

FILED

CAUSE NO. CR-1314-21-G (COUNT ONE)

AT 11:30 O'CLOCK A M

THE STATE OF TEXAS

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IN THE DISTRICT COURT

VS

WILLIAM GARCIA

DEC 11 2024
LAURA HINOJOSA, CLERK
370TH JUDICIAL DISTRICT Hidalgo County
By Almeida D. Cruz Deputy #36
HIDALGO COUNTY, TEXAS

CHARGE OF THE COURT

JURY INSTRUCTIONS

Members of the Jury,

The Defendant, WILLIAM GARCIA, stands charged in this indictment with the offense of Capital Murder. The Defendant has pleaded "not guilty," and you have heard all of the evidence.

The parties will soon present final arguments. Before they do so, I must now give you 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.

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

GENERAL PRINCIPLES

The Indictment

The indictment is not evidence of guilt. The indictment is a document required to bring the case before you. Do not consider the fact that the Defendant has been arrested, confined, or indicted or otherwise charged. Do not draw any inference of guilt from any of these circumstances.

Presumption of Innocence

The Defendant is presumed innocent of the charge. All persons are presumed to be innocent, and no person may be convicted of an offense unless the State proves each element of the offense beyond a reasonable doubt. The law does not require a defendant to prove his 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 of 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. If the State proves every element of the offense beyond a reasonable doubt, then you must find the Defendant "Guilty." If it does not, then you must find the Defendant "Not Guilty." The State is not required to prove guilt beyond all possible doubt; it is required that the State's proof excludes all "reasonable doubt" concerning the Defendant's guilt. If, after you have considered all the evidence and these instructions, you have a reasonable doubt about whether the Defendant is guilty, you must find the Defendant not guilty.

Jury as Fact Finder

As the 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 in the trial. You must consider only evidence to reach your decision. You must not consider, discuss, or mention any other thing 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.

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 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 meanings provided in the instructions.

While you should consider only the evidence, 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 the case 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.

Testimony

Certain testimony will be read back to you by the court reporter if you request. To request that testimony be read back to you, you must follow these rules. The foreperson must make the request in writing and sign it. That request must (1) state that it is requesting that testimony be read back, (2) state that you have a disagreement about a specific statement of a witness or a particular point in dispute, and (3) identify the name of the witness who made the statement. The court will then have the court reporter read back only that part of the statement that is in dispute.

The Verdict

The law requires that you render a verdict of either "Guilty" or "Not Guilty." The verdict of "Not Guilty" simply means that the State has not proved the Defendant guilty beyond a reasonable doubt.

You may return a verdict only if all twelve of you agree on this verdict.

When you reach a verdict, the foreperson should notify the court.

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 evidence of guilt. 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.

LAW SPECIFIC TO THIS CASE

The Defendant, WILLIAM GARCIA, stands charged in this indictment committed the offense of Capital Murder. Specifically, the accusation is that the defendant intentionally or knowingly caused the death of Yvonne Adele Medeles, a child younger than 10 years of age, by shooting her with a firearm.

Primary Actor Liability

First, the state contends that the defendant, by his own conduct as a primary actor, committed capital murder.

Party Liability

Second, the state contends that Marco Chairez committed capital murder and the defendant is criminally responsible for this offense as a party because the defendant solicited, encouraged, directed, aided, or attempted to aid Marco Chairez in committing it.

Coconspirator Liability

Third, the state contends that Marco Chairez committed capital murder and the defendant is criminally responsible for this offense as a coconspirator.

Relevant Statutes

Capital Murder

A person commits the offense of capital murder if the person intentionally or knowingly causes the death of an individual under ten years of age.

A person causes the death of another if, but for the person's conduct, the death of the other would not have occurred.

Responsibility for Conduct of Another as Party

A person who does not by his own conduct commit an offense may nonetheless be criminally responsible for the conduct of another person.

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.

A defendant acts with intent to promote or assist in the commission of an offense when it is his conscious objective or desire to promote or assist in the commission of the offense.

A defendant's mere presence alone will not make him responsible for an offense. A defendant's mere knowledge of a crime or failure to disclose a crime also is not sufficient.

