

THE STATE OF TEXAS § IN THE 185TH DISTRICT COURT
VS. § OF HARRIS COUNTY, TEXAS
GLEN ALLAN SHELTON § NOVEMBER TERM, A. D., 2007

Members of the Jury:

The defendant, Glen Allan Shelton, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 13th day of August, 2006, in Harris County, Texas. 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 the offense of capital murder if he intentionally commits murder, as hereinbefore defined, in the course of committing or attempting to commit the offense of arson.

A person commits the offense of arson if he starts a fire, regardless of whether the fire continues after ignition, with intent to destroy or damage any building when the person is reckless about whether the burning will endanger the life of some individual or the safety of the property of another.

"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.

"Building" means any structure or enclosure intended for use or occupation as a habitation or for some purpose of trade, manufacture, ornament, or use.

"Owner" means a person who has title to property, possession of the property, or a greater right to possession of the property than the defendant.

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

murder.

Before you would be warranted in finding the defendant guilty of capital murder, you must find from the evidence beyond a reasonable doubt not only that on the occasion in question the defendant was in the course of committing or attempting to commit the felony offense of arson, but also that the defendant specifically intended to cause the death of Noemi Pham by manner and means unknown to the grand jury, and unless you so find, then you cannot convict the defendant of the offense of capital

defendant's standpoint.

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 as viewed from the

cause the result.

A person acts intentionally, or with intent, with respect to the nature of his conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or

the offense of arson are as follow:

The definitions of intentionally and recklessly relative to desire to cause the result.

A person acts intentionally, or with intent, with respect to a result of his conduct when it is his conscious objective or

The definition of intentionally relative to the offense of

of any bodily member or organ. "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 of any bodily member or organ.

impairment of physical condition.

"Bodily injury" means physical pain, illness, or any or embodies anything of value.

"Property" as used herein means tangible or intangible personal property or documents, including money, that represents

Now, if you find from the evidence beyond a reasonable doubt that on or about the 13th day of August, 2006, in Harris County, Texas, the defendant, Glen Allan Shelton, did then and there unlawfully, while in the course of committing or attempting to commit arson, intentionally cause the death of Noemi Pham by manner and means unknown to the grand jury, 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, you will acquit the defendant and say by your verdict "Not guilty."

Our law provides that a defendant may testify in his own behalf if he elects to do so. This, however, is a right accorded a defendant, and in the event he elects not to testify, that fact cannot be taken as a circumstance against him.

In this case, the defendant has elected not to testify and you are instructed that you cannot and must not refer to or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against him.

A Grand Jury indictment is the means whereby a defendant is brought to trial in a felony prosecution. It is not evidence of guilt nor can it be considered by you in passing upon the question of guilt of the defendant. The burden of proof in all criminal cases rests upon the State throughout the trial and never shifts to the defendant.

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 he 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."

You are the exclusive judges of the facts proved, of the credibility of the witnesses and the weight to be given their testimony, but the law you shall receive in these written instructions, and you must be governed thereby.

After you retire to the jury room, you should select one of your members as your foreman. It is his or her 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 attached hereto and signing the same

as Foreman.

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.

No one has any authority to communicate with you except the officer who has you in charge. After you have retired, you may communicate with this Court in writing through this officer. Any communication relative to the cause must be written, prepared and signed by the Foreman and shall be submitted to the court through this officer. Do not attempt to talk to the officer who has you in charge, or the attorneys, or the Court, or anyone else concerning any questions you may have.

Your sole duty at this time is to determine the guilt or innocence of the defendant under the indictment in this cause and restrict your deliberations solely to the issue of guilt or innocence of the defendant. Following the arguments of counsel, you will retire to consider your verdict.

FILED

Theresa Chang
District Clerk

DEC 03 2007

10:03 AM

Harris County, Texas

By _____
Deputy

Susan Brown, Judge
185th District Court
Harris County, TEXAS

S. Brown

STATE OF TEXAS
COUNTY OF HARRIS
DISTRICT COURT
AT HOUSTON
NOVEMBER TERM, A. D. 2007

FILED
Theresa Chang
District Clerk
DEC 03 2007
3:58 PM
Harris County, Texas
By [Signature]
Deputy

[Signature]
Foreman of the Jury
BRYANT MILLS
(Please Print) Foreman

"We, the jury, find the defendant, Glen Allan Shelton, guilty of capital murder, as charged in the indictment."

Foreman of the Jury
(Please Print) Foreman

"We, the jury, find the defendant, Glen Allan Shelton, not guilty."

V E R D I C T

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