

NO. 1287075D

THE STATE OF TEXAS)(IN THE CRIMINAL DISTRICT

VS.)(COURT NUMBER TWO

JOE MARK SESSUMS, JR.)(TARRANT COUNTY, TEXAS

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

NOV 21 2013

TIME 3:51pm
BY [Signature] DEPUTY

MEMBERS OF THE JURY:

The Defendant, Joe Mark Sessums, Jr., stands charged by Indictment with the offense of capital murder, alleged to have been committed on or about the 20th day of May, 2012, in Tarrant County, Texas. To this charge, the Defendant has pleaded not guilty.

1.

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 capital murder when he murders more than one person during the same criminal transaction.

2.

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.

A person is criminally responsible for causing a result if the only difference between what actually occurred and what he desired, contemplated, or risked is that a different person was injured, harmed, or otherwise affected.

3.

"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 of burning substance or any device readily convertible to that use. A firearm is a deadly weapon.

4.

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.

5.

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".

6.

Now, if you so find from the evidence beyond a reasonable doubt that the Defendant, Joe Mark Sessums, Jr., hereinafter called Defendant, in the County of Tarrant and State of Texas, on or about the 20th day of May, 2012, did then and there intentionally or knowingly cause the death of an individual, Fabian Guerrero by shooting him with a deadly weapon, to wit: a firearm and, during the same criminal transaction, either

intentionally or knowingly caused the death of Diane Guerra by shooting her with a deadly weapon, to-wit: a firearm, or, intended to cause the death of any individual by shooting that individual with a deadly weapon, to-wit: a firearm, and caused the death of Diane Guerra by shooting her with a deadly weapon, to-wit: a firearm, or he is aware that his conduct, namely, shooting a firearm at one or more individuals, is reasonably certain to cause the death of any individual and caused the death of Diane Guerra by shooting her with a deadly weapon, to-wit: a firearm, and the only difference between what actually occurred and what he desired, contemplated, or risked is that a different person was injured, then you will find the Defendant guilty of capital murder as charged in the Indictment.

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will next consider whether the Defendant is guilty of a lesser-included offense of

murder.

Now, if you so find from the evidence beyond a reasonable doubt that the Defendant, Joe Mark Sessums, Jr., hereinafter called Defendant, in the County of Tarrant and State of Texas, on or about the 20th day of May, 2012, did then and there intentionally or knowingly cause the death of an individual, Fabian Guerrero by shooting him with a deadly weapon, to wit: a firearm, then you will find the Defendant guilty of the lesser-included offense of murder.

Unless you so find beyond a reasonable doubt or you have a reasonable doubt thereof, you will acquit the Defendant and say by your verdict "Not Guilty."

7.

The Indictment in this case is no evidence whatsoever of the guilt of the Defendant. It is a written instrument necessary in order to bring this case into court for trial, and you will not consider the indictment as any evidence in this

case or as any evidence whatsoever against the Defendant.

8.

Our law provides that a Defendant may testify in his own behalf if he elects to do so. This, however, is a privilege accorded to 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 him.

9.

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

10.

You are charged that it is only in open court that the jury is permitted to receive evidence regarding the case, or any witness therein, and no juror is permitted to communicate to any other juror anything he or she may have seen or heard regarding the case or any witness therein from any source other than in open court.

11.

Your verdict must be by a unanimous verdict 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.

12.

You are instructed that you are not to allow yourselves to be influenced in any degree whatsoever by what you may think or surmise the opinion of the Court to be. The Court has no right by any word or any act to indicate any opinion respecting

any matter of fact involved in this case, nor to indicate any desire respecting the outcome of the case. The Court has not intended to express any opinion upon any matter of fact, and if you have observed anything which you may have interpreted as the Court's opinion as to any matter of fact, you must wholly disregard it.

13.

At times throughout the trial the Court may have been called upon to rule on the question of whether or not certain offered evidence might properly be admitted. You are not to concern yourselves with the reasons for the Court's ruling, nor draw any inferences there from. Whether offered evidence is admissible is a question of law and in admitting evidence to which an objection is made, the Court does not determine what weight should be given such evidence; nor does the Court pass on the credibility of the witness. You must not consider any evidence offered that has been rejected by the Court. As to any

question to which an objection was sustained, you must not engage in conjecture as to what the answer might have been or as to the reason for the objection.

14.

After you retire to the jury room, you should select one of your members as your Foreperson. It is his or her duty to preside at your deliberations, vote with you, and when you have reached a unanimous verdict, to certify to your verdict by using one of the attached forms and signing the same as your Foreperson.

15.

At this time you will confine your deliberations solely to the issue of whether the Defendant is guilty or not guilty of the offenses set forth in this charge.


16.

Should the jury desire to have any or all of the admitted exhibits delivered to the jury for your deliberation, your

foreman shall so notify the Court in writing and the requested exhibits will be delivered.

17.

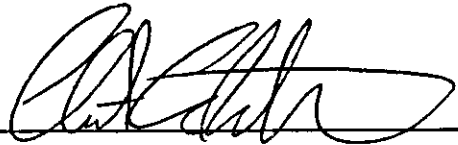
After you have retired, you may communicate with the Court in writing through the bailiff who has you in charge. Your written communication must be signed by the foreperson. Do not attempt to talk to the bailiff, the attorneys, or the Court regarding any question you may have regarding the trial of this case. After you have reached a unanimous verdict, or if you desire to communicate with the Court, please ring the buzzer on the wall and one of the bailiffs will respond.



JUDGE WAYNE F. SALVANT
Criminal District Court No. 2
Tarrant County, Texas

VERDICT FORMS

We, the jury, find the Defendant, Joe Mark Sessums, Jr., guilty of the offense of capital murder as charged in the Indictment.



FOREPERSON

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

-OR-

NOV 21 2013
TIME 5:20 PM
BY [Signature] DEPUTY

We, the jury, find the Defendant, Joe Mark Sessums, Jr., guilty of the offense of murder of Fabian Guerrero as charged in the Indictment.

FOREPERSON

-OR-

We, the jury, find the Defendant, Joe Mark Sessums, Jr., not guilty.

FOREPERSON