

Cause No. 011545

State of Texas                                 §           In the 259<sup>th</sup> District Court  
v.   §  
Dillion Gage Compton                         §           Jones County, Texas

**JURY INSTRUCTIONS**

Members of the jury,

The defendant, DILLION GAGE COMPTON, is accused of Capital Murder. The defendant has pleaded "not guilty," and you have heard all of the evidence that will be produced on whether the defendant has been proved guilty.

Both sides will soon present final arguments. Before they do so, I must now give you the instructions you must follow in deciding whether the defendant has been proved guilty or not.

You will have a written copy of these instructions to take with you and to use during your deliberations.

First, I will tell you about some general principles of law that must govern your decision of the case. Then I will tell you about the specific law applicable to this case. Finally, I will instruct you on the rules that must control your deliberations.

**GENERAL PRINCIPLES**

**The Indictment**

The indictment is not evidence of guilt. The indictment is only a document required to bring the case before you. The indictment cannot be considered in any way by the jury. Do not consider the fact that the defendant has been arrested, confined, or indicted or otherwise charged. You may not draw any inference of guilt from any of these circumstances.

**Presumption of Innocence**

The defendant is presumed innocent of the charge. All persons are presumed to be innocent, and no person may be

**FILED**  
AT 9:33 O'CLOCK A.M.

OCT 15 2018

pg. 1

By Lacey Henson Deputy  
DISTRICT CLERK, JONES CO. TEXAS

convicted of an offense unless each element of the offense is proved beyond a reasonable doubt. The law does not require a defendant to prove his innocence or produce any evidence at all. 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 presumption of innocence alone is sufficient to acquit the defendant.

### **Burden of Proof**

The burden of proof throughout this stage of the trial is always on the state. The defendant does not have the burden to prove anything. The state must prove every element of the offense beyond a reasonable doubt to establish guilt for the offense. If the state proves every element of the offense beyond a reasonable doubt, then you must find the defendant guilty. If the state does not prove every element of the offense beyond a reasonable doubt, then you must find the defendant not guilty. If, after you have considered all the evidence and these instructions, you have a reasonable doubt about whether the defendant is guilty, you must find the defendant not guilty.

In this case, the state must prove, beyond a reasonable doubt, the accusation of capital murder.

### **Jury as Fact Finder**

As the jurors, you review the evidence and determine the facts and what they prove. You judge the believability of the witnesses and what weight to give their testimony.

In judging the facts and the believability of the witnesses, you must apply the law provided in these instructions.

### **Evidence**

The evidence consists of the testimony and exhibits admitted in the trial. You must consider only evidence to reach your decision. You must not consider, discuss, or mention anything that is not evidence in the trial. You must not consider or mention any personal knowledge or information you may have about any fact or person connected with this case that is not evidence in the trial.

You may consider all relevant facts and circumstances surrounding the killing, if any, and the previous relationship existing between the accused, Dillion Gage Compton, and the

deceased, Mari Ann Johnson, 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.

If there is any testimony before you in this case regarding the defendant's having committed offenses other than the offenses 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 other offense, if any were committed, and even then you may only consider the same to rebut a defensive theory and/or the state of mind of the defendant, in connection with the offense, if any, alleged against him in the indictment and in this case, and for no other purpose.

Statements made by the lawyers are not evidence. The questions asked by the attorneys are not evidence. Evidence consists of the testimony of the witnesses and materials admitted into evidence.

Nothing the judge has said or done in this case should be considered by you as an opinion about the facts of this case or influence you to vote one way or the other.

You should give terms their common meanings, unless you have been told in these instructions that the terms are given special meanings. In that case, of course, you should give those terms the meanings provided in the instructions.

While you should consider only the evidence, you are permitted to draw reasonable inferences from the testimony and exhibits that are justified in the light of common experience. In other words, you may make deductions and reach conclusions that reason and common sense lead you to draw from the facts that have been established by the evidence.

You are to render a fair and impartial verdict based on the evidence admitted in the case under the law that is in these instructions. Do not allow your verdict to be determined by bias or prejudice.

#### **Admitted Exhibits**

You may, if you wish, examine exhibits. If you wish to examine an exhibit, the foreperson will inform the court and specifically identify the exhibit you wish to examine. Only exhibits that were admitted into evidence may be given to you

for examination.

