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FILED

Marilyn Burgess
District Clerk

JUN 12 2025

Time: 010:23 am

Harris County, Texas

By LR
Deputy

CAUSE NO. 1756017

THE STATE OF TEXAS

§ IN THE 482nd DISTRICT COURT

VS.

§ OF HARRIS COUNTY, TEXAS

OSCAR ROSALES

§ APRIL TERM, A. D., 2022

Jury Instructions



Members of the Jury:

The defendant, Oscar Rosales, has been found guilty of the offense of Capital Murder which was alleged to have been committed on or about the 23rd of January 2022 in Harris County, Texas.

In order for the proper punishment to be assessed, it is necessary now for you to determine, from all the evidence in the case, the answers to certain questions, called "Special Issues," in this charge.

The Court instructs you in answering these "Special Issues" as follows:

The mandatory punishment for the offense of capital murder of which you have found the defendant guilty is death or confinement in the Texas Department of Criminal Justice, Institutional Division, for life without the possibility of parole.

In determining your answers to the questions, or special issues, submitted to you, you shall consider all the evidence submitted to you in this whole trial to determine the answers to Special Issues submitted to you by the Court.

This includes all evidence submitted to you during the whole trial as to the defendant's background or character or the circumstances of the offense that militates for or mitigates against the imposition of the death penalty.

You are instructed that when you deliberate on the questions posed in the special issues, you are to consider all relevant mitigating circumstances, if any, supported by the evidence presented in the trial, whether presented by the State or the defendant. A mitigating circumstance may include, but is not limited to, any aspect of the defendant's character, background, the personal moral culpability of the defendant or circumstances of the crime which you believe could make a death sentence inappropriate in this case. If you find that there is a mitigating circumstance or circumstances in this case, you must decide how much weight deserved, if any, and thereafter, give effect and consideration to it/them in assessing the defendant's personal culpability at the time you answer the special issue.

You are instructed that mitigating evidence, if any, may be considered by you in answering any of the special issues under consideration. If you determine, when giving effect to the mitigating evidence, if any, that a life sentence without parole rather than a death sentence is an appropriate response, let your answers to the special issues reflect that.

You are further instructed that you are not to be swayed by mere sentiment, conjecture, sympathy, passion, prejudice, public opinion or public feeling in considering all the evidence before you and in answering the special issues.

The Law on the Special Issues

The Law on Special Issue #1

The State must prove Special Issue No. 1 submitted to you beyond a reasonable doubt, and you shall return a Special Verdict of "YES" or "NO" on Special Issue No. 1. In deliberating on Special Issue No. 1, you shall consider all the evidence admitted at trial, including evidence of the defendant's background, character, the personal moral culpability of the defendant, or the circumstances of the offense that militates for or mitigates against the imposition of the death penalty.

You may not answer Special Issue No. 1 "YES" unless you all agree unanimously. You may not answer Special Issue No. 1 "NO" unless ten (10) or more jurors agree.

Members of the jury need not agree on what particular evidence supports a negative answer to Special Issue No. 1.

The Law on Special Issue #2

You are instructed that if you return a unanimous affirmative finding, that is a "YES" answer, to Special Issue No. 1, and only then, are you to answer Special Issue No. 2. You are instructed that in answering Special Issue No. 2, you shall answer the issue "YES" or "NO."

You may not answer Special Issue No. 2 "NO" unless you agree unanimously, and you may not answer Special Issue No. 2 "YES" unless ten (10) or more of you agree to do so. You need not agree on what particular evidence supports an affirmative finding on Special Issue No. 2.

In answering Special Issue No. 2, you shall consider mitigating evidence to be evidence that a juror might regard as reducing the defendant's moral blameworthiness, including evidence of the defendant's background, character, the personal moral culpability of the defendant, or the circumstances of the offense that mitigates against the imposition of the death penalty.

Deliberating the Special Issues

During your deliberations upon the "Special Issues," 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.

In arriving at the answers to the "Special Issues" submitted, it will not be proper for you to fix the same by lot, chance, or any other method than by a full, fair and free exchange of the opinion of each individual juror.

If the jury answers that a circumstance or circumstances warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed, the court will sentence the defendant to imprisonment in the Texas Department of Criminal Justice for life without parole. Under the law applicable in this case, if the defendant is sentenced to imprisonment in the institutional division of the Texas Department of Criminal Justice for life without parole, the defendant will not be eligible for release on parole.

Defendant's Right to Remain Silent

The defendant has a constitutional right to remain silent. The defendant may testify on his own behalf. The defendant may also choose not to testify. The defendant's decision not to testify cannot be held against him, and it is not to be used as evidence of anything. You must not speculate, guess, or even talk about what the defendant

might have said if he had taken the witness stand or why he did not. The foreperson of the jury must immediately stop any juror from mentioning the defendant's decision not to testify.

