

CAUSE NO. D-1-DC-09-500054

THE STATE OF TEXAS

* IN THE 299TH JUDICIAL

VS.

* DISTRICT COURT OF

CHRISTOPHER RYAN ROBINSON

* TRAVIS COUNTY, TEXAS

CHARGE OF THE COURT

Ladies and Gentlemen of the Jury:

The Defendant, CHRISTOPHER RYAN ROBINSON, stands charged by indictment with the offense of Capital murder, alleged to have been committed in Travis County, Texas, on or about the 8th day of January, 2009. To this charge the Defendant has pleaded not guilty. You are instructed that the law applicable to this case is as follows:

I.

A person commits the offense of capital murder if he murders more than one person during the same criminal transaction.

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

II.

“Deadly weapon” means a firearm.

“Individual” means a human being who is alive.

Filed in The District Court
of Travis County, Texas

APR 19 2010
At 2:00 P.M.
Amalia Rodriguez-Mendoza, Clerk *[Signature]*

III.

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.

IV.

Now, if you unanimously find from the evidence beyond a reasonable doubt that on or about the 8th day of January, 2009, in Travis County, Texas, the Defendant, CHRISTOPHER RYAN ROBINSON, did then and there intentionally or knowingly cause the death of an individual, namely Jesus Nieto, by shooting Jesus Nieto with a firearm, a deadly weapon, and did then and there intentionally or knowingly cause the death of another individual, namely, Mikiyas Menkonen, by shooting Mikiyas Menkonen with a firearm, a deadly weapon, and both murders were committed during the same criminal transaction you will find the Defendant guilty of the offense of capital murder as charged in the indictment. Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the Defendant of the offense of capital murder and say by your verdict, "not guilty."

V.

As a general rule, evidence that the Defendant engaged in any conduct other than that alleged in the indictment is not admissible. However, there is an exception to this general rule which permits evidence to be admitted for a limited purpose. But before you can consider evidence for a limited purpose you must first find beyond a reasonable doubt that the Defendant engaged in the conduct, if any.

In this case, the testimony of Corporal Richard Espin regarding State's Exhibit 138, a warning ticket for the offense of loud music, was admitted for the limited purpose of identifying the telephone number the Defendant, CHRISTOPHER RYAN ROBINSON, gave to Corporal Espin when the ticket, if any, was issued. Therefore, before you can consider State's Exhibit 138, and/or any testimony related thereto, you must first believe that testimony beyond a reasonable doubt. And even then you can consider that testimony only for the limited purpose of identifying that telephone number, if any, and for no other purpose whatsoever.

VI.

A defendant may testify in his own behalf if he so elects. This is a privilege accorded a defendant and in the event he elects to not testify that election cannot be considered, in any manner, as a circumstance against him. In this case, the Defendant, CHRISTOPHER RYAN ROBINSON, has elected to not testify. You will, therefore, not consider that fact as a circumstance against him. In your deliberations you will not allude to, comment on, or in any manner refer to the fact that he has not testified, or take it into consideration for any purpose whatsoever as a circumstance against him.

VII.

An indictment is the means whereby a defendant is brought to trial in a felony prosecution. Its purpose is to vest the court with jurisdiction, charge the offense, and to inform a defendant of the offense alleged against him. An indictment is not evidence of guilt nor can it be considered by you in passing on the question of the Defendant's guilt. Accordingly, the reading of the indictment to the jury cannot be considered as a fact or circumstance against the Defendant in your deliberations.

VIII.

All persons are presumed innocent and no person may be convicted of an offense unless each and every element of that offense is proved beyond a reasonable doubt. The fact that the Defendant has been arrested, confined, indicted, or otherwise charged with an offense gives rise to no inference of guilt at his trial. The law does not require the 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 a careful and impartial consideration of all the evidence in the case.

