

IN THE DISTRICT COURT OF CARTER COUNTY
STATE OF OKLAHOMA

STATE OF OKLAHOMA,

Plaintiff,

vs.

JASON DAVID MAY,

Defendant.

CF-2023-321

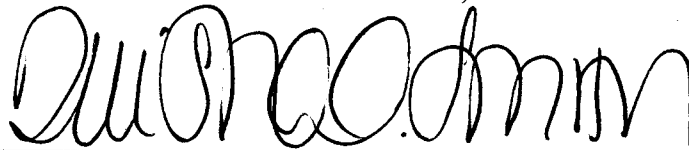
FILED
IN DISTRICT COURT

MAY 2 2025

RENEE BRYANT, Court Clerk
Carter County, Oklahoma

INSTRUCTIONS TO THE JURY

GIVEN THIS 2ND DAY OF MAY, 2025.



TRISHA D. SMITH
JUDGE OF THE DISTRICT COURT

INSTRUCTION 1

Since all the evidence in this case has been given to you, it is now my duty, under the law, to give you the instructions that apply in this trial. The instructions contain all rules of the law that are to be applied by you in this case, and all the rules of law by which you are to weigh the evidence and determine the facts in issue in deciding this case and in reaching a verdict. You must consider the instructions as a whole and not as a part to the exclusion of the rest. All the testimony and evidence which it is proper for you to consider has been introduced in this case. You should not consider any matter of fact or of law except what has been given to you while this court is or has been in session.

OUJI-CR 10-1

INSTRUCTION 2

It is your responsibility as jurors to determine the facts from the evidence, to follow the rules of law as stated in these instructions, to reach a fair and impartial verdict of guilty or not guilty based upon the evidence, and to determine punishment if you should find the defendant guilty, pursuant to your instructions. You must not use any method of chance in arriving at a verdict, but must base your verdict on the judgment of each juror.

OUJI-CR 10-2

INSTRUCTION

3

The defendant, Jason David May, is charged in the Indictment with five counts of Filing a False/Forged Instrument in Carter County on the following dates: February 22, 2019, August 10, 2021, August 15, 2022, September 14, 2022, in Carter County, Oklahoma.

To these charges the defendant has entered a plea of not guilty.

OUJI-CR 10-3

INSTRUCTION 4

The defendant is presumed innocent of the crime charged, and the presumption continues unless, after consideration of all the evidence, you are convinced of his guilt beyond a reasonable doubt. The State has the burden of presenting the evidence that establishes guilt beyond a reasonable doubt.

The defendant must be found not guilty unless the State produces evidence which convinces you beyond a reasonable doubt of each element of the crime.

OUJI-CR 10-4

INSTRUCTION

5

Evidence is the testimony received from the witnesses under oath, stipulations made by the attorneys, and the exhibits admitted into evidence during the trial.

OUJI-CR 10-5

INSTRUCTION 6

The indictment in this case is the formal method of accusing the defendant of a crime. The indictment is not evidence of guilt, and the law is that you should not allow yourselves to be influenced against the defendant by reason of the filing of the indictment.

OUJI-CR 10-6

INSTRUCTION 7

The Court has made rulings in the conduct of the trial and the admission of evidence. In so doing I have not expressed nor intimated in any way the weight or credit to be given any evidence or testimony admitted during the trial. Nor have I indicated in any way the conclusions to be reached by you in this case.

OUJI-CR 10-7

INSTRUCTION 8

It is your responsibility to determine the credibility of each witness and the weight to be given the testimony of each witness. In determining such weight or credibility, you may properly consider: the interest, if any, which the witness may have in the result of the trial; the relation of the witness to the parties; the bias or prejudice of the witness, if any has been apparent; the candor, fairness, intelligence, and demeanor of the witness; the ability of the witness to remember and relate past occurrences, the means of observation, and the opportunity of knowing the matters about which the witness has testified. From all the facts and circumstances appearing in evidence and coming to your observation during the trial, aided by the knowledge which you each possess in common with other persons, you will reach your conclusions. You should not let sympathy, sentiment or prejudice enter into your deliberations, but should discharge your duties as jurors impartially, conscientiously, and faithfully under your oaths and return such verdict as the evidence warrants when measured by these instructions.

