

NO. D-23-1569-CR

THE STATE OF TEXAS

IN THE DISTRICT COURT

VS.

OF ECTOR COUNTY, TEXAS

JAYVEN LANDERTH

358th JUDICIAL DISTRICT

CHARGE OF THE COURT

MEMBERS OF THE JURY:

The Defendant, JAYVEN LANDERTH, stands charged by indictment with the offense of CAPITAL MURDER, alleged to have been committed on or about the 29TH Day of June, 2023 in Ector County, Texas. The Defendant has pleaded not guilty.

CAPITAL MURDER

Our law provides that a person commits the offense of murder if he intentionally or knowingly causes the death of an individual.

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

DEFINITIONS

"Individual" means a human being who is alive, including an unborn child at every stage of gestation from fertilization until birth.

“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.

“Robbery” A person commits an offense if, in the course of committing theft and with intent to obtain or maintain control of the property, he: intentionally, knowingly, or recklessly causes bodily injury to another; or he intentionally or knowingly threatens or places another in fear of imminent bodily injury or death.

“Bodily injury” means physical pain, illness, or any impairment or physical condition.

“Deadly weapon” means anything that in the manner of its use or intended use is capable of causing death or serious bodily injury. A firearm is a deadly weapon.

“Theft” is the unlawful appropriation of the corporeal personal property of another with the intent to deprive such person of said property.

“Appropriation” and “appropriate” mean to acquire or otherwise exercise control over property other than real property. Appropriation of property is unlawful if it is without the owner’s effective consent.

“Property” as used herein means tangible or intangible personal property or documents, including money that represents or embodies anything of value.

“Deprive” as used herein means to withhold property from the owner permanently.

“Effective consent” means assent in fact, whether express or apparent, and includes consent by a person legally authorized to act for the owner. Consent is not effective if induced by deception or coercion or force or threats.

“Owner” means a person who has title to the property, possession of the property, or a greater right to possession of the property than the person charged.

“Possession” means actual care, custody, control or management of property.

A person acts intentionally, or with intent, with respect to the result of his conduct, or to a result of his conduct, when it is his conscious objective or desire to engage in the conduct or cause the result.

A person acts knowingly, or with knowledge, with respect to the result of his conduct when he is aware that his conduct is reasonably certain to cause the result. A person acts knowingly, or with knowledge, with respect to the nature of his conduct, or to circumstances surrounding his conduct, when he is aware of the nature of his conduct or that the circumstances exist.

A person acts recklessly, or is reckless, with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or 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.

LAW OF PARTIES

A person is criminally responsible as a party to an offense if the offense is committed by his own conduct, by the conduct of another for which he is criminally responsible, or by both.

Each party to an offense may be charged with the commission of the offense.

A person is criminally responsible for an offense committed by the conduct of another if: acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense.

Mere presence alone will not constitute one a party to an offense.

APPLICATION OF LAW TO FACTS

Now if you find, beyond a reasonable doubt that in Ector County, Texas, JAYVEN LANDERTH, hereafter styled the defendant, heretofore on or about the 29th day of June, 2023, did then and there intentionally cause the death of an individual, namely Gonzalo Diaz, by shooting the complainant about the body with a firearm, and the defendant was in the course of committing or attempting to commit the offense of robbery of Gonzalo Diaz, then you will find the defendant guilty of CAPITAL MURDER and sign the appropriate verdict form.

Unless you find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant of capital murder and next consider whether the Defendant is guilty of the offense of MURDER.

If you find from the evidence beyond a reasonable doubt that in Ector County, Texas, JAYVEN LANDERTH, hereafter styled the defendant, heretofore on or about the 29th day of June, 2023, did then and there intentionally cause the death of an individual, namely Gonzalo Diaz, by shooting the complainant about the body with a firearm, but you

have a reasonable doubt as to whether the defendant was then and there engaged in the commission of robbery, at the time of the shooting, if any, then you will find the defendant guilty of MURDER.

Unless you find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant and say by your verdict "Not Guilty."

GENERAL PRINCIPLES

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 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 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.

You are further charged as the law in this case that the State is not required to prove the exact date alleged in the indictment but may prove the offense, if any, to have been committed at any time prior to the presentment of the indictment so long as said offense, if any, occurred within the statute of limitations. There is no statute of limitations for CAPITAL MURDER.

