

In a criminal case the law permits a defendant to testify in his own behalf but he is not compelled to do so, and the same law provides that the fact that a defendant does not testify shall not be considered as a circumstance against him. You will, therefore, not consider the fact that the defendant did not testify as a circumstance against him; and you will not in your retirement to consider your verdict allude to, comment on, or in any manner refer to the fact that the defendant has not testified.

You are instructed that if there is testimony before you in this case regarding the defendant having committed other acts or participated in other transactions other than the offense alleged against him in the indictment in this case, that you cannot consider such other acts or transactions, if any, unless you first find and believe beyond a reasonable doubt that the defendant committed such acts or participated in such transactions, if any, but if you do not so believe, or if you have a reasonable doubt thereof, you will not consider such testimony for any purpose.

In deliberating on Issue No. 1, 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 circumstances of the offense that militates for or mitigates against the imposition of the death penalty.

IV.

You are instructed that in answering Issue No. 1 the State has the burden to prove beyond a reasonable doubt that the answer should be "Yes." The jury may not answer Issue No. 1 "Yes" unless the jury agrees unanimously on the answer.

V.

You are instructed that in answering Issue No. 1 that the jury may not answer "No" unless ten or more jurors agree. The jurors need not agree on what particular evidence supports a negative answer. If any juror has a reasonable doubt as to his answer to this issue, the juror shall vote "No."

VI.

ISSUE NO. 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/No]: YES

VII.

If the jury has answered Issue No. 1 in the affirmative, the jury will answer the following issue.

ISSUE NO. 2.

Do you find from the evidence, 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, that there is a sufficient mitigating circumstance or circumstances that a sentence of life imprisonment without parole rather than a death sentence be imposed?

You are instructed that in answering this issue, you shall answer the issue "Yes" or "No." You may not answer the issue "No" unless the jury unanimously agree, and you may not answer the issue "Yes" unless ten or

more jurors agree. The jury need not agree on what particular evidence supports an affirmative finding on this issue. The jury shall consider mitigating evidence to be evidence that a juror might regard as reducing the defendant's moral blameworthiness.

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

Answer [Yes/No]: YES

IX.

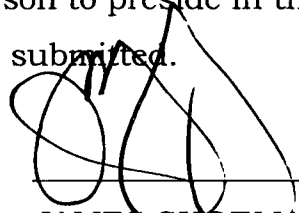
In answering the issues submitted to you, the jury must not be swayed by mere sentiment, conjecture, sympathy, passion, prejudice, public opinion or public feeling.

After the reading of this charge, you shall not be permitted to separate from each other, nor shall you talk with anyone not of your jury. After argument of counsel, you will retire and consider your answer to the issues submitted to you. It is the duty of your foreperson to preside in the jury room and vote with you on the answers to the issues submitted.

FILED

OCT 07 2019

AT 11:14 A.M.
Rebecca M. Owen Wall
CLERK DISTRICT COURT, FORT BEND CO., TX



10/07/19

JAMES SHOEMAKE

Judge Presiding

434th District Court

Fort Bend County, Texas

13DCR014483B

CAUSE NO. ~~13DCR069514A~~

THE STATE OF TEXAS

§

IN THE 434th DISTRICT COURT

VS.

§

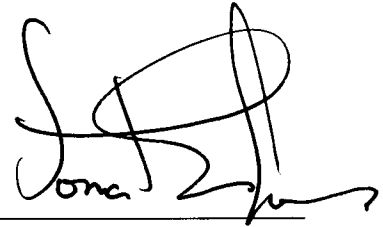
OF

LAMELVIN DEWAYNE JOHNSON

FORT BEND COUNTY, TEXAS

VERDICT OF THE JURY

We, the jury, having answered the foregoing issues, return the same into Court as our verdict.



Foreperson of the Jury

FILED

OCT 07 2019

AT 5:37 P.M.

Christy Ann Walk
CLERK DISTRICT COURT, FORT BEND CO., TX