

THE STATE OF TEXAS
VS
SIGIFREDO RAMOS, JR.

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IN THE 93RD DISTRICT COURT
OF
HIDALGO COUNTY, TEXAS

FILED

AT 9:30 AM OCT 06 2016

LAURA HINOJOSA, CLERK
District Courts, Hidalgo County

By *Alma* Deputy#26

CHARGE OF THE COURT

LADIES AND GENTLEMEN OF THE JURY:

The Defendant, SIGIFREDO RAMOS, JR., stands charged by indictment with the offense of Capital Murder alleged to have been committed in Hidalgo County, Texas, on or about September 25, 2016, and to this charge the Defendant has pleaded not guilty.

1.

A person commits the offense of Capital Murder when such person intentionally commits the murder in the course of committing or attempting to commit the offense of Aggravated Sexual Assault.

Our law provides that a person commits the offense of Aggravated Sexual Assault if the person intentionally or knowingly causes the penetration of the sexual organ of another person by any means, without that person's consent and if the person uses or exhibits a deadly weapon in the course of the same criminal episode in the course of the same criminal episode.

"Consent" means assent in fact, whether express or apparent.

A sexual assault is without the consent of the other person if the actor compels the other person to submit or participate by the use of physical force, violence, or coercion or compels the other person to submit or participate by threatening to use force or violence against the other person or to cause harm to the other person, and the other person believes that the actor has the present ability to execute the threat.

"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.

"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, including death.

"Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes the death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

2.

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.

3.

Now, if you find from the evidence beyond a reasonable doubt that on or about September 25, 2016, in Hidalgo County, Texas, the Defendant, SIGIFREDO RAMOS, JR., did then and there intentionally cause the death of an individual, namely, Felipe Vega, by stabbing him with a knife, and the defendant was then and there in the course of committing or attempting to commit the offense of

aggravated sexual assault of Diana de la Cerda, then you will find the Defendant guilty of the offense of CAPITAL MURDER, as charged in the indictment;

Unless you unanimously find from the evidence beyond a reasonable doubt, you will acquit the Defendant of the indicted offense of Capital Murder and say by your verdict "Not Guilty."

4.

Upon the law of self-defense, you are instructed that a person is justified in using force against another when and to the degree that the actor reasonably believes the force is immediately necessary to protect oneself against the other person's use or attempted use of unlawful force.

A person is justified in using deadly force against another if the actor (1) would be justified in using force against the other in the first place, as above set out, and (2) when the actor reasonably believes that such deadly force is immediately necessary to protect oneself against the other person's use or attempted use of unlawful deadly force.

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

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

When a person is attacked with unlawful deadly force, or he reasonably believes he is under attack or attempted attack with unlawful deadly force, and there is created in the mind of such person a reasonable expectation or fear of death or serious bodily injury, then the law excuses or justifies such person in resorting to deadly force by any means at his command to the degree that he reasonably believes immediately necessary, viewed from his standpoint at the time, to protect himself from such attack or

attempted attack. It is not necessary that there be an actual attack or attempted attack, as a person has a

right to defend his life and person from apparent danger as fully and to the same extent as he would had the danger been real, provided that he acted upon a reasonable apprehension of danger, as it appeared to him from his standpoint at the time, and that he reasonably believed such deadly force was immediately necessary to protect himself against the other person's use or attempted use of unlawful deadly force.

In determining the existence of real or apparent danger, you should consider all the facts and circumstances in evidence before you, all relevant facts and circumstances surrounding the killing, if any, the previous relationships existing between the accused and the deceased, together with all relevant facts and circumstances going to show the condition of the mind of the defendant at the time of the offense, and, in considering such circumstances, you should place yourselves in the defendant's position at that time and view them from his standpoint alone.

A person who has a right to be present at the location where a force is used, who has not provoked the person against whom the force is used, and who is not engaged in criminal activity at the time the force is used is not required to retreat before using force.

In determining whether an actor reasonably believed that the use of force was necessary, a finder of fact may not consider whether the actor failed to retreat.

The Defendant is not required to prove self-defense. Rather, the State must prove beyond a reasonable doubt that the Defendant did not act in self-defense.

5.

