

NO. 1429689R

THE STATE OF TEXAS § IN THE 372ND JUDICIAL
VS. § DISTRICT COURT OF
ROBERT CHARLES ATLAS § TARRANT COUNTY, TEXAS

COURT'S CHARGE

MEMBERS OF THE JURY:

The Defendant, Robert Charles Atlas, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 22nd day of March 2014, in Tarrant County, Texas. To this charge the Defendant has pleaded not guilty.

Our law provides 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 intentionally ^{or knowingly} causes the death of more than one person during the same criminal transaction.

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

"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.

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.

You are instructed that voluntary intoxication does not constitute a defense to the commission of a crime.

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

OCT 16 2015

TIME 9:10am
BY [Signature] DEPUTY

You are instructed that if there is any testimony before you in this case regarding acts of the Defendant, other than those alleged in the indictment, you cannot consider said evidence for any purpose unless you find and believe beyond a reasonable doubt that the Defendant committed such other acts, if he did. Even then you may only consider the same to assist you, if it does, to understand the prior relationship of the Defendant and the deceased, if any, or to understand the condition of the mind of the Defendant at the time of the offense alleged in the indictment, but for no other purpose.

You are instructed that if there is any testimony before you in this case regarding acts of the Defendant, other than those alleged in the indictment, directed toward witnesses who gave opinions as to the Defendant's character, if they did, said evidence and questions may only be considered by you, if at all, in evaluating the weight or credibility of that witness's opinion as to the particular character trait, but for no other purpose.

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."

CAPITAL MURDER

Now, bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that on or about the 22nd day of March 2014, in Tarrant County, Texas, the Defendant, Robert Charles Atlas, did then and there intentionally or knowingly cause the death of an individual, Tracy Anderson, by cutting or stabbing Tracy Anderson with a knife, and did then and there intentionally or knowingly cause the death of an individual, Baby Girl Anderson, also known as Ashton Makenna Rae, by cutting or stabbing Tracy Anderson with a knife, and causing the death of Tracy Anderson, or by cutting or stabbing Baby Girl Anderson, also known as Ashton Makenna Rae, with a knife, and both murders were committed during the same criminal transaction, then you will find the Defendant guilty of the offense of capital murder, as charged in the indictment.

Unless you so find beyond a reasonable doubt, or if you are unable to agree, you will next consider whether the Defendant is guilty of the offense of murder, as set out below.

MURDER

You may consider both allegations of murder, as set out below. However, you may only find the Defendant guilty of one option, if any, as set out below.

You are instructed, as to the offense of murder, a person is nevertheless criminally responsible for causing a result if the only difference between what actually occurred and what the actor desired, contemplated or risked is that a different person was injured or harmed.

MURDER OPTION ONE [Tracy Anderson]

Now, bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that on or about the 22nd day of March 2014, in Tarrant County, Texas, the Defendant, Robert Charles Atlas, did then and there intentionally or knowingly cause the death of an individual, Tracy Anderson, by cutting or stabbing Tracy Anderson with a knife, then you will find the Defendant guilty of the offense of murder.

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

MURDER OPTION TWO [Baby Girl Anderson]

Now, bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that on or about the 22nd day of March 2014, in Tarrant County, Texas, the Defendant, Robert Charles Atlas, did then and there intentionally or knowingly cause the death of an individual, Baby Girl Anderson, also known as Ashton Makenna Rae, by cutting or stabbing Tracy Anderson with a knife or by cutting or stabbing Baby Girl Anderson, also known as Ashton Makenna Rae, with a knife, then you will find the Defendant guilty of the offense of murder.

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

SELF DEFENSE

Upon the law of self defense, you are instructed that a person is justified in using force against another when and to the degree he reasonably believes the force is immediately necessary to protect himself against the other person's use or attempted use of unlawful force.

The use of force against another is not justified:

- (1) in response to verbal provocation alone; OR
- (2) if the actor consented to the exact force used or attempted by the other; OR
- (3) if the actor provoked the other's use or attempted use of unlawful force, unless the actor abandons the encounter, or clearly communicated to the other his intent to do so reasonably believing he cannot safely abandon the encounter, and the other nevertheless continues or attempts to use unlawful force against the actor.

A person is justified in using deadly force against another:

(1) if he would be justified in using force against the other in the first place, as above set out; AND

(2) when and to the degree he reasonably believes the deadly force is immediately necessary to protect himself against the other person's use or attempted use of unlawful deadly force.

"Reasonable belief" means a belief that would be held by an ordinary and prudent person in the same circumstances as the defendant.

"Deadly force" means force that is intended or known by the person using it to cause, or in the manner of its use or intended use is capable of causing death or serious bodily injury.

