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FILED

Marilyn Burgess
District Clerk

JUN 04 2025

Time: _____
By _____
Harris County, Texas
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

Members of the Jury:

The defendant, Oscar Rosales, stands charged by indictment with the offense of capital murder of a peace officer, alleged to have been committed on or about the 23rd of January, 2022, in Harris County, Texas. The defendant has pleaded not guilty.

Definition- Offense as Indicted

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 intentionally or knowingly commits murder, as hereinbefore defined, and the person murders a peace officer who is acting in the lawful discharge of an official duty and who the person knows is a peace officer.

Definitions- Terms

"Peace Officer" means a person elected, employed, or appointed as a peace officer under Article 2.12, Code of Criminal Procedure.

The following are peace officers:

constables and their deputies;

"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.

Definitions- Mental States

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.

Charged Offense

Before you would be warranted in finding the defendant guilty of capital murder of a peace officer, you must find from the evidence beyond a reasonable doubt that:

- (1) the defendant intentionally or knowingly caused the death of C. Galloway by shooting C. Galloway with a firearm; and

- (2) that at the time of the shooting, if any, the deceased, C. Galloway was then and there a peace officer; and
- (3) the defendant then and there knew, at the time of the shooting, if any, that C. Galloway was a peace officer; and
- (4) at the time of the shooting, if any, C. Galloway was acting in the lawful discharge of an official duty.

If you have a reasonable doubt as to the existence of any of the foregoing elements, then you cannot find the defendant guilty of capital murder of a peace officer.

Application- Indicted Offense

Now, if you find from the evidence beyond a reasonable doubt that in Harris County, Texas, on or about the 23rd of January, 2022, the defendant, Oscar Rosales, did then and there unlawfully, intentionally or knowingly cause the death of C. Galloway, a peace officer in the lawful discharge of an official duty, by shooting C. Galloway with a deadly weapon, namely a firearm, knowing at the time that C. Galloway was a peace officer, 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 acquit the defendant of the offense of capital murder and you will next consider whether the defendant is guilty of the offense of murder.

Mistake of Fact

It is a defense to the offense of Capital Murder that the person through mistake formed a reasonable belief about a matter of fact if his mistaken belief negated the kind of culpability required for commission of the offense.

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

Now, therefore, if you find and believe from the evidence beyond a reasonable doubt that the defendant committed the acts as alleged in the indictment, but you further find, or have a reasonable doubt thereof, that the defendant through mistake formed a reasonable belief about a matter of fact, to-wit: that the defendant believed that he was shooting at a security officer and not a peace officer, which mistaken belief negated the kind of culpability required for the commission of the offense of capital murder, you will acquit the defendant of capital murder charged in the indictment and next consider whether the defendant is guilty of the lesser-included offense of murder.

Definition- Offense of Murder

A person commits the offense of murder if the person (1) intentionally or knowingly causes the death of an individual or (2) intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual.

Application- Offense of Murder

Therefore, if you find from the evidence beyond a reasonable doubt that on or about the 23rd of January, 2022, in Harris County, Texas, the defendant, Oscar Rosales, did then and there unlawfully, intentionally or knowingly cause the death of C. Galloway, by shooting C. Galloway with a deadly weapon, namely, a firearm; or If you find from the evidence beyond a reasonable doubt that on or about the 23rd of January, 2022, in Harris County, Texas, the defendant, Oscar Rosales, did then and there intend to cause serious bodily injury to C. Galloway, and did cause the death of C. Galloway by committing an act clearly dangerous to human life, namely by shooting C. Galloway with a deadly weapon, namely, a firearm, then you will find the defendant guilty of murder.

If you believe from the evidence beyond a reasonable doubt that the defendant is guilty of either capital murder on the one hand or murder on the other hand, but you have a reasonable doubt as to which of said offenses he is guilty, then you must resolve that doubt in the defendant's favor and find him guilty of the lesser offense of murder.

If you have a reasonable doubt as to whether the defendant is guilty of any offense defined in this charge you will acquit the defendant and say by your verdict "Not Guilty."

Relationship between the parties

You are instructed that you may consider all relevant facts and circumstances surrounding the death and any previous relationship existing between the accused and C. Galloway, if any, together with all relevant facts and circumstances going to show the condition of the mind of the accused at the time of the offense, if any.

Voluntary Intoxication You are instructed that voluntary intoxication does not constitute a defense to the commission of a crime. "Intoxication" means disturbance of mental or physical capacity resulting from the introduction of any substance into the body.

Extraneous Acts, if any

You are further instructed that if there is any evidence before you in this case regarding the defendant's committing an alleged offense or offenses other than the offense alleged against him in the indictment in this case, you cannot consider such evidence for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other offense or offenses, if any, and even then you may only consider the same in determining the motive, if any, in connection with the offense, if any, alleged against him in the indictment and for no other purpose.

Constitutional Rights

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 Foreperson. 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 Foreperson.

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 Foreperson 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 if the State of Texas has proved each and every element of the offense beyond a reasonable doubt under the indictment in this cause or of the lesser included offense and restrict your deliberations solely to the issue of guilt or innocence of the defendant.

Your verdict must be by a unanimous vote of all members of the jury.

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

FILED
Marilyn Burgess
District Clerk
JUN 06 2025
Time: 1015
Harris County, Texas
By: [Signature]
Deputy

[Signature]
Veronica M. Nelson, Judge
482nd District Court
Harris County, Texas

CAUSE NO. 1756017

THE STATE OF TEXAS

§ IN THE 482nd DISTRICT COURT

VS.

§ OF HARRIS COUNTY, TEXAS

OSCAR ROSALES

§ APRIL TERM, A. D., 2022

VERDICT- CHOOSE ONE

"We, the Jury, find the defendant, Oscar Rosales, not guilty."

Foreperson of the Jury

(Please Print) Foreperson

"We, the Jury, find the defendant, Oscar Rosales, guilty of capital murder of a peace officer, as charged in the indictment."

FILED

Marilyn Burgess
District Clerk

JUN 06 2025

Time: 1401
Harris County, Texas

By: [Signature]
Deputy

~~SR Jildardo A. [Signature]~~
Foreperson of the Jury

Jildardo Arias
(Please Print) Foreperson

"We, the Jury, find the defendant, Oscar Rosales, guilty of murder."

Foreperson of the Jury

(Please Print) Foreperson