

ORIGINAL

CAUSE NO. LCR240064

THE STATE OF TEXAS § IN THE DISTRICT COURT
VS. § OF LIVE OAK COUNTY, TEXAS
RAUL RAYMOND CASAREZ § 156TH JUDICIAL DISTRICT

CHARGE OF THE COURT

MEMBERS OF THE JURY:

The defendant, RAUL RAYMOND CASAREZ, stands charged by indictment with the offense of capital murder, alleged to have occurred on or about the 10th day of February, A.D., 2023, in Live Oak County, Texas. The defendant has pleaded not guilty.

1.

A person commits the offense of capital murder if the person intentionally causes the death of an individual in the course of committing or attempting to commit the offense of robbery.

2.

A person commits robbery if, in the course of committing or attempting to commit theft and with intent to obtain or maintain control of the property, the person either—

- a. intentionally, knowingly, or recklessly causes bodily injury to another; or
- b. intentionally or knowingly threatens or places another in fear of imminent bodily injury or death.

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

3.

A person commits theft if—

JUN 11 2025

Charge of the Court - Page 1 of 9

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At George West, Texas
MELANIE MATKIN
District Clerk, Live Oak County, Texas
By Melanie Matkin Deputy

- a. the person appropriates property;
- b. this appropriation was unlawful, in that it was without the property owner's effective consent, and
- c. the person did this with intent to deprive the owner of the property.

4.

A person attempts to commit theft if the person, with the specific intent to commit theft, does an act amounting to more than mere preparation that tends but fails to effect a theft.

5.

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.

6.

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.

7.

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.

8.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 10th day of February, A.D., 2023, in Live Oak County, Texas, the defendant, RAUL RAYMOND CASAREZ, did then and there intentionally cause the death of an individual, namely Adela Casarez, by stabbing her with a knife, and the defendant was in the course of committing or attempting to commit the offense of robbery, then you will find the defendant, RAUL RAYMOND

CASAREZ, guilty of capital murder as charged in the indictment and say so by your verdict.

Unless you so find beyond a reasonable doubt or if you have a reasonable doubt thereof, then you will acquit the defendant of the offense of capital murder and proceed to consider whether he is guilty of the lesser included offense of murder.

9.

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

10.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 10th day of February, A.D., 2023, in Live Oak County, Texas, the defendant, RAUL RAYMOND CASAREZ, did then and there intentionally or knowingly cause the death of an individual, namely Adela Casarez, by stabbing her with a knife, then you will find the defendant, RAUL RAYMOND CASAREZ, guilty of the lesser included offense of murder and say so by your verdict.

Unless you so find beyond a reasonable doubt or if you have a reasonable doubt thereof, then you will acquit the defendant of the offense of murder.

11.

If you believe from the evidence, beyond a reasonable doubt, that the defendant is guilty of either capital murder or murder, but you have a reasonable doubt about which of these offenses he is guilty of, you must resolve that doubt in the defendant's favor. In that situation, you must find him guilty of the lesser offense of murder.

If you have a reasonable doubt about whether he is guilty of any of these offenses, you must acquit the defendant and find him "not guilty."

12.

If you all agree the State has proved, beyond a reasonable doubt, either capital murder or murder, you must next consider whether the defense of insanity applies.

You have heard evidence that, when the defendant stabbed Adela Casarez with a knife, as a result of a severe mental disease or defect, he did not know his conduct was wrong.

13.

A person's conduct that would otherwise constitute the crime of capital murder or murder is not a criminal offense if, at the time of that conduct, the person, as a result of severe mental disease or defect, did not know that the conduct was wrong and thus was insane.

Insanity is an affirmative defense. Therefore the defendant must prove, by a preponderance of the evidence, that both—

- a. at the time of the conduct alleged, the defendant had a severe mental disease or defect; and
- b. as a result of the severe mental disease or defect, the defendant did not know his conduct was wrong and thus was insane.

14.

The burden is on the defendant to prove, by a preponderance of the evidence, that he comes within the affirmative defense of insanity.

15.

The term "preponderance of the evidence" means the greater weight and degree of the credible evidence.

16.

"Mental disease or defect" does not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct.

17.

If you have found that the State has proved the offense beyond a reasonable doubt, you must next decide whether the defendant has proved, by a preponderance of the evidence, that he comes within the affirmative defense of insanity.

To decide the issue of insanity, you must decide whether the defendant has proved, by a preponderance of the evidence, two elements. The elements are that--

- a. at the time of the conduct alleged, the defendant had a severe mental disease or defect; and
- b. as a result of the severe mental disease or defect, the defendant did not know his conduct was wrong and thus was insane.

If you find that the defendant has proved, by a preponderance of the evidence, both elements "a" and "b" listed above, you must find the defendant "not guilty by reason of insanity" and specify this in your verdict.

If you all agree the State has proved, beyond a reasonable doubt, each of the elements of the offense of capital murder or murder, and you all agree the defendant has not proved, by a preponderance of the evidence, both elements "a" and "b" listed above, you must find the defendant "guilty."

18.

"Intoxication" means a disturbance of mental or physical capacity resulting from the introduction of any substance into the body.

Voluntary intoxication is not a defense to the commission of a crime.

But you are reminded that the state must prove all elements of the offense beyond a reasonable doubt.

19.

You are instructed that if there is any evidence before you in this case regarding the defendant having committed offenses, wrongs, or acts, other than that offense alleged against him in the indictment in this case, you cannot consider such testimony for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other offenses, wrongs or acts, if any were committed. You are further instructed that you may consider facts and circumstances that assist you in determining whether the defendant committed the offense of Capital Murder, as charged in the indictment, including evidence, if any, regarding the nature of the relationship between the defendant and Adela Casarez.

20.

Our law provides that a defendant may testify on their own behalf if they elect to do so. This, however, is a right accorded a defendant, and in the event they elect not to testify, that fact cannot be taken as a circumstance against them.

In this case, the defendant has elected not to testify and you are instructed that you cannot and must not refer to or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against him.

21.

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 issue 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.

22.

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 of the evidence in the case.

23.

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."

24.

You are the exclusive judges of the facts proved, of the credibility of the witnesses, and the weight to be given their testimony, but you must be governed by the law in these written instructions.

After you retire to the jury room, you should select one of your members as your Presiding Juror. It is their duty to preside at your deliberations, vote with you, and when you have unanimously agreed upon a verdict, to certify your verdict by using the appropriate form attached hereto, and signing the same as Presiding Juror.

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 the 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 question you may have. After you have reached a unanimous verdict, the Presiding Juror will certify thereto by filling in the appropriate form attached to this charge and signing their name as Presiding Juror.

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 arguments of counsel you will retire to consider your verdict.

FILED: 6/11/2025 1:08 pm
DATE/TIME

Janna Whaley
JUDGE PRESIDING

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VERDICT FORM

We, the Jury, find the defendant, RAUL RAYMOND CASAREZ, guilty of the offense of capital murder as alleged in the Indictment.


Presiding Juror

OR

We, the Jury, find the defendant, RAUL RAYMOND CASAREZ, guilty of the lesser included offense of murder.

Presiding Juror

OR

We, the Jury, find the defendant, RAUL RAYMOND CASAREZ, not guilty.

Presiding Juror

OR

We, the Jury, find the defendant, RAUL RAYMOND CASAREZ, not guilty by reason of insanity.

Presiding Juror