

**NO. 1023943D**

|                           |  |                              |
|---------------------------|--|------------------------------|
| <b>THE STATE OF TEXAS</b> |  | <b>IN THE 371ST JUDICIAL</b> |
| <b>VS.</b>                |  | <b>DISTRICT COURT OF</b>     |
| <b>TONY LANE GREGORY</b>  |  | <b>TARRANT COUNTY, TEXAS</b> |

**COURT'S CHARGE**

**MEMBERS OF THE JURY:**

The Defendant, Tony Lane Gregory, stands charged by Indictment with the offense of capital murder, alleged to have been committed in Tarrant County, Texas, on or about the 5th day of July 2000. To this charge, the Defendant has pled 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 commits murder, as hereinabove defined, and the person intentionally commits the murder in the course of committing or attempting to commit aggravated sexual assault.

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.

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

"Serious bodily injury" means bodily injury that creates a substantial risk of

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

The term "in the course of committing or attempting to commit the offense of aggravated sexual assault" 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.

"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.

You are instructed and charged as the law in this case that the State is not bound to prove the exact date alleged in the indictment, but may prove the offense, if any, to have been committed at any time prior to the presentment of the indictment so long as said offense, if any, occurred during the period governed by the Statute of Limitations for said alleged offense.

You are instructed that the Court has taken judicial notice that the indictment in this case was presented on the 1<sup>st</sup> day of June 2006, and that there is no statute of limitations for the offense of capital murder.

The jury is further instructed that it may, but is not required to accept as conclusive, the fact judicially noticed.

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.

individual, Amy Blow, by strangling her with his hand or hands, or with an object unknown to the grand jury, and the said Defendant was then and there in the course of committing or attempting to commit the offense of aggravated sexual assault, 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 thereof, you will acquit the Defendant of capital 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.

If there is any evidence before you that the Defendant, Tony Lane Gregory, is or, on a previous occasion, was in custody, incarcerated, or confined for any reason, if he was, you are not to consider the fact of his being in custody, incarcerated, or confined as any evidence of guilt for the offense now on trial.

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

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 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.

A handwritten signature in cursive script, reading "Mollie Westfall". The signature is written in black ink and is positioned above a horizontal line.

MOLLEE WESTFALL, JUDGE  
371st Judicial District Court  
Tarrant County, Texas

VERDICT FORMS

We, the Jury, find the Defendant, Tony Lane Gregory, guilty of the offense of capital murder as charged in the Indictment.

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

NOV 09 2007

TIME

1:55

BY

*[Signature]*

DEPUTY

*[Signature]*  
PRESIDING JUROR

- OR -

We, the Jury, find the Defendant, Tony Lane Gregory, not guilty.

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PRESIDING JUROR