

NOV 20 2024

TIME 4:13 pm
BY HL DEPUTY

NO. 1702735D

THE STATE OF TEXAS § IN THE CRIMINAL DISTRICT
VS. § COURT NO. 3
JASON ALAN THORNBURG § TARRANT COUNTY, TEXAS

COURT'S CHARGE

MEMBERS OF THE JURY:

In any jury trial there are, in effect, two judges. I am one of the judges; the other is the jury. It is my duty to preside over the trial and to decide what evidence is proper for your consideration. It is also my duty at the end of the trial to explain to you the rules of law that you must follow and apply in arriving at your verdict.

First, I will give you some general instructions which apply in every case. Then I will give you some specific rules of law about this particular case, and finally I will explain to you the procedures you should follow in your deliberations.

You, as jurors, are the judges of the facts. But in determining what actually happened, that is, in reaching your decision as to the facts, it is your sworn duty to follow all of the rules of law as I explain them to you.

You have no right to disregard or give special attention to any one instruction, or to question the wisdom or correctness of any rule I may state to you. You must not substitute or follow your own notion or opinion as to what

the law is or ought to be. It is your duty to apply the law as I explain it to you, regardless of the consequences. It is also your duty to base your verdict solely upon the evidence that has been presented to you in court.

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 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"

As you determine the facts, you must consider only the evidence presented during the trial, including the sworn testimony of the witnesses and the exhibits.

Remember that any statements, objections, or arguments made by the lawyers are not evidence.

Also, do not assume from anything I may have done or said during the trial that I have any opinion concerning any of the issues in this case. Except for the instructions to you on the law, you should disregard anything I may have said during the trial in arriving at your own findings as to the facts.

While you should consider only the evidence, you are permitted to draw such reasonable inferences from the testimony and exhibits as you feel are justified in the light of common experience. In other words, you may make deductions and reach conclusions that reason and common sense lead you to draw from the facts which have been established by the evidence.

You are to decide whether the State has proved beyond a reasonable doubt that the defendant is guilty of the crime charged. The defendant is not on trial for any act, conduct, or offense not alleged in the indictment. Neither are you concerned with the guilt of any person or persons not on trial as a defendant in this case.

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 this fact throughout your deliberations or take it

into consideration for any purpose whatsoever as a circumstance against the defendant.

Now, bearing in mind these instructions, the defendant, Jason Alan Thornburg, stands charged by indictment in Count One with the offense of capital murder, alleged to have been committed in Tarrant County, Texas, on or about the 21st day of September 2021. To this charge the defendant has pleaded not guilty.

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

A person commits capital murder when such person murders more than one person during different criminal transactions but pursuant to the same scheme or course of conduct.

“Individual” means a human being who is alive, including an unborn child at every stage of gestation from fertilization until birth.

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.

You are instructed as the law in this case that the State is not required to prove the exact date alleged in the indictment, but may prove the offense, if any, to have been committed at any time prior to the presentment of the indictment, and before the expiration of the statute of limitations. There is no statute of limitations

for the offense of capital murder. The court has taken judicial notice of December 13, 2021 as the date of the return of the indictment in this case.

You are instructed that a deadly weapon is anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury; or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

“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 or any bodily member or organ.

“Intoxication” means disturbance of mental or physical capacity resulting from the introduction of any substance into the body.

You are instructed that voluntary intoxication does not constitute a defense to the commission of a crime.

The jury heard evidence that the Defendant gave a statement to law enforcement officers, if he did. Unless the jury believes beyond a reasonable doubt that the statement was voluntarily made, the jury shall not consider such statement for any purpose, nor any evidence obtained as a result thereof.

You are instructed that no evidence obtained by a law enforcement officer in violation of any provision of the Constitution or laws of the State of Texas, or the Constitution or laws of the United States of America, shall be admitted into evidence against an accused in the trial of any criminal case.

No oral statement of an accused made in violation of the rights of an accused shall be admissible against the accused in a criminal proceeding if the evidence shows that the accused invoked his right to counsel when dealing with law enforcement officers.

Unless the jury believes beyond a reasonable doubt that the Defendant did not invoke his Fifth Amendment right to counsel during the giving of the statement, if any, the jury shall not consider such statement after the point that the jury believes that the Defendant invoked his right to counsel for any purpose, nor any evidence obtained as a result thereof.

