

CAUSE NO. 011545

STATE OF TEXAS

v.

DILLION GAGE COMPTON

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§

IN THE DISTRICT COURT

259th JUDICIAL DISTRICT

JONES COUNTY, TEXAS

JURY INSTRUCTIONS

Members of the jury,

You have found the defendant, Dillion Gage Compton, guilty of the offense of capital murder. You are instructed that the defendant shall be punished by confinement in the Institutional Division of the Texas Department of Criminal Justice for life without parole, or by death. It is necessary now for you to determine, from all the evidence in the case, the answers to two special issues.

Both sides will soon present final argument on sentencing. Before they do so, I must now give you the instructions you must follow in determining the answers to the two special issues.

You will have a written copy of these instructions to take with you and to use during your deliberations.

First, I will tell you about some general principles of law that must govern your decisions in this case. Then I will tell you about the specific law applicable to this case. Finally, I will instruct you on the rules that must control your deliberations.

GENERAL PRINCIPLES

Jury as Fact Finder

As the jurors, you review the evidence and determine the facts and what they prove. You judge the believability of the witnesses and what weight to give their testimony.

In judging the facts and the believability of the witnesses, you must apply the law provided in these instructions.

Evidence

In determining the answers to the two special issues, you may take into consideration all the evidence admitted before you. This includes the evidence admitted during the first stage of the trial concerning the defendant's guilt as well as any evidence admitted during this punishment stage.

FILED
AT 5:15 O'CLOCK P.M

OCT 31 2018

Lacey Hanson
DISTRICT CLERK, JONES CO., TEXAS
By _____ Deputy

The evidence consists of the testimony and exhibits admitted in the trial. You must consider only evidence to reach your decisions. You must not consider, discuss, or mention anything that is not evidence in the trial. You must not consider or mention any personal knowledge or information you may have about any fact or person connected with this case that is not evidence in the trial.

Statements made by the lawyers are not evidence. The questions asked by the attorneys are not evidence. Evidence consists of the testimony of the witnesses and materials admitted into evidence.

Nothing the judge has said or done in this case should be considered by you as an opinion about the facts of this case or influence you to vote one way or the other.

You should give terms their common meanings, unless you have been told in these instructions that the terms are given special meanings. In that case, of course, you should give those terms the meanings provided in the instructions.

While you should consider only the evidence, you are permitted to draw reasonable inferences from the testimony and exhibits that 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 that have been established by the evidence.

You are to render a fair and impartial verdict based on the evidence admitted in the case under the law that is in these instructions. Do not allow your verdict to be determined by bias or prejudice.

Admitted Exhibits

You may, if you wish, examine exhibits. If you wish to examine an exhibit, the foreperson will inform the court and specifically identify the exhibit you wish to examine. Only exhibits that were admitted into evidence may be given to you for examination.

Testimony

Certain testimony will be read back to you by the court reporter if you request. To request that testimony be read back to you, you must follow these rules. The court will allow testimony to be read back to the jury only if the jury, in a writing signed by the foreperson, (1) states that it is requesting that testimony be read back, (2) states that it has a disagreement about a specific statement of a witness or a particular point in dispute, and (3) identifies the name of the witness who made the statement. The court will then have the court reporter read back only that part of the statement that is in disagreement.

Defendant's Right to Remain Silent

The defendant has a constitutional right to remain silent. The defendant may testify on his own behalf, if he elects to do so, but if he chooses not to do so, that fact cannot be taken as a

circumstance against him nor prejudice him in any way. The defendant has elected not to testify, and you are instructed that you cannot and must not refer to nor allude to that fact throughout your deliberations or take that fact into consideration for any purpose whatsoever as a circumstance against the defendant. You must not speculate, guess, or even talk about what the defendant might have said if he had taken the witness stand or why he did not. The foreperson of the jury must immediately stop any juror from mentioning the defendant's decision not to testify.