### **Testimony**

Certain testimony will be read back to you by the court reporter if you request. To request that testimony be read back to you, you must follow these rules. The court will allow testimony to be read back to the jury only if the jury, in a writing signed by the foreperson, (1) states that it is requesting that testimony be read back, (2) states that it has a disagreement about a specific statement of a witness or a particular point in dispute, and (3) identifies the name of the witness who made the statement. The court will then have the court reporter read back only that part of the statement that is in disagreement.

### **The Verdict**

The law requires that you render a verdict of either "guilty" or "not guilty." The verdict of "not guilty" simply means that the state's evidence does not prove the defendant guilty beyond a reasonable doubt.

You may return a verdict only if all twelve of you agree on this verdict.

When you reach a verdict, the foreperson should notify the court.

### **Defendant's Right to Remain Silent**

The defendant has a constitutional right to remain silent. The defendant may testify on his own behalf. The defendant may also choose not to testify. The defendant's decision not to testify cannot be held against him, and it is not evidence of guilt. You must not speculate, guess, or even talk about what the defendant might have said if he had taken the witness stand or why he did not. The foreperson of the jury must immediately stop any juror from mentioning the defendant's decision not to testify.

### **Relevant Statutes**

To prove that the defendant is guilty of capital murder, the state must prove, beyond a reasonable doubt, four elements. The elements are:

- (1) The defendant, Dillion Gage Compton, caused the death of an individual, Mari Ann Johnson; and
- (2) The defendant did this intentionally or knowingly; and
- (3) The defendant did this while incarcerated in a penal institution and
- (4) The individual that the defendant caused to die, Mari Ann Johnson, was employed in the operation of the penal institution.

To prove that the defendant is guilty of manslaughter, the state must prove, beyond a reasonable doubt, two elements. The elements are:

- (1) The defendant, Dillion Gage Compton, caused the death of an individual, Mari Ann Johnson; and
- (2) The defendant did this recklessly.

#### **Definitions**

A person intentionally causes the death of an individual if the person has the conscious objective or desire to cause that death.

A person knowingly causes the death of an individual if the person is aware that his conduct is reasonably certain to cause that death.

A person recklessly causes the death of an individual if:

- (1) There is a substantial and unjustifiable risk that his conduct will cause that death;
- (2) This risk is of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the person's standpoint; and
- (3) The person is aware of but consciously disregards that risk.

#### **Application of Law to Facts**

The state accuses the defendant of having committed the offense of capital murder. You must determine whether the state has proved its case, beyond a reasonable doubt, that:

- (1) On or about the 16<sup>th</sup> day of July, 2016, in Jones County, Texas, the defendant, DILLION GAGE COMPTON, caused the death of an individual, MARI ANN JOHNSON,

by striking her with an object unknown to the Grand Jury or by causing Mari Ann Johnson to strike a hard surface or by impeding the normal breathing or circulation of the blood of Mari Ann Johnson by applying pressure to Mari Ann Johnson's throat or neck;

- (2) The defendant did this intentionally or knowingly;
- (3) The defendant did this while incarcerated in a penal institution, to-wit: the French Robertson Unit of the Texas Department of Criminal Justice; and
- (4) Mari Ann Johnson, was employed in the operation of the penal institution.

You do not have to agree on the method of causing death.

If you all agree the state has proved, beyond a reasonable doubt, all of the allegations listed above, you must find the defendant "guilty" of capital murder and so indicate on the attached verdict form, titled "Verdict - Guilty of Capital Murder." Otherwise, you must consider the defendant "not guilty" of capital murder, and next consider whether he is "guilty" of the lesser included offense of manslaughter.

#### **Lesser Included Offense**

Although the state has charged the defendant with the offense of capital murder you may find the defendant not guilty of that charged offense but guilty of a lesser-included offense. In this case, the offense of manslaughter is a lesser-included offense of the charged and greater offense of capital murder.

You may discuss the offenses in any order you choose, starting with the offense of capital murder or the offense of manslaughter.

Before you may find the defendant guilty of manslaughter, you must first find him "not guilty" of capital murder.

To find the defendant guilty of manslaughter, you must determine whether the state has proved, beyond a reasonable doubt, that:

- (1) On or about the 16<sup>th</sup> day of July, 2016, in Jones County, Texas, the defendant, DILLION GAGE COMPTON, caused the death of an individual, MARI

ANN JOHNSON, by striking her with an object unknown to the Grand Jury or by causing Mari Ann Johnson to strike a hard surface or by impeding the normal breathing or circulation of the blood of Mari Ann Johnson by applying pressure to Mari Ann Johnson's throat or neck;

(2) The defendant did this recklessly;

If you consider the defendant "not guilty" of capital murder and you all agree the state has proved, beyond a reasonable doubt, all of the allegations listed above, you must find the defendant "guilty" of manslaughter and so indicate on the attached verdict form, titled "Verdict-Guilty of Lesser Included Offense of Manslaughter."