In all criminal cases, the burden of proof rests upon the State throughout the trial, and never shifts to the Defendant. To discharge this burden the State must prove each and every element of the offense charged beyond a reasonable doubt and if it fails to do so, you must acquit the Defendant. The State is not required to prove the Defendant's guilt beyond all possible doubt; it is required that the State exclude all "reasonable doubt" concerning the Defendant's guilt. Therefore, if you have a reasonable doubt as to the Defendant's guilt after considering all the evidence before you, and these instructions, you will acquit the Defendant and say by your verdict "Not Guilty."

IX.

During your deliberations, you must not: (A) communicate with anyone not on the jury except the bailiff and the judge; (B) separate from the other jurors for any purpose without my permission; or, (C) discuss the case except with each other in the privacy of the jury room.

Occasionally jurors ask to have the court reporter read back testimony. However, a read-back may occur only if the jury disagrees about a witness' statement. If such a dispute arises in this case, the foreperson shall notify the Court of the particular witness' testimony, the particular point in dispute, and where the dispute arises, e.g., cross-examination or direct examination.

Upon your request, the bailiff will furnish any exhibits admitted into evidence. Additionally, you may ask the bailiff about incidental matters such as meals and breaks. However, you must not speak to the bailiff about any matter related to reaching a verdict. Instead, all such questions must be addressed to me. If you wish to communicate with me, the foreperson shall write and sign a note, and give it to the bailiff, who will deliver the note to me.

X.

It is only from the witness stand and admitted exhibits that the jury may receive evidence regarding the case. Therefore, you shall not consider, discuss, nor relate any matter not in evidence before you. You must not consider nor mention any personal knowledge or information you may have about any fact or person connected with this case that is not shown by the evidence. And you shall not discuss or consider the punishment that may be assessed against the Defendant in the event he is found guilty beyond a reasonable doubt. Restrict your deliberations solely to the issue of whether the Defendant is guilty.

You are instructed that anything said by counsel during opening statements, the course of the trial or during closing arguments that is not supported by the evidence, or statements of law made by counsel that are not in harmony with the law as stated in these instructions shall be wholly disregarded by you.

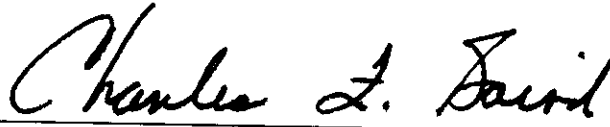
After the arguments of counsel, you will retire and select one of your members as your foreperson. That person shall preside over your deliberations and vote with you in arriving at a verdict. Each juror must decide the case for himself or herself, but only after an impartial consideration of the evidence with the other jurors. In the course of deliberations, you should not hesitate to reexamine your views, and change your opinion if convinced it is erroneous. However, no juror should surrender his or her honest belief as to the weight or effect of the evidence solely because of the opinion of another juror, or for the purpose of reaching a verdict.

After you have arrived at a unanimous verdict, have your foreperson sign the particular form that conforms to your verdict, and notify the bailiff that you have reached a verdict.

XI.

During your deliberations, you shall not consider any statement, ruling, or remark that I made during this trial as any indication of my opinion on any matter or issue before you. Any such statements, rulings or remarks were on matters of law only, and not on the facts which you alone must determine. 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 the law you shall receive in these written instructions, and you must be governed thereby.

Your conduct is subject to review the same as that of the witnesses, the attorneys, and the judge. If it should be found that you have disregarded any of these instructions, it will be jury misconduct and it may require another trial by another jury; then all of our time will have been wasted. The foreperson or any other juror who observes a violation of these instructions shall immediately warn the juror who is violating the same, and caution the juror not to do so again.



CHARLES F. BAIRD
JUDGE PRESIDING

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* TRAVIS COUNTY, TEXAS

VERDICT OF THE JURY

We, the Jury, find the Defendant, CHRISTOPHER RYAN ROBINSON

gu
~~not guilty~~ Guilty
(not guilty/guilty)

of the offense of capital murder, as alleged in the indictment.

Jeff Newberry
Presiding Juror – Print Name

Jeff Newberry
Presiding Juror – Signature

Filed in The District Court
of Travis County, Texas

APR 20 2010
At 11:30 A.M.
Amalia Rodriguez-Mendoza, Clerk *lk*