

MAR 18 1995

CAUSE NO. 0005216

THE STATE OF TEXAS

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IN THE CRIMINAL DISTRICT

Time 8:47 AM
By [Signature] Dep

VS.

COURT #3, IN AND FOR

HENRY WATKINS SKINNER

TARRANT COUNTY, TEXAS

CHARGE OF THE COURT

LADIES AND GENTLEMEN OF THE JURY:

The Defendant, HENRY WATKINS SKINNER, stands charged by indictment with the offense of Capital Murder, alleged to have been committed on or about the 31st day of December, 1993, in Gray County, Texas. The defendant has pleaded not guilty.

You are instructed that you will consider only the guilt or innocence of the defendant from the evidence admitted before you and from the law, as given to you in this charge by the Court.

You are instructed that the law applicable to this case is as follows:

I.

Our law provides that a person commits the offense of capital murder if he intentionally or knowingly causes the death of another individual.

A person commits the offense of capital murder if he commits murder as defined above and he murders more than one person during the same criminal transaction.

II.

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

A person acts knowingly, or with knowledge, with respect to

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a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

"Individual" means a human being who has been born and is alive.

III.

Now, bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that on or about the 31st day of December, 1993, in Gray County, Texas, as alleged in this indictment, the Defendant, HENRY WATKINS SKINNER, did then and there, intentionally cause the death of three individuals during the same criminal transaction, to wit: that the said HENRY WATKINS SKINNER did then and there, intentionally and knowingly, cause the death of an individual, Twila Busby, by repeatedly striking her about the head and face with a foreign object, to-wit: a wooden club; and that the said HENRY WATKINS SKINNER did then and there, intentionally and knowingly, cause the death of an individual, Elwin Caler, by stabbing him with a knife; and that the said HENRY WATKINS SKINNER did then and there, intentionally and knowingly, cause the death of an individual, Randolph Busby, by stabbing him with a knife; then you will find the Defendant guilty of capital murder and so say by your verdict.

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the Defendant of capital murder.

IV.

Our law provides that a Defendant may testify in his own

behalf if he elects to do so. This, however, is a privilege accorded a Defendant, and in the event he elects not to testify, that fact cannot be taken as a circumstance against him. In this case, the Defendant has elected not to testify, and you are instructed that you cannot and must not refer or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against the Defendant.

V.

In all criminal cases the burden of proof is on the State. 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 a person has been arrested, confined, or indicted for, or otherwise charged with the offense, gives rise to no inference of guilt at his trial. The law does not require a defendant to prove his innocence or produce any evidence at all. The presumption of innocence alone is sufficient to acquit the defendant.

The indictment in this case is no evidence whatsoever of the guilt of the Defendant. It is a written instrument necessary in order to bring this case into court for trial, and you will not consider the indictment as any evidence in this case or as any circumstance whatsoever against the Defendant.

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.

A "reasonable doubt" is a doubt based on reason and common sense after a careful and impartial consideration of all the evidence in the case. It is the kind of doubt that would make a reasonable person hesitate to act in the most important of his own affairs.

Proof beyond a reasonable doubt, therefore, must be proof of such a convincing character that you would be willing to rely and act upon it without hesitation in the most important of your own affairs.

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 the Defendant and say by your verdict "not guilty".

VI.

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 is in these written instructions, and you must be governed thereby.

VII.

During your deliberations in this case, you must not consider, discuss, nor relate any matters not in evidence before you. You should not consider or 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.

You are instructed that you are not to allow yourselves to be influenced in any degree whatsoever by what you think or surmise the opinion of the Court to be. The Court has no right by any word or by any act to indicate any opinion respecting any matter of fact involved in this case, nor to indicate any desire respecting its outcome.

VIII.

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 your verdict and have the presiding juror sign the same.

After you have retired to consider your verdict, no one has any authority to communicate with you except the officer who has you in charge.

In the event you desire to communicate with the Court on any matter in connection with your deliberations, your foreperson should give an alarm at the door of the jury room and so notify the bailiff, sheriff or deputy who has you in charge, who will inform the Court of your wish. Your wish should be stated in writing of what you desire to communicate to the Court. The Court must answer your request, if any, in writing and can only instruct you upon the particular point upon which you request information.


The form of the verdict may be.

"We, the Jury, find the Defendant, HENRY WATKINS SKINNER, not guilty".

OR

"We, the Jury, find the Defendant, HENRY WATKINS SKINNER, guilty of the offense of Capital Murder as charged in the indictment".

Write your verdict on a separate sheet of paper, have the same signed by your presiding juror, and return into open Court with the verdict agreed upon by you.


M. KENT SIMS
JUDGE PRESIDING



CERTIFIED COPY

ATTEST: January 5, 20 10

GAYE HONDERICH

District Clerk, Gray County, Texas

By Jo Mays Deputy

CAUSE NO. 0005216

THE STATE OF TEXAS

} {

IN THE CRIMINAL DISTRICT

VS.

} {

COURT #3, IN AND FOR

HENRY WATKINS SKINNER

} {

TARRANT COUNTY, TEXAS

} {

VERDICT OF THE JURY

We, the Jury, find the Defendant, HENRY WATKINS SKINNER, guilty of the offense of Capital Murder as charged in the indictment.

Danny Stewart

PRESIDING JUROR

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

MAR 18 1995

Time 4:30 PM
By [Signature] Deputy

FILED
DISTRICT CLERK
TARRANT COUNTY, TEXAS
BY _____ DEPUTY

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31 DISTRICT COURT

FILED

CAUSE NO. 0005216

THE STATE OF TEXAS } { IN THE CRIMINAL DISTRICT
 } {
VS. } { COURT #3, IN AND FOR
 } {
HENRY WATKINS SKINNER } { TARRANT COUNTY, TEXAS
VERDICT OF THE JURY

We, the Jury, find the Defendant, HENRY WATKINS SKINNER, not guilty.

PRESIDING JUROR



CERTIFIED COPY

RECEIVED: January 5, 20 10

GAYE HONDERICH

District Clerk, Gray County, Texas

By J. Mays Deputy