

NO. F-1633703

THE STATE OF TEXAS

§

V.

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§

CHRISTOPHER RUBIO

§

IN THE 363RD JUDICIAL DISTRICT COURT OF DALLAS COUNTY, TEXAS

FILED

2016 JUN 11 AM 11:29

CLERK DEPUTY

COURT'S CHARGE

MEMBERS OF THE JURY:

Christopher Rubio, herein referred to as defendant, stands charged by indictment with the offense of Capital Murder, alleged to have been committed on or about May 18, 2016, in Dallas County, Texas. To this charge, the defendant has pleaded not guilty.

Offense Definitions

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

A person commits the offense of capital murder if the person commits murder, as defined above, and the person murders more than one person:

- (a) during the same criminal transaction, or
- (b) during different criminal transactions but the murders are committed pursuant to the same scheme or course of conduct.

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.

“Individual” means a human being who is alive, including an unborn child at every stage of gestation from fertilization until birth.

“Person” means an individual, corporation, or association.

“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.

“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.

Application of Law to Facts

Capital Murder

Now, bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that on or about the 18th day of May A.D., 2016, in Dallas County, Texas, the defendant, Christopher Rubio, did intentionally or knowingly cause the death of an individual, to wit: Elizabeth Adams, by shooting her with a firearm, a deadly weapon, and during the same criminal transaction, said defendant did intentionally or knowingly cause the death of another individual, to wit: James Tews, by shooting him with a firearm, a deadly weapon, you will find the defendant guilty of the offense of Capital Murder as alleged in the indictment.

If you do not so believe, or if you have a reasonable doubt thereof, you will acquit the Defendant, and so say by your verdict of “not guilty”.

General Instructions

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 or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against the Defendant.

In all criminal cases the burden of proof is on the State.

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, indicted for, or otherwise charged with an 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. This burden rests upon the State throughout the trial and never shifts to the Defendant. If the State fails to meet its burden, you must acquit the Defendant.

It is not required that the prosecution proves 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 the Defendant and say by your verdict of not guilty.

You are further instructed that an indictment is no evidence of guilt. Therefore, you are instructed in this case that the indictment herein shall not be considered by the jury as any evidence of guilt, if any.

You are charged that it is only from the witness stand that the jury is permitted to receive evidence regarding the case, and no juror is permitted to communicate to any other juror anything he may have heard regarding the case from any source other than the witness stand.

Mere sentiment, conjecture, sympathy, passion, prejudice, public opinion, or public feeling is to play no part in your deliberations.

You are the exclusive judges of the facts proved, of the credibility of the witnesses and of the weight to be given their testimony. But you are bound to receive the law from the Court, which is given to you in this charge.

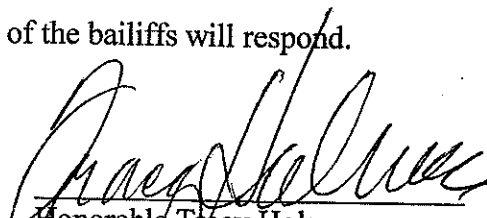
You are instructed that if there is any testimony before you in this case regarding the Defendant's having committed offenses, if any, other than the offense alleged against him in the indictment in this case, you cannot consider said testimony for any purpose unless you find and believe beyond a reasonable doubt that the Defendant committed such other offenses, if any were committed; and even then you may only consider the same in determining the intent, knowledge, design, scheme, or system of the defendant, if any, in connection with the offense on trial and for no other purpose.

After you retire to the jury room, you will 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 hereto, and signing the same as presiding juror.

After you retire to consider your verdict, 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, or relate any matters not in evidence before you. You should neither consider nor mention any personal knowledge or information you may have about any fact or person connected with this cases which is not shown by the evidence.

After you have retired, you may communicate with this Court in writing through the bailiff who has you in charge. Your written communication must be signed by the presiding juror. Do not attempt to talk to the bailiff, the attorneys, or the Court regarding any question you may have concerning the trial of this case.

After you have reached a unanimous verdict or if you desire to communicate with the Court, please use the jury call button on the wall and one of the bailiffs will respond.



Honorable Tracy Holmes
363rd Judicial District Court

VERDICT SHEET

We, the jury, find the defendant guilty of Capital Murder as charged in the indictment.

Ryan Samuels
Foreperson Signature

Ryan Samuels
Foreperson Printed Name

OR

We, the jury, find the defendant not guilty.

Foreperson Signature

Foreperson Printed Name