

THE STATE OF TEXAS

VS.

JEFFREY O'NEAL DODSON

§
§
§
§
§

IN CRIMINAL DISTRICT COURT

NUMBER ONE IN AND FOR

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

AUG 18 2008

COURT'S CHARGE

TIME 1:56 PM
BY [Signature] DEPUTY

MEMBERS OF THE JURY:

You have found the defendant, Jeffrey O'Neal Dodson, guilty of the offense of capital murder. You are instructed that the defendant shall be punished by imprisonment in the institutional division of the Texas Department of Criminal Justice for life without parole or by death. In order for the Court to assess the proper punishment, the Court submits three issues to you.

ISSUE NUMBER 1: Whether there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society; and

ISSUE NUMBER 2: Whether the defendant actually caused the death of the deceased or did not actually cause the death of the deceased but intended to kill the deceased or another or anticipated that a human life would be taken.

You shall answer Issues Numbers 1 and 2 either "yes" or "no". The prosecution has the burden of proving that the answer to Issues Numbers 1 and 2 should be "yes" beyond a reasonable doubt, and if it fails to do so you must answer Issues Numbers 1 and 2 "no".

In deliberating on Issues Numbers 1 and 2, you shall consider all evidence admitted at the guilt or innocence stage and the punishment stage, including evidence of the defendant's background or character or the circumstances of the offense that militates for or mitigates against the imposition of the death penalty.

You may not answer Issues Numbers 1 or 2 "yes" unless you agree unanimously. You may not answer Issues Numbers 1 or 2 "no" unless 10 or more jurors agree. The members of the jury need not agree on what particular evidence supports a negative answer to either Issues Numbers 1 or 2.

If the jury answers Issues Numbers 1 ^{and 2} "yes", then you shall answer Issue Number 3, otherwise, do not answer Issue Number 3.

ISSUE NUMBER 3: Whether, taking into consideration all of the evidence, including the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant, there is sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed.

You shall answer Issue Number 3 either "yes" or "no". You are instructed that you may not answer Issue Number 3 "no" unless you agree unanimously. You may not answer Issue Number 3 "yes" unless ten or more jurors agree. The members of the jury need not agree on what particular evidence supports an

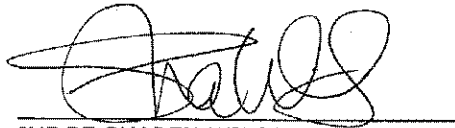
affirmative finding on Issue Number 3. You shall consider mitigating evidence to be evidence that a juror might regard as reducing the defendant's moral blameworthiness.

If the defendant is sentenced to confinement for life without parole, he is ineligible for release from the institutional division of the Texas Department of Criminal Justice on parole.

You are instructed that our law provides that a defendant may testify in his own behalf if he chooses to do so. This, however, is a privilege accorded to a defendant, and in the event he chooses not to testify, that fact cannot be taken as a circumstance against him. Jeffrey O'Neal Dodson has chosen 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 him.

You have been permitted to take notes during the testimony in this case. You are bound to follow the instructions regarding your notes, given in the previous Court's Charge.

After argument of counsel, you will retire to the jury room to deliberate. Any further communication must be in writing signed by your foreman through the bailiff to the Court. When you have reached a decision, you will use the attached forms to indicate your answers to the Issues. Your foreman should sign the Certification attesting to your special verdicts reflected in your answers to the Issues.



JUDGE SHAREN WILSON
Criminal District Court No. 1
Tarrant County, Texas

Now, bearing in mind the foregoing instructions, you will answer the following issues:

ISSUE NUMBER 1

Do you find from the evidence beyond a reasonable doubt that there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society?

In your special verdict, you will answer "yes" or "no". Answer: YES

ISSUE NUMBER 2

Do you find from the evidence beyond a reasonable doubt that the defendant actually caused the death of the deceased or did not actually cause the death of the deceased but intended to kill the deceased or another or anticipated that a human life would be taken?

In your special verdict, you will answer "yes" or "no". Answer: YES

If your answers to Issues Numbers 1 and 2 are both "yes" then you will answer Issue Number 3; otherwise, you will not answer Issue Number 3.

ISSUE NUMBER 3

Whether, taking into consideration all of the evidence, including the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant, do you find that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed?

In your special verdict, you will answer "yes" or "no". Answer: YES

CERTIFICATION

We, the jury, having agreed upon the answers to the foregoing issues, return the same into court as our verdict.

Frederick David Wolfe
Foreman

FILED
THOMAS A. WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS
AUG 18 2008
TIME 3:50
BY [Signature] DEPUTY