

NO. 366-81320-2018

THE STATE OF TEXAS	§	IN THE 366th JUDICIAL
VS.	§	DISTRICT COURT OF
MITCHELL CONRAD JONES	§	COLLIN COUNTY, TEXAS

CHARGE OF THE COURT**MEMBERS OF THE JURY:**

The defendant, **MITCHELL CONRAD JONES**, stands charged by indictment with the offense of Capital Murder, alleged to have been committed on or about the 20th day of July, 2009, in Collin County, Texas. To this charge the defendant has pleaded not guilty.

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

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

A person commits the offense of manslaughter if he recklessly causes the death of an individual.

A person commits the offense of robbery if, in the course of committing theft as defined herein, and with intent to obtain or maintain control of the property, he intentionally, knowingly, or recklessly causes bodily injury to another.

A person commits the offense of theft if he unlawfully appropriates property with the intent to deprive the owner of that property.

A person acts intentionally, or with intent, with respect to the result of his conduct when it is his conscious objective or desire to cause the result. A person acts intentionally,

or with intent, with respect to the nature of his conduct when it is his conscious objective or desire to engage in the conduct.

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. A person acts knowingly, or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist.

A person acts recklessly or is reckless, with respect to the circumstances surrounding his conduct or the result of his conduct, when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the defendant's standpoint.

"Individual" means a person who has been born and was alive.

"In the course of committing robbery" means conduct that occurs in an attempt to commit, during the commission, or in the immediate flight after the attempt or commission of robbery.

"In the course of committing theft" means conduct that occurs in an attempt to commit, during the commission, or in the immediate flight after the attempt or commission of theft.

Appropriation of property is unlawful if it is without the owner's effective consent.

"Property" means tangible or intangible personal property including anything severed from land; or a document, including money, that represents or embodies anything of value.

“Owner” means a person who has title to the property, possession of the property, or a greater right to possession of the property than the actor.

“Effective consent” includes consent by a person legally authorized to act for the owner.

“Bodily injury” means physical pain, illness, or any impairment of the physical condition.

You are instructed that while the indictment alleges that the offense was committed on or about the 20th day of July, 2009, you are not bound to find that the offense, if any, took place on that specific date. It is sufficient if such time is approximately accurate, and the offense, if any, took place prior to May 8, 2018, the date of the return of the indictment for said offenses in this case, and is not barred by the statute of limitations. You are further instructed that there is no statute of limitations for the offense of Capital Murder.

You are instructed that venue is the county where prosecution of a criminal offense is begun and tried. You are further instructed as the law in this case that the venue for the trial of the offense of Capital Murder is proper in one of the following counties: the county where the injury occurred, the county where the death occurred, or the county where the body is found. The burden of proof is on the State to prove venue by a “preponderance of the evidence.”

The term “preponderance of the evidence” means the greater weight of the credible evidence.

Now, therefore, even if you find from the evidence beyond a reasonable doubt that the defendant did commit the offense of Capital Murder as alleged in the indictment, but you find that the State has failed to prove venue as alleged by preponderance of the evidence, you will acquit by the defendant and say by your verdict “Not Guilty.”

CAPITAL MURDER

NOW, if you find from the evidence beyond a reasonable doubt that on or about the 20th day of July, 2009, in Collin County, Texas, the defendant, **MITCHELL CONRAD JONES**, did then and there intentionally cause the death of an individual, namely, Richard Robinson, Sr., by manner and means unknown, or by choking Richard Robinson, Sr. with defendant's hand or a cord or an object unknown, and the defendant was then and there in the course of committing or attempting to commit the offense of robbery, then you will find the defendant guilty of Capital Murder as charged in the indictment.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof that the defendant is guilty of capital murder as charged, or if you cannot agree, you will consider whether he is guilty of the lesser-included offense of murder as instructed below.

MURDER

If you find from the evidence beyond a reasonable doubt that on or about the 20th day of July, 2009, in Collin County, Texas, that **MITCHELL CONRAD JONES** did then and there, intentionally or knowingly cause the death of Richard Robinson, Sr., by manner and means unknown, or by choking Richard Robinson, Sr. with defendant's hand or a cord or an object unknown, then you will find him guilty of the lesser included offense of murder.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof that the defendant is guilty of murder, as a lesser-included charge, or if you cannot agree, you will consider whether he is guilty of the lesser-included offense of manslaughter as instructed below.

