

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

THE STATE OF TEXAS

VS.

CAUSE NO. F15-00555-W

RAYMON OSCAR ROBLEDO

CHARGE OF THE COURT

MEMBERS OF THE JURY:

The defendant, Raymon Oscar Robledo, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 3rd day of June, 2013, in Dallas County, Texas.

To this charge the defendant has pleaded not guilty.

You are instructed that the law applicable to this case is as follows:

Our law provides that a person commits murder when he intentionally or knowingly causes the death of an individual.

"Individual" means a human being who is alive.

A person commits capital murder when the person murders an individual under 10 years of age.

A person acts intentionally, or with intent, 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.

You are instructed that the defendant may testify in his own behalf if he chooses to do so, but if he elects not to do so, that fact cannot be taken by you as a circumstance against him, nor prejudice him in any way.

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.

"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.

Now, bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that the defendant, Raymon Oscar Robledo, on or about the 3rd day of June, A.D., 2013 in Dallas County, Texas, did unlawfully then and there intentionally or knowingly cause the death of Gael Gamino, an individual, hereinafter called deceased, by striking the deceased against a bed, a deadly weapon, or by striking the deceased with defendant's hand, a deadly weapon, or by striking the deceased with or against an unknown object, a deadly weapon, the exact nature and description of which is unknown and unknowable to the Grand Jury, or by

asphyxiating the deceased with defendant's hand, a deadly weapon, or by asphyxiating the deceased with a pillow, a deadly weapon, or by asphyxiating the deceased with an unknown object, a deadly weapon, the exact nature and description of which is unknown and unknowable to the Grand Jury, and the deceased was at the time of the offense under ten years of age, then you will find the defendant guilty of capital murder.

If you do not so believe, or if you have a reasonable doubt thereof, you will next proceed to consider whether the defendant is guilty of the lesser included offense of intentionally or knowingly causing serious bodily injury to a child who is fourteen years of age or younger, as included in the indictment.

Our law provides that a person commits an offense if he intentionally or knowingly, by act or omission, causes serious bodily injury to a child who is fourteen (14) years of age or younger.

"Child" means a person fourteen years of age or younger.

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

If you find from the evidence beyond a reasonable doubt that the defendant, Raymon Oscar Robledo, on or about the 3rd day of June, A.D., 2013 in Dallas County, Texas did unlawfully then and there intentionally or knowingly cause serious bodily injury to Gael Gamino, a child 14 years of age or younger, hereinafter called complainant, by striking the deceased against a bed, a deadly weapon, or by striking the deceased with defendant's hand, a deadly weapon, or by striking the deceased with or against an unknown object, a deadly weapon, the exact nature and description of which is unknown and unknowable to the Grand Jury, or by asphyxiating the deceased with defendant's hand, a deadly weapon, or by asphyxiating the deceased with a pillow, a deadly weapon, or by asphyxiating the deceased with an unknown object, a deadly weapon, the exact nature and description of which is unknown and unknowable to the Grand Jury, you will find the defendant guilty of the lesser included offense of intentionally or knowingly causing serious bodily injury to a child who is fourteen years of age or younger.

If you do not so believe, or if you have a reasonable doubt thereof, you will next proceed to consider whether the defendant is guilty of the lesser included offense of recklessly causing serious bodily injury to a child who is fourteen years of age or younger, as included in

the indictment.

Our law provides that a person commits an offense if he recklessly, by act or omission, causes serious bodily injury to a child who is fourteen (14) years of age or younger.

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 under all the circumstances as viewed from the actor's standpoint.

Now, bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that the defendant, Raymon Oscar Robledo, on or about the 3rd day of June, A.D., 2013 in Dallas County, Texas did unlawfully then and there recklessly cause serious bodily injury to Gael Gamino, a child 14 years of age or younger, hereinafter called complainant, by striking the deceased against a bed, a deadly weapon, or by striking the deceased with defendant's hand, a deadly weapon, or by striking the deceased with or against an unknown object, a deadly weapon, the exact nature and description of which is unknown and unknowable to the Grand Jury, or by asphyxiating the deceased with defendant's

hand, a deadly weapon, or by asphyxiating the deceased with a pillow, a deadly weapon, or by asphyxiating the deceased with an unknown object, a deadly weapon, the exact nature and description of which is unknown and unknowable to the Grand Jury, you will find the defendant guilty of the lesser included offense of recklessly causing serious bodily injury to a child who is fourteen years of age or younger.

If you do not so believe, or if you have a reasonable doubt thereof, you will next proceed to consider whether the defendant is guilty of the lesser included offense of criminally negligently causing serious bodily injury to a child who is fourteen years of age or younger, as included in the indictment.

Our law provides that a person commits an offense if he, by act or omission, is criminally negligent and causes serious bodily injury to a child who is fourteen (14) years of age or younger.

