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JAN 30 2025

CAUSE NO. F2327004

DISTRICT CLERK
NACOGDOCHES COUNTY, TEXAS

THE STATE OF TEXAS	§	IN THE 145TH JUDICIAL DISTRICT
VS.	§	COURT OF
HANNA RUTH MOSES	§	NACOGDOCHES COUNTY, TEXAS

JURY INSTRUCTIONS

Members of the jury,

The defendant, Hanna Ruth Moses is accused of capital murder. The defendant has pleaded "not guilty," and you have heard all of the evidence that will be produced on whether the defendant has been proved guilty.

Both sides will soon present final arguments. Before they do so, I must now give you the instructions you must follow in deciding whether the defendant has been proved guilty or not.

You will have a written copy of these instructions to take with you and to use during your deliberations.

First, I will tell you about some general principles of law that must govern your decision of the case. Then I will tell you about the specific law applicable to this case. Finally, I will instruct you on the rules that must control your deliberations.

GENERAL PRINCIPLES

The Indictment

The indictment is not evidence of guilt. The indictment is only a document required to bring the case before you. The indictment cannot be considered in any way by the jury. Do not consider the fact that the defendant has been arrested, confined, or indicted or otherwise charged. You may not draw any inference of guilt from any of these circumstances.

Presumption of Innocence

The defendant is presumed innocent of the charge. 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 law does not require a defendant to prove her innocence or produce any evidence at all. 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 presumption of innocence alone is sufficient to acquit the defendant.

Burden of Proof

The burden of proof throughout the trial is always on the state. The defendant does not have the burden to prove anything. The state must prove every element of the offense beyond a reasonable doubt to establish guilt for the offense. If the state proves every element of the offense beyond a reasonable doubt, then you must find the defendant guilty. If the state does not prove every element of the offense beyond a reasonable doubt, then you must find the defendant not guilty. If, after you have considered all the evidence and these instructions, you have a reasonable doubt about whether the defendant is guilty, you must find the defendant not guilty.

Jury as Fact Finder

As the jurors, you review the evidence and determine the facts and what they prove. You judge the believability of the witnesses and what weight to give their testimony.

In judging the facts and the believability of the witnesses, you must apply the law provided in these instructions.

Evidence

The evidence consists of the testimony and exhibits admitted in the trial. You must consider only evidence to reach your decision. You must not consider, discuss, or mention anything that is not evidence in the trial. You must not consider or mention any personal knowledge or information you may have about any fact or person connected with this case that is not evidence in the trial.

Statements made by the lawyers are not evidence. The questions asked by the attorneys are not evidence. Evidence consists of the testimony of the witnesses and materials admitted into evidence.

Nothing the judge has said or done in this case should be considered by you as an opinion about the facts of this case or influence you to vote one way or the other.

You should give terms their common meanings, unless you have been told in these instructions that the terms are given special meanings. In that case, of course, you should give those terms the meanings provided in the instructions.

While you should consider only the evidence, you are permitted to draw reasonable inferences from the testimony and exhibits that 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 that have been established by the evidence.

You are to render a fair and impartial verdict based on the evidence admitted in the case under the law that is in these instructions. Do not allow your verdict to be determined by bias or prejudice.

Admitted Exhibits

You may, if you wish, examine exhibits. If you wish to examine an exhibit, the foreperson will inform the court and specifically identify the exhibit you wish to examine. Only exhibits that were admitted into evidence may be given to you for examination.

Juror Note Taking

You have been permitted to take notes during the testimony in this case. In the event you took notes, you may rely on your notes during your deliberations. However, you may not share your notes with the other jurors and you should not permit other jurors to share their notes with you. You may, however, discuss the contents of your notes with the other jurors. You shall not use your notes as authority to persuade your fellow jurors. In your deliberations, give no more or no less weight to the views of a fellow juror just because the juror did or did not take notes. Your notes are not official transcripts. They are personal memory aids, just like the notes of the judge and the notes of the lawyers. Notes are valuable as a stimulant to your memory. On the other hand, you might make an error observing or might make a mistake in recording what you have seen or heard. Therefore, you are not to use your notes as authority to persuade fellow jurors of what the evidence was during trial.

Occasionally, during jury deliberations, a dispute arises as to the testimony presented. If this should occur in this case, you shall not rely on your notes to resolve the dispute because those notes, if any, are not official. The dispute must be settled by the official transcript, for it is the official transcript, rather than any juror's notes, upon which you must base your determination of the facts and, ultimately, your verdict in this case.

Testimony

Certain testimony will be read back to you by the court reporter if you request. To request that testimony be read back to you, you must follow these rules. The court will allow testimony to be read back to the jury only if the jury, in a writing signed by the foreperson, (1) states that it is requesting that testimony be read back, (2) states that it has a disagreement about a specific statement of a witness or a particular point in dispute, and (3) identifies the name of the witness who made the statement. The court will then have the court reporter read back only that part of the statement that is in disagreement.