MANSLAUGHTER

If you find from the evidence beyond a reasonable doubt that on or about the 20th day of July, 2009, in Collin County, Texas, that **MITCHELL CONRAD JONES** did then and there recklessly cause the death of Richard Robinson, Sr., by manner and means unknown, or by choking Richard Robinson, Sr. with defendant's hand or a cord or an object unknown, then you will find him guilty of the lesser included offense of manslaughter.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof that the defendant is guilty of manslaughter, as a lesser-included charge, then you will acquit the defendant and say by your verdict, "Not Guilty."

You are instructed that under our law a statement of a defendant may not be used in evidence against a defendant unless it appears that the statement was freely and voluntarily made without compulsion or persuasion.

Now, if you find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, that at the time of the making of the statement, if any, to Ranger James Holland, the defendant was induced by persuasion to make said statement, if any, then you will completely disregard such statement as evidence for any purpose nor will you consider any evidence obtained as a result thereof.

GENERAL INSTRUCTIONS

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 charged with an 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.

In all criminal cases the burden of proof is on the State and the defendant is presumed to be innocent until the defendant's guilt is established by evidence beyond a reasonable doubt; and, in case you have a reasonable doubt of the defendant's guilt, you will acquit the defendant and say by your verdict "not guilty".

You are instructed that you are not to allow yourselves to be influenced in any degree whatsoever by what you may think or surmise the opinion of the Court to be. The Court has no right by any word or any act to indicate any opinion respecting any matter of fact involved in this case, nor to indicate any desire respecting its outcome. The Court has not intended to express any opinion upon any matter of fact in this case, and if you have observed anything which you have or may interpret as the Court's opinion upon any matter of fact in this case, you must wholly disregard it.

You are instructed that any statements of counsel made during the course of the trial or during argument not supported by the evidence, or statements of law made by counsel not in harmony with the law as stated to you by the Court in these instructions, are to be wholly disregarded.

You are further instructed that you should not question the Bailiff concerning the testimony or the law of the case, nor should you discuss the case in his presence. If you have any questions, you should reduce them to writing, to be signed by the presiding juror, and present them to the Court.

If the Jurors disagree as to the statement of any witness, they may, upon applying to the Court, have read to them from the Court Reporter's notes that portion of such witness' testimony, and only that portion, on the point in dispute.

You are instructed that the indictment is the means whereby a defendant is brought to trial in a felony prosecution. It is not evidence, nor can it be considered as such when passing upon whether the defendant is guilty or not guilty.

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.

You are charged that it is only from the witness stand that the jury is permitted to receive evidence regarding the case, and no juror is permitted to communicate to any other juror anything he might have heard regarding the case from any source other than the witness stand.

You are the exclusive judges of the facts proved, of the credibility of the witnesses, and the weight to be given their testimony, but you must be governed by the law you 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 their duty to preside at your deliberations and vote with you. Your verdict must be unanimous and signed by the presiding juror.


Suitable forms for your verdict are attached hereto. Your verdict must be in writing and signed by your presiding juror. Your sole duty at this time is to determine whether the defendant is guilty or not guilty under the indictment in this cause and you are to restrict your deliberations to that issue.

Signed this the 4th day of April, 2019.

FILED

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LYNNE FINLEY
DISTRICT CLERK
COLLIN COUNTY, TX



Honorable Ray Wheless

Judge Presiding

VERDICT FORM – PAGE 1

We, the jury, find the defendant guilty of Capital Murder, as charged in the indictment.



Presiding Juror Signature

William Upton

Presiding Juror Printed Name

OR,

We, the jury, find the defendant guilty of Murder, a lesser-included offense to the offense charged in the indictment.

Presiding Juror Signature

Presiding Juror Printed Name

VERDICT FORM – PAGE 2

OR,

We, the jury, find the defendant guilty of Manslaughter, a lesser-included offense to the offense charged in the indictment.

Presiding Juror Signature

Presiding Juror Printed Name

OR,

We, the jury, find the defendant not guilty.

Presiding Juror Signature

Presiding Juror Printed Name