

THE STATE OF TEXAS

§

IN THE DISTRICT COURT
Laura Hinojosa, Clerk
District Courts Hidalgo County
430TH JUDICIAL DISTRICT Deputy #51

v.

§

JOSE ANGEL BECERRA

§

HIDALGO COUNTY, TEXAS

CHARGE OF THE COURT

COUNT ONE

LADIES AND GENTLEMEN OF THE JURY:

The Defendant, JOSE ANGEL BECERRA, stands charged in Count One of the indictment with the offense of CAPITAL MURDER, alleged to have been committed in Hidalgo County, Texas, on or about the 11th day of November A.D., 2018. To this charge, the Defendant has pleaded, "Not guilty."

1.

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 the offense of Capital Murder if he intentionally commits murder as defined above, in the course of committing or attempting to commit the offense of aggravated robbery.

2.

A person commits the offense of Robbery if in the course of committing theft and with intent to obtain or maintain control of the property, he (a)

intentionally, knowingly or recklessly causes bodily injury to another or (b) intentionally or knowingly threatens or places another person in fear of imminent bodily injury or death.

A person commits aggravated robbery if he commits robbery and he: (a) causes serious bodily injury to another, or (b) uses or exhibits a deadly weapon or (c) causes bodily injury to another person or threatens or places another person in fear of imminent bodily injury or death if the other person is 65 years of age or older or is a disabled person.

3.

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 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 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 “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.

"In the course of committing theft" means conduct that occurs in an attempt to commit, during the commission, or in immediate flight after the attempt or commission of theft.

"Deadly weapon" means: (a) a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury; or (b) anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

"Property" means: (a) tangible or intangible personal property, including anything severed from land, or (b) a document including money, that represents or embodies anything of value.

"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.

4.

"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.

“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.

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

5.

All persons are parties to an offense who are guilty of acting together in the commission of an offense. 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.

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 at the scene of a crime and knowledge of the guilty intent of the parties present will not constitute one a party to an offense.

If, in an attempt to carry out a conspiracy to commit one felony, another felony is committed by one of the conspirators, all conspirators are guilty of the felony actually committed, though having no intent to commit it, if the offense was committed in furtherance of the unlawful purpose and was one that should have

been anticipated as a result of the carrying out of the conspiracy. Capital Murder, Murder, Aggravated Robbery and Robbery are felonies.

"Conspiracy", as used in these instructions, means an agreement between two or more persons, with intent that a felony be committed, that they, or one or more of them, engage in conduct that would constitute the offense. An agreement constituting a conspiracy may be inferred from acts of the parties.

6.

Now, if you believe from the evidence beyond a reasonable doubt that on or about the 11th day of November A.D., 2018, in Hidalgo County, Texas, the Defendant, JOSE ANGEL BECERRA, acting alone or as a party (as herein defined), did then and there intentionally cause the death of an individual, namely, Jesus de Jose Estrada Hinojosa, by shooting him with a firearm, and the Defendant, JOSE ANGEL BECERRA, was then and there in the course of committing or attempting to commit the offense of aggravated robbery of Jesus de Jose Estrada Hinojosa, then you will find the Defendant, JOSE ANGEL BECERRA, guilty of Capital Murder as charged in Count One of the indictment.

Unless you so find, or if you have a reasonable doubt thereof, you will acquit the Defendant, JOSE ANGEL BECERRA, of the offense of Capital Murder, and next consider whether he is guilty of the lesser offense of Murder.

7.

If you believe from the evidence beyond a reasonable doubt that on or about the 11th day of November A.D., 2018, in Hidalgo County, Texas, the Defendant, JOSE ANGEL BECERRA, acting alone or as a party (as herein defined), intentionally or knowingly caused the death of Jesus de Jose Estrada Hinojosa by shooting Jesus de Jose Estrada Hinojosa with a firearm, but you do not believe beyond a reasonable doubt or you have a reasonable doubt that the Defendant, JOSE ANGEL BECERRA, was then and there in the course of committing or attempting to commit the offense of aggravated robbery, then you will find the Defendant, JOSE ANGEL BECERRA, guilty of Murder. Unless you so find, or if you have a reasonable doubt thereof, you will acquit the Defendant, JOSE ANGEL BECERRA, of the offense of Murder and next consider whether he is guilty of the lesser offense of Aggravated Robbery.

8.

