

NO. F23-1764-362

FILED
DENTON COUNTY, TEXAS

THE STATE OF TEXAS

§

IN THE 362ND JUDICIAL

2024 DEC 8 PM 3:25

VS.

§

DISTRICT COURT OF

TRANTHAM
DISTRICT CLERK

JATEVON JOHNSON

§

DENTON COUNTY, TEXAS

BY [Signature] DEPUTY

CHARGE OF THE COURT

LADIES AND GENTLEMEN OF THE JURY:

The defendant, JATEVON JOHNSON, stands charged by indictment with the offense of Capital Murder, alleged to have been committed on or about the 14th day of February, 2023. The defendant has pleaded not guilty.

A person commits Capital Murder when the person intentionally causes the death of an individual in the course of committing or attempting to commit the offense of Robbery.

A person commits a Robbery if, in the course of committing Theft, as defined hereinafter, and with intent to obtain or maintain control of the property, he:

- a) intentionally, knowingly, or recklessly causes bodily injury to another; or
- b) intentionally or knowingly threatens or places another in fear of imminent bodily injury or death.

A person commits Murder if he:

- (1) intentionally or knowingly causes the death of an individual;
- (2) intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual; or,
- (3) commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

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

An “attempt” to commit an offense occurs if, with specific intent to commit an offense, a person does an act amounting to more than mere preparation that tends, but fails, to effect the commission of the offense intended.

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

“Serious Bodily Injury” means a 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.

“Theft” means the unlawful appropriation of property of another, with the intent to deprive such other person of said property.

“Appropriation” and “appropriate” mean to acquire or otherwise exercise control over property other than real property. Appropriation of property is unlawful if it is without the owner’s effective consent.

“Property” means tangible or intangible personal property or documents, including money, that represents or embodies anything of value.

“Deprive” means to withhold property from the owner permanently.

“Effective consent” means assent in fact, whether express or apparent, and includes consent by a person legally authorized to act for the owner. Consent is not effective if induced by deception or coercion.

“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 person charged.

“Possession” means actual care, custody, control, or management of the property.

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.

A person acts recklessly, or is reckless, with respect to the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that 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 actor’s standpoint.

For a person to be deemed to be reckless, there must actually be both a substantial and an unjustifiable risk that the result complained of will occur, and that the person acting was actually aware of such risk and consciously disregarded it.

A person is criminally responsible as a party to an offense if the offense is committed by his own conduct, by the conduct of another for which he is criminally responsible, or both. Each party to an offense may be charged with the commission of the offense.

A person is criminally responsible for an offense committed by the conduct of another if, acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense.

Mere presence alone will not make a person a party to an offense.

Therefore, if you believe from the evidence beyond a reasonable doubt that the defendant, JATEVON JOHNSON, on or about the 14th day of February, 2023, in Denton County, Texas, did then and there intentionally cause the death of an individual, namely, Daniel White, by shooting Daniel White with a firearm, and the defendant was then and there in the course of committing or attempting to commit the offense of Robbery of Daniel White, then you will find the defendant, JATEVON JOHNSON, guilty of Capital Murder, as charged in the indictment.

OR

If you believe from the evidence beyond a reasonable doubt that the defendant, JATEVON JOHNSON, on or about the 14th day of February, 2023, in Denton County, Texas, did then and there, acting with intent to promote or assist the commission of the offense, either solicited, encouraged, directed, aided, or attempted to aid Denyrion Skinner in committing the offense, and Denyrion Skinner, on or about the 14th day of February, 2023, in Denton County, Texas, did then and there intentionally cause the death of an individual, Daniel White, by shooting Daniel White with a firearm, and Denyrion Skinner was in the course of committing or attempting to commit the offense of robbery of Daniel White, then you will find the defendant, JATEVON JOHNSON, guilty of Capital Murder, as charged in the indictment;

If you do not so believe beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will next consider whether or not the defendant is guilty of the lesser included offense of Murder.