Therefore, if you believe beyond a reasonable doubt that the Defendant did not invoke his right to counsel before giving the statement, if any, you may consider it. Otherwise, if you have a reasonable doubt that the Defendant invoked his right to counsel during the giving of the statement or if you find that the Defendant did invoke his right to counsel during the giving of the statement, you may not consider said evidence beyond that point for any purpose against the Defendant; nor should you consider any testimony or evidence derived from said evidence from that point forward against the Defendant.

No oral statement of an accused made in violation of the rights of an accused shall be admissible against the accused in a criminal proceeding if the evidence shows that the accused terminated the interview when dealing with law enforcement officers.

Unless the jury believes beyond a reasonable doubt that the Defendant did not terminate the interview during the giving of the statement, the jury shall not consider such statement after the point that the Defendant terminated the interview for any purpose, nor any evidence obtained as a result thereof.

Therefore, if you believe beyond a reasonable doubt that the Defendant did not terminate the interview during the giving of the statement, you may consider it. Otherwise, if you have a reasonable doubt that the Defendant terminated the interview during the giving of the statement or if you find that the Defendant did terminate the interview during the giving of the statement, you may not consider said evidence past that point for any purpose against the Defendant; nor should you consider any testimony or evidence derived from said evidence against the Defendant.

You are further instructed that if there is any testimony before you in this case regarding acts of the Defendant, other than those alleged in the indictment, you cannot consider said evidence for any purpose unless you find and believe beyond a reasonable doubt that the Defendant committed such other acts, if he did. Even then, you may only consider the same to assist you, if it does, to understand the prior relationship of the Defendant and the deceased, if any, or to understand the condition of the mind of the Defendant at the time of the offense alleged in the indictment, but for no other purpose.

You are instructed that if there is any testimony before you in this case regarding the defendant's having committed crimes, wrongs or acts other than the

crimes alleged in the indictment in this case, you cannot consider said testimony for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other crimes, wrongs or acts, if any were committed, and even then you may only consider those other crimes, wrongs or acts in determining the proof of motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident, if any, in connection with the crime alleged in the indictment in this case, and for no other purpose.

COUNT ONE

Now, if you find from the evidence beyond a reasonable doubt that on or about the 21st day of September 2021, in Tarrant County, Texas, the defendant, Jason Alan Thornburg, did intentionally or knowingly cause the death of an individual, David Lueras, by cutting David Lueras with a deadly weapon, to-wit: a knife, that in the manner of its use or intended use was capable of causing death or serious bodily injury, and did intentionally or knowingly cause the death of an individual, Lauren Phillips, by impeding the normal breathing or circulation of the blood of Lauren Phillips, by applying pressure to her throat or neck by a manner or means unknown to the grand jury, and did intentionally or knowingly cause the death of an individual, Maricruz Mathis, by cutting Maricruz Mathis with a deadly weapon, to-wit: a knife, that in the manner of its use or intended use was capable of causing death or serious bodily injury, and these murders were committed pursuant to the same scheme or course of conduct, but during different criminal transactions; or

If you find from the evidence beyond a reasonable doubt that on or about the 21st day of September 2021, in Tarrant County, Texas, the defendant, Jason Alan Thornburg, did intentionally or knowingly cause the death of an individual, David Lueras, by manner and means unknown to the grand jury, and did intentionally or knowingly cause the death of an individual, Lauren Phillips, by manner or means unknown to the grand jury, and did intentionally or knowingly cause the death of an individual, Maricruz Mathis, by manner and means unknown to the grand jury, and these murders were committed pursuant to the same scheme or course of conduct, but during different criminal transactions, then you will proceed to the next section to consider whether the Defendant was insane at the time of the offense.

If you do not so believe the Defendant committed the offense of capital murder, or if you have a reasonable doubt thereof, then you will acquit the defendant and say by your verdict not guilty.

Insanity Defense

It is an affirmative defense to prosecution that, at the time of the conduct charged, the actor, as a result of severe mental disease or defect, did not know that his conduct was wrong.

“Actor” means a person whose criminal responsibility is in issue in a criminal action

The term “mental disease or defect” does not include an abnormality manifested only by repeated criminal or otherwise anti-social conduct.

The burden of proof is on the defendant to prove this affirmative defense by a preponderance of the evidence.

By the term "preponderance of the evidence" is meant the greater weight and degree of credible evidence in this case.

