



whole trial as to defendants background or character or the circumstances of the offense that militates for or mitigates against the imposition of the death penalty.

IV.

The burden of proof in Special Issue No. 1 rests upon the State, and it must prove the affirmative of such issue beyond a reasonable doubt.

You are instructed that you may not answer Special Issue No. 1 "Yes" unless all jurors agree to such answer. Further, you may not answer this Special Issue "No" unless ten (10) or more jurors agree. It is not necessary that members of the jury agree on what particular evidence supports a negative answer - that is, an answer of "No" - to Special Issue No. 1.

V.

Special Issue No. 1., with forms for answers, is as follows:

SPECIAL ISSUE NO. 1

Is there a probability that the defendant, HENRY WATKINS SKINNER, would commit criminal acts of violence that would constitute a continuing threat to society?

ANSWER: We, the Jury, unanimously find and determine beyond a reasonable doubt that the answer to this Special Issue is "Yes".

  
\_\_\_\_\_  
Presiding Juror

ANSWER: We, the Jury, because at least ten (10) jurors have a reasonable doubt as to the probability that the defendant would

commit criminal acts of violence that would constitute a continuing threat to society determine that the answer to this Special Issue No. 1 is "No".

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Presiding Juror

In the event the jury is unable to agree upon an answer to Special Issue No. 1, under the courts charge and instructions outlined above, the Presiding Juror will not sign either form of answer to Special Issue No. 1.

VI.

You are further instructed that if the jury makes an affirmative finding to Special Issue No. 1 - with an answer of "Yes," then the jury shall answer Special Issue No. 2 below.

You will answer this Special Issue No. 2 "Yes" or "No."

You may not answer the Issue "No" unless all jurors agree to such answer and you may not answer such issue "Yes" unless ten (10) or more jurors agree to such answer.

The jury, however, need not agree on what particular evidence supports an affirmative finding to Special Issue No. 2.

You are instructed that the term "mitigating evidence," as used herein, means evidence that you might regard as reducing the defendant's moral blameworthiness.

VII.

The Special Issue, with forms for answer, is as follows:

**SPECIAL ISSUE NO. 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 a sentence of life imprisonment rather than a death sentence be imposed?

**ANSWER:** We, the Jury, unanimously find and determine that the answer to this Special Issue is "No."

  
\_\_\_\_\_  
Presiding Juror

**ANSWER:** We, the Jury, because at least ten (10) jurors find that there is sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment rather than a death sentence be imposed, answer this Special Issue "Yes."

\_\_\_\_\_  
Presiding Juror

In the event that the jury is unable to agree to an answer to this Special Issue under the conditions and instructions given herein, the Presiding Juror will not sign either form of answer to the Special Issue.

VIII.

It is not required that the prosecution prove the answer to Special Issue No. 1 should be "Yes" beyond all possible doubt. It is required that the prosecution's proof excludes all reasonable doubt concerning Special Issue No. 1.

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 whether the answer to Special Issue No. 1 should be "Yes" after considering all the evidence before you, and these instructions, you will answer special Issue No. 1 "No".

IX.

You are instructed that our law provides that a defendant may testify in his own behalf if he chooses to do so. This, however, is a right accorded to a defendant, and in the event he chooses not to testify, that fact cannot be taken as a circumstance against him. In this phase, the defendant has chosen 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 him.

X.

Parole is a program where a convicted felon is released from confinement in the penitentiary before his sentence is fully served under the supervision of the Board of Pardons and Paroles.

It is also possible that the length of time for which the defendant will be imprisoned might be reduced by the award of

parole.

Under the law applicable in this case, if the defendant is sentenced to life imprisonment, he will not become eligible for parole until the actual time served equals 40 years, without consideration of any good conduct time he may earn. Eligibility for parole does not guarantee that parole will be granted.

It cannot accurately be predicted how the parole law and good conduct time might be applied to this defendant, because the application of these laws will depend on decisions made by the prison and parole authorities.

You may consider the existence of the parole law and good conduct time. However, you are not to consider the extent to which good conduct time may be awarded to or forfeited by this particular defendant. You are not to consider the manner in which the parole law may be applied to this particular defendant.

XI.

You are the exclusive judges of the facts proven, 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 you, and be governed thereby.

In arriving at the answers to the above issues, it will not be proper for you to fix the same by lot, chance, or any other method than a full, fair, and free exercise of the opinion of the individual jurors.

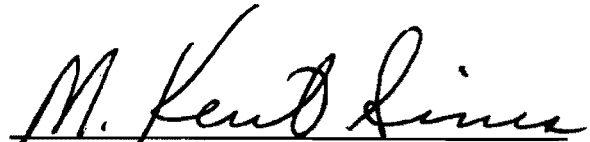
In deliberating on this case, you shall consider the charge as a whole and you must not refer to or discuss any matters not in

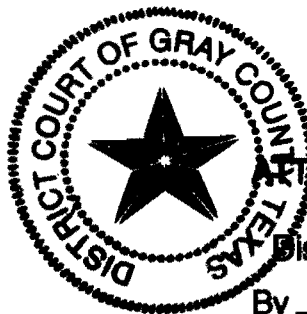
evidence before you.

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.

Any further communication must be in writing signed by your presiding juror through the bailiff to the Court, except as to your personal needs which may be communicated orally to the bailiff in charge. Do not attempt to talk to the bailiff, the attorneys or the Court regarding any questions you may have concerning the trial of the case.

After argument of counsel, you will retire to the jury room to deliberate. When you have reached a verdict, you may use the attached forms to indicate your answers to the Special Issues, and your presiding juror should sign the appropriate form certifying to your verdict.

  
M. KENT SIMS  
JUDGE PRESIDING



**A CERTIFIED COPY**

ATTEST: January 5, 2010

GAYE HONDERICH

District Clerk, Gray County, Texas

By Jo Mays Deputy

**VERDICT OF THE JURY**

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

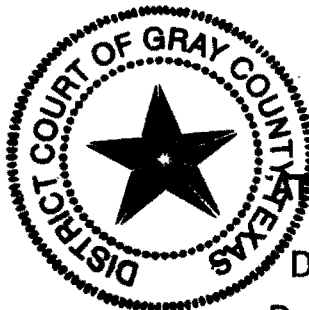
*Danny Stewart*  
\_\_\_\_\_  
Presiding Juror

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

MAR 23 1995

Time 2:30 pm  
By VW Deputy

FILED  
31 DISTRICT COURT  
MAR 3 3 PM 3 12  
DISTRICT CLERK  
GAY HONDERICH, TEXAS  
BY \_\_\_\_\_ DEPUTY



**A CERTIFIED COPY**

TEST: January 5, 2010

GAYE HONDERICH  
District Clerk, Gray County, Texas

By Jo May Deputy