

CAUSE NO. 1405275

THE STATE OF TEXAS  
VS.  
AMOS JOSEPH WELLS

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§

IN THE 432ND JUDICIAL  
DISTRICT COURT OF  
TARRANT COUNTY, TEXAS

FILED  
THOMAS A WILDER, DIST. CLERK  
TARRANT COUNTY, TEXAS  
NOV 18 2016  
9:45  
DEPUTY

COURT'S CHARGE

MEMBERS OF THE JURY:

The Defendant, AMOS JOSEPH WELLS, has been found guilty by you of the offense of Capital Murder, and you will no longer concern yourselves with the guilt of the Defendant. You are instructed that a sentence of imprisonment in the Texas Department of Criminal Justice for life without parole or a sentence of death is mandatory upon conviction of capital murder. In order for punishment to be assessed, certain special issues are submitted to you. Before answering these special issues, you will consider the following instructions:

In arriving at the answers to the special issues submitted, it will not be proper for you to fix the same by lot, chance, or any other method than by a full, fair, and free exchange of the opinion of each individual juror. You are instructed that in considering the special issues, you may take into consideration all the facts shown by the evidence admitted before you in the full trial of this case and the law as submitted to you in the charge.

If the jury returns an affirmative finding on Special Issue Number 1 and a negative finding on Special Issue Number 2, the Court shall sentence the Defendant to death. If the jury returns a negative finding on Special Issue Number 1, or an affirmative finding to Special Issue Number 2, the Court shall sentence the Defendant to confinement in the Texas Department of Criminal Justice for life imprisonment without parole. A defendant sentenced to confinement for life imprisonment without parole is ineligible for release from the Texas Department of Criminal Justice on parole.

The prosecution has the burden of proving that the answer to Special Issue Number 1 should be "Yes," and it must do so by proving a "Yes" answer to Special Issue Number 1 beyond a reasonable doubt, and if it fails to do so, you must answer Special Issue Number 1 "No."

In the event you have a reasonable doubt as to whether the answer to Special Issue Number 1 should be "Yes" after considering all the evidence before you, if any, and these instructions, you will answer Special Issue Number 1 "No."

The jury may not answer Special Issue Number 1 "No" unless ten or more jurors agree. The jurors need not agree on what particular evidence supports a "No" answer. If any juror has a reasonable doubt as to the answer to the above Special Issue, the juror shall vote "No" as to that issue.

**SPECIAL ISSUE NUMBER 1:**

Do you find from the evidence beyond a reasonable doubt that there is a probability that the Defendant would commit criminal acts of violence that would constitute a continuing threat to society?

ANSWER "YES" OR "NO" in the space provided on Page 8 of the Charge.

If the jury answers Special Issue Number 1 "Yes," then you shall answer Special Issue Number 2; otherwise, do not answer Special Issue Number 2.

The jury will answer Special Issue Number 2 "Yes" or "No." The jury may only answer Special Issue Number 2 "No" if they unanimously agree, and the jury may not answer this issue "Yes" unless ten or more jurors agree.

**SPECIAL ISSUE NUMBER 2:**

Taking into consideration all of the evidence, including the circumstances of the offense, the Defendant's character and background, and the personal moral culpability of the Defendant, do you find from the evidence that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed?

ANSWER "YES" OR "NO" in the space provided on Page 8 of the Charge.

In deliberating on the issues submitted, the jury shall consider all evidence admitted at the guilt or innocence stage and the punishment stage, including evidence of the Defendant's

background or character or the circumstances of the offense that militates for or mitigates against the imposition of the death penalty.

The jury shall consider mitigating evidence to be evidence that a juror might regard as reducing the Defendant's moral blameworthiness.

The jury may not answer Special Issue Number 2 "Yes" unless ten or more jurors agree. The jurors need not agree on what particular evidence supports a "Yes" answer.

The jury may not discuss or consider the effect of failure of the jury to agree on the answer to any issue.

