

CAUSE NO. CR- 12,856

THE STATE OF TEXAS                   §     IN THE DISTRICT COURT OF  
VS.   §     TYLER COUNTY TEXAS  
KRISTEN WESTFALL MADDOX       §     1-A JUDICIAL DISTRICT

COURT'S CHARGE

LADIES AND GENTLEMEN OF THE JURY:

The defendant, Kristen Westfall Maddox, stands charged by indictment with the offense of Capital Murder, alleged to have been committed in Tyler County, Texas, on or about the 18<sup>th</sup> day of January, 2014. The defendant has pleaded not guilty.

I.

Our law provides that a person commits murder when she intentionally or knowingly causes the death of an individual.

Such a murder is a capital murder, however, if that person murders 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.

II.

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

A person acts knowingly, or with knowledge, with respect to a result of her conduct when she is aware that her conduct is reasonably certain to cause the result.

**FILED**  
18, DAY OF Aug, 2016  
AT 11:23 O'CLOCK AM  
Cheryl Pounds  
CLERK DISTRICT COURT, TYLER CO., TEXAS

III.

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.

IV.

You are further instructed that if there is any evidence before you in this case regarding the Defendant having committed an alleged offense or offenses other than the offense alleged against her in the indictment in this case, you cannot consider such evidence for any purpose unless you find and believe beyond a reasonable doubt that the Defendant committed such other offense or offenses, if any, and even then you may only consider the same in determining motive, intent, or knowledge in connection with the offense, if any, alleged against her in the indictment and for no other purpose.

V.

All persons are parties to an offense who are guilty of acting together in the commission of an offense. A person is criminally responsible as a party to an offense if the offense is committed by her own conduct, by the conduct of another for which she is criminally responsible, or by both.

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, she solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense.

If, in the attempt to carry out a conspiracy to commit one felony, another felony is

committed by one of the conspirators, all conspirators are guilty of the felony actually committed, though having no intent to commit it, if the offense was committed in furtherance of the unlawful purpose and was one that should have been anticipated as a result of carrying out the conspiracy.

“Conspiracy” is committed if, with intent that a felony be committed, a person agrees with one or more person that they or one or more of them engage in conduct that would constitute the offense and he or one or more of them performs an overt act in pursuance of the agreement.

An agreement constituting a conspiracy may be inferred from acts of the parties.

You are instructed that Capital Murder is a felony offenses in the State of Texas.

Each party to an offense may be charged with the commission of the offense.

Mere presence alone will not constitute one a party to an offense.

## VI.

You are instructed that an “accomplice” 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. A person is criminally responsible as a party to an offense if the offense is committed by his own conduct, by the conduct of another for which he is criminally responsible, or by both. Mere presence alone. however, will not constitute one a party to an offense.

Upon the law of accomplice witness testimony, you are instructed that Letha Westfall is an accomplice, if an offense was committed, as alleged in the indictment. With this in mind, you are further instructed that you cannot convict the Defendant upon Letha Westfall’s testimony, unless you first believe that her testimony is true and shows the guilt of the Defendant as charged in the

indictment, and then you cannot convict the Defendant upon said testimony unless you further believe that there is other testimony in the case, outside of the testimony of Letha Westfall, tending to connect the Defendant with the offense committed, if you find that an offense was committed. 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, and then from all the evidence, you must believe beyond a reasonable doubt that the Defendant is guilty of the offense charged against her.

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 Cameron Paul Westfall was an accomplice, or you have a reasonable doubt as to whether he was or not, as that term is defined in the foregoing instructions, then you cannot convict the Defendant upon the testimony of Cameron Paul Westfall unless you first believe that the testimony of Cameron Paul Westfall is true and that it shows the Defendant is guilty as charged in the indictment; even then you cannot convict the Defendant unless you further believe that there is other evidence in the case, outside of the evidence of Cameron Paul Westfall 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.

If you determine that Cameron Paul Westfall is an accomplice, as that term is defined herein, then you are further instructed that one or more accomplices cannot corroborate each other. Such corroborative evidence, if any, must be from some source other than said accomplices, Letha Westfall and Cameron Paul Westfall, or either of them, as herein charged.

VII.

