

APR 19 1991

527720

THE STATE OF TEXAS
COUNTY OF HARRIS

ALIAS CAPIAS

IN THE 180TH DISTRICT COURT
OF HARRIS COUNTY, TEXAS

NO. 052667301010

THE STATE OF TEXAS: TO ANY PEACE OFFICER OF THE STATE OF TEXAS, GREETINGS:

YOU ARE HEREBY COMMANDED TO ARREST SOUTHERLAND, SHIRLEY ANNETTE M

IF HE IS TO BE FOUND IN YOUR COUNTY, AND HIM SAFELY KEEP, OR SO PROVIDE THAT
YOU HAVE HIM BEFORE THE HONORABLE 180 DISTRICT COURT IN AND FOR SAID COUNTY OF
HARRIS, AT THE COURTHOUSE THEREOF IN THE CITY OF HOUSTON,

I N S T A N T E R

WHEN AND THERE TO ANSWER THE STATE OF TEXAS UPON A JUDGMENT OF CONVICTION FOR THE
OFFENSE OF MURDER

HEREIN THE DEFENDANT WAS SENTENCED TO LIFE YEARS IN THE TEXAS DEPARTMENT OF
CORRECTIONS, AS SET FORTH IN THE JUDGMENT OF THE 180 DISTRICT COURT OF HARRIS
COUNTY, TEXAS, THE DEFENDANT HAVING NOTICE OF APPEAL FROM SAID JUDGMENT OF
CONVICTION TO THE COURT OF APPEALS OF THE STATE OF TEXAS.

AND THE COURT OF APPEALS OF THE STATE OF TEXAS HAVING ISSUED A MANDATE OF
AFFIRMANCE AND ORDERED THAT THE JUDGMENT OF CONVICTION BE IN ALL THINGS
RECOGNIZED, OBEYED AND EXECUTED.

HEREIN FAIL NOT, BUT OF THIS WRIT THEN AND THERE MAKE DUE RETURN, SHOWING HOW
YOU HAVE EXECUTED THE SAME. IF NOT EXECUTED WITHIN 90 DAYS FROM DATE HEREOF, YOU
SHALL NOTIFY SAID COURT IN WRITING, THE CAUSE OF THE FAILURE, AND WHAT EFFORTS
HAVE BEEN MADE, TO EXECUTE SAME.

IN WITNESS WHEREOF, I HEREBY SET MY HAND AND AFFIX THE SEAL OF THE COURT,
MY OFFICE IN HOUSTON, TEXAS, ON THIS THE 19TH DAY OF APRIL, 1991 AT
6:34 O'CLOCK P.M.

MANDATE

KATHERINE TYRA

INITIATING DEPUTY: STILES, CONNIE

DISTRICT CLERK, HARRIS COUNTY, TEXAS

BY Yolanda Plain

RETURNABLE INSTANTER

MANDATE OF AFFIRMANCE

RECEIVED FROM THE CLERK OF THE COURT
OF APPEALS OF THE STATE OF TEXAS

FILED
KATHERINE TYRA
DISTRICT CLERK
1991 APR 24 PM 5:59
BY T. Blaylock
DEPUTY

DEFENDANT WAS SENTENCED ON THE 16TH
DAY OF MARCH, A.D. 1990.

MANDATE OF AFFIRMANCE
WAS ISSUED ON THE 17TH DAY
OF APRIL, A.D. 1991.
INU: 998

A IN CUSTODY 3-31-89 thru 7-17-90 (RDC) = 474 DAYS

RECORDER'S MEMORANDUM:
This instrument is of poor quality
and not satisfactory for photographic
recording; and/or alterations were
present at the time of filming.