Responsibility for Felony Committed by Coconspirator

The defendant may be responsible for a capital murder committed by someone else, even though the defendant himself did not knowingly or intentionally cause the death of a child younger than 10 years of age, because the defendant joined an unlawful conspiracy. At least one member of the unlawful conspiracy must have intentionally or knowingly caused the death of a child younger than 10 years of age before the defendant can be responsible for capital murder.

A member of a conspiracy to commit one felony offense is guilty of another felony offense committed by one of his coconspirators when that other felony offense was committed in furtherance of the original unlawful conspiracy and was one that should have been anticipated as a result of the unlawful conspiracy. Under those circumstances, all coconspirators are guilty of the felony offense actually committed by one member of the conspiracy, though the rest of them had no intent to commit it.

Murder and deadly conduct are felony offenses.

Transferred Intent

A person is nevertheless criminally responsible for causing a result if the only difference between what actually occurred and what he desired, contemplated or risked is that a different offense was committed; or a different person or property was injured, harmed, or otherwise affected.

Therefore, even if the Defendant did not intentionally or knowingly cause the death of Yvonne Adele Medeles, the Defendant is criminally responsible for the death of Yvonne Adele Medeles, if both:

- (1) the Defendant intended to cause the death of Osiel Balderas or Esteban Lopez, or knew that he would cause the death of Osiel Balderas or Esteban Lopez and
- (2) with that culpable mental state caused the death of Yvonne Adele Medeles.

Accomplice Witness Testimony

A person cannot be convicted of a crime on the uncorroborated testimony of an accomplice. An accomplice is someone whose participation in the crime would permit his conviction for the crime charged in the indictment.

Juan Roman Garcia Olaguez is an accomplice to the crime of Capital Murder if it was committed. The defendant, WILLIAM GARCIA, therefore cannot be convicted on the testimony of Juan Roman Garcia Olaguez unless that testimony is corroborated.

Evidence is sufficient to corroborate the testimony of an accomplice if that evidence tends to connect the defendant, WILLIAM GARCIA, with the commission of any offense that may have been committed. Evidence is not sufficient to corroborate the testimony of an accomplice if that evidence merely shows the offense was committed.

Proof that the defendant, WILLIAM GARCIA, was present at the scene of any crime that was committed is not, in itself, sufficient to corroborate the testimony of an accomplice. That evidence, however, can be considered along with other suspicious circumstances.

Definitions

Intentionally Causing the Death of an Individual

A person intentionally causes the death of an individual if the person has the conscious objective or desire to cause that death.

Knowingly Causing the Death of an Individual

A person knowingly causes the death of an individual if the person is aware that his conduct is reasonably certain to cause that death.

Intentionally Causing the Commission of an Offense

A defendant acts with intent to promote or assist in the commission of an offense when it is his conscious objective or desire to promote or assist in the commission of the offense.

A defendant's mere presence alone will not make him responsible for an offense. A defendant's mere knowledge of a crime or failure to disclose a crime is not sufficient.

Firearm

"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.

On or about

The indictment alleges that the offense was committed on or about February 23, 2021. The State is not required to prove that the alleged offense happened on that exact date. It is sufficient if the State proves that the offense was committed before May 27, 2021, the date the indictment was filed.

Application of Law to Facts

Liability as Primary Actor

You must determine whether the state has proved, beyond a reasonable doubt, two elements. The elements are that—

1. the Defendant, WILLIAM GARCIA, in Hidalgo County, Texas, on or about February 23, 2021, caused the death of Yvonne Adele Medeles, a child younger than 10 years of age, by shooting her with a firearm; and
2. the Defendant, WILLIAM GARCIA, did this by either—
 - a. intending to cause the death of Yvonne Adele Medeles or knowing that the death of Yvonne Adele Medeles would be caused; or

- b. intending to cause the death of Osiel Balderas or Esteban Lopez or knowing that the death of Osiel Balderas or Esteban Lopez would be caused.

You must all agree on element 1 and 2 listed above, but you need not all agree on whether the state has proved element 2 by means of element 2.a or 2.b above.