Now, if you unanimously find from the evidence beyond a reasonable doubt that on or about the 18th day of January, 2014, in Tyler County, Texas, the defendant, Kristen Westfall Maddox, either acting alone or as a party as that term is defined herein, did then and there intentionally or knowingly cause the death of Nathan Bradley Maddox, by shooting him with a firearm, and that the defendant did then and there also intentionally or knowingly cause the death of Krystal Renee Maddox by shooting her with a firearm, and both murders occurred during the same criminal transaction, then you will find the defendant guilty of capital murder.

Unless you so find 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."

#### VIII.

A grand jury indictment is the means whereby a defendant is brought to trial in a felony prosecution. It is not evidence of guilt nor can it be considered by you in passing upon the question of guilt of the defendant. 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 she has been arrested, confined, or indicted for, or otherwise charged with, the offense gives rise to no inference of guilt at her trial. The law does not require a defendant to prove her 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 her and say by your verdict "Not Guilty."

#### IX.

You have been permitted to take notes during the testimony in this case. In event any of you took notes, you may rely on your notes during deliberations. However, you may not share your notes with other jurors and you should not permit other jurors to share their notes with you. You may, however, discuss the contents of your notes with the other jurors. You shall not use your notes as authority to persuade your fellow jurors. In your deliberations, give no more and no less weight to the views of a fellow juror just because the juror did or did not take notes. Your notes are not official transcripts. They are personal memory aids, just like the notes of the judge and the lawyers. Notes are valuable as a stimulant to your memory. On the other hand, you might make an error in observing or you might make a mistake in recording what you have seen or heard. Therefore, you are not to use your notes as authority to persuade fellow jurors of what the evidence was during the trial.

Occasionally, during jury deliberations, a dispute arises as to the testimony presented. If this should occur in this case, you shall inform the Court and request that the Court read the portion of disputed testimony to you from the official transcript. You shall not rely on your notes to resolve

the dispute because those notes, if any, are not official transcripts. The dispute must be settled by the official transcript, for it is the official transcript, rather than the juror's notes, upon which you must base your determination of the facts and, ultimately, your verdict in this case.

X.

After you retire to the jury room, you should 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.

No one has any authority to communicate with you except the officer who has you in charge. 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 before you. In determining the guilt or innocence of the defendant, you shall not discuss or consider the punishment, if any, which may be assessed against the defendant in the event she is found guilty beyond a reasonable doubt.

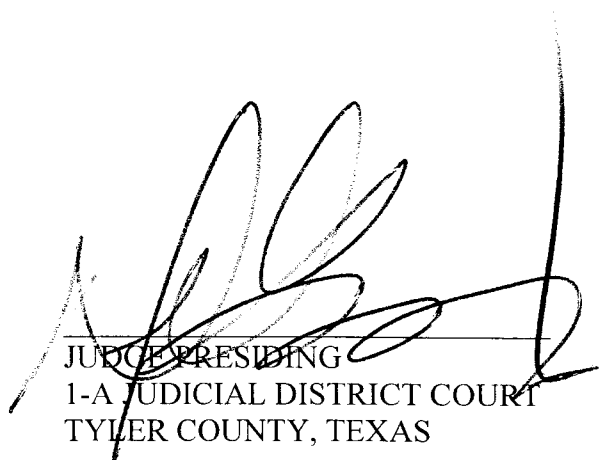
As jurors, you are the exclusive judges of the facts proved, the credibility of the witnesses, and the weight to be given their testimony. That is, you may believe all, any part, or none of the testimony of any witness you have heard in this case. However, in matters of law, you are governed by any instructions previously given by the Court and the instructions contained in this charge.

It is your duty, as jurors, to consult with one another and to deliberate with a view to reaching an agreement, if you can do so without violence to individual judgment. Each of you

must decide the case for yourself, but do so only after an impartial consideration of the evidence with your fellow jurors. In the course of your deliberations, do not hesitate to reexamine your own views and change your opinions if convinced they are erroneous. But do not surrender your honest conviction as to the weight or effect of evidence solely because of the opinion of your fellow jurors, or for the mere purpose of returning a verdict.

After you have retired, you may communicate with this Court in writing through the officer who has you in charge. Do not attempt to talk to the officer who has you in charge, or the attorneys, or the Court, or anyone else concerning any question you may have. After you have reached a unanimous verdict, the Presiding Juror will certify thereto by filling in the appropriate form attached to this Charge and signing his or her name as Presiding Juror.

SIGNED this 18 day of August, 2016.



JUDGE PRESIDING  
1-A JUDICIAL DISTRICT COURT  
TYLER COUNTY, TEXAS