S H E R I F F ' S R E T U R N

RECEIVED THIS WRIT ON THE 19 DAY OF APR, 1991, AND I EXECUTED
SAME ON THE 24 DAY OF APR, 1991 BY ARRESTING THE NAMED DEFENDANT

SOUTHERLAND, ANNETTE M.
AT 8:00 O'CLOCK AM/PM

PLACING IN HARRIS COUNTY JAIL SAID

DEFENDANT WAS IN JAIL FROM 31 DAY OF APR, A. D. 1989 TO 17 DAY OF
July, A. D. 1990 A TOTAL OF _____ DAYS BETWEEN THE DATE OF ARREST
THIS CAUSE AND WHEN THE MANDATE WAS ISSUED.

HNNY KLEVENHAGEN
SHERIFF OF HARRIS COUNTY, TEXAS

Falcon 1528

*THIS SENTENCE IS TO BEGIN
ON 3-31-89,
Fmt undated*

3/06

MM
10A

THE STATE OF TEXAS
COUNTY OF HARRIS

ALIAS CAPIAS

IN THE 180TH DISTRICT COURT
OF HARRIS COUNTY, TEXAS

NO. 052667301010

THE STATE OF TEXAS: TO ANY PEACE OFFICER OF THE STATE OF TEXAS, GREETINGS:

YOU ARE HEREBY COMMANDED TO ARREST SOUTHERLAND, SHIRLEY ANNETTE M

IF HE IS TO BE FOUND IN YOUR COUNTY, AND HIM SAFELY KEEP, OR SO PROVIDE THAT YOU HAVE HIM BEFORE THE HONORABLE 180 DISTRICT COURT IN AND FOR SAID COUNTY OF HARRIS, AT THE COURTHOUSE THEREOF IN THE CITY OF HOUSTON,

I N S T A N T E R

THEN AND THERE TO ANSWER THE STATE OF TEXAS UPON A JUDGMENT OF COVICTION FOR THE OFFENSE OF MURDER

WHEREIN THE DEFENDANT WAS SENTENCED TO _____ YEARS IN THE TEXAS DEPARTMENT OF CORRECTIONS, AS SET FORTH IN THE JUDGMENT OF THE 180 DISTRICT COURT OF HARRIS COUNTY, TEXAS, THE DEFENDANT HAVING NOTICE OF APPEAL FROM SAID JUDGMENT OF CONVICTION TO THE COURT OF APPEALS OF THE STATE OF TEXAS.

AND THE COURT OF APPEALS OF THE STATE OF TEXAS HAVING ISSUED A MANDATE OF AFFIRMANCE AND ORDERED THAT THE JUDGMENT OF CONVICTION BE IN ALL THINGS RECOGNIZED, OBEYED AND EXECUTED.

HEREIN FAIL NOT, BUT OF THIS WRIT THEN AND THERE MAKE DUE RETURN, SHOWING HOW YOU HAVE EXECUTED THE SAME. IF NOT EXECUTED WITHIN 90 DAYS FROM DATE HEREOF, YOU SHALL NOTIFY SAID COURT IN WRITING, THE CAUSE OF THE FAILURE, AND WHAT EFFORTS HAVE BEEN MADE, TO EXECUTE SAME.

IN WITNESS WHEREOF, THEREUNTO SET MY HAND AND AFFIX THE SEAL OF THE COURT, AT OFFICE IN HOUSTON, TEXAS, ON THIS THE 19TH DAY OF APRIL _____, A.D. 1991 AT 16:34 O'CLOCK P.M.,

KATHERINE TYRA

INITIATING DEPUTY: STILES, CONNIE

DISTRICT CLERK, HARRIS COUNTY, TEXA

BY [Signature] DEPUTY

RETURNABLE INSTANTER

MANDATE OF AFFIRMANCE

RECEIVED FROM THE CLERK OF THE COURT
OF APPEALS OF THE STATE OF TEXAS

DEFENDANT WAS SENTENCED ON THE 16TH
DAY OF MARCH _____, A.D. 1990.