Our law provides a defendant may testify in his own behalf if he elects to do so. This, however, is a privilege accorded to the Defendant, and in the event he does not testify, that fact cannot be taken as a circumstance against him. In this case the Defendant has not testified, and you are instructed that you cannot and must not refer or allude to this fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against the Defendant.

The State has introduced evidence of extraneous crimes or bad acts other than the 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, plan, opportunity, intent, preparation, knowledge, 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.

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 shooting in question, if any.

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 must be governed by, you shall receive in these written instructions.

You should give terms their common meanings, unless you have been told in these instructions that the terms are given special meanings. In that case, of course, you should give those terms the meaning provided in the instructions.

While you should consider only the evidence, you are permitted to draw reasonable inferences from the testimony and exhibits that 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 facts that have been established by the evidence.

The evidence consists of the testimony and exhibits admitted in the trial. You must consider only evidence to reach your decision. You must not consider, discuss, or mention anything that is not evidence in the trial. You must 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. Evidence consists of the testimony of the witnesses and

materials admitted into evidence.

Nothing the judge has said or done in this case should be considered by you as an opinion about the facts of this case or influence you to vote one way or the other.

DELIBERATIONS AND VERDICT

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 as to each count, to certify to your verdicts by using the appropriate forms 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.

Your sole duty at this time is to determine whether the Defendant is “guilty” or “not guilty” in this cause and you must restrict your deliberations accordingly.

1. In order to return a verdict, each juror must agree thereto;
2. Jurors have a duty to consult with one another and to deliberate with a view of reaching an agreement, if it can be done without violence to individual judgment;
3. Each juror must decide the case for himself or herself, but only after an impartial consideration of evidence with their fellow jurors;
4. In the course of deliberations, jurors should not hesitate to reexamine their own views and change their opinion if convinced it is erroneous;

5. No juror should surrender his or her honest conviction as to the weight or effect of the evidence solely because of the opinion of their fellow jurors, or for the mere purpose of returning a verdict; and,

6. In arriving at your verdict, it will not be proper to fix the same by lot, chance, or any other method than by a full, fair and free exercise of the opinion of the individual jurors under the evidence admitted before you.

You may, if you wish, examine exhibits. If you wish to examine the exhibits, the foreperson will inform the court in writing. Only exhibits that were admitted into evidence may be given to you for examination.

No one has any authority to communicate with you except the officer who has you in charge. Do not attempt to talk to the attorneys, or the court, or anyone else concerning any question you may have, however, you may communicate with this court in writing through the officer who has you in charge. After you have reached a unanimous verdict as to each count, the Foreperson will certify thereto by filling in the appropriate forms attached to this charge and signing his or her name as Foreperson.


JUDGE PRESIDING

NO. D-23-1569-CR

*Rec'd
by Court
10/22/25
4:40 pm*

THE STATE OF TEXAS

IN THE DISTRICT COURT
OF ECTOR COUNTY, TEXAS

VS.

JAYVEN LANDERTH

358TH JUDICIAL DISTRICT

VERDICT FORM ONE

We, the Jury, find the Defendant, JAYVEN LANDERTH, "Guilty," beyond a reasonable doubt, of the offense of CAPITAL MURDER, as charged in the Indictment.


FOREPERSON *Diana Jones*

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JAYVEN LANDERTH

358TH JUDICIAL DISTRICT

VERDICT FORM TWO

We, the Jury, find the Defendant, JAYVEN LANDERTH, "Not Guilty," of the offense of CAPTIAL MURDER, as charged in the Indictment but we further find the Defendant JAYVEN LANDERTH "Guilty" beyond reasonable doubt of the lesser offense of MURDER.

FOREPERSON

NO. D-23-1569-CR

THE STATE OF TEXAS

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OF ECTOR COUNTY, TEXAS

JAYVEN LANDERTH

358TH JUDICIAL DISTRICT

VERDICT FORM THREE

We, the Jury, find the Defendant, JAYVEN LANDERTH, "Not Guilty," of the offense of CAPTIAL MURDER, as charged in the Indictment, and further find the Defendant JAYVEN LANDERTH "Not Guilty" of the lesser offense of MURDER.

FOREPERSON