A person acts with criminal negligence, or is criminally negligent, with respect to the result of his conduct when he ought to be aware of a substantial and unjustifiable risk that the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

Now, bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that the defendant, Raymon Oscar Robledo, on or about the 3rd day of June, A.D., 2013 in Dallas County, Texas did unlawfully cause serious bodily injury to Gael Gamino, a child 14 years of age or younger, hereinafter called complainant, by criminal negligence, by striking the deceased against a bed, a deadly weapon, or by striking the deceased with defendant's hand, a deadly weapon, or by striking the deceased with or against an unknown object, a deadly weapon, the exact nature and description of which is unknown and unknowable to the Grand Jury, or by asphyxiating the deceased with defendant's hand, a deadly weapon, or by asphyxiating the deceased with a pillow, a deadly weapon, or by asphyxiating the deceased with an unknown object, a deadly weapon, the exact nature and description of which is unknown and unknowable to the Grand Jury, you will find the defendant guilty of the lesser included offense of criminally negligently causing serious bodily injury to a child who is fourteen years of age or younger.

If you find beyond a reasonable doubt that the defendant, Raymon Oscar Robledo, is guilty of capital murder or intentionally or knowingly causing serious bodily injury to a child who is fourteen years of age or younger, but you have a reasonable doubt as to which offense he is guilty,

then you will resolve that doubt in the defendant's favor, and find him guilty of the lesser included offense of serious bodily injury to a child who is fourteen years of age or younger as included in the indictment.

If you find beyond a reasonable doubt that the defendant, Raymon Oscar Robledo, is guilty of intentionally or knowingly causing serious bodily injury to a child who is fourteen years of age or younger or reckless serious bodily injury to a child who is fourteen years of age or younger, but you have a reasonable doubt as to which offense he is guilty, then you will resolve that doubt in the defendant's favor, and find him guilty of the lesser included offense of reckless serious bodily injury to a child who is fourteen years of age or younger as included in the indictment.

If you find beyond a reasonable doubt that the defendant, Raymon Oscar Robledo, is guilty of reckless bodily injury to a child who is fourteen years of age or younger or negligently causing serious bodily injury to a child who is fourteen years of age or younger, but you have a reasonable doubt as to which offense he is guilty, then you will resolve that doubt in the defendant's favor, and find him guilty of the lesser included offense of criminally negligent serious bodily injury to a child who is fourteen years of age or younger as included in the indictment.

If you find from the evidence beyond a reasonable

doubt that the defendant is guilty of either capital murder or intentionally or knowingly causing serious bodily injury to a child or recklessly causing serious bodily injury to a child or by criminally negligently causing serious bodily injury to a child, but you have a reasonable doubt as to which offense he is guilty, then you must resolve that doubt in the defendant's favor and find him guilty of the lesser offense of criminally negligently causing serious bodily injury to a child.

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

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

At times throughout the trial the Court has been called upon to pass on the question of whether or not certain offered evidence might properly be admitted. You are not to be concerned with the reasons for such rulings and are not to draw any inferences from them. Whether offered evidence is admissible is purely a question of law. In admitting evidence to which an objection is made, the Court does not determine what weight should be given such evidence; nor does it pass on the credibility of the witness. As to any offer of evidence that has been rejected by the Court, you, of

course, must not consider the same. As to any question to which an objection was sustained, you must not conjecture as to what the answer might have been or as to the reason for the objection.

You are instructed that you are not to allow yourselves to be influenced in any degree whatsoever by what you may think or surmise the opinion of the Court to be. The Court has no right by any word or any act to indicate any opinion respecting any matter of fact involved in this case, nor to indicate any desire respecting its outcome. The Court has not intended to express any opinion upon any matter of fact in this case, and if you have observed anything which you have or may interpret as the Court's opinion upon any matter of fact in this case, you must wholly disregard it.

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 him and say by your verdict "Not guilty".

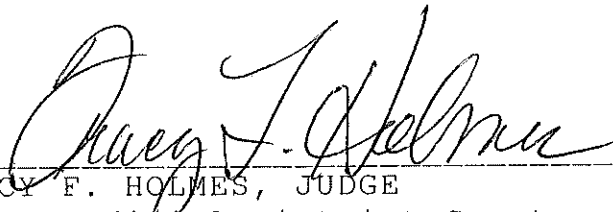
You are the exclusive judges of the facts proved, of the credibility of the witnesses and of the weight to be given to the testimony, but you are bound to receive the law from the Court, which is herein given you, and be governed thereby.

After you retire to the jury room, you will select one of your members as your 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 neither consider, discuss, nor 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 case 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 the 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.



TRACY F. HOLMES, JUDGE
363rd Judicial District Court
Dallas County, Texas

VERDICT FORMS

We, the jury, unanimously find the defendant guilty of the offense of capital murder as charged in the indictment.



PRESIDING JUROR

-or-

We, the jury, unanimously find the defendant guilty of the offense of intentionally or knowingly causing serious bodily injury to a child who is fourteen years of age or younger as charged in the indictment.

PRESIDING JUROR

We further find beyond a reasonable doubt that a deadly weapon was used. Circle YES or NO.

PRESIDING JUROR

-or-

We, the jury, unanimously find the defendant guilty of the lesser included offense of reckless serious bodily injury to a child who is fourteen years of age or younger as included in the indictment.

PRESIDING JUROR

We further find beyond a reasonable doubt that a deadly weapon was used. Circle YES or NO.

-or-

We, the jury, unanimously find the defendant guilty of the lesser included offense of criminally negligent serious bodily injury to a child who is fourteen years of age or younger as included in the indictment.

PRESIDING JUROR

We further find beyond a reasonable doubt that a deadly weapon was used. Circle YES or NO.

PRESIDING JUROR

-or-

We, the jury, unanimously find the defendant not
guilty.

PRESIDING JUROR