

P24

CAUSE NO. 1344600

THE STATE OF TEXAS	§	IN THE 263RD DISTRICT COURT
VS.	§	OF HARRIS COUNTY, TEXAS
DONNA RENEE THOMAS	§	JANUARY TERM, A. D., 2012

Members of the Jury:

The defendant, Donna Renee Thomas, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 16th day of August, 2008, in Harris County, Texas. The defendant has pleaded not guilty.

A person commits the offense of murder if she intentionally or knowingly causes the death of an individual.

A person commits the offense of capital murder if she intentionally commits murder, as hereinbefore defined, in the course of committing or attempting to commit the offense of burglary of a building or the offense of kidnapping.

A person commits the offense of felony murder if she 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, she commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

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

Burglary of a building and kidnapping are felony offenses.

A person commits the offense of burglary of a building if, without the effective consent of the owner, the person:

- (1) enters a building or any portion of a building not then open to the public, with intent to commit a felony, theft, or an assault; or
- (2) enters a building and commits or attempts to commit a felony, theft, or an assault.

"Enter" means to intrude any part of the body or any physical object connected with the body.

"Building" means any enclosed structure intended for use or occupation as a habitation or for some purpose of trade, manufacture, ornament, or use.

"Theft" is the unlawful appropriation of property with intent to deprive the owner of said property and without the owner's effective consent.

"Appropriate" and "appropriation" means to acquire or otherwise exercise control over property other than real property. Appropriation of property is unlawful if it is without the owner's effective consent.

"Property" means tangible or intangible personal property, or a document, including money, that represents or embodies anything of value.

"Deprive" means to withhold property from the owner permanently or for so extended a period of time that a major portion of the value or enjoyment of the property is lost to the owner.

"Effective consent" means assent in fact, whether express or apparent, and includes consent by a person legally authorized to act for the owner. Consent is not effective if induced by force, threats, deception or coercion.

"Owner" means a person who has title to the property, possession of the property, whether lawful or not, or a greater right to possession of the property than the defendant.

"Possession" means actual care, custody, control, or management of the property.

A person commits an assault if the person:

- (1) intentionally or knowingly causes bodily injury to another; or
- (2) intentionally or knowingly threatens another with imminent bodily injury.

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

The term "abduct" means to restrain a person with intent to prevent his liberation by:

- (A) secreting or holding him in a place where he is not likely to be found; or
- (B) using or threatening to use deadly force.

The term "restrain" means to restrict a person's movements without consent, so as to interfere substantially with his

liberty, by moving him from one place to another or by confining him.

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

"Consent" means assent in fact, whether express or apparent.

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

"Deadly weapon" means a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury; or anything that 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.

"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.

The definition of intentionally relative to the offense of capital murder is as follows:

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.

The definitions of intentionally and knowingly relative to the offenses of murder and assault are as follow:

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.

The definitions of intentionally and knowingly relative to the offenses of burglary of a building and kidnapping are as follow:

A person acts intentionally, or with intent, with respect to the nature of her conduct or to a result of her conduct when it is her 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 her conduct or to circumstances surrounding her conduct when she is aware of the nature of her conduct or that the circumstances exist. 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.

All persons are parties to an offense who are guilty of acting together in the commission of the 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. Mere presence alone will not constitute one a party to an 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 the carrying out of the conspiracy.

By the term "conspiracy" as used in these instructions, is meant an agreement between two or more persons with intent, that they, or one or more of them, engage in conduct that would constitute the offense. An agreement constituting a conspiracy may be inferred from acts of the parties.

Before you would be warranted in finding the defendant guilty of capital murder, you must find from the evidence beyond a reasonable doubt not only that on the occasion in question the defendant was in the course of committing or attempting to commit the felony offense of burglary of a building owned by Marcus Smith, as alleged in this charge, but also that the defendant specifically intended to cause the death of William Jones, by shooting William Jones, with a deadly weapon, namely, a firearm; or you must find from the evidence beyond a reasonable doubt that the defendant, Donna Renee Thomas, with the intent to promote or assist in the commission of the offense of burglary of a building, if any, solicited, encouraged, directed, aided, or

attempted to aid Reginald Price and/or Jacoby Hall and/or Danyell Thomas in shooting William Jones, if she did, with the intention of thereby killing William Jones; or you must find from the evidence beyond a reasonable doubt that on the occasion in question the defendant, Donna Renee Thomas, entered into an agreement with Reginald Price and/or Jacoby Hall and/or Danyell Thomas to commit the felony offense of burglary of a building owned by Marcus Smith, as alleged in this charge, and pursuant to that agreement they did carry out their conspiracy, and while in the course of committing said conspiracy, Reginald Price and/or Jacoby Hall and/or Danyell Thomas intentionally caused the death of William Jones by shooting William Jones with a deadly weapon, namely, a firearm, and the murder of William Jones was committed in furtherance of the conspiracy and was an offense that should have been anticipated by the defendant as a result of carrying out the conspiracy; or