MANDATE OF AFFIRMANCE
WAS ISSUED ON THE 17TH DAY
OF APRIL _____, A.D. 1991.
SNU: 998

S H E R I F F ' S R E T U R N

RECEIVED THIS WRIT ON THE _____ DAY OF _____, 19____, AND I EXECUTED
SAME ON THE _____ DAY OF _____, 19____ BY ARRESTING THE NAMED DEFENDANT

AT _____ O'CLOCK AM/PM.

BY PLACING IN HARRIS COUNTY JAIL SAID _____

DEFENDANT WAS IN JAIL FROM _____ DAY OF _____, A. D. 19____ TO _____ DAY OF
_____, A. D. 19____ A TOTAL OF _____ DAYS BETWEEN THE DATE OF ARREST
IN THIS CAUSE AND WHEN THE MANDATE WAS ISSUED.

JOHNNY KLEVENHAGEN
SHERIFF OF HARRIS COUNTY, TEXAS

BY _____

(F) 3/c

C87 D1 (COURT ORDER)

CAUSE NO. 052667301010

IN THE 180 DISTRICT COURT
OF HARRIS COUNTY, TEXAS

T H E S T A T E O F T E X A S
VS.

MURDER

SOUTHERLAND, SHIRLEY ANNETTE M

TO THE SHERIFF OF HARRIS COUNTY, TEXAS: GREETINGS

BY ORDER OF THE COURT ON THE 16 DAY OF MARCH , A. D. 1990 THE
FOLLOWING ACTION IS DIRECTED IN THE ABOVE STYLED AND NUMBERED CAUSE:

(XX) DEFENDANT RECEIVED LIFE IMPRISONMENT AND A FINE AMOUNT OF \$10000

WITNESS MY HAND AND SEAL OF OFFICE AT HOUSTON, TEXAS, THIS 16 DAY OF
MARCH , A.D. 1990 AT 1725 O'CLOCK.

SNU: 999
INITIATING DEPUTY: LUCAS, LOWRETTA

RAY HARDY, DISTRICT CLERK
HARRIS COUNTY, TEXAS

BY *Lucas Lowretta*
DEPUTY

④
3/13

THE STATE OF TEXAS | IN THE 180TH DISTRICT COURT
VS. | OF HARRIS COUNTY, TEXAS
SHIRLEY ANNETTE MARTIN SUTHERLAND | FEBRUARY TERM, A. D., 1990

Members of the Jury:

The Defendant, Shirley Annette Martin Sutherland, also known as Shirley Annette Stokley, stands charged by indictment with the offense of murder, alleged to have been committed on or about the 19th day of February, 1989, in Harris County, Texas. The Defendant has pleaded not guilty.

Our law provides that a person commits the offense of murder if she intentionally or knowingly causes the death of an individual; or if she intends to cause serious bodily injury and intentionally or knowingly commits an act clearly dangerous to human life that causes the death of an individual.

"Deadly weapon" means a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury; or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

"Bodily injury" means physical pain, illness, or any impairment of physical condition.

"Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

A person acts intentionally, or with intent, with respect to the nature of her conduct or to a result of her conduct when it is her 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 her conduct or to circumstances surrounding her conduct when she is aware of the nature of her conduct or that the circumstances exist. A person acts knowingly, or with

2/05-6

knowledge, with respect to a result of her conduct when she is aware that her conduct is reasonably certain to cause the result.

You are instructed that you may consider all relevant facts and circumstances surrounding the death, if any, and the previous relationship existing between the accused and the deceased, 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.

Now, if you find from the evidence beyond a reasonable doubt that in Harris County, Texas, Shirley Annette Martin Sutherland, also known as Shirley Annette Stokley, hereafter styled the Defendant, heretofore on or about the 19th day of February, 1989, did then and there unlawfully intentionally or knowingly cause the death of Shawnte Collins, hereafter styled the Complainant, by shooting the Complainant with a deadly weapon, namely a firearm; or if you find from the evidence beyond a reasonable doubt that in Harris County, Texas, Shirley Annette Martin Sutherland, also known as Shirley Annette Stokley, hereafter styled the Defendant, heretofore on or about the 19th day of February, 1989, did then and there unlawfully intend to cause serious bodily injury to Shawnte Collins, hereafter styled the Complainant, and did cause the death of the Complainant, by intentionally or knowingly committing an act clearly dangerous to human life, namely, by shooting the Complainant with a deadly weapon, namely, a firearm, then you will find the Defendant guilty 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."