Now, if you believe from the evidence beyond a reasonable doubt that on or about the 21st day of September 2021 in Tarrant County, Texas, the defendant, Jason Alan Thornburg, did then and there intentionally or knowingly cause the death of an individual, David Lueras, by cutting David Lueras with a deadly weapon, to-wit: a knife, that in the manner of its use or intended use was capable of causing death or serious bodily injury, and did intentionally or knowingly cause the death of an individual, Lauren Phillips, by impeding the normal breathing or circulation of the blood of Lauren Phillips, by applying pressure to her throat or neck by a manner or means unknown to the grand jury, and did intentionally or knowingly cause the death of an individual, Maricruz Mathis, by cutting Maricruz Mathis with a deadly weapon, to-wit: a knife, that in the manner of its use or intended use was capable of causing death or serious bodily injury, and these murders were committed pursuant to the same scheme or course of conduct, but during different criminal transactions; or

If you find from the evidence beyond a reasonable doubt that on or about the 21st day of September 2021, in Tarrant County, Texas, the defendant, Jason Alan Thornburg, did intentionally or knowingly cause the death of an individual, David Lueras, by manner and means unknown to the grand jury, and did

intentionally or knowingly cause the death of an individual, Lauren Phillips, by manner or means unknown to the grand jury, and did intentionally or knowingly cause the death of an individual, Maricruz Mathis, by manner and means unknown to the grand jury, and these murders were committed pursuant to the same scheme or course of conduct, but during different criminal transactions, as alleged in Count One of the indictment,

but

You further believe, by a preponderance of the evidence in the case, that at the time he committed the act, if he did, the defendant, as a result of mental disease or defect, did not know that his conduct was wrong, then you will find the defendant not guilty by reason of insanity, and so state in your verdict.

Under the instructions given to you herein, you will state in your verdict whether you find the defendant guilty, not guilty, or not guilty by reason of insanity. Forms for your verdict are provided in these instructions.

You were allowed to take notes during this trial. Any notes you have taken are for your own personal use. You may take your notes back into the jury room and consult them during deliberations, but do not show or read your notes to your fellow jurors during your deliberations. Your notes are not evidence. Each of you should rely on your independent recollection of the evidence and not be influenced by the fact that another juror has or has not taken notes. You may use your notes to refresh your memory and recollection of the evidence, but you may not read out loud from your notes nor may you share your notes in any way

with the other jurors. If any juror reveals his or her notes to any other juror, you or the presiding juror must report it to me or my staff immediately.

It is your duty to consult with one another and to deliberate in an effort to reach agreement if you can do so. Each of you must decide the case for yourself, but only after an impartial consideration of the evidence with your fellow jurors. During your deliberations, do not hesitate to reexamine your own opinions and change your mind if convinced that you were wrong. But do not give up your honest beliefs as to the weight or effect of the evidence solely because of the opinion of your fellow jurors, or for the mere purpose of returning a verdict.

Remember at all times, you are judges of the facts. Your sole duty is to decide whether the State has proved the defendant guilty beyond a reasonable doubt.

When you go to the jury room, the first thing that you should do is select one of your number as your presiding juror, who will help to guide your deliberations and will speak for you here in the courtroom.

During your deliberations, you must not communicate with or provide any information to anyone by any means about this case. You may not use any electronic device or media, such as a telephone, cell phone, smart phone, iPhone, or computer; the internet, any internet service, or any text or instant messaging service; or any internet chat room, blog, or website such as Facebook, Snap Chat, Instagram, You Tube or Twitter, to communicate to anyone any information


about this case or to conduct any research about this case until I accept your verdict, if any.

Any verdict you render must be unanimous.

At the conclusion of your deliberations, the presiding juror should sign the appropriate verdict form, if any.

If you need to communicate with me during your deliberations, the presiding juror should write the message, ring the jury call button on the wall, and give it to the bailiff. I will either reply in writing or bring you back into the court to answer your message.

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.



DOUGLAS A. ALLEN, Judge
Criminal District Court No. 3
Tarrant County, Texas

VERDICT FORMS

We, the jury, find the defendant, Jason Alan Thornburg, guilty of the offense of capital murder, as charged in the indictment.

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

NOV 20 2024

TIME 6:29 pm
BY AC DEPUTY

Alley J. Giff
PRESIDING JUROR

-OR-

We, the jury, find the defendant, Jason Alan Thornburg, not guilty.

PRESIDING JUROR

-OR-

We, the jury, find the defendant, Jason Alan Thornburg, not guilty by reason of insanity.

PRESIDING JUROR