

COPY

*Filed
Jo Ann Wilbert
April 26, 2019
10:10a*

77530

THE STATE OF TEXAS
VS.
JO ANN WILBERT

*
*
*

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

CHARGE OF THE COURT

LADIES AND GENTLEMEN OF THE JURY:

The Defendant, Jo Ann Wilbert, stands charged by indictment with the offense of Capital Murder, alleged to have occurred on or about the 20th day of October, 2014, in Bell County, Texas. To this indictment the Defendant has pleaded not guilty. You are instructed the law applicable to this case is as follows:

I.

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

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

A person commits the offense of capital murder if murder is committed, as defined above, and the person employs another to commit the murder for remuneration or the promise of remuneration.

II.

"Remuneration" means a reward or benefit received because of the murder.

III.

A person acts intentionally, or with intent, with respect to the result of her conduct when it is her conscious objective or desire to cause the result.

A person acts knowingly, or with knowledge, with respect to a result of her conduct when she is aware that her conduct is reasonably certain to cause the result.

IV.

A person is criminally responsible as a party to an offense if the offense is committed by her own conduct, by the conduct of another for which she 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, she solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense.

Each party to an offense may be charged with commission of the offense.



All traditional distinctions between accomplices and principals are abolished and each party to an offense may be charged and convicted without alleging that she acted as a principal or accomplice.

If, in the 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 the carrying out of the conspiracy.

V.

A person is criminally responsible if the result would not have occurred but for her conduct, operating either alone or concurrently with another cause, unless the concurrent cause was clearly sufficient to produce the result and the conduct of the actor clearly insufficient.

A person is nevertheless criminally responsible for causing a result if the only difference between what actually occurred and what she desired, contemplated or risked is that a different offense was committed

VI.

You are instructed that if there is any testimony or evidence before you in this case regarding the defendant having committed or participated in other acts or transactions or offenses other than the offense alleged against her in the indictment in this case, you cannot consider said testimony or evidence, for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other acts or transactions or 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 her in the indictment in this case, and for no other purpose.

VII.

You are further instructed that you may consider all relevant facts and circumstances surrounding the killing, if any, of Christine Watkins, and the previous relationship existing between the accused and Christine Watkins, if any, together with all relevant facts and circumstances going to show the condition of the mind of the accused at the time of the offense alleged in the indictment.

You are instructed that in order to convict the Defendant of the offense of capital murder you must find from the evidence beyond a reasonable doubt that the murder, if any, occurred for remuneration or the promise of remuneration.

VIII.

Now bearing in mind the foregoing instructions and definitions, if you believe from the evidence beyond a reasonable doubt that the defendant, Jo Ann Wilbert, on or about the 20th day of October, 2014, in the County of Bell, State of Texas, as alleged in the indictment, did then and there, either acting either individually or as a party with Andrew Hardesty, intentionally or knowingly cause the death of an individual, namely, Christine Watkins, by shooting her with a firearm, for remuneration or the promise of remuneration or employed another to commit the murder for remuneration or the promise of remuneration, 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 of the offense of Capital Murder and so say by your verdict, NOT GUILTY.

IX.

In a criminal case, the law permits the defendant to testify in her own behalf; but the same law provides that her decision not to testify shall not be considered as a circumstance against her. You will, therefore, not consider the defendant's decision not to testify as a circumstance against her; and you will not in your retirement to consider your verdict allude to, comment on, or in any manner refer to the fact that the defendant has not testified.

X.

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.

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, 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.

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.

You shall not discuss or consider the punishment, if any, which may be assessed against the defendant in the event he is found guilty.

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.

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.

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 blanks attached hereto by having your foreman sign his or her name to the particular blank that conforms to your verdict, but in no event shall he or she sign more than one of such blanks.



JUDGE PRESIDING

COPY

77530

THE STATE OF TEXAS
VS.
JO ANN WILBERT

*
*
*

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

VERDICT OF THE JURY

We, the Jury, find beyond a reasonable doubt, the Defendant, Jo Ann Wilbert 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, Jo Ann Wilbert, NOT GUILTY.

FOREMAN

JOANNA STATOR
DISTRICT COURT
BELL COUNTY, TX
DEPUTY

2019 MAY -3 PM 3:53

FILED

