

**CAUSE NO. CR13341**

**STATE OF TEXAS**

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§**

**IN THE DISTRICT COURT**

**VS.**

**OF HOOD COUNTY, TEXAS**

**TOMMY GEORGE DOOLEY**

**355TH JUDICIAL DISTRICT**

**LADIES AND GENTLEMEN OF THE JURY:**

The defendant, TOMMY GEORGE DOOLEY, stands charged by indictment with the offense of capital murder alleged to have been committed on or about the 12th day of February, 2015, in Hood County, Texas. The defendant has pleaded not guilty.

1.

A person commits the offense of murder if he intentionally or knowingly causes the death of an individual. A person commits capital murder when such person intentionally commits the murder in the course of committing or attempting to commit the offense of obstruction or retaliation.

2.

A person commits an offense if the person intentionally or knowingly harms or threatens to harm another by an unlawful act:

(1) in retaliation for or on account of the service or status of another as a:

(a) public servant, witness, prospective witness, or informant; or

(b) person who has reported or who the actor knows intends to report the occurrence of a crime; or

(2) to prevent or delay the service of another as a:

(a) public servant, witness, prospective witness, or informant or

(b) person who has reported or who the actor knows intends to report the occurrence of a crime.

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3.

A "firearm" includes 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 convertible to that use.

A "handgun" means any firearm that is designed, made, or adapted to be fired with one hand.

"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.

"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.

"In the course of committing or attempting to commit the offense of obstruction or retaliation" means conduct that occurs in an attempt to commit, during the commission or in immediate flight after the attempt or commission of obstruction or retaliation.

"Informant" means a person who has communicated information to the government in connection with any governmental function.

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

4.

A person acts intentionally, or with intent, with respect to the nature of his conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result.

A person acts knowingly, or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. 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.

5.

You are instructed that you may consider all relevant facts and circumstances surrounding the killing, if any, and the previous relationship existing between the accused and the deceased, if any, together with all relevant facts and circumstances going to show the condition of the mind of the accused at the time of the offense, if any.

6.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 12th day of February, 2015, in Hood County, Texas, TOMMY GEORGE DOOLEY, Defendant, did then and there intentionally cause the death of an individual, La Vera Aiken Dooley, by shooting La Vera Aiken Dooley with a handgun, and the said defendant was then and there in the course of committing or attempting to commit the offense of obstruction or retaliation against La Vera Aiken Dooley, then you will find the defendant guilty of capital murder as alleged in the indictment.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will find the defendant not guilty of capital murder and next consider whether he is guilty of the lesser offense of murder.

7.

A person commits the offense of murder if he intentionally or knowingly causes the death of an individual; intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual; or 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.

8.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 12th day of February, 2015, in Hood County, Texas, TOMMY GEORGE DOOLEY, Defendant, did then and there intentionally or knowingly cause the death of an individual, La Vera Aiken Dooley, by shooting La Vera Aiken Dooley with a handgun, or did then and there intentionally, with intent to cause serious bodily injury to La Vera Aiken Dooley, commit an act clearly dangerous to human life, namely shooting La Vera Aiken Dooley with a handgun, which caused the death of La Vera Aiken Dooley, then you will find the defendant guilty of the lesser offense of murder.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will find the defendant not guilty of murder.

9.

If you find from the evidence beyond a reasonable doubt that the defendant is guilty of either capital murder or murder but you have a reasonable doubt as to which offense he is guilty, then you must resolve that doubt in the defendant's favor and find him guilty of the lesser offense of murder.

If you have a reasonable doubt as to whether defendant is guilty of any offense, then you should acquit the defendant and say by your verdict not guilty.

For your guidance in arriving at a verdict in this case, you are also instructed as follows:

(a) You are instructed that 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.

(b) In all criminal cases 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.

(c) 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".

(d) 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 respecting any matter of fact involved in this case. If you have observed anything which you may interpret as the Court's opinion upon any matter of fact in this case, you must wholly disregard it. You should not attempt to satisfy what you may think or fancy to be the opinion of any person connected with the trial of this case, but your verdict, whatever it may

be, must be the result of your deliberate judgment based solely upon the law as given you in the charge by the Court and the evidence submitted under my rulings.

(e) You are instructed that you should not question the bailiff concerning the testimony or the law of the case, nor should you discuss the case in his presence. If you have any questions, you should reduce them to writing, have them signed by the presiding juror, and present them to me.

(f) You are instructed that any statements of counsel made during the course of the trial or during argument, not supported by the evidence, or statements made by counsel, not in harmony with the law as stated to you by me in these instructions, are to be wholly disregarded.

(g) You are instructed that the indictment in this case is not any evidence of the defendant's guilt nor is the fact that he was arrested; and no juror should permit himself to be to any extent influenced against the defendant because of said indictment or his arrest.

(h) You are instructed that it is the purpose of the law to try a case solely on the law and the evidence. You can only consider facts and circumstances in evidence, and you must not consider or receive from any source facts or circumstances that have not been introduced by testimony before you. It is not proper for any juror to discuss or to mention to any other juror anything which he may have heard or read on the outside of the case. If any juror should discover that he has any outside information or has heard anything concerning the parties to the case, or any of the witnesses, or anything concerning the case, such juror should not impart such outside information to any other juror, nor should he consider the same himself in arriving at a verdict.


(i) You are the sole judges of the credibility of the witnesses and the weight to be given their testimony, but in matters of law, you must be governed by the instructions in this charge.

After the argument of counsel, you will retire, select one of your number as the presiding juror and consider your verdict and as you find, so say, and write your verdict on a separate piece of paper. Your verdict must be unanimous, must be in writing, and signed by the presiding juror.

  
JUDGE PRESIDING

**FILED**

APR 27 2016

  
Donna Trumble Kitt  
Clerk District Court, Hobbs County, Texas

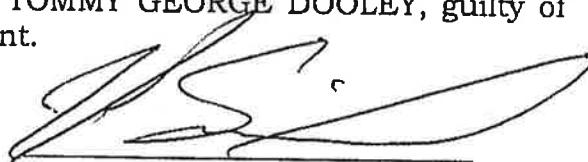
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**FORMS OF VERDICT:**

We, the Jury, find the defendant, TOMMY GEORGE DOOLEY, not guilty.

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PRESIDING JUROR

We, the Jury, find the defendant, TOMMY GEORGE DOOLEY, guilty of capital murder as alleged in the indictment.

  
\_\_\_\_\_  
PRESIDING JUROR

We, the Jury, find the Defendant, TOMMY GEORGE DOOLEY, guilty of the lesser offense of murder.

\_\_\_\_\_  
PRESIDING JUROR

*Received at 5:28 pm this  
April 27, 2016.*

*Carla Waeter, J -  
District Judge*