You must find from the evidence beyond a reasonable doubt not only that on the occasion in question the defendant was in the course of committing or attempting to commit the felony offense of kidnapping of Marcus Smith or Charles Paterson or William Jones, as alleged in this charge, but also that the defendant specifically intended to cause the death of William Jones, by shooting William Jones, with a deadly weapon, namely, a firearm; or you must find from the evidence beyond a reasonable doubt that the defendant, Donna Renee Thomas, with the intent to promote or assist in the commission of the offense of kidnapping, if any, solicited, encouraged, directed, aided, or attempted to aid

Reginald Price and/or Jacoby Hall and/or Danyell Thomas in shooting William Jones, if she did, with the intention of thereby killing William Jones; or you must find from the evidence beyond a reasonable doubt that on the occasion in question the defendant, Donna Renee Thomas, entered into an agreement with Reginald Price and/or Jacoby Hall and/or Danyell Thomas to commit the felony offense of kidnapping of Marcus Smith or Charles Paterson or William Jones, as alleged in this charge, and pursuant to that agreement they did carry out their conspiracy, and while in the course of committing said conspiracy, Reginald Price and/or Jacoby Hall and/or Danyell Thomas intentionally caused the death of William Jones by shooting William Jones with a deadly weapon, namely, a firearm, and the murder of William Jones was committed in furtherance of the conspiracy and was an offense that should have been anticipated by the defendant as a result of carrying out the conspiracy, and unless you so find, then you cannot convict the defendant of the offense of capital murder.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 16th day of August, 2008, in Harris County, Texas, the defendant, Donna Renee Thomas, did then and there unlawfully, while in the course of committing or attempting to commit the burglary of a building owned by Marcus Smith, intentionally cause the death of William Jones by shooting William Jones with a deadly weapon, namely, a firearm; or

If you find from the evidence beyond a reasonable doubt that on or about the 16th day of August, 2008, in Harris County,

Texas, Reginald Price and/or Jacoby Hall and/or Danyell Thomas, did then and there unlawfully, while in the course of committing or attempting to commit the burglary of a building owned by Marcus Smith, intentionally cause the death of William Jones by shooting William Jones with a deadly weapon, namely, a firearm, and that the defendant, Donna Renee Thomas, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Reginald Price and/or Jacoby Hall and/or Danyell Thomas to commit the offense, if she did; or

If you find from the evidence beyond a reasonable doubt that the defendant, Donna Renee Thomas, and Reginald Price and/or Jacoby Hall and/or Danyell Thomas entered into an agreement to commit the felony offense of burglary of a building owned by Marcus Smith, and pursuant to that agreement, if any, they did carry out their conspiracy and that in Harris County, Texas, on or about the 16th day of August, 2008, while in the course of committing such burglary of a building owned by Marcus Smith, Reginald Price and/or Jacoby Hall and/or Danyell Thomas intentionally caused the death of William Jones by shooting William Jones with a deadly weapon, namely, a firearm, and the murder of William Jones was committed in furtherance of the conspiracy and was an offense that should have been anticipated by the defendant as a result of carrying out the conspiracy; or

If you find from the evidence beyond a reasonable doubt that on or about the 16th day of August, 2008, in Harris County, Texas, the defendant, Donna Renee Thomas, did then and there

unlawfully, while in the course of committing or attempting to commit the kidnapping of Marcus Smith, intentionally cause the death of William Jones by shooting William Jones with a deadly weapon, namely, a firearm; or

If you find from the evidence beyond a reasonable doubt that on or about the 16th day of August, 2008, in Harris County, Texas, Reginald Price and/or Jacoby Hall and/or Danyell Thomas, did then and there unlawfully, while in the course of committing or attempting to commit the kidnapping of Marcus Smith, intentionally cause the death of William Jones by shooting William Jones with a deadly weapon, namely, a firearm, and that the defendant, Donna Renee Thomas, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Reginald Price and/or Jacoby Hall and/or Danyell Thomas to commit the offense, if she did; or

