

SEP 15 2011  
9:00  
TIME  
BY: CV DEPUTY

NO. 1214981D

THE STATE OF TEXAS | IN THE 371ST JUDICIAL  
VS. | DISTRICT COURT OF  
DAVID JACKSON | TARRANT COUNTY, TEXAS

COURT'S CHARGE

**MEMBERS OF THE JURY:**

The Defendant, David Jackson, stands charged by Indictment with the offense of capital murder, alleged to have been committed in Tarrant County, Texas, on or about the 24th day of September, 2010. To this charge, the Defendant has pled not guilty.

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

A person commits the offense of capital murder if he commits murder, as hereinabove defined, and the person murders more than one person during the same criminal transaction.

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

"Deadly weapon" means a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury. A firearm is a deadly weapon.

"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

impairment of the function of any bodily member or organ.

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

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.

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 previous relationship existing between the accused and the deceased and/or the motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident of the Defendant, if any, in connection with the offense, if any, alleged against him in the Indictment in this case, and for no other purpose.

Now, therefore, if you find and believe from the evidence beyond a reasonable doubt, that the Defendant, David Jackson, in Tarrant County, Texas, on or about the 24th day of September, 2010, did then and there intentionally cause the death of an individual, Latressa Campbell, by shooting her with a firearm and did then and there intentionally cause the death of an individual, Toby Lightfoot, by shooting him with a firearm and both murders were committed during the same criminal transaction, as charged in the Indictment, then you will find the Defendant guilty of capital murder.

Unless you so find and believe from the evidence beyond a reasonable doubt, or

and say by your verdict, "Not guilty."

In a criminal case the law permits the Defendant to testify in his own behalf but he is not compelled to do so, and the same law provides that the fact that a defendant does not testify shall not be considered as a circumstance against him. You will, therefore, not consider the fact that the Defendant did not testify as a circumstance against him; and you will not during your deliberations allude to, comment on, or in any manner refer to the fact that the Defendant has not testified.

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.

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 the

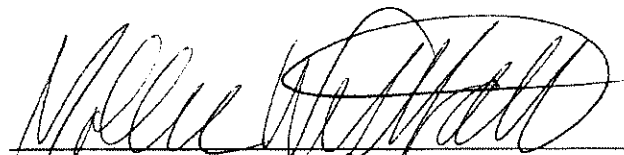
You are instructed that the Indictment in this case is no evidence whatsoever of the guilt of the Defendant. It is a mere pleading necessary in order to bring this case into court for trial, and you will consider it for no purpose.

You are the exclusive judges of the facts proved, 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 herein given you, and be governed thereby.

After you retire to the jury room, you will select one of your members as your Presiding Juror. 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 using the appropriate form attached hereto and signing the same as Presiding Juror.

You are instructed that 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 or discuss any matters not in evidence before you, neither shall you separate from each other, nor talk with anyone not of your jury.

If the jury wishes to communicate with the Court pertaining to this case, such communication must be in writing and signed by the Presiding Juror and handed to the Bailiff.

  
MOLLEE WESTFALL, JUDGE  
371st Judicial District Court  
Tarrant County, Texas

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

SEP 15 2011

TIME \_\_\_\_\_  
BY \_\_\_\_\_ DEPUTY

VERDICT FORMS

We, the Jury, find the Defendant, David Jackson, guilty of the offense of capital murder as charged in the Indictment.

  
\_\_\_\_\_  
PRESIDING JUROR

- OR -

We, the Jury, find the Defendant, David Jackson, not guilty.

\_\_\_\_\_  
PRESIDING JUROR