If you all agree the state has failed to prove, beyond a reasonable doubt, any of the allegations above, you must find the defendant "not guilty."

If you believe from the evidence, beyond a reasonable doubt, that the defendant is guilty of either capital murder or manslaughter, but you have a reasonable doubt about which of these offenses he is guilty of, you must resolve that doubt in the defendant's favor. In that situation, you must find him guilty of the lesser offense of manslaughter.

Of course, if you have a reasonable doubt about whether he is guilty of either of these two offenses, you must acquit the defendant and find him "not guilty."

#### **RULES THAT CONTROL DELIBERATIONS**

You must follow these rules while you are deliberating and until you reach a verdict. After the closing arguments by the parties, you will go into the jury room.

Your first task will be to pick your foreperson. The foreperson should conduct the deliberations in an orderly way. Each juror has one vote, including the foreperson. The foreperson must supervise the voting, vote with other members on the verdict, and sign the verdict sheet.

While deliberating and until excused by the trial court, all jurors must follow these rules:

1. You must not discuss this case with any court officer, or the attorneys, or anyone not on the jury.

2. You must not discuss this case unless all of you are present in the jury room. If anyone leaves the room, then you must stop your discussions about the case until all of you are present again.

3. You must communicate with the judge only in writing, signed by the foreperson and given to the judge through the officer assigned to you.

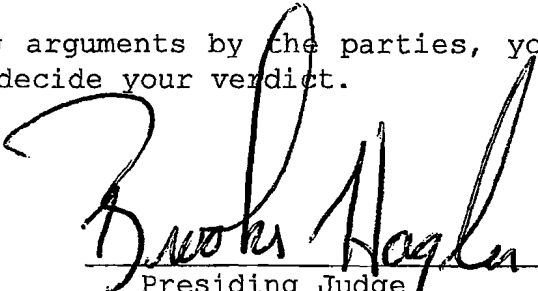
4. You must not conduct any independent investigations, research, or experiments.

5. You must tell the judge if anyone attempts to contact you about the case before you reach your verdict.

Your sole duty at this point is to determine whether the defendant has been proved guilty. You must restrict your deliberations to this matter.

After you have arrived at your verdict, you are to use one of the forms attached to these instructions. You should have your foreperson sign his or her name to the particular form that conforms to your verdict.

After the closing arguments by the parties, you will begin your deliberations to decide your verdict.

  
\_\_\_\_\_  
Presiding Judge

15 Oct 2018  
\_\_\_\_\_

Date



(Choose only one verdict form.)

**VERDICT-NOT GUILTY**

We, the jury, find the defendant, DILLION GAGE COMPTON, not guilty.

Foreperson of the Jury

Printed Name of Foreperson

**VERDICT-GUILTY OF CAPITAL MURDER**

We, the jury, find the defendant, DILLION GAGE COMPTON, guilty of Capital Murder, as alleged in the indictment.

Foreperson of the Jury

*L. Blaine Post*

Printed Name of Foreperson

*15 Oct 18*

*4:38pm*

*L. Blaine Post*

**VERDICT-GUILTY OF LESSER OFFENSE OF MANSLAUGHTER**

We, the jury, find the defendant, DILLION GAGE COMPTON, not guilty of Capital Murder, and guilty of the lesser included offense of manslaughter.

Foreperson of the Jury

Printed Name of Foreperson

CAUSE NO. 011545

STATE OF TEXAS

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IN THE DISTRICT COURT

v.

259th JUDICIAL DISTRICT

DILLION GAGE COMPTON

JONES COUNTY, TEXAS

JURY INSTRUCTIONS

Members of the jury,

You have found the defendant, Dillion Gage Compton, guilty of the offense of capital murder. You are instructed that the defendant shall be punished by confinement in the Institutional Division of the Texas Department of Criminal Justice for life without parole, or by death. It is necessary now for you to determine, from all the evidence in the case, the answers to two special issues.

Both sides will soon present final argument on sentencing. Before they do so, I must now give you the instructions you must follow in determining the answers to the two special issues.