OUJI-CR 10-8

INSTRUCTION

9

From time to time during this trial, the attorneys have made objections that I have ruled on. You should not speculate upon the reasons why objections were made. If I approved or sustained an objection, you should not speculate on what might have been said or what might have occurred had the objection not been sustained by me.

OUJI-CR 10-9

INSTRUCTION

10

You should consider only the evidence introduced while the court is in session. You are permitted to draw such reasonable inferences from the testimony and exhibits as you feel are justified when considered with the aid of the knowledge which you each possess in common with other persons. You may make deductions and reach conclusions which reason and common sense lead you to draw from the facts which you find to have been established by the testimony and evidence in the case.

OUJI-CR 9-1

INSTRUCTION 11

"Direct evidence" is the testimony of a person who asserts actual, personal knowledge of a fact, such as the testimony of an eyewitness. "Direct evidence" may also be an exhibit such as a photograph which demonstrates the existence of a fact. It is proof which points immediately to a question at issue and which proves the existence of a fact without inference or presumption.

OUJI-CR 9-2

INSTRUCTION

12

"Circumstantial evidence" is the proof of facts or circumstances which give rise to a reasonable inference of other connected facts that tend to show the guilt or innocence of a defendant. It is proof of a chain of facts and circumstances that indicates either guilt or innocence.

OUJI-CR 9-3

INSTRUCTION

13

The law makes no distinction between the weight to be given to either direct evidence or circumstantial evidence. Circumstantial evidence would be considered by you together with all the other evidence in the case in arriving at your verdict.

OUJI-CR 9-4

INSTRUCTION

14

The State relies in part for a conviction upon circumstantial evidence. In order to warrant conviction of a crime upon circumstantial evidence, each fact necessary to prove the guilt of the defendant must be established by the evidence beyond a reasonable doubt. All of the facts and circumstances, taken together, must establish to your satisfaction the guilt of the defendant beyond a reasonable doubt.

OUII-CR 9-5

INSTRUCTION 15

You must give separate consideration for each charge in the case. The defendant is entitled to have his case decided on the basis of the evidence and the law which is applicable to each charge. The fact that you return a verdict of guilty or not guilty for one charge should not, in any way, affect your verdict for any other charge.

OUJI-CR 9-6A

INSTRUCTION

16

The defendant has introduced evidence of his character for (truth and veracity) (morality/honesty/integrity). This evidence may be sufficient when considered with all other evidence in the case to raise a reasonable doubt of the defendant's guilt. However, if from all the evidence in the case you are satisfied beyond a reasonable doubt of the defendant's guilt, then you may find him guilty, even though he may have a good character.

OUJI-CR-9-10

INSTRUCTION 17

Evidence has been presented that on some prior occasion Eric Grisham, Craig Ladd and Melissa Handke made a statement inconsistent with his/her testimony in this case. This evidence is called impeachment evidence and is offered to show that the witness's testimony is not believable or truthful. If you find that a statement was made, you may consider the impeachment evidence in determining what weight and credit to give the testimony of that witness. You may not consider this impeachment evidence as proof of innocence or guilt. You may consider this impeachment evidence only to the extent that you determine the believability of the witness, if at all.

OUJI-CR 9-20

INSTRUCTION

18

An attorney has the right to interview his/her witnesses for the purpose of learning the testimony the witness will give. The fact that the witness has talked to an attorney and told the attorney what he/she would testify to does not, by itself, reflect adversely on the truth of the testimony of the witness.

OUJI-CR-9-24

INSTRUCTION

19

Testimony has been introduced of certain witnesses who purport to be skilled in their line of endeavor or who possess peculiar knowledge acquired by study, observation, and practice.

You may consider the testimony of these witnesses, and give it such weight and value as you think it should have, but the weight and value to be given their testimony is for you to determine. You are not required to surrender your own judgment to that of any person testifying based on that person's education, training or experience. You need not give controlling effect to the opinion of such witnesses for their testimony, like that of any other witness, is to be received by you and given such weight and value as you deem it is entitled to receive.

OUJI-CR 9-42

INSTRUCTION 20

A defendant who wishes to testify is a competent witness. The defendant's testimony is to be judged in the same way as that of any other witness.