Liability as Party

If any of you fail to agree the state has proved, beyond a reasonable doubt, both elements 1 and 2 listed above, you must next decide whether the state has proved, beyond a reasonable doubt, that the defendant is guilty because he is criminally responsible for the commission of a crime committed by the conduct of another person. This is the case if the state has proved, beyond a reasonable doubt, four elements. The elements are that--

1. in Hidalgo County, Texas, on or about February 23, 2021, Marco Chairez caused the death of an individual, Yvonne Adele Medeles, a child younger than 10 years of age, by shooting her with a firearm] and
2. Marco Chairez did this either;
 - a. intending to cause the death of Yvonne Adele Medeles or knowing that the death of Yvonne Adele Medeles would be caused; or
 - b. intending to cause the death of Osiel Balderas or Esteban Lopez or knowing that the death of Osiel Balderas or Esteban Lopez would be caused.
3. the defendant aided or attempted to aid Marco Chairez to commit the offense of capital murder; and
4. the defendant acted with the intent to promote or assist the commission of the offense of capital murder by Marco Chairez.

If all of you who did not find the defendant guilty as the primary actor agree that the state has proved, beyond a reasonable doubt, each of the four elements listed above but you need not all agree on whether the state has proved element 2 by means of element 2.a or 2.b above, you must find the defendant "guilty."

Liability as Coconspirator

If any of you fail to agree the state has proved, beyond a reasonable doubt, either elements 1 and 2 of primary liability or elements 1 through 4 of party liability listed above, you must next decide whether the state has proved, beyond a reasonable doubt, that the defendant is guilty because he is criminally responsible for the conduct of a coconspirator. This is the case if the state has proved, beyond a reasonable doubt, four elements. The elements are that--

1. in Hidalgo County, Texas, on or about February 23, 2021, the defendant joined a conspiracy to commit deadly conduct; and

2. in an attempt to carry out this conspiracy, Marco Chairez committed or attempted to commit the felony of deadly conduct, by discharging a firearm at or in the direction of a habitation or building or individual or vehicle, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt of deadly conduct, the defendant committed or attempted to commit an act clearly dangerous to human life discharging a firearm at or in the direction of a habitation or building or individual or vehicle; which caused the death of Yvonne Adele Medeles; and

3. the capital murder was committed by Marco Chairez in furtherance of the unlawful conspiracy to commit deadly conduct; and

4. the capital murder should have been anticipated as a result of this conspiracy.

If all of you who did not find the defendant guilty as the primary actor or as a party agree that the state has proved, beyond a reasonable doubt, each of the four elements of coconspiracy liability listed above, you must find the defendant "guilty."

If you all agree the state has failed to prove, beyond a reasonable doubt, either element 1 or 2 listed above establishing the defendant's guilt as the primary actor; has failed to prove, beyond a reasonable doubt, one or more of elements 1 through 4 listed above establishing the defendant's guilt as a party; and has failed to prove, beyond a reasonable doubt, one or more of elements 1 through 4 listed above establishing the defendant's guilt as a coconspirator, then you must find the defendant "not guilty."

You need not be unanimous about the theory underlying either your "guilty" or "not guilty" verdict. If you all agree the defendant is guilty either as the primary actor (because the state has proved elements 1 and 2 of primary actor liability beyond a reasonable doubt), or as a party (because the state has proved elements 1 through 4 of party liability beyond a reasonable doubt), or as a coconspirator (because the state has proved elements 1 through 4 of coconspirator liability beyond a reasonable doubt), then you must find the defendant "guilty." If you all agree the state has failed to prove, beyond a reasonable doubt, either element 1 or 2 of primary actor liability has failed to prove, beyond a reasonable doubt, one or more of elements 1 through 4 of party liability; and has failed to prove, beyond a reasonable doubt, one or more of elements 1 through 4 of coconspirator liability, you must find the defendant "not guilty."

Accomplice witness

You cannot convict the defendant on the testimony of Juan Roman Garcia Olaguez unless--

1. there is other evidence, outside of the testimony of , Juan Roman Garcia Olaguez, that tends to connect the defendant, WILLIAM GARCIA, with the commission of the offense charged; and

2. on the basis of all the evidence in the case, you believe, beyond a reasonable doubt, that the defendant is guilty.

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.

Your first task will be to pick your foreperson. 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 jurors 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.

Your sole duty at this point is to determine whether the state has proved the defendant guilty. You must restrict your deliberations to this matter.

After you have arrived at your verdict, you are to use the form attached to these instructions. The foreperson should sign the line that corresponds to your verdict.

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

Filed on the 11th day of December, 2024, at 11:30 o'clock A.m.



NOE GONZALEZ
JUDGE PRESIDING
370TH DISTRICT COURT
HIDALGO COUNTY, TEXAS