

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

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TIME 8:46 am
BY OUR DEPUTY

CAUSE NUMBER 1736974

THE STATE OF TEXAS

IN THE 396th JUDICIAL

vs.

DISTRICT COURT

REID SQUIRE ROTHENBERG

TARRANT COUNTY, TEXAS

COURT'S CHARGE

Members of the jury,

You have heard all the evidence. The parties will soon present final arguments. Before they begin, here are the instructions you must follow in deciding whether or not the State has proved the Defendant guilty.

You will have a written copy of these instructions to take with you and to use during your deliberations.

First, I will tell you about some general principles that apply in all criminal cases. Second, I will tell you about the specific law applicable to this case. Finally, I will instruct you on the rules that control your deliberations.

GENERAL PRINCIPLES

The Indictment

The indictment is not evidence of guilt. It is a legal document required to bring the case before you. Do not draw any inference of guilt from the fact the Defendant has been arrested, confined, indicted, or charged with a crime.

Presumption of Innocence

The Defendant is presumed innocent of the charge, and the Defendant may not be convicted of an offense unless the State proves each element of the

offense beyond a reasonable doubt. The law does not require the Defendant to prove their innocence or produce any evidence at all.

The presumption of innocence alone is sufficient for you to return a verdict of not guilty. You may find the Defendant guilty only after a careful and impartial consideration of all the evidence and only if the State has proved the Defendant's guilt beyond a reasonable doubt.

Burden of Proof

The State has the burden to prove every element of the offense beyond a reasonable doubt. 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.

If, after careful consideration of the evidence, you find the State has proved every element of the offense beyond a reasonable doubt, then you must find the Defendant guilty. If the State fails in this burden, or if you have a reasonable doubt about whether the Defendant is guilty, then you must find the Defendant not guilty.

Jury as Fact Finder

As jurors, you review the evidence and determine the facts and what they prove. You judge the believability of the witnesses and what weight to give their testimony.

In judging the facts and the believability of the witnesses, you must apply the law provided in these instructions.

Evidence

The evidence consists of the testimony and exhibits admitted during trial. You must consider only the evidence presented in the courtroom to reach your decision. You must not consider, discuss, or mention any other thing not admitted as evidence in the trial. Do not consider or mention any personal knowledge or information you may have about any fact or person connected with this case that is not evidence in the trial.

Statements made by the lawyers are not evidence. The questions asked by the attorneys are not evidence. Nothing I have said or done in this case should be

considered by you as my opinion about the facts of this case or influence you to vote one way or the other.

You should give terms their common meanings, unless I provide you a specific definition. If I provide a definition for a term in this charge, you should use the meanings provided in these instructions.

While you shall consider only the evidence presented in court, you are permitted to draw reasonable inferences from the testimony and exhibits if those inferences are justified in the light of common experience. In other words, you may make deductions and reach conclusions that reason and common sense lead you to draw from the evidence.

You are to render a fair and impartial verdict based on the evidence admitted in court and under the law that is in these instructions. Do not allow your verdict to be determined by bias or prejudice.

Admitted Exhibits

You may, if you wish, examine exhibits. If you wish to examine an exhibit, the foreperson will inform the court and specifically identify the exhibit you wish to examine. Only exhibits that were admitted into evidence may be given to you for examination.

Communication

After you retire to consider your verdict, no one has any authority to communicate with you except the bailiff. You may communicate with this Court in writing through that bailiff, and there are forms in the jury room for these notes if needed. Any written communication must be signed by the presiding juror.

ALTERNATE JURORS

In this case we have alternate jurors. The law does not allow their presence or participation in deliberations. The alternate jurors will be separated from you during deliberations.

DEFENDANT'S RIGHT TO REMAIN SILENT

The Defendant has a constitutional right to remain silent. In this case, the Defendant has not testified, and you are instructed you cannot and will not refer or allude to that fact throughout your deliberations, or take it into consideration for any purpose whatsoever, as a circumstance against the Defendant. The Defendant's decision not to testify is not evidence of guilt. You must not speculate, guess, or even talk about what the Defendant might have said if they had taken the witness stand or why they did not.

OTHER CRIMES OR ACTS

During the trial, you heard evidence that the Defendant may have committed crimes, wrongs or other acts not charged in the indictment for the limited purpose of establishing a motive or preparation. You are not to consider that evidence at all unless you find, beyond a reasonable doubt, that the Defendant did, in fact, commit the wrongful act. Those of you who believe the Defendant did the wrongful act may consider it.

Even if you do find that the Defendant committed a wrongful act, you may consider this evidence only for the limited purpose I have described. You may not consider this evidence to prove the Defendant is a bad person and for this reason was likely to commit the charged offense. In other words, you should consider this evidence only for the specific, limited purpose I have described. To consider this evidence for any other purpose would be improper.

DEFINITIONS

- 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.
- The term "***Individual***" means a human being who is alive, including an unborn child at every stage of gestation from fertilization until birth.
- "***Firearm***" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

THE CHARGE

A person commits the offense of capital murder if the person intentionally or knowingly causes the death of an individual and the person murders more than one individual during the same criminal transaction.

APPLICATION

Now, if you find from the evidence beyond a reasonable doubt that:

1. The Defendant: Reid Squire Rothenberg;
2. On or about: April 10, 2022;
3. In Tarrant County, Texas;
4. Did:
 - a. intentionally or knowingly cause the death of an individual, Matthew Stuart, by shooting him with a firearm;

AND

- b. intentionally or knowingly cause the death of an individual, George Nitsche, by shooting him with a firearm;

AND

- c. both murders were committed during the same criminal transaction;

then you will find the Defendant "Guilty" of the offense as charged in the indictment.

If you have a reasonable doubt of the Defendant's guilt, you will acquit the Defendant and say by your verdict "Not Guilty."

UNANIMITY

To find the Defendant guilty, the jurors must all agree the State has proved elements 1, 2, 3, and 4 a, b, and c listed above, beyond a reasonable doubt.

RULES THAT CONTROL DELIBERATIONS

Your first task will be to pick your foreperson. The foreperson should preside over your deliberations and vote with you.

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, even to go to the restroom, then you must stop your discussions about the case until all of you are present again.
3. You must communicate with the court only in writing, signed by the foreperson and given to the officer assigned to you.
4. You must not conduct any independent investigations, research, or experiments. Do not look anything up on your phone.
5. You must tell the court if anyone attempts to contact you about the case before you reach your verdict.
6. You may return a verdict only if all twelve of you agree on this verdict.

Your sole duty at this point is to determine whether the State has proved the Defendant guilty beyond a reasonable doubt. You must restrict your deliberations to this matter.

After you have arrived at your verdict, your foreperson will fill out the appropriate form attached to these instructions.



VINCENT GIARDINO, JUDGE
396th JUDICIAL DISTRICT COURT