

NO. 2013-CR-4799

THE STATE OF TEXAS                    §            IN THE DISTRICT COURT  
VS.                                       §            379TH JUDICIAL DISTRICT  
GLEN DUKES                            §            BEXAR COUNTY, TEXAS

CHARGE OF THE COURT

MEMBERS OF THE JURY:

The defendant, Glen Dukes, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 1st Day of June, 2012, in Bexar County, Texas. The defendant has pleaded not guilty.

I.

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 such person intentionally commits the murder in the course of committing or attempting to commit the offense of kidnapping.

II.

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

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

"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.

### III.

For the offenses of murder and capital murder, 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.

For the offense of murder, 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.

### IV.

A person commits the offense of kidnapping if he intentionally or knowingly abducts another person.

### V.

"Abduct" means to restrain a person with intent to prevent his liberation by secreting or holding him in a place where he is not likely to be found, or by using or threatening to use deadly force.

"Restrain" means to restrict a person's movements without consent, so as to interfere substantially with the person's liberty, by moving the person from one place to another or by

confining the person.

Restraint is "without consent" if it is accomplished by force, intimidation, or deception.

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

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

"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.

VI.

For the offense of kidnapping, 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.

For the offense of kidnapping, 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. For the offense of kidnapping, 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 further instructed that you may consider all relevant facts and circumstances surrounding the killing, if any, of Jacqueline Johnson, and the previous relationship existing between the defendant, Glen Dukes, and Jacqueline Johnson, together with all relevant facts and circumstances going to show the condition of the mind of the defendant at the time of the offense alleged in the indictment.

You are instructed that an accomplice witness, as the term is hereinafter used, means any person connected with the crime charged, as a party thereto, and includes all persons who are connected with the crime, as such parties, by unlawful act or omission on their part transpiring either before or during the time of the commission of the offense, and whether or not they were present and participated in the commission of the crime.

You are instructed that a conviction cannot be had upon the testimony of an accomplice witness unless the jury first believes that the accomplice witness' testimony is true and that it shows the defendant is guilty of the offense charged against him, and even then you cannot convict unless the accomplice witness' testimony is corroborated by other evidence tending to connect the defendant with the offense charged, and the corroboration is not sufficient if it merely shows the commission of the offense, but it must tend to connect the defendant with its commission.

Now, if you believe from the evidence beyond a reasonable doubt, that an offense was committed and you further believe from the evidence that the witness, Mandy Beers, was an accomplice, or you have a reasonable doubt whether she was an accomplice, as that term is defined in the foregoing instructions, then you cannot convict the defendant upon the testimony of Mandy Beers unless you first believe that the

portion of the testimony of Mandy Beers which ascribes guilt to the defendant is true and that it shows the defendant is guilty as charged in the indictment; and even then you cannot convict the defendant unless you further believe that there is other evidence in the case, outside of the evidence of Mandy Beers tending to connect the defendant with the commission of the offense charged in the indictment, and then from all the evidence you must believe beyond a reasonable doubt that the defendant is guilty.

A person is criminally responsible as a party to an offense if the offense is committed by his own conduct, or by the conduct of another for which he is criminally responsible, or by both. Each party to an offense may be charged with commission of the offense.

Mere presence alone will not make a person a party to an offense. A person is criminally responsible for an offense committed by the conduct of another if acting with intent to promote or assist the commission of the offense he solicits, encourages, directs, aids or attempts to aid the other person to commit the offense.

VII.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 1st Day of June, 2012, in Bexar County, Texas, the defendant, Glen Dukes, did intentionally cause the death of an individual, namely, Jacqueline Johnson, by placing the arm of Glen Dukes around the throat and neck of Jacqueline Johnson and impeding the normal breathing or circulation of the blood of Jacqueline Johnson by applying pressure to the throat and neck of Jacqueline Johnson, or by placing a plastic bag over the head of Jacqueline Johnson and impeding the normal breathing or circulation of the blood of Jacqueline Johnson by blocking the nose and mouth of Jacqueline Johnson, or by a manner and means unknown to the grand jury, and Glen Dukes was in the course of committing or attempting to commit the offense of kidnapping of Jacqueline Johnson, then you will find the defendant guilty of capital murder as charged in the indictment.

If you do not so find beyond a reasonable doubt, if you have a reasonable doubt thereof, or if you are unable to agree, you will next consider whether the defendant is guilty of the lesser included offense of murder.