If you believe from the evidence beyond a reasonable doubt that the defendant, JATEVON JOHNSON, on or about the 14th day of February, 2023, in Denton County, Texas: (1) did then and there knowingly cause the death of Daniel White by shooting Daniel White with a firearm or (2) did then and there, with intent to cause serious bodily injury to an individual, namely, Daniel White, commit an act clearly dangerous to human life to-wit: by shooting Daniel White with a firearm that caused the death of Daniel White; or (3) did then and there commit or attempt to commit a felony, to wit: Robbery, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, said defendant committed or attempted to commit an act clearly dangerous to human life to-wit: by shooting Daniel White with a firearm that caused the death of Daniel White, then you will find the defendant, JATEVON JOHNSON, guilty of Murder.

OR

If you believe from the evidence beyond a reasonable doubt that the defendant, JATEVON JOHNSON, on or about the 14th day of February, 2023, in Denton County, Texas, did then and there, acting with intent to promote or assist the commission of the offense, either solicited, encouraged, directed, aided, or attempted to aid Denyrion Skinner in committing the offense, and Denyrion Skinner, on or about the 14th day of February, 2023, in Denton County, Texas: (1) did then and there knowingly cause the death of Daniel White by shooting Daniel White with a firearm or (2) did then and there, with intent to cause serious bodily injury to an individual, namely, Daniel White, commit an act clearly dangerous to human life to-wit: by shooting Daniel White with a firearm that caused the death of Daniel White; or (3) did then and there commit or attempt to commit a felony, to wit: Robbery, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, said defendant committed or attempted to commit an act clearly dangerous to human life to-wit: by shooting Daniel White with a firearm that caused the death of Daniel White, then you will find the defendant, JATEVON JOHNSON, guilty of Murder.

If you do not so believe, or if you have a reasonable doubt thereof, you will find the defendant not guilty.

You are instructed that an indictment is no evidence of guilt. Therefore, the indictment in this case shall not be considered by the jury as any evidence of guilt, if any.

Our law provides that a defendant may testify if he elects to do so. In the event a defendant does not testify, the fact that he did not testify cannot be considered as evidence or circumstance

against him or anyone else. You are instructed that you cannot, and must not, refer to or allude to the election of any defendant to not testify when you enter your deliberations, or take such election into consideration for any purpose whatever as evidence or a circumstance against the defendant.

An accomplice, as the term is herein used, means anyone connected with the crime charged, as a party thereto, and includes all persons who are connected with the crime by unlawful act or omission on their part transpiring either before, at the time of, or after the commission of the offense.

You are instructed that a conviction cannot be had upon the testimony of a party alone unless the jury first believes that the party's testimony is true as to the defendant's participation in the offense and establishes the guilt of the defendant. You cannot convict unless the party's testimony is corroborated by other evidence tending to connect the defendant with the offense charged in the indictment. The corroboration is not sufficient if it merely shows the commission of the offense.

The Witness, Kentrell Minter, is a party to this offense, if an offense was committed, and you cannot convict the defendant upon his testimony alone, unless you first believe that his testimony is true as to the defendant's participation in the offense and establishes the guilt of the defendant. You cannot convict the defendant upon the testimony of the said Kentrell Minter unless you further believe that there is other testimony in the case, outside of the testimony of Kentrell Minter tending to connect the defendant with the offense committed, if you find that an offense was committed. The corroboration of Kentrell Minter's testimony is not sufficient if it merely shows the commission of the offense.

From all of the evidence you must believe beyond a reasonable doubt that the defendant is guilty of the offense charged against him in the indictment.

You are instructed that if there is any testimony before you in this case regarding the defendant's having committed offenses other than the offense alleged against him in the indictment in this case, you cannot consider said testimony for any other purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other offenses, if any were committed. Even then, you may only consider the same in determining the intent of the defendant, if any, in connection with the offense, if any, alleged against him in the indictment in the case and for no other purpose.

