

NO. 2006-1329-C2

THE STATE OF TEXAS § IN THE 54TH DISTRICT COURT
VS. § OF
WILLIAM MARK GIBSON § McLENNAN COUNTY, TEXAS

FIRST MAIN CHARGE OF THE COURT

LADIES AND GENTLEMEN OF THE JURY:

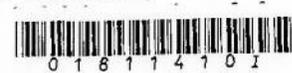
The defendant, William Mark Gibson, stands charged by indictment with the offense of Capital Murder, as alleged in the indictment, this offense alleged to have been committed on or about the 13th day of November, 1999, in McLennan County, Texas. The defendant has pleaded not guilty.

Our law provides that a person commits the offense of murder if he intentionally causes the death of an individual.

A person commits an offense of Capital Murder if he

(a) intentionally commits the murder in the course of committing or attempting to commit the offense of arson;

(b) the person murders more than one person during the same criminal transaction; or during different criminal transactions but the murders are committed pursuant to the same scheme or course of conduct;



Charge

FILED
22nd Day of *Feb*, 2008
at *8:50* o'clock *A*M
KAREN C. MATKIN
DISTRICT CLERK
McLennan County, Texas
By *[Signature]*
Deputy

Verdict

FILED
22nd Day of *Feb*, 2008
at *1:40* o'clock *P*M
KAREN C. MATKIN
DISTRICT CLERK
McLennan County, Texas
By *[Signature]*
Deputy

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

Our law provides that a person commits the offense of arson if he starts a fire or causes an explosion with intent to destroy or damage any building or habitation knowing that it is located on property belonging to another or knowing that it has located within it property belonging to another.

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

A "habitation" means a structure or vehicle that is adapted for the overnight accommodation of persons and includes each separately secured or occupied portion of the structure or vehicle and each structure appurtenant to or connected with the structure or vehicle.

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.

In all criminal cases the Burden of Proof is on the State.

The indictment filed in this case by the State is not evidence of guilt or innocence. It is a mere accusation and cannot be considered by you as evidence in determining the innocence or guilt of the defendant in this case.

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.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 13th day of November, 1999, in McLennan County, Texas, the defendant, William Mark Gibson, did then and there intentionally cause the death of an individual, namely, Janie Rios, by starting a fire that caused the death of Janie Rios, and the defendant was then and there in the course of committing or attempting to commit the offense of arson of a building of Henry Thomas Norris, who was the owner of said building; or if you find from the evidence beyond a reasonable doubt that on or about the 13th day of November, 1999, in McLennan County, Texas, the defendant, William Mark Gibson, did then and there intentionally cause the death of an individual, namely, Janie Rios, by starting a fire that caused the death of Janie Rios, and did then and there intentionally cause the death of another individual, namely, Abby Rios, by starting a fire that caused the death of Abby Rios, and both murders were committed during the same criminal transaction, then you will find the defendant guilty of Capital Murder, as alleged 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 of Capital Murder, as alleged in the indictment, and say by your verdict "Not Guilty."

You are instructed that in considering your verdict you may consider all relevant facts and circumstances surrounding the killing, if any, and the previous relationship existing between the accused and the deceased, together with all relevant facts and circumstances going to show the condition of the mind of the accused at the time of the alleged killing, if any.

You are also instructed that certain testimony was admitted in evidence before you in regard to certain witnesses having been convicted of other offenses. Said testimony was admitted before you for the purpose of aiding you, if it does aid you, in passing upon the weight you will give their testimony, and you will not consider the same for any other purpose.

Our law provides that a defendant may testify in his own behalf if he elects to do so. 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 or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against the defendant.

During trial it was permissible for you to take notes. You may carry those notes to the jury room for your personal use during deliberation on the Court's charge. You may not share these notes with other jurors; however, you may discuss the contents of your notes. Your personal recollection of the evidence takes precedence over any notes you have taken. A juror may not rely on the notes of another juror. If you disagree about the evidence, the Presiding Juror may apply to the Court and have the court reporter's notes read to the jury.

After you retire to your jury room you will select one of your members as your Foreperson. Your Foreperson will certify to your verdict by using the appropriate form attached hereto, and signing the same as Foreperson. If you agree upon a verdict, it must be by unanimous vote.

Until you have finished your deliberations, you shall not communicate to anyone outside the jury room how the jury may stand numerically in its voting, nor how the jury may stand numerically on any issue before you, unless you are first called upon by the Court to do so.

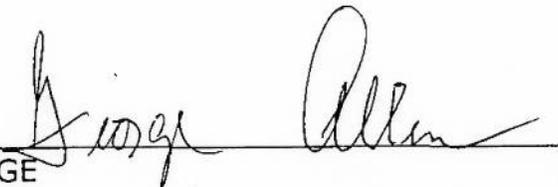
Any communications from the jury to the Court must be written, prepared by the Foreperson, signed by the Foreperson, and submitted to the Court through the Bailiff. Therefore, if you wish to communicate with the Court about any matter, then your Foreperson shall prepare your communication in writing, then sign it, and deliver it to the bailiff, and the bailiff will deliver it to the Court.

Do not let personal bias, prejudice, sympathy or resentment on your part, or any such personal emotion on your part, enter into your deliberations or affect your verdict in this case.

In your deliberations, you must not relate to your fellow jurors any personal experience of your own, nor shall you relate any occurrence, happening or event known to you, and not shown by the evidence in this case. And you shall not speculate on, nor concern yourself with matters not shown by the evidence in this case and about which you are not called upon to make any decision. In all of your deliberations, you will confine yourselves strictly to the evidence introduced before you in this trial under the rulings of the Court, and the definitions and instructions given to you by the Court. If any member of the jury attempts a violation of these instructions, the other members shall stop them at once. If the juror persists in the violation, the foreperson shall immediately report that fact to the Court.

You are the exclusive judges of the facts proved, of the credibility of the witnesses, and the weight to be given to their testimony, but in matters of law you must be governed by the instructions, definitions, and the rulings of the Court. You shall have this written charge with you when you go to the jury room.

Upon your written request therefor, any exhibits admitted as evidence in this case will be furnished to you.


JUDGE

JURY VERDICT

We, the jury, find the defendant, William Mark Gibson, guilty of the offense of Capital Murder, as alleged in the indictment.



Foreperson

* * *

We, the jury, find the defendant, William Mark Gibson, not guilty of the offense of Capital Murder, as alleged in the indictment.

Foreperson :

* * *