

THE STATE OF TEXAS
v.
CESAR OSCAR CARRANZA

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FILED
IN THE 398TH DISTRICT COURT
OF 11:50 O'CLOCK
HIDALGO COUNTY, TEXAS
JAN 30 2009

CHARGE OF THE COURT

LADIES AND GENTLEMEN OF THE JURY:

LAURA NIÑOJOSA, CLERK
District Courts, Hidalgo County
By *[Signature]* Deputy

The Defendant, CESAR OSCAR CARRANZA, stands charged by indictment with the offense of CAPITAL MURDER, alleged to have been committed in Hidalgo County, Texas, on or about NOVEMBER 1, 2007, and to this charge the Defendant has pled, "Not guilty."

1.

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

A person commits capital murder when the person commits the murder for remuneration or the promise of remuneration or employs another to commit the murder for remuneration or the promise of remuneration.

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.

A person is criminally responsible if the result would not have occurred but for his conduct.

3.

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 will not constitute a party to an offense.

4.

Now, if you believe from the evidence beyond a reasonable doubt that on or about NOVEMBER 1, 2007 in Hidalgo County, Texas, the Defendant, CESAR OSCAR CARRANZA, did then and there intentionally or knowingly cause the death of an individual, namely, Cristobal Rivera Romero, by shooting Cristobal Rivera Romero with a deadly weapon, to wit, a firearm, for remuneration or promise of remuneration;

OR

If you believe from the evidence beyond a reasonable doubt that on or about NOVEMBER 1, 2007 in Hidalgo County, Texas, JUAN JOSE CARRANZA LUNA and JOSE LUIS BENAVIDEZ LOPEZ, did then and there intentionally or knowingly cause the death of an individual, namely, Cristobal Rivera Romero, by shooting Cristobal Rivera Romero with a deadly weapon, to wit, a firearm, for remuneration or promise of remuneration, and the Defendant, CESAR OSCAR CARRANZA, then and there knew of the intent, if any, of the said JUAN JOSE CARRANZA LUNA and JOSE LUIS BENAVIDEZ LOPEZ to cause the death of Cristobal Rivera Romero, and the Defendant acted with intent to promote or assist the commission of the offense by JUAN JOSE CARRANZA LUNA and JOSE LUIS BENAVIDEZ LOPEZ, by encouraging, directing, aiding or attempting to aid JUAN JOSE CARRANZA LUNA and JOSE LUIS

BENAVIDEZ LOPEZ to commit the offense of causing the death of CRISTOBAL RIVERA ROMERO, then you will find the Defendant, CESAR OSCAR CARRANZA, guilty of the offense of Capital Murder as alleged in the indictment.

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

5.

You are instructed that a deadly weapon is a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or seriously bodily injury.

"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.

6.

Now, if you find from the evidence beyond a reasonable doubt that on or about NOVEMBER 1, 2007, in Hidalgo County, Texas, the Defendant, CESAR OSCAR CARRANZA, did then and there intentionally or knowingly cause the death of an individual, namely, Cristobal Rivera Romero, by shooting Cristobal Rivera Romero with a deadly weapon, to wit, a firearm, then you will find the Defendant, CESAR OSCAR CARRANZA, guilty of the lesser included offense of Murder.

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

7.

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.

8.

You are instructed that if you believe from the evidence, or if you have a reasonable doubt thereof, that the alleged confession or statement of the Defendant was not voluntarily made, you will not consider the same for any purpose.

You are instructed that unless you believe beyond a reasonable doubt that the alleged confession or statement introduced into evidence was voluntarily made by the Defendant, or if you have a reasonable doubt thereof, you shall not consider such alleged statement or confession for any purpose.

9.

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.

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".

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.

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 30th day of January, 2009, at 11:15 o'clock 2.m.


AIDA SALINAS FLORES
JUDGE PRESIDING
398TH DISTRICT COURT
HIDALGO COUNTY, TEXAS

THE STATE OF TEXAS
v.
CESAR OSCAR CARRANZA

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§

IN THE 398TH DISTRICT COURT
OF
HIDALGO COUNTY, TEXAS

FORMS OF VERDICT

We, the Jury, find the Defendant, CESAR OSCAR CARRANZA, GUILTY of the offense of CAPITAL MURDER as charged in the indictment.

PRESIDING JUROR

OR

We, the Jury, find the Defendant, CESAR OSCAR CARRANZA, GUILTY of the lesser included offense of MURDER.

PRESIDING JUROR

OR

We, the Jury, find the Defendant, CESAR OSCAR CARRANZA, NOT GUILTY.



PRESIDING JUROR