VIII.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 1st Day of June, 2012, in Bexar County, Texas, the defendant, Glen Dukes, did intentionally or knowingly cause the death of an individual, namely, Jacqueline Johnson, by placing the arm of Glen Dukes around the throat and neck of Jacqueline Johnson and impeding the normal breathing or circulation of the blood of Jacqueline Johnson by applying pressure to the throat and neck of Jacqueline Johnson, or by placing a plastic bag over the head of Jacqueline Johnson and impeding the normal breathing or circulation of the blood of Jacqueline Johnson by blocking the nose and mouth of Jacqueline Johnson, or by a manner and means unknown to the grand jury, then you will find the defendant guilty of murder.

If you do not so find beyond a reasonable doubt, if you have a reasonable doubt thereof, you will find the defendant not guilty of murder.

You are instructed that if there is any testimony before you in this case regarding the defendant's having committed an extraneous offense or offenses other than the offense alleged against him in the indictment in this case, you cannot consider said testimony for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such acts of misconduct, if any were committed, and even then you may only consider the same in determining the motive of the defendant, if any, or to rebut a defensive theory or to put the offense, if any, in context and for no other purpose.

Our law provides a defendant may testify in his own behalf if he elects to do so. This, however, is a right accorded 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.

During your deliberations, you must not communicate with or provide any information to anyone by any means about this case. You may not use any electronic device or media, such as telephone, cell phone, smart phone, or computer; the internet, any internet service, or any text or instant messaging service; or any internet chat room, blog, or website, to communicate with anyone any information about this case or to conduct any research about this case until I accept your verdict.

Written statements made by a witness or police reports made by officers and tendered by the attorneys to opposing counsel for purposes of cross-examination are not part of the evidence unless introduced in evidence. Many times statements and reports may be marked with an exhibit number but are neither offered nor received in evidence. Therefore, I can send only statements and reports received in evidence to the jury room.

The Grand Jury Indictment is not evidence of guilt. It is the means whereby a defendant is brought to trial in a felony prosecution. It is not evidence, nor can it be considered by you in passing upon whether the defendant is guilty or not guilty.

During your deliberations in this case, you must not consider, discuss, nor relate any matters not in evidence before you. You should not consider nor mention any personal knowledge or information you may have about any fact or person connected

with this case which is not shown by the evidence.

You are instructed that you are not to let bias, prejudice, or sympathy play any part in reaching a verdict in this case.

The burden of proof in all criminal cases rests upon the State throughout the trial, and never shifts to the defendant.

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."

You are the exclusive judges of the facts proved, of the credibility of the witnesses and of the weight to be given the testimony but the law of the case you must receive from the Court as contained in these instructions, and be governed thereby. You must disregard any comment or statement made by the Court during the trial or in these instructions which may seem to indicate an opinion with respect to any fact, item of evidence or verdict to be reached in this case. No such indication was intended.

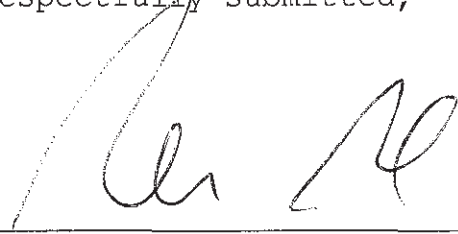
After argument of counsel, you will retire to the jury room, select your own Foreperson and proceed with your deliberations. After you have reached a unanimous verdict the Foreperson will certify thereto by filling in the appropriate forms attached to this charge and signing his or her name as Foreperson. The forms are not intended to suggest to you what your verdict should be.

Your sole duty at this time is to determine whether the defendant is guilty under the indictment in this cause; and restrict your deliberations to the issue of whether the defendant is guilty or not guilty, and nothing else. If the

Jury wishes to communicate with the Court, they shall notify the bailiff.

Any communication relative to the case must be written, prepared by the Foreperson and shall be submitted to the Court through the bailiff.

Respectfully submitted,



JUDGE RON RANGEL  
379th Judicial District  
Bexar County, Texas

**FILED**  
O'CLOCK M

SEP 23 2015

DOYNA KAY MCKINNEY  
County Clerk, Bexar County, Texas  


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VERDICT FORM

We, the Jury, find the defendant, Glen Dukes, not guilty.

FILED  
DOMA KAY MCKINNEY  
DISTRICT CLERK  
BEXAR COUNTY

15 SEP 23 AM 11:13

DEPUTY

BY \_\_\_\_\_

\_\_\_\_\_  
FOREPERSON

VERDICT FORM

We, the Jury, find the defendant, Glen Dukes, guilty of capital murder as charged in the indictment.

*Jennifer Ashcraft*  
\_\_\_\_\_  
FOREPERSON

VERDICT FORM

We, the Jury, find the defendant, Glen Dukes, guilty of murder.

\_\_\_\_\_  
FOREPERSON