Rules that control Deliberations

You must follow these rules while you are deliberating and until you reach a verdict. After the closing arguments by the attorneys, you will go into the jury room.

The foreperson should conduct the deliberations in an orderly way. Each juror has one vote, including the foreperson. The foreperson must supervise the voting, vote with other members on the verdict, and sign the verdict sheet.

While deliberating and until excused by the trial court, all jurors must follow these rules:

1. You must not discuss this case with any court officer, or the attorneys, or anyone not on the jury.
2. You must not discuss this case unless all of you are present in the jury room. If anyone leaves the room, then you must stop your discussions about the case until all of you are present again.
3. You must communicate with the judge only in writing, signed by the foreperson and given to the judge through the officer assigned to you.
4. You must not conduct any independent investigations, research, or experiments.
5. You must tell the judge if anyone attempts to contact you about the case before you reach your verdict.

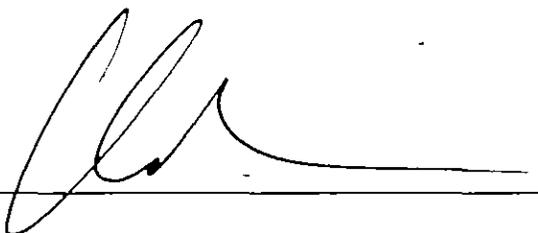
After you have arrived at your verdict, you are to use one of the forms attached to these instructions. You should have your foreperson sign his or her name to the particular form that conforms to your verdict.

You are the exclusive judges of the facts proved and the credibility of the witnesses and the weight to be given to their testimony, but you are bound to receive the law from the Court

which has been given you and you are bound thereby.

After the reading of this charge, you shall not be permitted to separate from each other, nor shall you talk with anyone not of your jury. After argument of counsel, you will retire and consider your answers to the "Special Issues" submitted to you. It is the duty of your Foreman to preside in the jury room and vote with you on the answers to the "Special Issues" submitted.

After the closing arguments by the attorneys, you will begin your deliberations to decide your verdict.

A handwritten signature in black ink, appearing to read 'V. Nelson', is written over a horizontal line.

Veronica M. Nelson, Judge
482nd District Court
Harris County, TEXAS

FILED

Marilyn Burgess
District Clerk

JUN 13 2025

Time: _____ 2:35pm
Harris County, Texas

By _____ Deputy

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THE STATE OF TEXAS

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OSCAR ROSALES

§ APRIL TERM, A. D., 2022

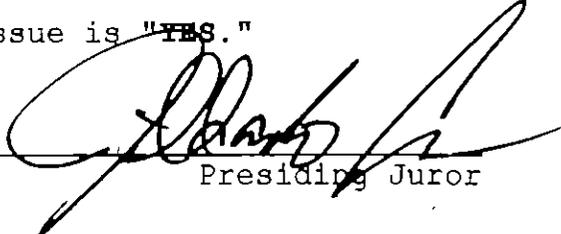
VERDICT

SPECIAL ISSUE NO. 1

Do you find from the evidence beyond a reasonable doubt that there is a probability that the defendant, Oscar Rosales, would commit criminal acts of violence that would constitute a continuing threat to society?

ANSWER

1. We, the jury, unanimously find and determine beyond a reasonable doubt that the answer to this Special Issue is "YES."


Presiding Juror

2. We, the jury, because at least ten (10) jurors have a reasonable doubt as to the probability that the defendant, Oscar Rosales, would commit criminal acts of violence that would constitute a continuing threat to society, determine that the answer to this Special Issue is "NO."

Presiding Juror

In the event that the jury has answered Special Issue No. 1 in the affirmative, and only then, shall the jury answer Special Issue No. 2 to be found on the following page.

SPECIAL ISSUE NO. 2

Do you find from the evidence, taking into consideration all of the evidence, including the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant, Oscar Rosales, that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed?

ANSWER

1. We, the jury, unanimously find that the answer to this Special Issue is "NO."



Presiding Juror

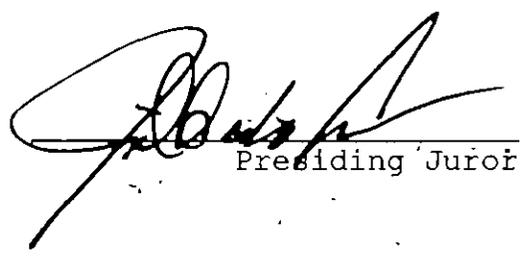
2. We, the jury, because at least ten (10) jurors find that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed, find that the answer to this Special Issue is "YES."

Presiding Juror

After the jury has answered each of the Special Issues under the conditions and instructions outlined above, the Foreman should sign the verdict form to be found on the last page of this charge.

VERDICT

We, the Jury, return in open court the above answers to the "Special Issues" submitted to us, and the same is our verdict in this case.



Presiding Juror

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Marilyn Burgess
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