OUJI-CR 9-41

INSTRUCTION

21

The defendant is charged with Filing a False Forged Instrument on the 22nd day of February, 2019, in Carter County Oklahoma by Filing a verified Answer In CV-2019-12 and CV-2019-13 with the District Court of Carter County.

The defendant is charged with Filing a False/Forged Instrument on the 10th day of August, 2021, in Carter County Oklahoma by filing a Waiver of Jury Trial and Personal Appearance in CV-2019-12 and CV-2019-13 with the District Court of Carter County.

The defendant is charged with Filing a False/Forged Instrument on the 15th day of August, 2022, in Carter County, Oklahoma by Filing a Petition for Letters of Administration, Appointment of Personal Representative, and Determination of Heirs, Devisees, and Legatees w Suggestion of Death with the District Court of Carter County in PB-2022-113.

The defendant is charged with Filing a False/Forged Instrument on the 14th day of September, 2022 in Carter County, Oklahoma by filing a Suggestion of Death with the District Court of Carter County in CV-2019-12 and CV-2019-13.

The defendant is charged with Filing a False/Forged Instrument on the 14th day of September, 2022, in Carter County, Oklahoma by filing a Motion for Substitution of Party with the District Court of Carter County in CV-2019-12 and CV-2019-13.

OUJI CR 3-20

INSTRUCTION 22

No person may be convicted of Filing a False/Forged Instrument unless the State has provided beyond doubt each element of the crime. These elements are:

First, knowingly;

Second, procuring/offering;

Third, a false/forged instrument;

Fourth, to be filed in any public office in Oklahoma.

OUJI-CR 3-38

INSTRUCTION

23

An instrument is any document which, if genuine, could be filed under any law of Oklahoma or the United States.

OUJI-CR 3-38

INSTRUCTION 24

If you find beyond a reasonable doubt that the defendant committed the crime of **COUNT 1: FILING A FALSE/FORGED INSTRUMENT** you shall return a verdict of guilty by marking the Verdict Form for the crime of **COUNT 1: FILING A FALSE/FORGED INSTRUMENT** appropriately.

If you have a reasonable doubt of the defendant's guilt of the charge of **COUNT 1: FILING A FALSE/FORGED INSTRUMENT**, or you find that the State has failed to prove each element of **COUNT 1: FILING A FALSE/FORGED INSTRUMENT** beyond a reasonable doubt, you shall return a verdict of not guilty by marking the Verdict Form for the crime of **COUNT 1: FILING A FALSE/FORGED INSTRUMENT** appropriately.

If you find the defendant guilty, you shall then determine the proper punishment. The crime of **COUNT 1: FILING A FALSE/FORGED INSTRUMENT** is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the State Penitentiary not exceeding two (2) years, or both fine and imprisonment. When you have decided on the proper punishment, you shall fill in the appropriate space on the Verdict **COUNT 1: FILING A FALSE/FORGED INSTRUMENT** and return the verdict to the Court.

OUJI CR 10-13

INSTRUCTION 25

If you find beyond a reasonable doubt that the defendant committed the crime of **COUNT 2: FILING A FALSE/FORGED INSTRUMENT** you shall return a verdict of guilty by marking the Verdict Form for the crime of **COUNT 2: FILING A FALSE/FORGED INSTRUMENT** appropriately.

If you have a reasonable doubt of the defendant's guilt of the charge of **COUNT 2: FILING A FALSE/FORGED INSTRUMENT**, or you find that the State has failed to prove each element of **COUNT 2: FILING A FALSE/FORGED INSTRUMENT** beyond a reasonable doubt, you shall return a verdict of not guilty by marking the Verdict Form for the crime of **COUNT 2: FILING A FALSE/FORGED INSTRUMENT** appropriately.

If you find the defendant guilty, you shall then determine the proper punishment. The crime of **COUNT 2: FILING A FALSE/FORGED INSTRUMENT** is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the State Penitentiary not exceeding two (2) years, or both fine and imprisonment. When you have decided on the proper punishment, you shall fill in the appropriate space on the Verdict **COUNT 2: FILING A FALSE/FORGED INSTRUMENT** and return the verdict to the Court.

OUJI CR 10-13

INSTRUCTION

26

If you find beyond a reasonable doubt that the defendant committed the crime of **COUNT 3: FILING A FALSE/FORGED INSTRUMENT** you shall return a verdict of guilty by marking the Verdict Form for the crime of **COUNT 3: FILING A FALSE/FORGED INSTRUMENT** appropriately.

