



1.

Our law provides that a person commits the offense of capital murder when such person intentionally or knowingly causes the death of more than one individual during the same criminal transaction.

2.

Our law provides that a person commits the offense of murder if he

- intentionally or knowingly causes the death of an individual, or
- intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual.

3.

Our law provides that a person commits the offense of manslaughter if he recklessly causes the death of an individual.

4.

Our law provides that a person commits the offense of robbery if, in the course of committing theft of property (as defined below), and with intent to obtain or maintain control of the property, he intentionally or knowingly threatens or places another in fear of imminent bodily injury or death.

5.

A person commits the offense of theft of property if he unlawfully appropriates property with intent to deprive the owner of property.

6.

Our law provides that a person commits the offense of aggravated robbery if the person commits a robbery, as defined above, and uses or exhibits a deadly weapon.

7.

"Individual" means a human being who is alive.

"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.

"Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

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

"Serious bodily injury" means a 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.

"In the course of committing theft" means conduct that occurs in an attempt to commit, during the commission, or in immediate flight after the attempt or commission of theft.

"Attempt" to commit an offense occurs if, with specific intent to commit an offense, a person does an act amounting to more than mere preparation that tends but fails to effect the commission of the offense intended.

"Appropriation" and "appropriate" mean to acquire or otherwise exercise control over property other than real property. Appropriation of property is unlawful if it is without the owner's effective consent.

"Property" means tangible or intangible personal property or documents, including money, that represents or embodies anything of value.

"Deprive" means to withhold property from the owner permanently or for so extended a period of time that a major portion of the value or enjoyment of the property is lost to the owner.

"Effective consent" means assent in fact, whether express or apparent, and includes consent by a person legally authorized to act for the owner. Consent is not effective if induced by deception or coercion.

"Owner" means a person who has title to the property, possession of the property, or a greater right to possession of the property than the person charged.

8.

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

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. 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 "recklessly" or is "reckless" with respect to the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

Our law provides a person is criminally responsible as a party to an offense if the offense is committed by his own conduct, or by the conduct of another for which he is criminally responsible, or by both. Each party to an offense may be charged with commission of the offense.

Mere presence alone will not make a person a party to an offense.

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.

If, in the attempt to carry out a conspiracy to commit one felony, another felony is committed by one of the conspirators, all conspirators are guilty of the felony actually committed, though having no intent to commit it, if the offense was committed in furtherance of the unlawful purpose and was one that should have been anticipated as a result of the carrying out of the conspiracy.

The term "conspiracy", as used in these instructions, means an agreement between two or more persons, with intent that a felony be committed, that they, or one or more of them, engage in conduct that would constitute the offense, and they, or one

or more of them, perform or performs an overt act in pursuance of the agreement.

An agreement constituting a conspiracy may be inferred from acts of the parties.

10. COUNT 1 - CAPITAL MURDER

Now, if you unanimously find from the evidence beyond a reasonable doubt that on or about the 26<sup>th</sup> day of November, 2016, in Bexar County, Texas, the defendant, Jade Guevara, either acting alone or together as a party with Carlos Hernandez, did intentionally or knowingly cause the death of an individual, namely, Charles Krone, by shooting Charles Krone with a deadly weapon, namely, a firearm, and Jade Guevara, either acting alone or together as a party with Carlos Hernandez, did intentionally or knowingly cause the death of another individual, namely, Roger Campos, by shooting Roger Campos with a deadly weapon, namely, a firearm, and both murders were committed during the same criminal transaction;

Then you will find the defendant, Jade Guevara, guilty of the offense of capital murder as charged in Count 1 of the indictment.

If you do not so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will find the defendant "not guilty" of capital murder as charged in Count 1 of the indictment.



11. COUNT 2 - MURDER

Now, if you unanimously find from the evidence beyond a reasonable doubt that on or about the 26th Day of November, 2016, in Bexar County, Texas, the defendant, Jade Guevara, either acting alone or together as a party with Carlos Hernandez,

- did intentionally or knowingly cause the death of an individual, namely, Charles Krone, by shooting Charles Krone with a deadly weapon, namely, a firearm, or
- with intent to cause serious bodily injury to an individual, namely, Charles Krone, did commit an act clearly dangerous to human life that caused the death of Charles Krone, by shooting Charles Krone with a deadly weapon, namely, a firearm,

Then you will find the defendant, Jade Guevara, guilty of the offense of murder as charged in Count 2 of the indictment, and do not consider the lesser included offense of manslaughter in Count 2, as instructed in Paragraph 12, but instead proceed to Paragraph 13.

But if you do not so believe, or if you have a reasonable doubt thereof, you will acquit the defendant of the offense of murder, as charged in Count 2 of the indictment, say by your verdict "not guilty" of the charged offense of murder in Count 2, and proceed to Paragraph 12 to consider whether the defendant

is guilty of the offense of manslaughter, which is a lesser included offense of murder.