At times throughout the trial the Court has been called upon to pass on the question of whether or not certain offered evidence might properly be admitted. You are not to draw any inferences from them. Whether offered evidence is admissible is purely a question of law. In admitting evidence to which an objection is made, the Court does not determine what weight should be given such evidence, nor does it pass on the credibility of the witness. As to any offer of evidence that has been rejected by the Court, you must not consider the rejected evidence. As to any question to which an objection was sustained, you must not conjecture as to what the answer might have been or as to the reason for the objection.

You are instructed that you are not to allow yourselves to be influenced in any degree whatsoever by what you think or surmise the opinion of the Court to be. The Court has no right by any word or any act to indicate any desire respecting its outcome. The Court has not intended to express any opinion upon any matter of fact in this case. 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.

If a word or term is used in this charge is not specifically defined by the Court, the word or term is to be given its common and ordinary meaning.

You are instructed that any statements of counsel, made during the course of the trial or during argument are not evidence.

You are limited in your deliberations as jurors on the verdict of guilt or innocence. You are to consider and discuss only the facts and circumstances as were admitted into evidence. You should not consider nor discuss facts and circumstances that are not in evidence, nor should you make deductions that are not based upon the evidence. You are instructed that no juror may lawfully relate any fact or circumstance of which he or she may claim to have knowledge which has not been admitted into evidence before you. If any evidence has been withdrawn from the jury by the Court, you will not discuss or consider it for any purpose.

All persons are presumed to be innocent and no person may be convicted of any 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.

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 the prosecution fails to do so, you must acquit the defendant.

It is not required that the prosecution proves guilt beyond all possible doubt. It is required that the prosecution's proof excludes all reasonable doubt concerning the defendant's guilt.

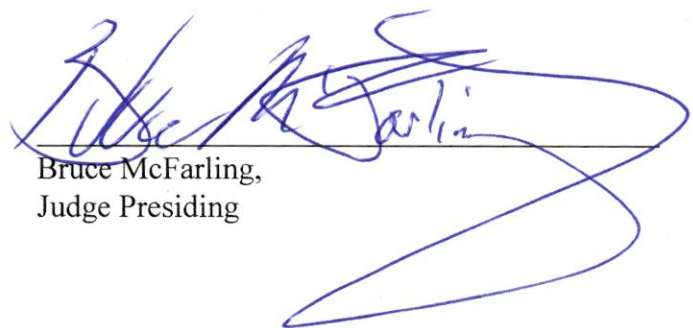
The Presiding Juror or any other juror who observes a violation of the Court's instructions shall immediately warn the one who is violating the same and caution the juror not to do so again.

You will make no further finding in this case except to show in the blank on the form of verdict whether the defendant is guilty beyond a reasonable doubt, or not guilty, as you may find and determine from the law and the evidence in this case.

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. You can believe or disbelieve all or any part of any testimony of any witness or witnesses, but you are bound to receive the law from the Court, which is contained in this charge. You shall be governed by the instructions in this charge.

After you retire to your jury room you should select one of your members as your Presiding Juror. It is the Presiding Juror's duty to preside at your deliberations, vote with you, and when you have unanimously agreed upon a verdict, to certify to your verdict by using the appropriate form, and signing the same as Presiding Juror.

SIGNED this the 6th day of December, 2024.



Bruce McFarling,
Judge Presiding

VERDICT FORM

(Presiding Juror to sign only one)

We, the jury, find the defendant, JATEVON JOHNSON, guilty of the offense of Capital Murder, as alleged in the indictment.

Kristi Axford Morgan

Presiding Juror

We, the jury, find the defendant, JATEVON JOHNSON, guilty of the offense of Murder, a lesser included offense of that in the indictment.

Presiding Juror

We, the jury, find the defendant, JATEVON JOHNSON, not guilty.

Presiding Juror