The Verdict

The law requires that you render a verdict of either "guilty" or "not guilty." The verdict of "not guilty" simply means that the state's evidence does not prove the defendant guilty beyond a reasonable doubt.

You may return a verdict only if all twelve of you agree on this verdict.

When you reach a verdict, the foreperson should notify the court.

Defendant's Right to Remain Silent

The defendant has a constitutional right to remain silent. The defendant may testify on her own behalf. The defendant may also choose not to testify. The defendant's decision not to testify

cannot be held against her, and it is not evidence of guilt. You must not speculate, guess, or even talk about what the defendant might have said if she had taken the witness stand or why she did not. The foreperson of the jury must immediately stop any juror from mentioning the defendant's decision not to testify.

INSTRUCTIONS OF THE COURT

Accusation

The state accuses the defendant of having committed the offense of capital murder. Specifically, the accusation is that the defendant intentionally or knowingly caused the death of Thomas Blake Rogers, an individual under ten years of age, by shaking him or striking him or causing him to strike an object.

Relevant Statutes

Capital Murder

A person commits an offense if the person intentionally or knowingly causes the death of an individual under ten years of age.

To prove that the defendant is guilty of capital murder, the state must prove, beyond a reasonable doubt, two elements. The elements are that –

1. the defendant intentionally or knowingly caused the death of an individual; and
2. the individual was under 10 years of age.

Murder

A person commits an offense if the person 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.

A person commits the offense of felony injury to a child if he intentionally, knowingly, or recklessly, by an act, causes bodily injury to a child fourteen years old or younger.

To prove that the defendant is guilty of murder, the state must prove, beyond a reasonable doubt, three elements. The elements are that –

1. the defendant committed or attempted to commit a felony, other than manslaughter; and
2. in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt of that felony, the defendant committed or attempted to commit an act clearly dangerous to human life; and

3. the act clearly dangerous to human life caused the death of an individual.

Injury to a child is a felony other than manslaughter.

Burden of Proof

The state must prove, beyond a reasonable doubt, the accusation of capital murder, or must prove, beyond a reasonable doubt, the lesser included accusation of murder.

Definitions

Intentionally Causing the Death of an Individual

A person intentionally causes the death of an individual if the person has the conscious objective or desire to cause that death.

Knowingly Causing the Death of an Individual

A person knowingly causes the death of an individual if the person is aware that his conduct is reasonably certain to cause that death.

Felony Injury to a Child

The felony of “injury to a child” has four elements. The elements are that –

1. the defendant engaged in an act;
2. the defendant by this act caused bodily injury to another person;
3. the person injured was a child fourteen years old or younger; and
4. the defendant intentionally, knowingly, or recklessly caused bodily injury to the child.

Intentionally Causing Bodily Injury

A person intentionally causes bodily injury to another if it is the person’s conscious objective or desire to cause the bodily injury to another.

Knowingly Causing Bodily Injury

A person knowingly causes bodily injury to another if the person is aware that the person’s conduct is reasonably certain to cause bodily injury to another.

Recklessly Causing Bodily Injury

A person recklessly causes bodily injury to another if the person is aware of but consciously disregards a substantial and unjustifiable risk that the person's action will cause bodily injury to another. 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.

Bodily Injury

"Bodily injury" means physical pain, illness, or any impairment of physical condition.

Attempt to Commit a Felony

A person attempts to commit a felony when, with specific intent to commit the felony, he does an act amounting to more than mere preparation that tends but fails to effect the commission of the felony intended.

Intoxication

A disturbance of mental or physical capacity resulting from the introduction of any substance into the body.

Application of Law to Facts

Although the state has charged the defendant with the offense of capital murder, you may find the defendant not guilty of that charged offense but guilty of any lesser included offense. In this case, the offense of murder is a lesser included offense of the charged and greater offense of capital murder.

You may discuss the two offenses in any order you choose, starting with the offense of capital murder or the offense of murder.

Before you may find the defendant guilty of murder, however, you must first find her "not guilty" of capital murder.

To find the defendant guilty of capital murder you must determine whether the state has proved, beyond a reasonable doubt, two elements. The elements are that—

1. the defendant, in Nacogdoches County, Texas, on or about May 30, 2022, intentionally or knowingly caused the death of Thomas Blake Rogers by shaking him or striking him or causing him to strike an object; and
2. Thomas Blake Rogers was under ten years of age.

You must all agree on elements 1 and 2 of the offense of capital murder listed above.

If you all agree the state has proved, beyond a reasonable doubt, both of the two elements listed above, you must find the defendant “guilty.”