Now, if you find from the evidence beyond a reasonable doubt that on the occasion in question the Defendant, Robert Charles Atlas, committed the offense of capital murder, but you further find from the evidence, or have a reasonable doubt thereof, that the Defendant reasonably believed, as viewed from his standpoint at the time, that from the words or conduct, or both, of Tracy Anderson, it reasonably appeared to the Defendant that his life or person was in danger and there was created in his mind a reasonable expectation or fear of death or serious bodily injury from the use of unlawful deadly force at the hands of Tracy Anderson, and that acting under such apprehension and reasonably believing that the use of deadly force on his part was immediately necessary to protect himself against Tracy Anderson's use or attempted use of unlawful deadly force, he cut or stabbed Tracy Anderson with a knife, if he did, that in the manner of its use or intended use was capable of causing death or serious bodily injury, then you should acquit the Defendant on the grounds of self defense; or if you have a reasonable doubt as to whether or not the Defendant was acting in self defense on said occasion and under the circumstances, then you should give the Defendant the benefit of that doubt and say by your verdict "Not Guilty" to the offense of capital murder, and only consider if Defendant is guilty or not guilty of the offense of murder of Baby Girl Anderson as set out above.

However, if you find from the evidence beyond a reasonable doubt that at the time and place in question the Defendant did not reasonably believe that he was in danger of death or serious bodily injury; or if you find from the evidence beyond a reasonable doubt that the Defendant, under the circumstances, and viewed from his standpoint at the time, did not reasonably believe that the degree of force actually used by him was immediately necessary to protect himself against either Tracy Anderson's use or attempted use of unlawful deadly force, or if you believe the Defendant provoked the use or attempted use of the unlawful force by Tracy Anderson and the Defendant did not abandon the encounter and did not clearly communicate to Tracy Anderson his intent to do so and did not reasonably believe he could not safely abandon said encounter, then you will find against the Defendant on the issue of self defense as to the offense of capital murder.

As to the law of self defense, it is only if you find for the Defendant on the issue of self defense and acquit him of the offense of capital murder that you next consider the allegation of the murder of Baby Girl Anderson.

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

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.

Your verdict must be by a unanimous vote of all members of the jury. In your deliberations you shall consider the charge as a whole and you must not refer to or discuss any matters not in evidence.

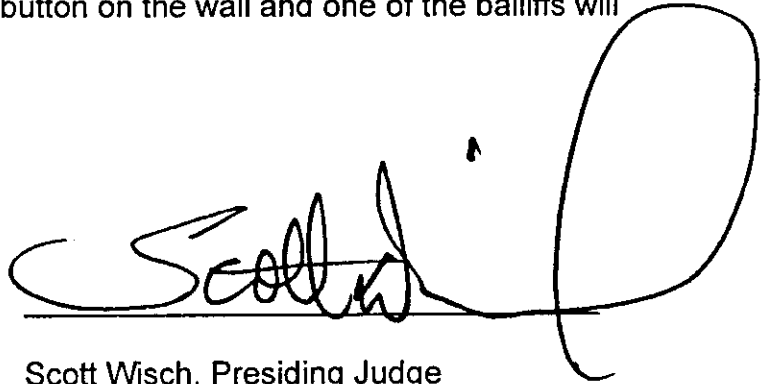
At times throughout the trial the Court may have been called upon to rule on the question of whether or not certain offered evidence might properly be admitted. You are not to concern yourselves with the reasons for the Court's ruling nor draw any inferences therefrom. Whether offered evidence is admissible 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.

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.

After you retire to the jury room, you should select one of your members as your Presiding Juror. Any member of the jury may serve as Presiding Juror. It is that person's 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 and signing the same as your Presiding Juror.

After you have retired, you may communicate with the Court in writing through the bailiffs who have you in charge. Your written communications must be signed by the Presiding Juror. Do not attempt to talk to the bailiffs, the attorneys, or the Court regarding any question you may have concerning the trial of the case.

After you have reached a unanimous verdict or if you desire to communicate with the Court, please use the jury call button on the wall and one of the bailiffs will respond.

A handwritten signature in black ink, appearing to read "Scott Wisch", written over a horizontal line. The signature is stylized and includes a large, loopy flourish on the right side.

Scott Wisch, Presiding Judge
372nd Judicial District Court
Tarrant County, Texas

VERDICT FORMS

We, the Jury, find the Defendant, Robert Charles Atlas, not guilty.

Presiding Juror

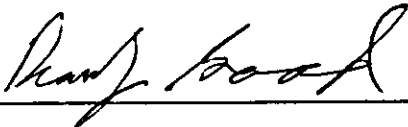
-OR-

We, the Jury, find the Defendant, Robert Charles Atlas, guilty of the offense of capital murder, as charged in the indictment.

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

OCT 16 2015

TIME 12:50
BY AC DEPUTY



Presiding Juror

-OR-

We, the Jury, find the Defendant, Robert Charles Atlas, guilty of the offense of murder [Tracy Anderson].

Presiding Juror

-OR-

We, the Jury, find the Defendant, Robert Charles Atlas, guilty of the offense of murder [Baby Girl Anderson].

Presiding Juror