You will have a written copy of these instructions to take with you and to use during your deliberations.

First, I will tell you about some general principles of law that must govern your decisions in this case. Then I will tell you about the specific law applicable to this case. Finally, I will instruct you on the rules that must control your deliberations.

GENERAL PRINCIPLES

Jury as Fact Finder

As the jurors, you review the evidence and determine the facts and what they prove. You judge the believability of the witnesses and what weight to give their testimony.

In judging the facts and the believability of the witnesses, you must apply the law provided in these instructions.

Evidence

In determining the answers to the two special issues, you may take into consideration all the evidence admitted before you. This includes the evidence admitted during the first stage of the trial concerning the defendant's guilt as well as any evidence admitted during this punishment stage.

**FILED**  
AT 5:15 O'CLOCK P.M.

OCT 31 2018

By Lacey Hanson  
DISTRICT CLERK, JONES CO., TEXAS Deputy

The evidence consists of the testimony and exhibits admitted in the trial. You must consider only evidence to reach your decisions. You must not consider, discuss, or mention anything that is not evidence in the trial. You must not consider or mention any personal knowledge or information you may have about any fact or person connected with this case that is not evidence in the trial.

Statements made by the lawyers are not evidence. The questions asked by the attorneys are not evidence. Evidence consists of the testimony of the witnesses and materials admitted into evidence.

Nothing the judge has said or done in this case should be considered by you as an opinion about the facts of this case or influence you to vote one way or the other.

You should give terms their common meanings, unless you have been told in these instructions that the terms are given special meanings. In that case, of course, you should give those terms the meanings provided in the instructions.

While you should consider only the evidence, you are permitted to draw reasonable inferences from the testimony and exhibits that are justified in the light of common experience. In other words, you may make deductions and reach conclusions that reason and common sense lead you to draw from the facts that have been established by the evidence.

You are to render a fair and impartial verdict based on the evidence admitted in the case under the law that is in these instructions. Do not allow your verdict to be determined by bias or prejudice.

### **Admitted Exhibits**

You may, if you wish, examine exhibits. If you wish to examine an exhibit, the foreperson will inform the court and specifically identify the exhibit you wish to examine. Only exhibits that were admitted into evidence may be given to you for examination.

### **Testimony**

Certain testimony will be read back to you by the court reporter if you request. To request that testimony be read back to you, you must follow these rules. The court will allow testimony to be read back to the jury only if the jury, in a writing signed by the foreperson, (1) states that it is requesting that testimony be read back, (2) states that it has a disagreement about a specific statement of a witness or a particular point in dispute, and (3) identifies the name of the witness who made the statement. The court will then have the court reporter read back only that part of the statement that is in disagreement.

### **Defendant's Right to Remain Silent**

The defendant has a constitutional right to remain silent. The defendant may testify on his own behalf, if he elects to do so, but if he chooses not to do so, that fact cannot be taken as a

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circumstance against him nor prejudice him in any way. The defendant has elected not to testify, and you are instructed that you cannot and must not refer to nor allude to that fact throughout your deliberations or take that fact into consideration for any purpose whatsoever as a circumstance against the defendant. You must not speculate, guess, or even talk about what the defendant might have said if he had taken the witness stand or why he did not. The foreperson of the jury must immediately stop any juror from mentioning the defendant's decision not to testify.

### **Burden of Proof for Wrongful Acts**

During the trial, you heard evidence that the defendant may have committed wrongful acts that did not result in any criminal charges or that did not result in criminal convictions. You are not to consider any evidence of any particular wrongful act unless you find, beyond a reasonable doubt, that the defendant did, in fact, commit that wrongful act. Those of you who believe the defendant did the wrongful act may consider it.

### **Determining the Answers to the Special Issues**

In determining the answers to the two special issues, you must make your determinations by a full, fair, and free expression of the opinion of the individual jurors. You must not decide the sentence by lot or by chance.

### **SPECIAL ISSUES**

The first special issue you must answer is as follows:

**SPECIAL ISSUE NUMBER ONE:** Whether there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society.

You shall answer Special Issue Number One "Yes" or "No."

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

In deliberating on Special Issue Number One, 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 militate for or mitigate against the imposition of the death penalty.

The jury may not answer Special Issue Number One "Yes" unless the jury agrees unanimously.

The jury may not answer Special Issue Number One "No" unless ten (10) or more jurors agree. Members of the jury need not agree on what particular evidence supports a "No" answer to Special Issue Number One.