If you have a reasonable doubt of the defendant's guilt of the charge of **COUNT 3: FILING A FALSE/FORGED INSTRUMENT**, or you find that the State has failed to prove each element of **COUNT 3: FILING A FALSE/FORGED INSTRUMENT** beyond a reasonable doubt, you shall return a verdict of not guilty by marking the Verdict Form for the crime of **COUNT 3: FILING A FALSE/FORGED INSTRUMENT** appropriately.

If you find the defendant guilty, you shall then determine the proper punishment. The crime of **COUNT 3: FILING A FALSE/FORGED INSTRUMENT** is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the State Penitentiary not exceeding two (2) years, or both fine and imprisonment. When you have decided on the proper punishment, you shall fill in the appropriate space on the Verdict **COUNT 3: FILING A FALSE/FORGED INSTRUMENT** and return the verdict to the Court.

OUJI CR 10-13

INSTRUCTION 22

If you find beyond a reasonable doubt that the defendant committed the crime of **COUNT 4: FILING A FALSE/FORGED INSTRUMENT** you shall return a verdict of guilty by marking the Verdict Form for the crime of **COUNT 4: FILING A FALSE/FORGED INSTRUMENT** appropriately.

If you have a reasonable doubt of the defendant's guilt of the charge of **COUNT 4: FILING A FALSE/FORGED INSTRUMENT**, or you find that the State has failed to prove each element of **COUNT 4: FILING A FALSE/FORGED INSTRUMENT** beyond a reasonable doubt, you shall return a verdict of not guilty by marking the Verdict Form for the crime of **COUNT 4: FILING A FALSE/FORGED INSTRUMENT** appropriately.

If you find the defendant guilty, you shall then determine the proper punishment. The crime of **COUNT 4: FILING A FALSE/FORGED INSTRUMENT** is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the State Penitentiary not exceeding two (2) years, or both fine and imprisonment. When you have decided on the proper punishment, you shall fill in the appropriate space on the Verdict **COUNT 4: FILING A FALSE/FORGED INSTRUMENT** and return the verdict to the Court.

OUJI CR 10-13

INSTRUCTION 28

If you find beyond a reasonable doubt that the defendant committed the crime of **COUNT 5: FILING A FALSE/FORGED INSTRUMENT** you shall return a verdict of guilty by marking the Verdict Form for the crime of **COUNT 5: FILING A FALSE/FORGED INSTRUMENT** appropriately.

If you have a reasonable doubt of the defendant's guilt of the charge of **COUNT 5: FILING A FALSE/FORGED INSTRUMENT**, or you find that the State has failed to prove each element of **COUNT 5: FILING A FALSE/FORGED INSTRUMENT** beyond a reasonable doubt, you shall return a verdict of not guilty by marking the Verdict Form for the crime of **COUNT 5: FILING A FALSE/FORGED INSTRUMENT** appropriately.

If you find the defendant guilty, you shall then determine the proper punishment. The crime of **COUNT 5: FILING A FALSE/FORGED INSTRUMENT** is punishable by a fine not exceeding one thousand dollars (\$1,000), or by imprisonment in the State Penitentiary not exceeding two (2) years, or both fine and imprisonment. When you have decided on the proper punishment, you shall fill in the appropriate space on the Verdict **COUNT 5: FILING A FALSE/FORGED INSTRUMENT** and return the verdict to the Court.

OUJI CR 10-13

INSTRUCTION

29

After you have retired to consider your verdict, select one of your number as foreperson and enter upon your deliberations. If you have questions during your deliberations, you may submit them to the bailiff, and I will attempt to answer them as fully as the law permits. When you have agreed on a verdict, your foreperson alone will sign it, and you will, as a body, return it in open court. Your verdict must be unanimous. Forms of verdict will be furnished. You will now listen to the argument of counsel, which is a proper part of this trial.

OUII-CR 10-10

INSTRUCTION 30

You have now completed your duties as jurors in this case and are discharged. The question may arise whether you are free to discuss this case with anyone. This is entirely your decision. If any person tries to discuss the case over your objection or becomes critical of your service, please report it to me immediately.

OUJI-CR 10-12