

FILED
THOMAS A. WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS
AUG 28 2013
TIME BY KWS:07 DEPUTY

NO. 1273833D

THE STATE OF TEXAS | IN THE 371ST JUDICIAL
VS. | DISTRICT COURT OF
JOHN R. HOFFMAN | TARRANT COUNTY, TEXAS

COURT'S CHARGE

MEMBERS OF THE JURY:

The Defendant, John R. Hoffman, stands charged by Indictment with the offense of capital murder, alleged to have been committed in Tarrant County, Texas, on or about the 2nd day of October 2006. To this charge, the Defendant has pled not guilty.

A person commits the offense of capital murder if he intentionally causes the death of an individual in the course of committing or attempting to commit aggravated sexual assault or burglary of a habitation.

A person commits the offense of murder if he 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 aggravated sexual assault if he intentionally or knowingly causes the penetration of the sexual organ of another person by any means, without that person's consent, and if the person causes serious bodily injury or attempts to cause the death of the victim or another person in the course of the same criminal episode.

A person commits the offense of burglary if, without the effective consent of the owner, the person enters a habitation with intent to commit a felony, theft, or

assault or enters a habitation and commits or attempts to commit a felony, theft, or assault. Aggravated sexual assault is a felony.

"Individual" means a human being who has been born and is alive.

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

"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.

The term "in the course of committing or attempting to commit the offense of aggravated sexual assault or burglary of a habitation" means conduct that occurs in an attempt to commit, during the commission of, or in the immediate flight after the attempt or commission of aggravated sexual assault or burglary of a habitation.

"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.

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.

Now, therefore, if you find and believe from the evidence beyond a reasonable doubt, that the Defendant, John R. Hoffman, in Tarrant County, Texas, on or about the 2nd day of October 2006, did then and there intentionally cause the death of an individual, Laurie Chavers, by smothering her by obstructing her nose and mouth to interfere with the intake of air by a manner and means unknown to the grand jury, and the said Defendant was then and there in the course of

VERDICT FORMS

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TIME
BY HW 3:11

We, the Jury, find the Defendant, John R. Hoffman, guilty of the ~~offense~~ of capital murder as charged in the Indictment.

Aaron Groteszok
PRESIDING JUROR

- OR -

We, the Jury, find the Defendant, John R. Hoffman, guilty of the offense of murder.

PRESIDING JUROR

- OR -

We, the Jury, find the Defendant, John R. Hoffman, not guilty.

PRESIDING JUROR

*Verdict accepted August 28, 2013
at 3:10 P.M.*

David Clumb

committing or attempting to commit the offense of aggravated sexual assault of Laurie Chavers, or burglary of a habitation of Laurie Chavers, who was the owner of said habitation, as charged in the Indictment, then you will find the Defendant guilty of capital murder.

Unless you so find and believe from the evidence beyond a reasonable doubt, or if you have a reasonable doubt as to whether the Defendant is guilty of capital murder, you will acquit the Defendant of capital murder as charged in the Indictment and next consider whether he is guilty of murder.

Now, therefore, if you find and believe from the evidence beyond a reasonable doubt, that the Defendant, John R. Hoffman, in Tarrant County, Texas, on or about the 2nd day of October 2006, did intentionally or knowingly commit or attempt to commit the offense of aggravated sexual assault or burglary of a habitation, and that while in the commission of said aggravated sexual assault or burglary of a habitation, if any, or while in immediate flight from the commission of said aggravated sexual assault or burglary of a habitation, if any, the Defendant, John R. Hoffman, did then and there commit an act clearly dangerous to human life that caused the death of an individual, Laurie Chavers, by smothering her by obstructing her nose and mouth to interfere with the intake of air by a manner and means unknown to the grand jury, then you will find the Defendant guilty of murder.

Unless you so find and believe from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the Defendant of murder and say by your verdict, "Not guilty."

In a criminal case the law permits the Defendant to testify in his own behalf but he is not compelled to do so, and the same law provides that the fact that a

defendant does not testify shall not be considered as a circumstance against him. You will, therefore, not consider the fact that the Defendant did not testify as a circumstance against him; and you will not during your deliberations allude to, comment on, or in any manner refer to the fact that the Defendant has not testified.

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 the Defendant and say by your verdict, "Not guilty."


You are instructed that the Indictment in this case is no evidence whatsoever of the guilt of the Defendant. It is a mere pleading necessary in order to bring this case into court for trial, and you will consider it for no purpose.

You are the exclusive judges of the facts proved, of the credibility of the witnesses, and of the weight to be given their testimony, but you are bound to receive the law from the Court, which is herein given you, and be governed thereby.

After you retire to the jury room, you will select one of your members as your Presiding Juror. 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 Presiding Juror.

You are instructed that your verdict must be by a unanimous vote of all members of the jury. In deliberating on this case, you shall consider the charge as a whole and you must not refer to or discuss any matters not in evidence before you, neither shall you separate from each other, nor talk with anyone not of your jury.

If the jury wishes to communicate with the Court pertaining to this case, such communication must be in writing and signed by the Presiding Juror and handed to the Bailiff.



DAVID G. CLEVELAND, JUDGE PRESIDING
371st Judicial District Court
Tarrant County, Texas