If the jury answers Special Issue Number One "Yes," then the jury shall answer the following Special Issue Number Two; otherwise, do not answer Special Issue Number Two.

**SPECIAL ISSUE NUMBER TWO:** Whether, 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, 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.

You shall answer Special Issue Number Two "Yes" or "No."

The jury may not answer Special Issue Number Two "No" unless the jury agrees unanimously.

The jury may not answer Special Issue Number Two "Yes" unless ten (10) or more jurors agree. Members of the jury need not agree on what particular evidence supports a "Yes" answer to Special Issue Number Two.

In deliberating on Special Issue Number Two, you shall consider mitigating evidence to be evidence that a juror might regard as reducing the defendant's moral blameworthiness.

If the jury answers that a circumstance or circumstances warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed, the court will sentence the defendant to imprisonment in the Texas Department of Criminal Justice for life without parole.

A defendant sentenced to confinement for life without parole is ineligible for release from the Department onto parole.

### **RULES THAT CONTROL DELIBERATIONS**

You must follow these rules while you are deliberating and until you reach a verdict. After the closing arguments by the attorneys, you will go into the jury room.

The foreperson should conduct the deliberations in an orderly way. Each juror has one vote, including the foreperson. The foreperson must supervise the voting, vote with other members on the verdict, and sign the verdict sheet.

While deliberating and until excused by the trial court, all jurors must follow these rules:

1. You must not discuss this case with any court officer, or the attorneys, or anyone not on the jury.
2. You must not discuss this case unless all of you are present in the jury room. If anyone leaves the room, you must stop your discussions about the case until all of you are present again.

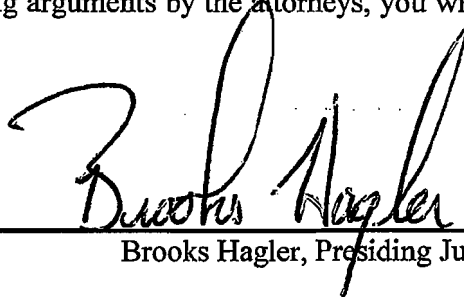
3. You must communicate with the judge only in writing, signed by the foreperson and given to the judge through the officer assigned to you.

4. You must not conduct any independent investigations, research, or experiments.

5. You must tell the judge if anyone attempts to contact you about the case before you reach your verdict.

After you have arrived at your verdict, you are to use one of the forms attached to these instructions. You should have your foreperson sign his or her name to the particular form that conforms to your verdict.

After the closing arguments by the attorneys, you will begin your deliberations to decide your verdict.

A handwritten signature in black ink, reading "Brooks Hagler". The signature is written in a cursive style with a large, looping initial "B".

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Brooks Hagler, Presiding Judge

Now, bearing in mind the foregoing instructions, you will answer the following Special Issues:

**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?

In your verdict, you will answer "Yes" or "No."

**Answer:** We, the jury, unanimously find from the evidence beyond a reasonable doubt that the answer to Special Issue Number 1 is "Yes".

7:56pm  
05 NOV 18

D. Blair Post  
Foreperson

**Answer:** We, the jury, because at least ten (10) jurors agree, find that the answer to the Special Issue Number 1 is "No".

\_\_\_\_\_  
Foreperson

If your answer to Special Issue Number 1 is "Yes," then you will answer Special Issue Number 2; otherwise, you will not answer Special Issue Number 2.

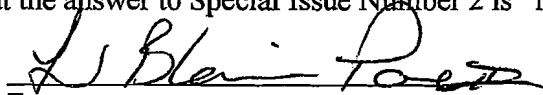
**SPECIAL ISSUE NUMBER 2**

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 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?

In your verdict, you will answer "Yes" or "No."

**Answer:** We, the jury, unanimously find that the answer to Special Issue Number 2 is "No".

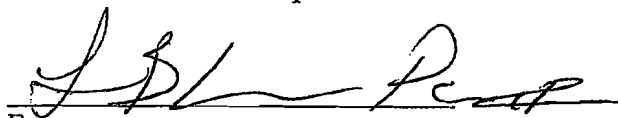
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06 NOV 2018

  
Foreperson

**Answer:** We, the jury, because at least ten (10) jurors agree, find that the answer to the Special Issue Number 2 is "Yes".

\_\_\_\_\_  
Foreperson

We, the jury, return in open court the above answers to the Special Issues submitted to us and the same is our verdict in this case.

  
Foreperson