If you find from the evidence beyond a reasonable doubt that the defendant, Donna Renee Thomas, and Reginald Price and/or Jacoby Hall and/or Danyell Thomas entered into an agreement to commit the felony offense of kidnapping of Marcus Smith, and pursuant to that agreement, if any, they did carry out their conspiracy and that in Harris County, Texas, on or about the 16th day of August, 2008, while in the course of committing such kidnapping of Marcus Smith, Reginald Price and/or Jacoby Hall and/or Danyell Thomas intentionally caused the death of William Jones by shooting William Jones with a deadly weapon, namely, a firearm, and the murder of William Jones was committed in

furtherance of the conspiracy and was an offense that should have been anticipated by the defendant as a result of carrying out the conspiracy; or

If you find from the evidence beyond a reasonable doubt that on or about the 16th day of August, 2008, in Harris County, Texas, the defendant, Donna Renee Thomas, did then and there unlawfully, while in the course of committing or attempting to commit the kidnapping of Charles Paterson, intentionally cause the death of William Jones by shooting William Jones with a deadly weapon, namely, a firearm; or

If you find from the evidence beyond a reasonable doubt that on or about the 16th day of August, 2008, in Harris County, Texas, Reginald Price and/or Jacoby Hall and/or Danyell Thomas, did then and there unlawfully, while in the course of committing or attempting to commit the kidnapping of Charles Paterson, intentionally cause the death of William Jones by shooting William Jones with a deadly weapon, namely, a firearm, and that the defendant, Donna Renee Thomas, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Reginald Price and/or Jacoby Hall and/or Danyell Thomas to commit the offense, if she did; or

If you find from the evidence beyond a reasonable doubt that the defendant, Donna Renee Thomas, and Reginald Price and/or Jacoby Hall and/or Danyell Thomas entered into an agreement to commit the felony offense of kidnapping of Charles Paterson, and pursuant to that agreement, if any, they did carry out their

conspiracy and that in Harris County, Texas, on or about the 16th day of August, 2008, while in the course of committing such kidnapping of Charles Paterson, Reginald Price and/or Jacoby Hall and/or Danyell Thomas intentionally caused the death of William Jones by shooting William Jones with a deadly weapon, namely, a firearm, and the murder of William Jones was committed in furtherance of the conspiracy and was an offense that should have been anticipated by the defendant as a result of carrying out the conspiracy; or

If you find from the evidence beyond a reasonable doubt that on or about the 16th day of August, 2008, in Harris County, Texas, the defendant, Donna Renee Thomas, did then and there unlawfully, while in the course of committing or attempting to commit the kidnapping of William Jones, intentionally cause the death of William Jones by shooting William Jones with a deadly weapon, namely, a firearm; or

If you find from the evidence beyond a reasonable doubt that on or about the 16th day of August, 2008, in Harris County, Texas, Reginald Price and/or Jacoby Hall and/or Danyell Thomas, did then and there unlawfully, while in the course of committing or attempting to commit the kidnapping of William Jones, intentionally cause the death of William Jones by shooting William Jones with a deadly weapon, namely, a firearm, and that the defendant, Donna Renee Thomas, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Reginald Price

and/or Jacoby Hall and/or Danyell Thomas to commit the offense, if she did; or

If you find from the evidence beyond a reasonable doubt that the defendant, Donna Renee Thomas, and Reginald Price and/or Jacoby Hall and/or Danyell Thomas entered into an agreement to commit the felony offense of kidnapping of William Jones, and pursuant to that agreement, if any, they did carry out their conspiracy and that in Harris County, Texas, on or about the 16th day of August, 2008, while in the course of committing such kidnapping of William Jones, Reginald Price and/or Jacoby Hall and/or Danyell Thomas intentionally caused the death of William Jones by shooting William Jones with a deadly weapon, namely, a firearm, and the murder of William Jones was committed in furtherance of the conspiracy and was an offense that should have been anticipated by the defendant as a result of carrying out the conspiracy, then you will find the defendant guilty of capital murder, as charged in the indictment.

Unless you so find from the evidence beyond a reasonable doubt, or 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 offense of felony murder.

