts proved, of the credibility of the witnesses and of the weight to be given to the testimony. But you are bound to receive the law from the Court, which is herein given you, and be governed thereby.

You must not consider facts that have not been introduced into evidence or legal principles not contained in this charge. It is improper for a juror to discuss or consider anything which they know or have learned outside of the testimony presented to you, and the law contained in this charge. If a juror should discover that they have any outside information, they must not mention this information to any other juror, nor consider it themselves in arriving at a verdict.

Questions and comments of the attorneys do not constitute testimony and must not be considered as evidence. You must also disregard any statement of the attorneys that is inconsistent with the law contained in this charge.

After the reading of this Charge, you shall not be permitted to separate from each other, nor shall you talk with anyone not of your jury. After argument of counsel, you will retire and select one of your members as your foreman. It is his or her duty to preside at your deliberations and to vote with you in arriving at a unanimous verdict. After you have arrived at your verdict, you may use one of the forms attached hereto by having your foreman sign his or her name to the particular form that conforms to your verdict, but in no event shall he or she sign more than one of such forms.


JUDGE PRESIDING

NO. 75,505

THE STATE OF TEXAS
VS.
JEFFREY CURTIS JOHNSON

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IN THE 426TH JUDICIAL
DISTRICT COURT OF
BELL COUNTY, TEXAS

VERDICT OF THE JURY

We, the Jury, find beyond a reasonable doubt that the Defendant, Jeffrey Curtis Johnson, is "Guilty" of the offense of Capital Murder as alleged in the indictment.

Do Not Disclose Per Article 35.29 CCP
Foreman of the Jury

We, the Jury, find the Defendant "Not Guilty".

FOREMAN

FILED

11:24 a.m. ... o'clock

AUG 10 2017

JOANNE G. ...
District Court, Bell County, Texas
By: Valva Johnson, County Clerk

Signed _____

