



A CERTIFIED COPY  
 ATTEST: 03/16/2023  
 THOMAS A. WILDER  
 DISTRICT CLERK  
 TARRANT COUNTY, TEXAS  
 BY: Is/ Maria L. Lara

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

MAR 13 2023

TIME 8:53 AM  
 BY KB DEPUTY

CAUSE NO. 1744358

THE STATE OF TEXAS	§	IN THE CRIMINAL
vs.	§	DISTRICT COURT NO. 3
JAMES IRVEN STALEY, III	§	TARRANT COUNTY, TEXAS

**COURT'S CHARGE**

**MEMBERS OF THE JURY:**

The Defendant, JAMES IRVEN STALEY, III, stands charged by indictment with the offense of capital murder as charged in Count One of the indictment, and also with the offense of murder as charged in Count Two of the indictment, both of which are alleged to have been committed on or about the 11th day of October 2018 in Wichita County, Texas. To these charges, the Defendant has pleaded not guilty.

Our law provides that 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 the person commits murder as set out above and the person murders an individual under 10 years of age.

A person also commits the offense of murder if the person commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

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



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A person acts recklessly, or is reckless, with respect to the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

"Individual" means a human being who is alive.

A person commits the offense of injury to a child if he intentionally, knowingly or recklessly causes bodily injury to a child.

The offense of injury to a child is a felony.

For the offense of injury to a child, the term "child" means a person 14 years of age or younger.

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

You are instructed that your verdict must be unanimous.

Now therefore if you find and believe from the evidence beyond a reasonable doubt that on or about the 11<sup>th</sup> day of October 2018 in Wichita County, Texas, the Defendant, James Irven Staley, III, did then and there intentionally or knowingly cause the death of an individual, namely, Jason Wilder McDaniel, an individual younger than 10 years of age, by suffocating and/or strangling and/or asphyxiating and/or impeding the airway or breathing of said Jason Wilder McDaniel, then you will find the Defendant, James Irven Staley, III, guilty of the offense of capital murder as charged in Count One of the indictment.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, then you will acquit the Defendant of capital murder as charged in Count



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One of the indictment, say by your verdict "Not Guilty," and next consider whether or not the Defendant is guilty of the offense of murder as charged in Count Two of the indictment.

If you have found the Defendant guilty of the offense of capital murder as charged in Count One of the indictment, then you will not consider Count Two of the indictment.

Now therefore if you find and believe from the evidence beyond a reasonable doubt that on or about the 11<sup>th</sup> day of October 2018 in Wichita County, Texas, the Defendant, James Irven Staley, III, did then and there commit or attempt to commit a felony, namely, injury to a child, by intentionally, knowingly, or recklessly causing bodily injury to Jason Wilder McDaniel, by striking and/or slapping and/or jamming the Defendant's hand or other object against the mouth and/or face of Jason Wilder McDaniel and/or by suffocating and/or by strangling and/or by asphyxiating and/or by impeding the airway or breathing of Jason Wilder McDaniel, and in the course and in furtherance of the commission or attempt, the said Defendant did commit or attempt to commit an act clearly dangerous to human life, namely, suffocating and/or strangling and/or asphyxiating and/or impeding the airway or breathing of said Jason Wilder McDaniel, which caused the death of Jason Wilder McDaniel, then you will find the Defendant, James Irven Staley, III, guilty of the offense of murder as charged in Count Two of the indictment.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, then you will acquit the Defendant of murder as charged in Count Two of the indictment and say by your verdict "Not Guilty."

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



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The jury may have heard evidence of an extraneous crime, wrong or bad act of the Defendant in this case. You are instructed that you may not consider evidence of an extraneous crime, wrong or bad act, if any, unless you first find and believe beyond a reasonable doubt that such extraneous crime, wrong or bad act, if any, was committed by the Defendant and even then you are instructed that you may only consider such evidence, if any, for the purposes of considering the previous relationship existing between the Defendant and Jason Wilder McDaniel, the condition of the mind of the Defendant at the time of the offense, if any, alleged in the indictment, or for assessing the Defendant's intent, preparation, plan or to rebut a defensive theory and for no other. You are not to consider the evidence, if any, as proving the Defendant's character or to show that on a particular occasion, the Defendant acted in accordance with that character. If you do not believe such evidence beyond a reasonable doubt, you are instructed that you will disregard such evidence.

You are not to allow yourselves to be influenced in any degree whatsoever by what you may think or surmise the opinion of the Court to be. The Court has no right by any word or act to indicate any opinion respecting any matter of fact in this case. If you have observed anything which you may have interpreted as the Court's opinion upon any matter of fact in this case, then you must wholly disregard it.

Do not let bias, prejudice, sympathy, resentment, or any such emotion play any part in your deliberations.

Our law provides that a defendant may testify in his own behalf if he elects to do so. This, however, is a right accorded a defendant, and 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 throughout your



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deliberations or take it into consideration for any purpose whatsoever as a circumstance against the Defendant.

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 to you and be governed thereby.

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 the 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 the 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.

It is not required that the prosecution prove guilt beyond all possible doubt. It is required that the prosecution's proof excludes all reasonable doubt concerning the Defendant's guilt.

You are instructed that the grand jury indictment is no evidence of guilt. It is the means whereby a Defendant is brought to trial in a felony prosecution. It is not evidence, nor can it be considered by you in passing upon whether the Defendant is guilty or not guilty under the indictment in this case.



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During your deliberations in this case, you must not consider, discuss, or relate any matters not in evidence before you. You should not 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.

If the Jury wishes to communicate with the Court, they shall so notify the Bailiff in writing, who shall inform the Court thereof; and they may be brought before the Court, and through their foreman, shall state to the Court in writing what they desire to communicate.

After you have retired to your Jury Room, you should select one of your members as your foreman. It is his or her duty to preside at your deliberations, vote with you, and when you have unanimously agreed upon a verdict, to certify to your verdict by signing the same as foreman.

Suitable forms for your verdict are hereto attached. Your verdict must be in writing and signed by your foreman. Your sole duty at this time is to determine whether the Defendant is guilty or not guilty under the indictment in this case. Please restrict your deliberations solely to the issue of whether the Defendant is guilty or not guilty.

EVERETT YOUNG JUDGE PRESIDING  
CRIMINAL DISTRICT COURT NO. 3  
Sitting by Assignment



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VERDICT FORMS

(COUNT ONE)

We, the Jury, find the Defendant, James Irven Staley, III, guilty of the offense of capital murder as charged in Count One of the indictment.

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TIME \_\_\_\_\_  
BY md 4:21 P DEPUTY

[Signature]  
FOREMAN OF THE JURY

-OR-

We, the Jury, find the Defendant, James Irven Staley, III, not guilty of the offense of capital murder as charged in Count One of the indictment.

\_\_\_\_\_  
FOREMAN OF THE JURY



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(COUNT TWO)

We, the Jury, find the Defendant, James Irven Staley, III, guilty of the offense of murder as charged in Count Two of the indictment.

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FOREMAN OF THE JURY

-OR-

We, the Jury, find the Defendant, James Irven Staley, III, not guilty of the offense of murder as charged in Count Two of the indictment.

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FOREMAN OF THE JURY