Burden of Proof for Wrongful Acts

During the trial, you heard evidence that the defendant may have committed wrongful acts that did not result in any criminal charges or that did not result in criminal convictions. You are not to consider any evidence of any particular wrongful act unless you find, beyond a reasonable doubt, that the defendant did, in fact, commit that wrongful act. Those of you who believe the defendant did the wrongful act may consider it.

Determining the Answers to the Special Issues

In determining the answers to the two special issues, you must make your determinations by a full, fair, and free expression of the opinion of the individual jurors. You must not decide the sentence by lot or by chance.

SPECIAL ISSUES

The first special issue you must answer is as follows:

SPECIAL ISSUE NUMBER ONE: 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 One "Yes" or "No."

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

In deliberating on Special Issue Number One, 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 militate for or mitigate against the imposition of the death penalty.

The jury may not answer Special Issue Number One "Yes" unless the jury agrees unanimously.

The jury may not answer Special Issue Number One "No" unless ten (10) or more jurors agree. Members of the jury need not agree on what particular evidence supports a "No" answer to Special Issue Number One.

If the jury answers Special Issue Number One "Yes," then the jury shall answer the following Special Issue Number Two; otherwise, do not answer Special Issue Number Two.

SPECIAL ISSUE NUMBER TWO: 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 Two "Yes" or "No."

The jury may not answer Special Issue Number Two "No" unless the jury agrees unanimously.

The jury may not answer Special Issue Number Two "Yes" unless ten (10) or more jurors agree. Members of the jury need not agree on what particular evidence supports a "Yes" answer to Special Issue Number Two.

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

If the 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.

A defendant sentenced to confinement for life without parole is ineligible for release from the Department onto parole.

RULES THAT CONTROL DELIBERATIONS

You must follow these rules while you are deliberating and until you reach a verdict. After the closing arguments by the attorneys, you will go into the jury room.

The foreperson should conduct the deliberations in an orderly way. Each juror has one vote, including the foreperson. The foreperson must supervise the voting, vote with other members on the verdict, and sign the verdict sheet.

While deliberating and until excused by the trial court, all jurors must follow these rules:

1. You must not discuss this case with any court officer, or the attorneys, or anyone not on the jury.
2. You must not discuss this case unless all of you are present in the jury room. If anyone leaves the room, you must stop your discussions about the case until all of you are present again.

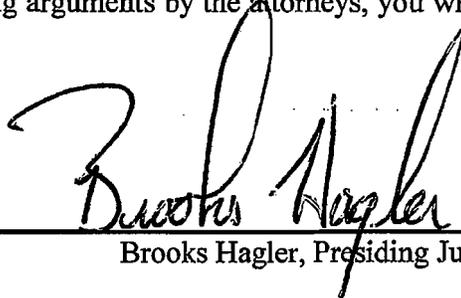
3. You must communicate with the judge only in writing, signed by the foreperson and given to the judge through the officer assigned to you.

4. You must not conduct any independent investigations, research, or experiments.

5. You must tell the judge if anyone attempts to contact you about the case before you reach your verdict.

After you have arrived at your verdict, you are to use one of the forms attached to these instructions. You should have your foreperson sign his or her name to the particular form that conforms to your verdict.

After the closing arguments by the attorneys, you will begin your deliberations to decide your verdict.

A handwritten signature in black ink, reading "Brooks Hagler". The signature is written in a cursive style with a large, looping initial "B".

Brooks Hagler, Presiding Judge

Now, bearing in mind the foregoing instructions, you will answer the following Special Issues:

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".

7:56pm
05 NOV 18

D. Blair Post
Foreperson

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

Foreperson

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.

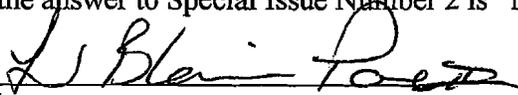
SPECIAL ISSUE NUMBER 2

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".

10:33
06 NOV 2018


Foreperson

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

Foreperson

We, the jury, return in open court the above answers to the Special Issues submitted to us and the same is our verdict in this case.


Foreperson