Therefore, if you find from the evidence beyond a reasonable doubt that on or about the 16th day of August, 2008, in Harris County, Texas, the defendant, Donna Renee Thomas, did then and there unlawfully, while in the furtherance of the commission or attempted commission of the felony of burglary of a building owned by Marcus Smith, or in immediate flight from the commission

or attempted commission of the felony of burglary of a building owned by Marcus Smith, commit an act clearly dangerous to human life, to-wit: by shooting William Jones with a deadly weapon, namely, a firearm, that caused the death of William Jones; or

If you find from the evidence beyond a reasonable doubt that on or about the 16th day of August, 2008, in Harris County, Texas, Reginald Price and/or Jacoby Hall and/or Danyell Thomas, did then and there unlawfully, while in the furtherance of the commission or attempted commission of the felony of burglary of a building owned by Marcus Smith, or in immediate flight from the commission or attempted commission of the felony of burglary of a building owned by Marcus Smith, commit an act clearly dangerous to human life, to-wit: by shooting William Jones with a deadly weapon, namely, a firearm, that caused the death of William Jones, and that the defendant, Donna Renee Thomas, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Reginald Price and/or Jacoby Hall and/or Danyell Thomas to commit the offense, if she did; or

If you find from the evidence beyond a reasonable doubt that on or about the 16th day of August, 2008, in Harris County, Texas, the defendant, Donna Renee Thomas, did then and there unlawfully, while in the furtherance of the commission or attempted commission of the felony of kidnapping of Marcus Smith, or in immediate flight from the commission or attempted commission of the felony of kidnapping of Marcus Smith, commit an act clearly dangerous to human life, to-wit: by shooting William

Jones with a deadly weapon, namely, a firearm, that caused the death of William Jones; or

If you find from the evidence beyond a reasonable doubt that on or about the 16th day of August, 2008, in Harris County, Texas, Reginald Price and/or Jacoby Hall and/or Danyell Thomas, did then and there unlawfully, while in the furtherance of the commission or attempted commission of the felony of kidnapping of Marcus Smith, or in immediate flight from the commission or attempted commission of the felony of kidnapping of Marcus Smith, commit an act clearly dangerous to human life, to-wit: by shooting William Jones with a deadly weapon, namely, a firearm, that caused the death of William Jones, and that the defendant, Donna Renee Thomas, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Reginald Price and/or Jacoby Hall and/or Danyell Thomas to commit the offense, if she did; or

If you find from the evidence beyond a reasonable doubt that on or about the 16th day of August, 2008, in Harris County, Texas, the defendant, Donna Renee Thomas, did then and there unlawfully, while in the furtherance of the commission or attempted commission of the felony of kidnapping of Charles Paterson, or in immediate flight from the commission or attempted commission of the felony of kidnapping of Charles Paterson, commit an act clearly dangerous to human life, to-wit: by shooting William Jones with a deadly weapon, namely, a firearm, that caused the death of William Jones; or

If you find from the evidence beyond a reasonable doubt that on or about the 16th day of August, 2008, in Harris County, Texas, Reginald Price and/or Jacoby Hall and/or Danyell Thomas, did then and there unlawfully, while in the furtherance of the commission or attempted commission of the felony of kidnapping of Charles Paterson, or in immediate flight from the commission or attempted commission of the felony of kidnapping of Charles Paterson, commit an act clearly dangerous to human life, to-wit: by shooting William Jones with a deadly weapon, namely, a firearm, that caused the death of William Jones, and that the defendant, Donna Renee Thomas, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Reginald Price and/or Jacoby Hall and/or Danyell Thomas to commit the offense, if she did; or

If you find from the evidence beyond a reasonable doubt that on or about the 16th day of August, 2008, in Harris County, Texas, the defendant, Donna Renee Thomas, did then and there unlawfully, while in the furtherance of the commission or attempted commission of the felony of kidnapping of William Jones, or in immediate flight from the commission or attempted commission of the felony of kidnapping of William Jones, commit an act clearly dangerous to human life, to-wit: by shooting William Jones with a deadly weapon, namely, a firearm, that caused the death of William Jones; or

If you find from the evidence beyond a reasonable doubt that on or about the 16th day of August, 2008, in Harris County,

Texas, Reginald Price and/or Jacoby Hall and/or Danyell Thomas, did then and there unlawfully, while in the furtherance of the commission or attempted commission of the felony of kidnapping of William Jones, or in immediate flight from the commission or attempted commission of the felony of kidnapping of William Jones, commit an act clearly dangerous to human life, to-wit; by shooting William Jones with a deadly weapon, namely, a firearm, that caused the death of William Jones, and that the defendant, Donna Renee Thomas, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Reginald Price and/or Jacoby Hall and/or Danyell Thomas to commit the offense, if she did, then you will find the defendant guilty of felony murder.