If you believe from the evidence beyond a reasonable doubt that on or about the 11th day of November A.D., 2018, in Hidalgo County, Texas, the Defendant, JOSE ANGEL BECERRA, acting alone or as a party (as herein defined), intentionally or knowingly committed the offense of Robbery and he caused serious bodily injury to another person, to-wit: Jesus de Jose Estrada Hinojosa or the Defendant, JOSE ANGEL BECERRA, used or exhibited a deadly

weapon during the commission of the offense but you do not believe beyond a reasonable doubt or you have a reasonable doubt that the Defendant, JOSE ANGEL BECERRA, intentionally or knowingly caused the death of Jesus de Jose Estrada Hinojosa by shooting Jesus de Jose Estrada Hinojosa with a firearm, then you will find him guilty of the lesser offense of Aggravated Robbery.

Unless you so find, or if you have a reasonable doubt thereof, you will acquit the Defendant, JOSE ANGEL BECERRA, of the offense of Aggravated Robbery and next consider whether he is guilty of the lesser offense of Robbery.

9.

Now if you believe from the evidence beyond a reasonable doubt that on or about the 11th day of November A.D., 2018, in Hidalgo County, Texas, the Defendant, JOSE ANGEL BECERRA, intentionally, knowingly or recklessly caused bodily injury to another or intentionally or knowingly threatened or placed another person in fear of imminent bodily injury or death, to wit: Jesus de Jose Estrada Hinojosa but you do not find or believe beyond a reasonable doubt or you have a reasonable doubt that the Defendant, JOSE ANGEL BECERRA, intentionally or knowingly caused the death of Jesus de Jose Estrada Hinojosa by shooting Jesus de Jose Estrada Hinojosa with a firearm, then you will find him guilty of the lesser offense of Robbery. Unless you so find, or if you have a reasonable doubt thereof, you will acquit the Defendant,

JOSE ANGEL BECERRA, of the offense of Robbery.

10.

If you should believe from the evidence beyond a reasonable doubt that the Defendant, JOSE ANGEL BECERRA, is either guilty of Capital Murder or Murder, but you have a reasonable doubt as to which offense the Defendant is guilty of, then you should resolve that doubt in the Defendant's favor, and in such event, you will find the Defendant guilty of the lesser offense of Murder.

11.

If you should believe from the evidence beyond a reasonable doubt that the Defendant is either guilty of Murder or Aggravated Robbery, but you have a reasonable doubt as to which offense the Defendant is guilty of, then you should resolve that doubt in the Defendant's favor, and in such event, you will find the Defendant guilty of the lesser offense of Aggravated Robbery.

12.

If you should believe from the evidence beyond a reasonable doubt that the Defendant is either guilty of Aggravated Robbery or Robbery, but you have a reasonable doubt as to which offense the Defendant is guilty of, then you should resolve that doubt in the Defendant's favor, and in such event, you will find the Defendant guilty of the lesser offense of Robbery.

13.

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.

14.

You are instructed that the Court has admitted testimony before you in this case regarding the Defendant's having committed offenses other than the offense alleged against him in the indictment in this case. You cannot consider said testimony for any purpose unless you find and believe beyond a reasonable doubt that the Defendant committed such other offenses, if any were committed, and even then, you may only consider the same in determining proof of intent, identity, absence of mistake or accident, or to refute a defense theory raised by the accused, if any, alleged against him in the indictment in this case, and for no other purpose.

15.

Our law provides that a defendant may testify in his own behalf if he elects to do so. This, however, is a privilege accorded a defendant, and in the event he elects not to testify, that fact cannot be taken as a circumstance against him. In

this case, the Defendant, JOSE ANGEL BECERRA, has elected not to testify, and you are instructed that you cannot and must 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.

16.

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.

17.

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.

18.

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 Defendant and say by your verdict "Not Guilty".

19.

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.

20.

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.

21.

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.

22.

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.

23.

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.

24.

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.

25.

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.

26.

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.

27.

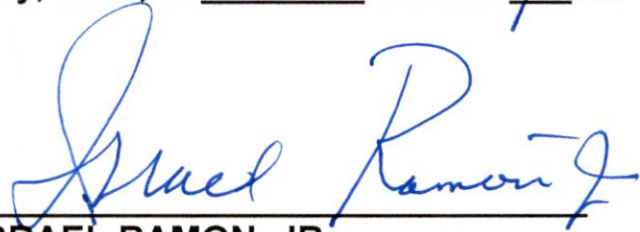
When you have reached a verdict you will notify the bailiff in writing, as to reaching a verdict, but not what the verdict is.

28.

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 29th day of February, 2024, at 12:30 o'clock P.m.

A handwritten signature in blue ink, reading "Israel Ramon, Jr.", written over a horizontal line.

ISRAEL RAMON, JR.
JUDGE PRESIDING
430TH DISTRICT COURT
HIDALGO COUNTY, TEXAS