If you all agree the state has failed to prove, beyond a reasonable doubt, one or both of elements 1 and 2 listed above, you must find the defendant “not guilty” of capital murder. You may then determine whether the state has proved, beyond a reasonable doubt, the lesser included offense of murder.

To find the defendant guilty of murder, you must determine whether the state has proved, beyond a reasonable doubt, three elements. The elements are that –

1. the defendant, in Nacogdoches County, Texas, on or about May 30, 2022, committed or attempted to commit injury to a child by intentionally, knowingly, or recklessly causing bodily injury to Thomas Blake Rogers, a child fourteen years old or younger, by shaking him, or striking him, or causing him to strike an object; and

2. in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt of injury to a child, the defendant committed or attempted to commit an act clearly dangerous to human life namely, shaking Thomas Blake Rogers, or striking Thomas Blake Rogers, or causing Thomas Blake Rogers to strike an object; and

3. the act clearly dangerous to human life caused the death of Thomas Blake Rogers.

You are instructed that injury to a child is a felony other than manslaughter.

You must all agree on elements 1, 2, and 3 of the offense of murder listed above.

If you all agree the state has failed to prove, beyond a reasonable doubt, one or more of elements 1, 2, and 3 listed above, you must find the defendant “not guilty.”

If you all agree the state has proved, beyond a reasonable doubt, each of the three elements listed above, you must find the defendant guilty.

If you believe from the evidence, beyond a reasonable doubt, that the defendant is guilty of either capital murder or murder, but you have a reasonable doubt about which of these offenses she is guilty of, you must resolve that doubt in the defendant’s favor. In that situation, you must find her guilty of the lesser offense of murder.

Voluntary Intoxication

Voluntary intoxication is not a defense to the commission of a crime.

But you are reminded that the state must prove all elements of the offense beyond a reasonable doubt.

RULES THAT CONTROL DELIBERATIONS

You must follow these rules while you are deliberating and until you reach a verdict. After the closing arguments by the attorneys, you will go into the jury room.

Your first task will be to pick your foreperson. The foreperson should conduct the deliberations in an orderly way. Each juror has one vote, including the foreperson. The foreperson must supervise the voting, vote with other members on the verdict, and sign the verdict sheet.

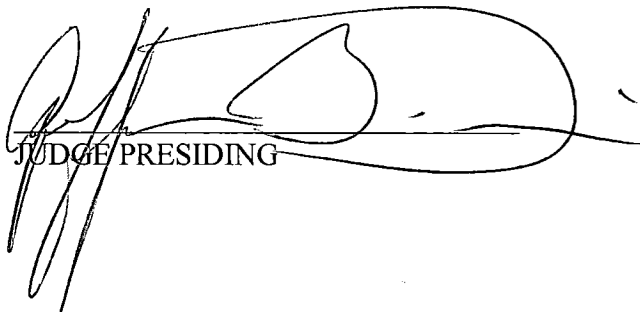
While deliberating and until excused by the trial court, all jurors must follow these rules:

1. You must not discuss this case with any court officer, or the attorneys, or anyone not on the jury.
2. You must not discuss this case unless all of you are present in the jury room. If anyone leaves the room, then you must stop your discussions about the case until all of you are present again.
3. You must communicate with the judge only in writing, signed by the foreperson and given to the judge through the officer assigned to you.
4. You must not conduct any independent investigations, research, or experiments.
5. You must tell the judge if anyone attempts to contact you about the case before you reach your verdict.

Your sole duty at this point is to determine whether the defendant has been proved guilty. You must restrict your deliberations to this matter.

After you have arrived at your verdict, you are to use one of the forms attached to these instructions. You should have your foreperson sign his or her name to the particular form that conforms to your verdict.

After the closing arguments by the attorneys, you will begin your deliberations to decide your verdict.


JUDGE PRESIDING

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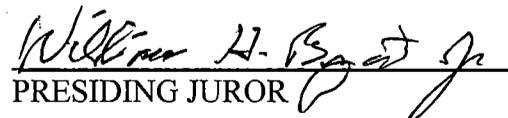
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NACOGDOCHES COUNTY, TEXAS

THE STATE OF TEXAS § IN THE 145TH JUDICIAL DISTRICT
VS. § COURT OF
HANNA RUTH MOSES § NACOGDOCHES COUNTY, TEXAS

VERDICT – CAPITAL MURDER

We, the Jury, find the defendant, HANNA RUTH MOSES, GUILTY of the offense of capital murder as charged in the indictment.


PRESIDING JUROR

OR

VERDICT – MURDER

We, the Jury, find the defendant, HANNA RUTH MOSES, NOT GUILTY of the offense of capital murder as charged in the indictment, but GUILTY of the lesser offense of murder.

PRESIDING JUROR

OR

VERDICT – NOT GUILTY

We, the Jury find the defendant, HANNA RUTH MOSES, NOT GUILTY

PRESIDING JUROR