12.

Now if you find from the evidence beyond a reasonable doubt that on or about the 26<sup>th</sup> Day of November, 2016, in Bexar County, Texas, the defendant, Jade Guevara, either acting alone or together as a party with Carlos Hernandez, did recklessly cause the death of an individual, namely, Charles Krone, by discharging a deadly weapon, namely, a firearm, at or in the direction of Charles Krone, then you will find the defendant guilty of the lesser-included offense of manslaughter in Count 2.

If you do not so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will find the defendant not guilty in Count 2 of the indictment.

13. COUNT 3 - MURDER

Now, if you find from the evidence beyond a reasonable doubt that on or about the 26th day of November, 2016, in Bexar County, Texas, the defendant, Jade Guevara, either acting alone or together as a party with Carlos Hernandez,

- did intentionally or knowingly cause the death of an individual, namely, Roger Campos, by shooting Roger Campos with a deadly weapon, namely, a firearm, or
- with intent to cause serious bodily injury to an individual, namely, Roger Campos, did commit an act clearly dangerous to human life that caused the death of Roger Campos, by shooting Roger Campos with a deadly weapon, namely, a firearm,

Then you will find the defendant, Jade Guevara, guilty of the offense of murder as charged in Count 3 of the indictment, and do not consider the lesser included offense of manslaughter in Count 3, as instructed in Paragraph 14, but instead proceed to Paragraph 15.

But if you do not so believe, or if you have a reasonable doubt thereof, you will acquit the defendant of the offense of murder, as charged in Count 3 of the indictment, say by your verdict "not guilty" of the charged offense of murder in Count 3, and proceed to Paragraph 14 to consider whether the defendant is guilty of the offense of manslaughter, which is a lesser

included offense of murder.

14.

Now if you find from the evidence beyond a reasonable doubt that on or about the 26<sup>th</sup> Day of November, 2016, in Bexar County, Texas, the defendant, Jade Guevara, either acting alone or together as a party with Carlos Hernandez, did recklessly cause the death of an individual, namely, Roger Campos, by discharging a deadly weapon, namely, a firearm at or in the direction of Roger Campos, then you will find the defendant guilty of the lesser-included offense of manslaughter in Count 3.

If you do not so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will find the defendant not guilty in Count 3 of the indictment.

15. COUNT 4 - AGGRAVATED ROBBERY

Now, if you find from the evidence beyond a reasonable doubt that on or about the 26<sup>th</sup> day of November, 2016, in Bexar County, Texas, the defendant, Jade Guevara, either acting alone or together as a party with Carlos Hernandez, while in the course of committing theft of property and with intent to obtain or maintain control of said property, did intentionally or knowingly threaten or place Sonia Perez in fear of imminent bodily injury or death, and Jade Guevara, either acting alone or together as a party with Carlos Hernandez, did use or exhibit a deadly weapon, to-wit: a firearm,

Then you will find the defendant, Jade Guevara, guilty of the offense of aggravated robbery as charged in Count 4 of the indictment.

If you do not so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, then you will find the defendant not guilty in Count 4 of the indictment.

Our law provides a defendant may testify in his own behalf if he elects to do so. This, however, is a right 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 him.

During your deliberations, you must not communicate with or provide any information to anyone by any means about this case. You may not use any electronic device or media, such as telephone, cell phone, smart phone, iPhone, Blackberry, or computer; the internet, any internet service, or any text or instant messaging service; or any internet chat room, blog, or website such as Facebook, My Space, LinkedIn, YouTube, Twitter, Tumblr or Instagram to communicate with anyone any information about this case or to conduct any research about this case until I accept your verdict.

Written or recorded statements made by a witness to investigators or other officers or police reports made by officers and tendered by the prosecution to the defense for purposes of cross-examination are not part of the evidence unless introduced in evidence. Many times statements and reports may be marked with an exhibit number but are neither offered nor received in evidence. I can send only statements and reports received in evidence to the jury room.

You are instructed that the statements of counsel made during the course of the trial or during the argument, if not supported by evidence, or statements of law made by counsel, if not in harmony with the law as stated to you by the Court in these instructions, are to be wholly disregarded.

You must disregard any comment or statement made by the Court during the trial or in these instructions which may seem to indicate an opinion with respect to any fact, item of evidence or verdict to be reached in this case. No such indication is intended.

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 whether this defendant is guilty or 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 instructed that you are not to let bias, prejudice, or sympathy play any part in reaching a verdict in this case.

After you have retired to your 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 to your verdict by signing the same as "presiding juror."

You are the exclusive judges of the facts proved, of the credibility of the witnesses and of the weight to be given to



the testimony, but you are bound to receive the law from the Court which is herein given to you and be governed by that law.