Now, if you find from the evidence beyond a reasonable doubt that on or about September 25, 2016, in Hidalgo County, Texas, the Defendant, SIGIFREDO RAMOS, JR., did then and there cause the death of an individual namely Felipe Vega, by stabbing him with a knife, as alleged in the indictment, but you further find from the evidence, as viewed from the standpoint of the Defendant at that time, from the

words or conduct or both of Felipe Vega or Diana de la Cerda, it reasonably appeared to the defendant that his life or person was in danger and there was created in his mind a reasonable expectation or fear of death or serious bodily injury from the use of unlawful deadly force at the hands of Felipe Vega or Diana de la Cerda, and that acting under such apprehension and reasonably believing that use of deadly force on his part was immediately necessary to protect himself against Felipe Vega or Diana de la Cerda use or attempted use of unlawful deadly force, he stabbed Felipe Vega with a knife, then you should acquit the Defendant on the grounds of self-defense and say by your verdict "Not Guilty."

If you have a reasonable doubt as to whether or not the Defendant was acting in self-defense on said occasion and under the circumstances, then you should give the Defendant the benefit of that doubt and say by your verdict "Not Guilty."

6.

You are instructed that you may consider all relevant facts and circumstances surrounding the killing, if any, and the previous relationship existing between the accused and the deceased, 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 killing in question, if any.

7.

The State has introduced evidence of extraneous crimes or bad acts other than 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, or absence of mistake or accident, if any. You cannot consider the testimony unless you find and believe beyond a reasonable doubt that the defendant committed these acts, if any, were committed.

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.

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 a person has been arrested, confined, 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. You will be governed by the law you shall receive in these written instructions.

When you retire to the jury room, you should first select one of your members as Presiding Juror. It is the Presiding Juror's 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 thereto, and signing the same as Presiding Juror.

In order to return a verdict, each juror must agree thereto, but jurors have a duty to consult with each other and to deliberate with a view of reaching an agreement, if it can be done without violence to individual judgment.

Each juror must decide the case for himself or herself, but only after an impartial consideration of the evidence with his or her fellow jurors.

In the course of deliberations, a juror should not hesitate to re-examine his or her own views and change his or her opinion if convinced it is erroneous. However, no juror should surrender his or her honest conviction as to the weight or effect of the evidence solely because of the opinion of his or her fellow jurors, or for the mere purpose of returning a verdict.

Do not discuss the case with anyone else, either in person or by any other means. Do not do any independent investigation about the case or conduct any research. Do not look up any words in dictionaries or on the Internet. Do not post information about the case on the Internet. Do not share any special knowledge or experiences with the other jurors. You may not use any electronic device or media, such as a 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, MySpace, LinkedIn, YouTube or Twitter, to communicate with anyone any information about this case or to conduct any research about this case until I accept your verdict.

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 should not discuss or consider punishment for the offense charged for any purpose. You must concern yourselves solely with the question of guilt or innocence of the Defendant under these written instructions without regard to any possible punishment imposed by law for the offense charged.

During your deliberations, you are instructed that you should not consider the remarks, rulings or actions of the presiding judge during this trial as any indication of the Court's opinion as to the guilt or innocence of the Defendant. The remarks, rulings and actions of the presiding judge were upon matters of the law only and were not upon the facts which you and you alone must determine.

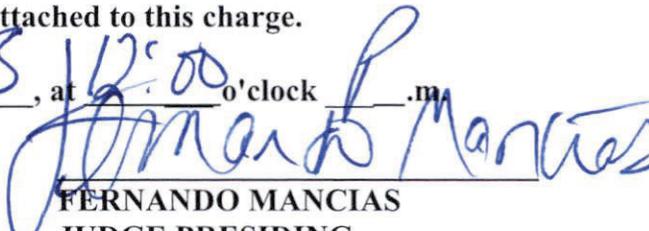
While you are deliberating, no one has authority to communicate with you except the officer who has you in charge being the Bailiff. However, after you have retired, you may communicate with the Court as to any questions you may have, but that communication must be in writing through the officer of the Court.

When you have reached a verdict you will notify the bailiff in writing, as to reaching a verdict, but not what the verdict is.

Do not let bias, prejudice, or sympathy play any part in your deliberations.

Your verdict must be unanimous, and after you have reached a unanimous verdict, the Presiding Juror will certify thereto by signing the appropriate form attached to this charge.

Filed on this the 24th day of Oct., 2025, at 12:00 o'clock pm.


FERNANDO MANCIAS
JUDGE PRESIDING
93RD DISTRICT COURT
HIDALGO COUNTY, TEXAS