

FILED  
THOMAS A WILDER, DIST. CLERK  
TARRANT COUNTY TEXAS

APR 2 2009

NO. 1129586R

TIME 1059  
BY RAW DEPUTY

THE STATE OF TEXAS ( IN THE DISTRICT COURT OF  
VS. ( TARRANT COUNTY, TEXAS  
LUCKY LAMON ODOM ( 297<sup>TH</sup> DISTRICT COURT

MEMBERS OF THE JURY:

The defendant, Lucky Lamom Odom, stands charged in Count One of the indictment with the offense of capital murder; and in Count Two of the indictment with the offense of murder, alleged to have been committed on or about the 19th day of August, 1982, in Tarrant County, Texas. 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, or intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual.

A person commits the offense of capital murder if he intentionally causes the death of an individual while in the course of committing or attempting to commit the offense of aggravated rape.

A person commits the offense of 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 under one or more of the following circumstances: He compels her to submit or participate by force that overcomes such earnest resistance as might reasonably be expected under the circumstances; he compels her to submit or participate by any threat, communicated by actions, words, or deeds, that would prevent resistance by a woman of ordinary resolution, under the same or similar circumstances, because of a reasonable fear of harm; she has not consented and he knows she is unconscious or

physically unable to resist.

A person commits the offense of aggravated rape if he commits rape as defined above 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 uses or exhibits a deadly weapon in the course of the same criminal episode.

A deadly weapon means anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

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.

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

"Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

#### COUNT ONE

Now, if you find from the evidence beyond a reasonable doubt that on or about the 19th day of August, 1982, in Tarrant County, Texas, the defendant, Lucky Lamon Odom, did intentionally cause the death of an individual, Kathryn Munroe, by strangling her with his hand or hands, and said defendant was then and there in the course of committing or attempting to commit the offense of aggravated rape of Kathryn Munroe, then you will find the defendant guilty of the offense of capital murder as charged in Count One of the indictment.

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant of the offense of capital murder as charged in Count One of the indictment and next consider whether the defendant is guilty of the offense of murder as charged in Count Two of the indictment.

COUNT TWO

Now, if you find from the evidence beyond a reasonable doubt that on or about the 19th day of August, 1982, in Tarrant County, Texas, the defendant, Lucky Lamon Odom, did intentionally or knowingly cause the death of an individual, Kathryn Munroe by strangling her with his hand or hands,

OR

If you find from the evidence beyond a reasonable doubt that on or about the 19th day of August, 1982, in Tarrant County, Texas, the defendant, Lucky Lamon Odom, did then and there intentionally, with the intent to cause serious bodily injury to Kathryn Munroe, commit an act clearly dangerous to human life, namely strangling her with his hand or hands, which caused the death of Kathryn Munroe, then you will find the defendant guilty of the offense of murder as charged in Count Two of the indictment.

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

If you should find from the evidence beyond a reasonable doubt that the defendant, Lucky Lamon Odom, is either guilty of capital murder or murder, 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 offense of murder.

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

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 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 of 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.

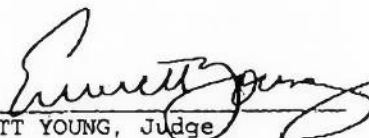
You are instructed that the grand jury indictment is no evidence of guilt. It is the means whereby a Defendant is brought to trial in a felony prosecution. It is not evidence, nor can it be considered by you in passing upon the innocence or guilt of the Defendant.

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. You are further instructed that you must sign only one of such verdict forms.



EVERETT YOUNG, Judge  
297th District Court  
Tarrant County, Texas

VERDICT FORMS

We, the Jury, find the Defendant, Lucky Lamom Odom, guilty of the offense of capital murder as charged in Count One of the indictment.

FILED  
CLERK, DIST. CLERK  
TARRANT COUNTY, TEXAS

*Richard W...*  
FOREMAN OF THE JURY

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3:02 PM  
DEPUTY

We, the Jury find the Defendant, Lucky Lamom Odom, guilty of the offense of murder as charged in Count Two of the indictment.

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FOREMAN OF THE JURY

We, the Jury, find the Defendant, Lucky Lamom Odom, not guilty.

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FOREMAN OF THE JURY