

CAUSE NO. 1036165

THE STATE OF TEXAS § IN THE 209TH DISTRICT COURT
VS. § OF HARRIS COUNTY, TEXAS
RONALD ROBINSON § AUGUST TERM, A. D., 2007

Members of the Jury:

The defendant, Ronald Robinson, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 5th day of September, 1991, in Harris County, Texas. 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 the offense of capital murder if he employs another to commit the murder for remuneration or the promise of remuneration.

"Remuneration" means payment by one person to another in compensation for a specific service or services rendered pursuant to an agreement.

A person commits the offense of assault if the person intentionally or knowingly causes bodily injury to another.

A person commits the offense of aggravated assault if the person commits assault, as hereinbefore defined, and the person causes serious bodily injury to another.

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

"Bodily injury" means physical pain, illness, or any impairment of physical condition.

"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.

An accomplice, as the term is here used, means anyone connected with the crime charged, as a party thereto, and includes all persons who are connected with the crime by unlawful act or omission on their part transpiring either before or during the time of the commission of the offense, and whether or not they were present and participated in the commission of the crime. 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. Mere presence alone, however, will not constitute one a party to an 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. The term "conduct" means any act or omission and its accompanying mental state.

You are instructed that a conviction cannot be had upon the testimony of an accomplice unless the jury first believes that the accomplice's testimony is true and that it shows the defendant is guilty of the offense charged against him, and even then you cannot convict unless the accomplice's testimony is corroborated by other evidence tending to connect the defendant with the offense charged, and the corroboration is not sufficient if it merely shows the commission of the offense, but it must tend to connect the defendant with its commission.

The witness, Javier Martinez, is an accomplice, if an offense was committed, and you cannot convict the defendant upon his testimony unless you first believe that the testimony of Javier Martinez is true and that it shows the defendant is guilty as charged in the indictment; and even then you cannot convict the defendant unless you further believe that there is other evidence in the case, outside of the testimony of Javier Martinez tending to connect the defendant with the offense committed, if you find that an offense was committed, and the corroboration is not sufficient if it merely shows the commission of the offense, but

"Firearm" means any device designed, made or adapted to expel a projectile through a barrel by using energy generated by an explosion or burning substance or any device readily convertible to that use.

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.

If, in the 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.

By the term "conspiracy" as used in these instructions, is meant an agreement between two or more persons with intent, 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.

Before you would be warranted in finding the defendant guilty of capital murder, you must find from the evidence beyond a reasonable doubt that on the occasion in question the defendant, Ronald Robinson, intentionally employed Robert Mason to kill Jimmy Sims; and the defendant, Ronald Robinson, paid or promised to pay Robert Mason to kill Jimmy Sims, as alleged in the indictment; and Robert Mason agreed to kill Jimmy Sims pursuant to such employment by the defendant, Ronald Robinson; or you must find from the evidence beyond a reasonable doubt that on the occasion in question the defendant, Ronald Robinson, entered into an agreement with Robert Mason to commit the felony offense of aggravated assault of Jimmy Sims, as alleged in this charge, and pursuant to that agreement they did carry out their conspiracy, and while in the course of committing said conspiracy, Robert

Mason intentionally caused the death of Jimmy Sims by shooting Jimmy Sims with a deadly weapon, namely, a firearm, and the murder of Jimmy Sims was committed in furtherance of the conspiracy and was an offense that should have been anticipated by the defendant as a result of carrying out the conspiracy, and if you have a reasonable doubt as to the existence of any of the foregoing elements, then you cannot convict the defendant of capital murder.

Now, if you find from the evidence beyond a reasonable doubt that in Harris County, Texas, on or about the 5th day of September, 1991, the defendant, Ronald Robinson, did then and there unlawfully, intentionally or knowingly cause the death of Jimmy Sims, by employing Robert Mason for remuneration or the promise of remuneration, to-wit: money and/or a firearm, to shoot Jimmy Sims with a deadly weapon, namely, a firearm; or

If you find from the evidence beyond a reasonable doubt that the defendant, Ronald Robinson, and Robert Mason entered into an agreement to commit the felony offense of aggravated assault of Jimmy Sims, and pursuant to that agreement, if any, they did carry out their conspiracy and that in Harris County, Texas, on or about the 5th day of September, 1991, while in the course of committing such aggravated assault of Jimmy Sims, Robert Mason intentionally caused the death of Jimmy Sims by shooting Jimmy Sims with a deadly weapon, namely, a firearm, and the murder of Jimmy Sims was committed in furtherance of the conspiracy and was an offense that the defendant should have anticipated as a result of carrying out the conspiracy, 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 of capital murder and next consider whether the defendant is guilty of the lesser offense of aggravated assault.

