

JASON E. MURRAY  
CLERK DISTRICT COURT  
FILED

MAR 30 2012

2:57pm

GALVESTON COUNTY, TX

NO. 10CR3693

THE STATE OF TEXAS	§	IN THE DISTRICT COURT OF
VS.	§	GALVESTON COUNTY TEXAS
ROBERT HERNANDEZ RAMOS	§	212 <sup>th</sup> JUDICIAL DISTRICT

**CHARGE OF THE COURT**

**LADIES AND GENTLEMEN OF THE JURY:**

The Defendant, ROBERT HERNANDEZ RAMOS, stands charged by indictment with the offense of Capital Murder, alleged to have been committed in Galveston County, Texas, on or about the 4th day of December, A.D., 2010. The Defendant has pleaded not guilty.

A person commits the offense of murder if he intentionally or knowingly causes the death of an individual.

A person commits capital murder if he intentionally or knowingly causes the death of more than one person during the same criminal transaction.

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 acts recklessly, or is reckless, with respect to the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that 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 as viewed from the defendant's standpoint.

Now, if you find from the evidence beyond a reasonable doubt, that in Galveston County, Texas,

ATTACHMENT A

STATE OF TEXAS

VS.

ROBERT HERNANDEZ RAMOS

CAUSE NO. 10CR3693

- ( ) Pursuant to the Texas Code of Criminal Procedure, the Court finds that the victim(s) of this crime is (are) owed restitution. Such restitution shall be ordered as a condition of parole.

VICTIM: \_\_\_\_\_ VICTIM: \_\_\_\_\_

ADDRESS: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

AMOUNT: \$ \_\_\_\_\_ AMOUNT: \$ \_\_\_\_\_

- ( X ) Pursuant to the Texas Code of Criminal Procedure, the Defendant is ordered to pay to Jason E. Murray, District Clerk, of Galveston County, Room 404 Galveston County Courthouse, Galveston, Texas, \$ 5297.50 as reimbursement for court appointed attorney fees. Such fees shall be ordered as a condition of parole.
- ( X ) Pursuant to the Texas Code of Criminal Procedure, the Defendant is ordered to pay to Jason E. Murray, District Clerk, of Galveston County, Room 404 Galveston County Courthouse, Galveston, Texas, \$ 259.00 for Court Costs. Such costs shall be ordered as a condition of parole.
- ( ) Pursuant to the Texas Code of Criminal Procedure, the Defendant is ordered to pay to Jason E. Murray, District Clerk, of Galveston County, Room 404 Galveston County Courthouse, Galveston, Texas, \$ \_\_\_\_\_ as a fine. Such fine shall be ordered as a condition of parole.
- ( X ) Pay to the G.C.C.S.C.D. \$ 25.00 as a Crime Stoppers Program payment to La Marque Crime Stoppers or Galveston Crime Stoppers. Such payment shall be paid (by \_\_\_\_\_) (in installments of \$ \_\_\_\_\_ per month paid each month; such repayment shall be ordered as a condition of parole.
- ( ) Pursuant to the Texas Code of Criminal Procedure, the Defendant is ordered to pay to the G.C.C.S.C.D. \$ \_\_\_\_\_ to reimburse the County for extradition costs. Such costs shall be ordered as a condition of parole.
- ( ) Attend and successfully complete a program designed to educate persons on the dangers of drug abuse pursuant to V.T.C.A. Transportation Code, Section 521.374.
- ( ) The Defendant's driver's license will be suspended for 180 days and continue for an indefinite period up and until the Defendant completes the education program pursuant to V.T.C.A. Transportation Code, Section 521.372.
- ( ) The Defendant's driver's license will be suspended for one (1) year.

on or about the 4th day of December, A.D., 2010, the Defendant, ROBERT HERNANDEZ RAMOS, did then and there intentionally or knowingly cause the death of an individual, namely, Robert Cantu, by shooting Robert Cantu with a handgun, and did then and there intentionally or knowingly cause the death of another individual, namely, Roger Robinson, by shooting Roger Robinson with a handgun, and both murders were committed during the same criminal transaction, then you will find the Defendant guilty of capital murder as charged in the indictment.

Unless you so 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."

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 capital murder and next consider whether the defendant is guilty of the lesser offense of the murder of ROBERT CANTU and manslaughter as to ROGER ROBINSON.