It is your duty to consult with one another and to deliberate in an effort to answer the Special Issues based on these instructions if you can do so. Each of you must decide the case for yourself, but only after an impartial consideration of the evidence with your fellow jurors. During your deliberations, do not hesitate to re-examine your own opinions and change your mind if convinced that you were wrong, and if doing so would not do violence to your own conscience. But do not give up your honest beliefs as to the weight or effect of the evidence solely because of the opinion of your fellow jurors, or for the mere purpose of answering the Special Issues.

The State has introduced evidence of extraneous crimes or bad acts other than the one charged in the indictment in this

case. This evidence was admitted only for the purpose of assisting you, if it does, in deciding punishment.

Notes are valuable as a personal memory aid especially for those who are natural note-takers. You have been permitted to take notes during the testimony of this case. If you have taken notes, you should not permit other jurors to show their notes to you, nor shall you show your notes to the others during your deliberations.

In your deliberations, give no more and no less weight to fellow jurors because that juror did or did not take notes. During your deliberations if a dispute arises as to the testimony presented, you must settle the dispute by requesting the official transcript by the court reporter. Do not rely on your notes to resolve the dispute because an individual juror, a fellow juror took notes. Your personal notes are not the official transcript.

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

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.

You must not consider nor mention any personal knowledge or information you may have about any facts or person connected with this case which is not shown by the evidence. You shall not consult law books or anything not in evidence.

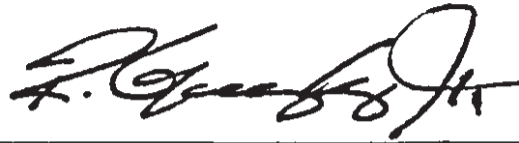
You are charged that it is only from the witness stand that the jury is permitted to receive evidence regarding the case, or any witness therein, and no juror is permitted to communicate to any other juror anything he or she may have heard regarding the case, or any witness therein, from any other source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

When you have arrived at your answers to each of the Special Issues, if any, you shall use the attached forms provided at the end of these instructions.

Should the jury desire to have any or all of the admitted exhibits delivered to the jury for your deliberations, your foreperson shall so notify the Court in writing, and the requested exhibits will be delivered.

Any further communication with the Court must be in writing signed by your foreperson through the bailiff. Do not attempt to talk to the bailiff, the attorneys, or the Court regarding any question you may have concerning the trial of the case.

After you have reached a verdict or if you desire to communicate with the Court, please press the button, and the bailiff will respond.

A handwritten signature in black ink, appearing to read "R. Gonzalez, Jr.", written in a cursive style.

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RUBEN GONZALEZ, JR., JUDGE  
432ND Judicial District Court

ANSWERS TO SPECIAL ISSUES

SPECIAL ISSUE NUMBER 1:

We, the Jury, find from the evidence beyond a reasonable doubt that there is a probability that the Defendant would commit criminal acts of violence that would constitute a continuing threat to society?

ANSWER Yes or No:

Yes

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

NOV 18 2016

Michael C. Hay  
PRESIDING JUROR (Signature)

TIME 4:44 pm  
BY [Signature] DEPUTY

Michael C. Hay  
PRESIDING JUROR (Print Name)

Only if you answer "Yes" to Special Issue Number 1 then proceed to Special Issue Number 2. If you do answer Special Issue One "No", then do not answer Special Issue Two and notify the Court

SPECIAL ISSUE NUMBER 2:

We, the Jury, taking into consideration all of the evidence, including the circumstances of the offense, the Defendant's character and background, and the personal moral culpability of the Defendant, do you find from the evidence that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed?

ANSWER Yes or No:

No

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TIME 4:44 pm  
BY [Signature] DEPUTY

Michael C. Hay  
PRESIDING JUROR (Signature)

Michael C. Hay  
PRESIDING JUROR (Print Name)

[Signature]