

CAUSE NO. 1543813

THE STATE OF TEXAS	§	IN THE 263RD DISTRICT COURT
VS.	§	OF HARRIS COUNTY, TEXAS
LEON PHILIP JACOB	§	JANUARY TERM, A. D., 2018

Members of the Jury:

The defendant, Leon Philip Jacob, stands charged by indictment with the offense of solicitation of capital murder, alleged to have been committed on or about the 8th day of March, 2017, in Harris County, Texas. The defendant has pleaded not guilty.

A person commits the offense of solicitation to commit capital murder if, with intent that a capital murder be committed, he requests, commands, or attempts to induce another to engage in specific conduct that, under the circumstances surrounding his conduct as the defendant believes them to be, would constitute capital murder or make the other a party to its commission.

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

Our law provides that a person commits the offense of capital murder if he employs another to commit the murder for remuneration.

"Remuneration" means payment by one person to another in compensation for a specific service or services rendered pursuant to an agreement.

A person acts intentionally, or with intent, with respect to the nature of his conduct or to a result of his conduct when it is

his 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 his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his 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 his own conduct, by the conduct of another for which he 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, he 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.

Now, if you find from the evidence beyond a reasonable doubt that in Harris County, Texas, the defendant, Leon Philip Jacob, heretofore on or about the 8th day of March, 2017, did then and there unlawfully, with the intent that the offense capital murder be committed, request, command or attempt to induce J. Duran, to engage in specific conduct, namely, the murder for remuneration of M. M., and that under the circumstances surrounding the conduct of J. Duran as the defendant believed them to be, would constitute or make J. Duran a party to the offense of capital murder; or

If you find from the evidence beyond a reasonable doubt that on or about the 8th day of March, 2017, in Harris County, Texas, Valeri McDaniel, did then and there, unlawfully, with the intent that the offense of capital murder be committed, request, command or attempt to induce J. Duran, to engage in specific conduct, namely, the murder for remuneration of M. M., and that under the circumstances surrounding the conduct of J. Duran as the defendant believed them to be, would constitute or make J. Duran a party to the offense of capital murder, and that the defendant, Leon Philip Jacob, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Valerie McDaniel to commit the offense, if he did, then you will find the defendant guilty of solicitation to commit 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, you will acquit the defendant and say by your verdict "Not Guilty."

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You are instructed that a person may not be convicted for solicitation on the uncorroborated testimony of the person allegedly solicited and unless the solicitation is made under circumstances strongly corroborative of both the solicitation itself and the defendant's intent that the other person act on the solicitation.

And so, in this case, unless you find from the evidence beyond a reasonable doubt that the testimony of J. Duran is corroborated by other evidence in the case, outside of the testimony of J. Duran, and that the solicitation itself was made under circumstances strongly corroborative of both the solicitation itself, if any, and the defendant's intent, if any, that J. Duran act on the alleged solicitation, or if you have a reasonable doubt as to the existence of either of such matters, then you will find the defendant not guilty.

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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 him 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 him in the indictment and for no other purpose.

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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 he 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, 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 him 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.

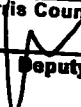
Your sole duty at this time is to determine the guilt or innocence of the defendant under the indictment in this cause and restrict your deliberations solely to the issue of guilt or innocence of the defendant.

Your verdict must be by a unanimous vote of all members of the jury.

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



Jim Wallace, Judge
263rd District Court
Harris County, TEXAS

FILED
Chris Daniel
District Clerk
MAR 23 2018
Time: 1436
Harris County, Texas
By 
Deputy

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LEON PHILIP JACOB § JANUARY TERM, A. D. 2018

V E R D I C T

"We, the Jury, find the defendant, Leon Philip Jacob, not guilty."

Foreperson of the Jury

(Please Print) Foreperson

"We, the Jury, find the defendant, Leon Philip Jacob, guilty of solicitation of capital murder, as charged in the indictment."

Foreperson of the Jury

(Please Print) Foreperson

FILED

Chris Daniel
District Clerk

MAR 23 2018

Time: 1633

Harris County, Texas

By _____

Deputy

[Handwritten Signature]

JOHN BIDDLEY