Now, bearing in mind the foregoing definitions and instructions, if you believe from the evidence beyond a reasonable doubt that on or about the 4<sup>th</sup> day of December, 2010, in Galveston County, Texas, the Defendant ROBERT HERNANDEZ RAMOS did intentionally or knowingly cause the death of ROBERT CANTU by shooting him with a firearm, then you will find the Defendant, ROBERT HERNANDEZ RAMOS, guilty of the murder of ROBERT CANTU. If you do not so believe, or if you have a reasonable doubt thereof, you will acquit the Defendant of the murder of ROBERT CANTU.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, or if you are unable to agree, you will next consider whether the defendant is guilty of the lesser offense of manslaughter of ROGER ROBINSON.

Our law provides that a person commits the offense of manslaughter if he recklessly causes the death of an individual.

Therefore, if you find from the evidence beyond a reasonable doubt that in Galveston County, Texas, on or about the 4<sup>th</sup> day of December, 2010, the defendant, ROBERT HERNANDEZ RAMOS, did cause the death of ROGER ROBINSON by shooting him with a firearm while acting recklessly, to wit; by firing a handgun in

the direction of ROGER ROBINSON, in an attempt to get him off of him, you must acquit the defendant of the murder of ROGER ROBINSON and find him guilty of the lesser offense of manslaughter of ROGER ROBINSON.

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 him and say by your verdict "Not Guilty".

If you find from the evidence beyond a reasonable doubt that the defendant is guilty of either capital murder on the one hand or murder and manslaughter on the other hand, but you have a reasonable doubt as to which of said offenses he is guilty, then you must resolve that doubt in the defendant's favor and find him guilty of the lesser offenses of murder and manslaughter.

Our law provides that a Defendant may testify in his own behalf if he elects to do so. This, however, is a right 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 has elected not to testify and you are instructed that you cannot and must not refer to or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against him.

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 question 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 instructed that you should not consider speculation, mere conjecture or emotion in arriving at your verdict. Your verdict should be based solely on the evidence presented to you.

You are the exclusive judges of the facts proved, of the credibility of the witnesses, and of the weight to be given to the testimony, but you are bound to receive the law from the Court, which is herein given to you, and be governed thereby.

After you have retired to your 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, to certify to your verdict by ~~swearing~~<sup>signing</sup> the same as foreperson.

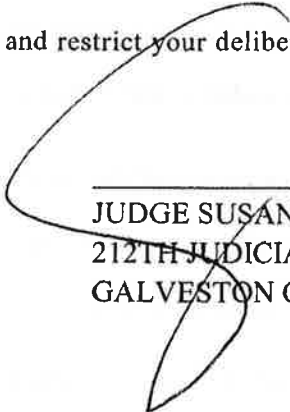
During your deliberations in this case, you must not consider, discuss, or relate any matters not in evidence before you. You should not consider or mention any personal knowledge or information you may have about any fact or person connected with this case which is not shown by the evidence.

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

Your sole duty at this time is to determine the guilt or innocence of the defendant under the indictment in this cause and restrict your deliberations solely to the issue of guilt or innocence of the defendant.

Following the arguments of counsel, you will retire to consider your verdict.

Suitable forms for your verdict are hereto attached; your verdict must be in writing and signed by your foreperson. Your sole duty at this time is to determine the guilt or innocence of the Defendant under the indictment in this case; and restrict your deliberations solely to the issue of guilt or innocence of the Defendant.



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JUDGE SUSAN CRISS  
212TH JUDICIAL DISTRICT COURT  
GALVESTON COUNTY, TEXAS

JASON E. MURRAY  
CLERK DISTRICT COURT  
FILED

MAR 30 2012  
10:37pm

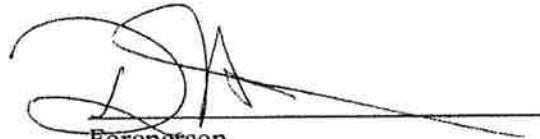
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**VERDICT**

We, the Jury, find the Defendant, ROBERT HERNANDEZ RAMOS, guilty of Capital Murder, as charged in the indictment.



Foreperson

We, the Jury, find the Defendant, ROBERT HERNANDEZ RAMOS, guilty of the Murder of ROBERT CANTU and guilty of the Manslaughter of ROGER ROBINSON.

\_\_\_\_\_  
Foreperson

We, the Jury, find the Defendant, ROBERT HERNANDEZ RAMOS, not guilty of Capital Murder.

\_\_\_\_\_  
Foreperson

