

NO. 1244131D

THE STATE OF TEXAS § IN THE 372ND JUDICIAL
VS. § DISTRICT COURT OF
DALTON JAMES BENNETT, JR. § TARRANT COUNTY, TEXAS

COURT'S CHARGE

MEMBERS OF THE JURY:

The Defendant, Dalton James Bennett, Jr., stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 18th day of June, 2011, in Tarrant County, Texas. To this charge the Defendant has pleaded not guilty.

A person commits the offense of murder if he:

- 1) intentionally or knowingly causes the death of an individual, OR;
- 2) 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 more than one person during the same criminal transaction.

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.

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

APR 05 2013

TIME 9:59 AM
BY MAC DEPUTY

"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.

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

"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.

A firearm is a deadly weapon.

Our law provides a defendant may testify in his own behalf if he elects to do so. This, however, is a privilege accorded to the defendant, and in the event he does not testify, that fact cannot be taken as a circumstance against him. In this case the Defendant has not testified, 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.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 18th day of June, 2011, in Tarrant County, Texas, the Defendant, Dalton James Bennett, Jr., did then and there intentionally cause the death of an individual, Sheryl Bennett, by shooting her with a firearm and did then and there intentionally cause the death of an individual, Tana Todd, by shooting her with a firearm, and both murders were committed during the same criminal transaction, then you will find the Defendant guilty of the offense capital murder, as charged in the second paragraph of the indictment.

If you do not so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will next consider the allegation in the third paragraph.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 18th day of June, 2011, in Tarrant County, Texas, the Defendant, Dalton James Bennett, Jr., did then and there intentionally cause the death of an individual, Tana Todd, by shooting her with a firearm and did then and there intentionally cause the death of an individual, Jose Reyes, by shooting him with a firearm, and both murders were committed during the same criminal transaction, then you will find the Defendant guilty of the offense of capital murder, as charged in the third paragraph of the indictment.

If you do not so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will next consider whether the Defendant is guilty or not guilty of the offenses of murder as set out below.

Now, bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that on or about the 18th day of June, 2011, in Tarrant County, Texas, the Defendant, Dalton James Bennett, Jr., did then and there intentionally or knowingly cause the death of an individual, Sheryl Bennett, by shooting her with a firearm OR;

If you find from the evidence beyond a reasonable doubt that on or about the 18th day of June, 2011, in Tarrant County, Texas, the Defendant, Dalton James Bennett, Jr., did then and there with intent to cause serious bodily injury to Sheryl Bennett, commit an act clearly dangerous to human life, to-wit: shoot Sheryl Bennett with a firearm, that caused the death of Sheryl Bennett, then you will find the Defendant guilty of the offense of murder.

If you do not so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will find the Defendant not guilty of the offense of murder of Sheryl Bennett.

If you find from the evidence beyond a reasonable doubt that on or about the 18th day of June, 2011, in Tarrant County, Texas, the Defendant, Dalton James Bennett, Jr., did then and there intentionally or knowingly cause the death of an individual, Jose Reyes, by shooting him with a firearm, OR;

If you find from the evidence beyond a reasonable doubt that on or about the 18th day of June, 2011, in Tarrant County, Texas, the Defendant, Dalton James Bennett, Jr., did then and there with intent to cause serious bodily injury to Jose Reyes, commit an act clearly dangerous to human life, to-wit: shoot Jose Reyes with a firearm, that caused the death of Jose Reyes, then you will find the Defendant guilty of the offense of murder.

If you do not so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will find the Defendant not guilty of the offense of murder of Jose Reyes.

If you find from the evidence beyond a reasonable doubt that on or about the 18th day of June, 2011, in Tarrant County, Texas, the Defendant, Dalton James Bennett, Jr., did then and there intentionally or knowingly cause the death of an individual, Tana Todd, by shooting her with a firearm,
OR;

If you find from the evidence beyond a reasonable doubt that on or about the 18th day of June, 2011, in Tarrant County, Texas, the Defendant, Dalton James Bennett, Jr., did then and there with intent to cause serious bodily injury to Tana Todd, commit an act clearly dangerous to human life, to-wit: shoot Tana Todd with a firearm, that caused the death of Tana Todd, then you will find the Defendant guilty of the offense of murder.

If you do not so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will find the Defendant not guilty of the offense of murder of Tana Todd.

The indictment in this case is no evidence whatsoever of the guilt of the Defendant. It is a written instrument necessary in order to bring this case into court for trial, and you will not consider the indictment as any evidence in this case or as any circumstance whatsoever 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 their testimony, but you are bound to receive the law from the Court, which is herein given, and be governed thereby.

You are charged that it is only in open court that the jury is permitted to receive evidence regarding the case, or any witness therein, and no juror is permitted to communicate to any other juror anything he or she may have seen or heard regarding the case or any witness therein from any source other than in open court.

Your verdict must be by a unanimous vote of all members of the jury. In your deliberations you shall consider the charge as a whole and you must not refer to or discuss any matters not in evidence.

VERDICT FORMS

(Sheryl Bennett)

We, the Jury, find the Defendant, Dalton James Bennett, Jr., not guilty
of the offense of murder of Sheryl Bennett.

PRESIDING JUROR

- OR -

We, the Jury, find the Defendant, Dalton James Bennett, Jr., guilty of
the offense of murder of Sheryl Bennett.

PRESIDING JUROR

VERDICT FORMS

(Jose Reyes)

We, the Jury, find the Defendant, Dalton James Bennett, Jr., not guilty
of the offense of murder of Jose Reyes.

PRESIDING JUROR

- OR -

We, the Jury, find the Defendant, Dalton James Bennett, Jr., guilty of
the offense of murder of Jose Reyes.

PRESIDING JUROR