

CAUSE NO. 1618302

THE STATE OF TEXAS § IN THE 177th DISTRICT COURT
VS. § OF HARRIS COUNTY, TEXAS
JORDY HUSEIN SULJANOVIC § MARCH TERM, A. D., 2023

Members of the Jury:

The defendant, JORDY HUSEIN SULJANOVIC, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 2ND day of October, 2018, in Harris County, Texas. The defendant has pleaded not guilty.

A person commits the offense of murder if he intentionally or knowingly causes the death of an individual.

A person commits the offense of capital murder if he commits murder, as hereinbefore defined, and the person intentionally or knowingly causes the death of more than one person during the same criminal transaction.

"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 a result of his conduct when it is his conscious objective or desire to cause the result.

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.

You are instructed that it is your duty to consider the evidence of all relevant facts and circumstances surrounding the deaths and the previous relationship, if any, existing between the defendant and Adriana Perez and the defendant and Nahum Omar Santamaria-Ruiz together with all relevant facts and circumstances going to show the condition of the mind of the defendant at the time of the alleged offense.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 2ND day of October, 2018, in Harris County, Texas, the defendant, JORDY HUSEIN SULJANOVIC, did then and there unlawfully, during the same criminal transaction, intentionally or knowingly cause the death of Adriana Perez, by shooting Adriana Perez with a deadly weapon, namely a firearm and intentionally or knowingly cause the death of Nahum Omar Santamaria-Ruiz, by shooting Nahum Omar Santamaria-Ruiz, with a deadly weapon, namely a firearm, then you will find the defendant guilty of 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 next consider whether the defendant is guilty of the lesser offense of Murder.

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

If you find from the evidence beyond a reasonable doubt that on or about the 2ND day of October, 2018, in Harris County, Texas, the defendant, JORDY HUSEIN SULJANOVIC, did then and there unlawfully, intentionally or knowingly cause the death of Nahum Omar Santamaria-Ruiz, by shooting Nahum Omar Santamaria-Ruiz with a deadly weapon, namely a firearm, OR he intended to cause serious bodily injury and intentionally or knowingly committed an act clearly dangerous to human life that caused the death of an Nahum Omar Santamaria-Ruiz but did not intentionally or knowingly cause the death of Adriana Perez then you will find the defendant guilty of the lesser offense of murder.

The State has introduced evidence of extraneous crimes, wrongs, or bad acts other than the one charged in the indictment in this case. This evidence was admitted only for the purpose of assisting you, if it does, for the purpose of showing the defendant's motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake or accident, to refute a defensive theory if any, and to show the nature of the relationship between the parties. You cannot consider the testimony unless you find and believe beyond a reasonable doubt that the defendant committed these acts.

If you disagree that the State has proved, beyond a reasonable doubt each of the elements of capital murder, as described above, but agree that the State has proved, beyond a reasonable doubt, the elements of murder as described above, you must next consider whether the defendant's use of deadly force was justified in self-defense.

A person's use of deadly force against another is not a criminal offense when the person reasonably believed deadly force used was immediately necessary to protect the person against the other's use or attempted use of unlawful deadly force.

Self-defense does not cover conduct in response to verbal provocation alone. The defendant must have reasonably believed the other person had done more than verbally provoke the defendant. A general fear of self-defense on behalf of the defendant is not enough to trigger the use of deadly force by the defendant.

"Reasonable belief" means a belief that an ordinary and prudent person would have held in the same circumstances as the defendant.

"Deadly force" means force that is intended or known by the person using it cause death or serious bodily injury or force that in the manner of its use or intended use is capable of causing death or serious bodily injury.

A person who has a right to be present at a location where the person uses deadly force against another is not required to retreat before using deadly force in self-defense if both -

1. The person with the right to be present did not provoke the person against whom the deadly force is used; and
2. The person is not engaged in criminal activity at the time the deadly force is used.

Therefore, in deciding whether the state has proved that the defendant did not reasonably believe his use of deadly force was necessary, you must not consider any failure of the defendant to retreat that might be shown by the evidence if you find both -

1. The defendant did not provoke Nahum Omar Santamaria-Ruiz, the person against whom the defendant used deadly force,
AND
2. The defendant was not engaged in criminal activity at the time he used the deadly force.

If you do not find both 1 and 2, you may consider any failure of the defendant to retreat that might be shown by the evidence in deciding whether the defendant reasonably believed his use of deadly force was necessary.

Under certain circumstances, the law creates a presumption that the defendant's belief that the deadly force he used was immediately necessary was reasonable. A presumption is a conclusion the law requires you to reach if certain other facts exist.

You must find in favor of the presumption of reasonableness that the defendant's belief that the deadly force he used was

immediately necessary UNLESS you find the state has proved, beyond a reasonable doubt, at least one of the following items -

1. The defendant neither knew nor had reason to believe that Nahum Omar Santamaria-Ruiz was committing or attempting to commit murder;

If you find the state has proved item 1 listed above, the presumption does not apply and you are not required to find that the defendant's belief was reasonable.

Whether or not the presumption applies, the state must prove beyond a reasonable doubt, that self-defense does not apply to this case. The state is not required to produce evidence to refute self-defense. However, the state is required to prove the defendant's conduct was not justified by self-defense through the burden of persuasion.

To decide the issue of self-defense, you must determine whether the state has proved, beyond a reasonable doubt, one of the following two elements -

1. The defendant did not believe his conduct was immediately necessary to protect himself against Nahum Omar Santamaria-Ruiz's use or attempted use of unlawful deadly force; or
2. The defendant's belief was not reasonable.

You must all agree that the state has proved, beyond a reasonable doubt, either element 1 or 2 listed above. You need not agree on which of these elements the state has persuaded you or on what persuaded you.

If you find that the state has failed to prove, beyond a reasonable doubt, either element 1 or 2 listed above, you must find the defendant "not guilty". If you have a reasonable doubt as to whether or not JORDY HUSEIN SULJANOVIC acted in self-defense on said occasion and under the circumstances, then you should give him the benefit of that doubt and say by your verdict, "not guilty".

However, if you all agree that the state has not proved, the elements of capital murder beyond a reasonable doubt, but you all agree that the state has proved, beyond a reasonable doubt, each of the elements of murder beyond a reasonable doubt, and that the defendant was not acting in self-defense, as described above, you must find the defendant "guilty" of murder.

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 Foreman. 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 Foreman.

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 Foreman 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.

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

 3/14/23

Judge
177th District Court
Harris County, TEXAS

FILED
Marilyn Burgess
District Clerk
MAR 14 2023
Time: 15:16
Harris County, Texas
By: N M
Deputy

CAUSE NO. 1618302

THE STATE OF TEXAS § IN THE 177th DISTRICT COURT
VS. § OF HARRIS COUNTY, TEXAS
JORDY HUSEIN SULJANOVIC § MARCH TERM, A. D., 2023

V E R D I C T

"We, the Jury, find the defendant, JORDY HUSEIN SULJANOVIC,
not guilty."

Foreman of the Jury

(Please Print) Foreman

"We, the Jury, find the defendant, JORDY HUSEIN SULJANOVIC,
guilty of CAPITAL MURDER, as charged in the indictment."

Nathan Price
Foreman of the Jury

Nathaniel Price
(Please Print) Foreman

FILED
Marilyn Burgess
District Clerk

MAR 14 2023

Time: 6:46 pm
Harris County, Texas

By N.M.
Deputy

"We, the Jury, find the defendant, JORDY HUSEIN SULJANOVIC, guilty of the lesser offense of MURDER of Nahum Omar Santamaria-Ruiz.

Foreman of the Jury

(Please Print) Foreman