

NO. 1002038D

THE STATE OF TEXAS § IN THE 297TH JUDICIAL  
VS. § DISTRICT COURT OF TARRANT COUNTY, TEXAS  
CHRISTOPHER CHUBASCO WILKINS § TARRANT COUNTY, TEXAS

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

MAR - 3 2008

TIME 2:47pm  
BY SKI DEPUTY

MEMBERS OF THE JURY:

The Defendant, Christopher Chubasco Wilkins, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 28th day of October, 2005, in Tarrant County, Texas. To this charge, the Defendant has pleaded not guilty.

Our law provides that 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 the person murders more than one person during the same criminal transaction.

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.

"Individual" means a human being who is alive.

"Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily converted to that use.

Now, therefore, if you find from the evidence beyond a reasonable doubt that the Defendant, Christopher Chubasco Wilkins, in the County of Tarrant and State of Texas, on or about the 28th day of October, 2005, did then and there intentionally or knowingly cause the death of an individual, Willie Freeman, by shooting him with a firearm, and did then and there intentionally or knowingly cause the death of an individual, Mike Silva, by shooting him with a firearm, and both murders were committed during the same criminal

transaction, then you will find the defendant, Christopher Chubasco Wilkins, guilty of the offense 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, then you will acquit the Defendant of Capital Murder 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 or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against the defendant.

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, but you are bound to receive the law from the Court which is herein given to you and be governed thereby.

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".

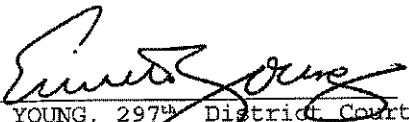
You are instructed that the grand jury indictment is no evidence of guilt. It is the means whereby a Defendant is brought to trial in a felony prosecution. It is not evidence, nor can it be considered by you in passing upon the innocence or guilt of the Defendant.

During your deliberations in this case, you must not consider, discuss, or relate any matters not in evidence before you. You should not consider or 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.

If the Jury wishes to communicate with the Court, they shall so notify the Bailiff in writing, who shall inform the Court thereof; and they may be brought before the Court, and through their foreman, shall state to the Court in writing what they desire to communicate.

After you have retired to your 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 signing the same as foreman.

Suitable forms for your verdict are hereto attached. Your verdict must be in writing and signed by your foreman. Your sole duty at this time is to determine the guilt or innocence of the Defendant under the indictment in this case. Please restrict your deliberations solely to the issue of guilt or innocence of the Defendant. You are further instructed that you must sign only one of such verdict forms.

  
EVERETT YOUNG, 297<sup>th</sup> District Court  
Tarrant County, Texas

VERDICT FORMS

We, the Jury, find the Defendant, Christopher Chubasco Wilkins, guilty of the offense of capital murder as charged in the indictment.

Mike Rooney  
FOREMAN OF THE JURY FILED  
THOMAS A WILDER, DIST. CLERK  
TARRANT COUNTY, TEXAS

MAR - 4 2008

TIME 12:09pm  
BY SN DEPUTY

We, the Jury, find the Defendant, Christopher Chubasco Wilkins, not guilty.

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FOREMAN OF THE JURY