The Defendant in this case has urged the defense of alibi, that is, that if the offense was committed, as alleged, the Defendant was, at the time of the commission thereof, at another and different place from that at which such offense was committed and therefore, was not and could not have been the person who committed the same. Now, if you have a reasonable doubt as to the presence of the Defendant at the place where the offense was

committed, if an offense was committed, at the time of the commission thereof, then you will find the Defendant not guilty.

You are instructed that the Grand Jury indictment is not evidence of guilt. It is the means whereby a Defendant is brought to trial in a felony prosecution. It is not evidence, nor can it be considered by you in passing upon the innocence or guilt of this 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 a person has been arrested, confined, or indicted for, or otherwise charged with the offense gives rise to no inference of guilt at her trial.

In all criminal cases, the burden of proof is on the State and the Defendant is presumed to be innocent until the Defendant's guilt is established by legal evidence beyond a reasonable doubt; and, in case you have a reasonable doubt of the Defendant's guilt, you will acquit the Defendant and say by your verdict, "Not Guilty."

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.


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

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 the officer who has you in charge. 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.

After you have retired to your jury room you should select one of your members as your foreman. It is his/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 Foreman.

Your sole duty at this time is to determine the guilt or innocence of the Defendant under the indictment in this case; and you are to restrict your deliberations solely to the issue of guilt or innocence of this Defendant.


PATRICIA R. LYKOS, JUDGE
180th District Court
Harris County, TEXAS

FILED
RAY HARDY
District Clerk

MAR 16 1990

Time: 10:07 AM
Harris County, Texas
By  Depu

CAUSE NO. 526673

THE STATE OF TEXAS
VS.

SHIRLEY ANNETTE MARTIN SUTHERLAND

| IN THE 180TH DISTRICT COURT
| OF HARRIS COUNTY, TEXAS
| FEBRUARY TERM, A. D., 1990

V E R D I C T

"We, the Jury, find the defendant, Shirley Annette Martin Sutherland, also known as Shirley Annette Stokley, not guilty."

Foreman of the Jury

"We, the Jury, find the defendant, Shirley Annette Martin Sutherland, also known as Shirley Annette Stokley, guilty of murder, as charged in the indictment."

W. a. Wootch

Foreman of the Jury

FILED
RAY HARDY
District Clerk

MAR 16 1990

Time: 3:45 pm
Harris County, Texas
By _____ Deputy

CAUSE NO. 526673

THE STATE OF TEXAS

VS.

SHIRLEY ANNETTE MARTIN SUTHERLAND

IN THE 180th DISTRICT COURT
OF HARRIS COUNTY, TEXAS

FEBRUARY TERM, A. D., 1990

THE JURY WOULD LIKE TO SEE ALL
EVIDENCE THAT HAS BEEN SUBMITTED.

FILED
RAY HARDY
District Clerk

MAR 16 1990

Time: 11:16 AM
Harris County, Texas

By [Signature]
Deputy

W. A. Wether
FOREMAN OF THE JURY

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2/24
[Signature]

THE STATE OF TEXAS | IN THE 180TH DISTRICT COURT
VS. | OF HARRIS COUNTY, TEXAS
SHIRLEY ANNETTE MARTIN SUTHERLAND | FEBRUARY TERM, A. D., 1990

Members of the Jury:

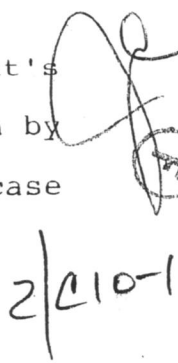
Having found the Defendant, Shirley Annette Martin Sutherland, also known as Shirley Annette Stokley, guilty of the offense of murder, it now becomes your duty to assess the punishment in this cause.

