

FILED this 31 day of May  
2013, 8:55A.M.  
CLERK DISTRICT COURT, HAYS CO. TX  
By Debbie Nash Deputy

CAUSE NO. CR-10-1063

TRUE AND  
CORRECT COPY

THE STATE OF TEXAS ' IN THE DISTRICT COURT OF  
VS. ' HAYS COUNTY, TEXAS  
WILLIE ROY JENKINS ' 274TH JUDICIAL DISTRICT

COURT'S CHARGE

LADIES AND GENTLEMEN OF THE JURY:

The Defendant, Willie Roy Jenkins, stands charged by indictment with the offense of capital murder, alleged to have been committed in Hays County, Texas, on or about the 24<sup>th</sup> day of November, 1975. The Defendant has pleaded not guilty.

I.

Our law provides that a person commits murder when he intentionally or knowingly causes the death of an individual.

A person commits capital murder when such person intentionally commits the murder in the course of committing or attempting to commit the offense of aggravated rape.

II.

A person commits rape if he has sexual intercourse with a female not his wife without the female's consent. The intercourse is without the female's consent if he compels her to submit or participate by force that overcomes such earnest resistance as might reasonably be expected under the circumstances or if he compels her to submit or participate by any threat that would prevent resistance by a woman of ordinary resolution.

A person commits aggravated rape if he commits rape and he causes serious bodily injury or attempts to cause death to the victim or another in the course of the same criminal episode; or he

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specifically intended to cause the death of Sheryl Ann Norris, by strangling her or by drowning her, and unless you so find then you cannot convict the Defendant of the offense of capital murder.

VII.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 24th day of November, 1975, in Hays County, Texas, the Defendant, Willie Roy Jenkins, did then and there unlawfully, while in the course of committing or attempting to commit the aggravated rape of Sheryl Ann Norris, intentionally cause the death of Sheryl Ann Norris, by strangling her or drowning her, then you will find the Defendant guilty of capital murder.

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the Defendant of capital murder and go on to consider whether the Defendant is guilty of the lesser included offense of aggravated rape.

VIII.

If you find from the evidence beyond a reasonable doubt that at the time and place, and on the occasion herein before mentioned, the Defendant, Willie Roy Jenkins, did intentionally or knowingly have sexual intercourse with Sheryl Ann Norris, a female not his wife without the consent of Sheryl Ann Norris, to-wit: because the said Defendant compelled her to submit or participate by force that overcame such earnest resistance as might reasonably be expected under the circumstances, and you further find that the Defendant caused serious bodily injury or attempted to cause death to Sheryl Ann Norris in the course of the same criminal episode; or he compelled her submission to the rape by threat of death, serious bodily injury or kidnapping to be imminently inflicted on anyone, but you have a reasonable doubt as to whether the Defendant intentionally caused the death of Sheryl Ann Norris, then you will find the Defendant guilty of aggravated rape, but not capital murder.

IX.

If you should find from the evidence beyond a reasonable doubt that the Defendant, Willie Roy Jenkins, is either guilty of capital murder or aggravated rape, but you have a reasonable doubt as to which offense he is guilty, then you should resolve that doubt in the Defendant's favor, and in such event, you will find the Defendant guilty of the lesser offense of aggravated rape.

If you find from the evidence that the Defendant is guilty of neither aggravated rape nor capital murder, or if you have a reasonable doubt thereof, you will acquit the Defendant of the offense of ~~murder~~ and say by your verdict "Not Guilty".

*aggravated rape*

X.

A defendant in a criminal case is not bound by law to testify in his own behalf, but the election of any defendant to not testify shall not be taken as a circumstance against him nor shall the same be alluded to nor commented upon by the jury, and you must not refer to, mention, comment upon or discuss the election of the Defendant to not testify in this case, and any juror doing so may be guilty of contempt of court. If any juror starts to mention the Defendant's election to not testify in this case, then it is the duty of the other jurors to stop him at once.

XI.

A grand jury indictment is the means whereby a defendant is brought to trial in a felony prosecution. It is not evidence of guilt nor can it be considered by you in passing upon the question of guilt of the Defendant. The burden of proof in all criminal cases rests upon the State throughout the trial, and never shifts to the Defendant.

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 he 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 him and say by your verdict "Not Guilty."

## XII.

You have been permitted to take notes during the testimony in this case. In the event any of you took notes, you may rely on your notes during your deliberations. However, you may not share your notes with the other jurors and you should not permit the other jurors to share their notes with you. You may, however, discuss the contents of your notes with the other jurors. You shall not use your notes as authority to persuade your fellow jurors. In your deliberations, give no more and no less weight to the views of a fellow juror just because that juror did or did not take notes.

Your notes are not official transcripts. They are personal memory aids, just like the notes of the Judge and the notes of the lawyers. Notes are valuable as a stimulant to your memory. On the other hand, you might make an error in observing or you might make a mistake in recording what you have seen or heard. Therefore, you are not to use your notes as authority to persuade fellow

jurors of what the evidence was during the trial.

You are the exclusive judges of the facts proved, of the credibility of the witnesses, and the weight to be given their testimony, but the law you must be governed by you shall receive in these written instructions.

After you retire to the jury room, you should 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 your verdict by using the appropriate form attached hereto, and signing the same as Presiding Juror.

No one has any authority to communicate with you except the officer who has you in charge. During your deliberations in this case, you must not consider, discuss, nor relate any matters not in evidence before you. You should not consider nor 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 before you. 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 beyond a reasonable doubt.

After you have retired, you may communicate with this Court in writing through the officer who has you in charge. Do not attempt to talk to the officer who has you in charge, or the attorneys, or the Court, or anyone else concerning any question you may have.

Your sole duty at this time is to determine the guilt or innocence of the Defendant under the indictment in this cause and you must restrict your deliberations solely to the issue of guilt or innocence of the Defendant.

Following the arguments of counsel, you will retire to consider your verdict. After you have reached a unanimous verdict, the Presiding Juror will certify thereto by filling in the

appropriate form attached to this Charge and signing his or her name as Presiding Juror.

SIGNED this 31 day of May, 2013.

A handwritten signature in black ink, appearing to be 'J. Allen', written over a horizontal line.

JUDGE PRESIDING  
274TH JUDICIAL DISTRICT COURT  
HAYS COUNTY, TEXAS

FILED this 31 day of May  
2013 12:10 p. M.  
CLERK DISTRICT COURT, HAYS CO. TX  
By: Debbie Nash Deputy

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THE STATE OF TEXAS

IN THE DISTRICT COURT OF

VS.

HAYS COUNTY, TEXAS

WILLIE ROY JENKINS

274TH JUDICIAL DISTRICT

**VERDICT OF THE JURY**  
(use only one)

WE, THE JURY, find the Defendant, Willie Roy Jenkins "guilty" of the offense of Capital Murder as charged in the Indictment.

[Signature]  
PRESIDING JUROR

WE, THE JURY, find the Defendant, Willie Roy Jenkins "guilty" of the lesser included offense of Aggravated Rape.

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

WE, THE JURY, find the Defendant, Willie Roy Jenkins, "not guilty."

I, BEVERLY CRUMLEY, District Clerk of Hays County, Texas, hereby certify that the foregoing consisting of 8 pages, is a true, correct and full copy of the instrument herewith set out as it appears of record in the District Clerk's Office of Hays County, Texas this 14 day of June, 2013.  
Beverly Crumley, District Clerk

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

By: Debbie Nash  
Deputy