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

Therefore, if you find from the evidence beyond a reasonable doubt that on or about the 5th day of September, 1991, in Harris County, Texas, the defendant, Ronald Robinson, did then and there unlawfully, intentionally or knowingly cause serious bodily injury to Jimmy Sims; or if you find from the evidence beyond a reasonable doubt that on or about the 5th day of September, 1991, in Harris County, Texas, Robert Mason, did then and there unlawfully, intentionally or knowingly cause serious bodily injury to Jimmy Sims, and that the defendant, Ronald Robinson, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Robert Mason to commit the offense, if he did, then you will find the defendant guilty of aggravated assault.

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 aggravated assault and next consider whether the defendant is guilty of the lesser offense of assault.

Therefore, if you find from the evidence beyond a reasonable doubt that on or about the 5th day of September, 1991, in Harris County, Texas, the defendant, Ronald Robinson, did then and there unlawfully, intentionally or knowingly cause bodily injury to Jimmy Sims; or if you find from the evidence beyond a reasonable doubt that on or about the 5th day of September, 1991, in Harris County, Texas, Robert Mason, did then and there unlawfully, intentionally or knowingly cause bodily injury to Jimmy Sims, and that the defendant, Ronald Robinson, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Robert Mason to

commit the offense, if he did, then you will find the defendant guilty of assault.

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 assault.

If you believe from the evidence beyond a reasonable doubt that the defendant is guilty of either capital murder on the one hand or aggravated assault 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 offense of aggravated assault.

If you believe from the evidence beyond a reasonable doubt that the defendant is guilty of either aggravated assault on the one hand or assault 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 offense of assault.

If you have a reasonable doubt as to whether the defendant is guilty of any offense defined in this charge you will acquit the defendant and say by your verdict "Not Guilty."

it must tend to connect the defendant with its commission, and then from all of the evidence you must believe beyond a reasonable doubt that the defendant is guilty of the offense charged against him.

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 he 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 him 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, but the law you shall receive in these written instructions, and you must be governed thereby.

After you retire to the jury room, you should select one of your members as your foreman or forelady. 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 using the appropriate form attached hereto and signing the same as Foreman or Forelady.

No one has any authority to communicate with you except the officer who has you in charge. 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.

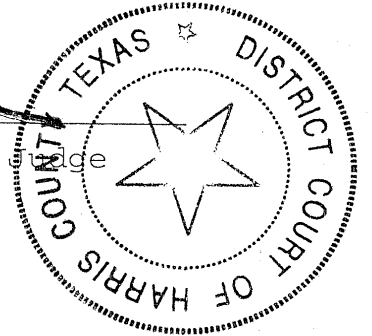
After you have retired, you may communicate with this Court in writing through the officer who has you in charge. Do not attempt to talk to the officer who has you in charge, or the attorneys, or the Court, or anyone else concerning any questions you may have.

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.

After you have reached a unanimous verdict, the foreman or forelady will certify thereto by filling in the appropriate form attached to this charge and signing his or her name as Foreman or Forelady. Following the arguments of counsel, you will retire to consider your verdict.

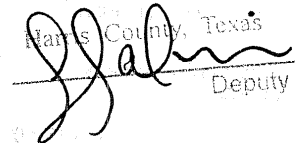


Michael T. McSpadden,
209th District Court
Harris County, TEXAS



F I L L E D
CHARLES BACARISSE
District Clerk

SEP 07 2007

Harris County, Texas
By  Deputy

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CHOOSE ONE

"We, the Jury, find the defendant, Ronald Robinson, not guilty."

Foreman or Forelady of the Jury

"We, the Jury, find the defendant, Ronald Robinson, guilty of capital murder, as charged in the indictment."

Charles D. Cunningham

Foreman or ~~Forelady~~ of the Jury

"We, the Jury, find the defendant, Ronald Robinson, guilty of aggravated assault."

Foreman or Forelady of the Jury

"We, the Jury, find the defendant, Ronald Robinson, guilty of assault."

Foreman or Forelady of the Jury

F I L E D
CHARLES BACARISSE
District Clerk

SEP 07 2007

Harris County, Texas
By *J. Gal*
Deputy