Our statute provides that the punishment for murder is by confinement in the institutional division of the Texas Department of Criminal Justice for any term of not less than five (5) years nor more than ninety-nine (99) years or life; in addition to imprisonment, you may assess a fine not to exceed \$10,000.00.

Therefore, you will now assess the punishment of the Defendant, Shirley Annette Martin Sutherland, also known as Shirley Annette Stokley, at confinement in the institutional division of the Texas Department of Criminal Justice for any term of not less than five (5) years nor more than ninety-nine (99) years or life; in addition thereto, you may assess a fine not to exceed \$10,000.00.

A Defendant in a criminal case is not bound by law to testify in her own behalf therein but the failure of any Defendant to so testify shall not be taken as a circumstance against her nor shall the same be alluded to nor commented upon by the jury, and you must not refer to, mention, comment upon or discuss the failure of the Defendant to testify in the punishment phase of this case and any juror doing so may be guilty of contempt of court. If any juror starts to mention the Defendant's failure to testify in this case then it is the duty of the other jurors to stop him at once.

You are further instructed that in fixing the Defendant's punishment you may take into consideration all the facts shown by the evidence admitted before you in the full trial of this case



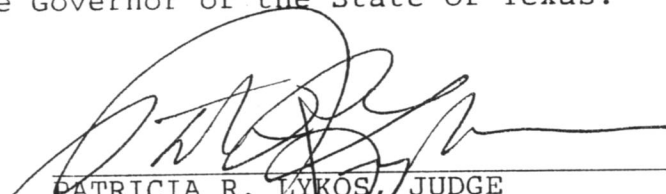
Handwritten signature and date: 2/21/90

and the law as submitted to you in this charge.

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.

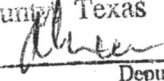
Your verdict must be by a unanimous vote of all members of the jury. In arriving at your verdict, it will not be proper to fix the same by lot, chance, or any other method other than by a full, fair and free exercise of the opinion of the individual jurors under the evidence submitted before you.

You are not to discuss among yourselves how long the Defendant would be required to serve the sentence that you impose. Such matters come within the exclusive jurisdiction of the Board of Pardons and Paroles division of the Texas Department of Criminal Justice and the Governor of the State of Texas.


PATRICIA R. LYKOS, JUDGE
180TH DISTRICT COURT
HARRIS COUNTY, TEXAS

FILED
RAY HARDY
District Clerk

MAR 16 1990

Time: 4:27pm
Harris County, Texas
By: 
Deputy

THE STATE OF TEXAS | IN THE 180TH DISTRICT COURT
VS. | OF HARRIS COUNTY, TEXAS
SHIRLEY ANNETTE MARTIN SUTHERLAND | FEBRUARY TERM, A. D., 1990

ANSWER ONLY ONE

Having found the Defendant guilty of the offense as alleged in the indictment, we, the Jury, assess Defendant's punishment at life in the institutional division of the Texas Department of Criminal Justice.

Foreman of the Jury

Having found the Defendant guilty of the offense as alleged in the indictment, we, the Jury, assess Defendant's punishment at life confinement in the institutional division of the Texas Department of Criminal Justice, and in addition, assess a fine of \$ 10,000.00.

W. A. Wottle
Foreman of the Jury

Having found the Defendant guilty of the offense as alleged in the indictment, we, the Jury, assess Defendant's punishment at _____ years confinement in the institutional division of the Texas Department of Criminal Justice.

Foreman of the Jury

Having found the Defendant guilty of the offense as alleged in the indictment, we, the Jury, assess Defendant's punishment at _____ years confinement in the institutional division of the Texas Department of Criminal Justice, and in addition, assess a fine of \$ _____.

FILED
RAY HARDY
District Clerk

MAR 16 1990

Time: 5:15 PM
Harris County, Texas

By [Signature] Deputy

Foreman of the Jury