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, 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.

The burden of proof in all criminal cases rests upon the State throughout the trial, and never shifts to 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."

Suitable forms for your verdict are attached to the charge for your convenience if you care to use them, but they are not intended to suggest to you in any way what your verdict should be, and you may or may not, as you see fit, make use of them. At any rate, your verdict must be in writing and signed by your presiding juror. Your only duty at this time is to determine whether the defendant is guilty or not guilty under the indictment in this cause, and you must restrict your deliberations to the issue of whether the defendant is guilty or not guilty, and nothing else.


After you have retired to the jury room, no one has any authority to communicate with you except the officer who has you in charge. Do not attempt to talk to the officer, or anyone else concerning any question you may have; instead address your question to the Court in writing. If you want to communicate with the Court, notify the bailiff.

If, during your deliberations, you request that testimony be read back, under the law testimony cannot be read back to you generally. Before the court is allowed to read any testimony back to you, you must have a dispute about the testimony that

you are asking about, if you are, and, if so, you will need to specify exactly what you are in dispute about. If you have a disagreement about a certain witness's testimony, and you specify as to what you are in disagreement about with regard to the statement of any witness, then you may, upon application to the Court, have read to you from the court reporter's notes just that part of such witness testimony or the particular point in dispute, and no other.

Any and all communication relative to the case must be written, prepared by the presiding juror, and submitted to the Court through the bailiff.

Respectfully submitted,

  
JUDGE MICHAEL MERY  
144th Judicial District Court  
Bexar County, Texas



NO. 2020-CR-1579B

THE STATE OF TEXAS                    §            IN THE DISTRICT COURT  
VS.    §            144TH JUDICIAL DISTRICT  
JADE GUEVARA                            §            BEXAR COUNTY, TEXAS

COUNT 2 - MURDER

VERDICT FORM

We, the Jury, find the defendant, Jade Guevara, not guilty of the offense of the murder of Charles Krone as charged in Count 2 of the indictment.

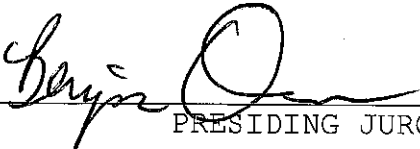
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PRESIDING JUROR

OR

VERDICT FORM

We, the Jury, find the defendant, Jade Guevara, guilty of the offense of the murder of Charles Krone as charged in Count 2 of the indictment.

  
PRESIDING JUROR

NO. 2020-CR-1579B

THE STATE OF TEXAS                    §                    IN THE DISTRICT COURT  
VS.    §                    144TH JUDICIAL DISTRICT  
JADE GUEVARA                            §                    BEXAR COUNTY, TEXAS

*Complete this verdict form only if you have completed the previous verdict form by finding the defendant "not guilty" of murder as charged in Count 2 of the indictment.*

COUNT 2 - LESSER INCLUDED OFFENSE -- MANSLAUGHTER

VERDICT FORM

We, the Jury, find the defendant, Jade Guevara, not guilty of the offense of manslaughter in Count 2.

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PRESIDING JUROR

OR

VERDICT FORM

We, the Jury, find the defendant, Jade Guevara, guilty of the offense of manslaughter in Count 2.

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PRESIDING JUROR

NO. 2020-CR-1579B

THE STATE OF TEXAS                    §                    IN THE DISTRICT COURT  
VS.    §                    144TH JUDICIAL DISTRICT  
JADE GUEVARA                            §                    BEXAR COUNTY, TEXAS

COUNT 3 - MURDER

VERDICT FORM

We, the Jury, find the defendant, Jade Guevara, not guilty of the offense of the murder of Roger Campos as charged in Count 3 of the indictment.

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PRESIDING JUROR

OR

VERDICT FORM

We, the Jury, find the defendant, Jade Guevara, guilty of the offense of the murder of Roger Campos as charged in Count 3 of the indictment.

  
PRESIDING JUROR

NO. 2020-CR-1579B

THE STATE OF TEXAS                   §           IN THE DISTRICT COURT  
VS.                                       §           144TH JUDICIAL DISTRICT  
JADE GUEVARA                         §           BEXAR COUNTY, TEXAS

***Complete this verdict form only if you have completed the previous verdict form by finding the defendant "not guilty" of murder as charged in Count 3 of the indictment.***

COUNT 3 - LESSER INCLUDED OFFENSE -- MANSLAUGHTER

VERDICT FORM

We, the Jury, find the defendant, Jade Guevara, not guilty of the offense of manslaughter in Count 3.

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PRESIDING JUROR

OR

VERDICT FORM

We, the Jury, find the defendant, Jade Guevara, guilty of the offense of manslaughter in Count 3.

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PRESIDING JUROR