If you believe from the evidence beyond a reasonable doubt that the defendant is guilty of either capital murder on the one hand or felony murder on the other hand, but you have a reasonable doubt as to which of said offenses she is guilty, then you must resolve that doubt in the defendant's favor and find her guilty of the lesser offense of felony murder.

If you have a reasonable doubt as to whether the defendant is guilty of any offense defined in this charge you will acquit the defendant and say by your verdict "Not Guilty."

You are further instructed that if there is any evidence before you in this case regarding the defendant's committing 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 the motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident of the defendant, if any, in connection with the offense, if any, alleged against her in the indictment and for no other purpose.

It is an affirmative defense to prosecution for any offense that the person charged engaged in the proscribed conduct because he was compelled to do so by the threat of imminent death or serious bodily injury to himself or another. Such compulsion exists only if the force or threat of force would render a person of reasonable firmness incapable of resisting the pressure.

The defense of duress is unavailable if the defendant intentionally, knowingly, or recklessly placed himself in a situation in which it was probable that he would be subjected to compulsion.

The burden of proof of the affirmative defense of duress rests upon the defendant, and to establish such defense, the defendant must prove it by a preponderance of the evidence. By the term "preponderance of the evidence" is meant the greater weight and degree of the credible evidence in the case.

Therefore, if you find from the evidence beyond a reasonable doubt that the defendant did commit the offense of capital murder or the lesser of felony murder, as alleged in the indictment, but you further find by a preponderance of the evidence that Reginald Price and/or Jacoby Hall had threatened to kill or cause serious bodily injury to the defendant if she did not participate in said offense, and that the force or threats of force were such as would render a person of reasonable firmness incapable of resisting the pressure, and that the defendant was in fear of imminent loss of her life or serious bodily injury at the hands of Reginald Price and/or Jacoby Hall if she did not participate in the said offense and that so believing, she did

participate, then you will acquit the defendant and say by your verdict "Not Guilty."

If, however, after viewing the facts from the defendant's standpoint at the time, you do not find by a preponderance of the evidence that the defendant's participation in the said offense, if any, was compelled by such threat of imminent death or serious bodily injury at the hands of Reginald Price and/or Jacoby Hall as would render a person of reasonable firmness incapable of resisting the pressure thereof; or if you find the defendant intentionally, knowingly, or recklessly placed herself in a situation in which it was probable that he would be subjected to compulsion, then you will find against the defendant on her defense of duress.

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."

You are the exclusive judges of the facts proved, of the credibility of the witnesses and the weight to be given their testimony, but the law you shall receive in these written instructions, and you must be governed thereby.

After you retire to the jury room, you should select one of your members as your Foreperson. 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 Foreperson.

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.

No one has any authority to communicate with you except the officer who has you in charge. After you have retired, you may communicate with this Court in writing through this officer. Any communication relative to the cause must be written, prepared and signed by the Foreperson and shall be submitted to the court through this officer. Do not attempt to talk to the officer who has you in charge, or the attorneys, or the Court, or anyone else concerning any questions you may have.

Your sole duty at this time is to determine the guilt or innocence of the defendant under the indictment in this cause and

restrict your deliberations solely to the issue of guilt or innocence of the defendant.

Following the arguments of counsel, you will retire to consider your verdict.



Jim Wallace, Judge
163rd District Court
Harris County, TEXAS

FILED
Chris Daniel
District Clerk
MAY 16 2012
1:15 P.M.
Deputy

CAUSE NO. 1344600

THE STATE OF TEXAS
VS.
DONNA RENEE THOMAS

§ IN THE 263RD DISTRICT COURT
§ OF HARRIS COUNTY, TEXAS
§ JANUARY TERM, A. D., 2012

CHOOSE ONE

"We, the Jury, find the defendant, Donna Renee Thomas, not guilty."

Foreperson of the Jury

(Please Print) Foreperson

"We, the Jury, find the defendant, Donna Renee Thomas, guilty of capital murder, as charged in the indictment."

FILED
Chris Daniel
District Clerk

MAY 16 2012

Time:

3:49 pm

By:

[Signature]
Deputy

[Signature]
Foreperson of the Jury

[Signature]
(Please Print) Foreperson

"We, the Jury, find the defendant, Donna Renee Thomas, guilty of felony murder."

Foreperson of the Jury

(Please Print) Foreperson