

Verdict Received  
3/6/2024 @ 2:48  
[Signature]

CAUSE NO. CR-0336-21-D

THE STATE OF TEXAS  
VS  
RICHARD FORD

§  
§  
§

IN THE DISTRICT COURT  
206<sup>th</sup> JUDICIAL DISTRICT  
HIDALGO COUNTY, TEXAS

CHARGE OF THE COURT

FILED  
AT 4:00 O'CLOCK P M

**JURY INSTRUCTIONS**

MAR 06 2024

Members of the Jury,

LAURA HINOJOSA, CLERK  
District Courts, Hidalgo County

The Defendant, RICHARD FORD, stands charged in this indictment with the offense of Capital Murder. The Defendant has pleaded "not guilty," and you have heard all of the evidence.

By [Signature] Deputy #10

The parties will soon present final arguments. Before they do so, I must now give you the instructions you must follow in deciding whether or not the State has proved the Defendant guilty.

You will have a written copy of these instructions to take with you and to use during your deliberations.

I will first tell you about some general principles that apply in all criminal cases. Then I will tell you about the specific law applicable to this case. Finally, I will instruct you on the rules that must control your deliberations.

**GENERAL PRINCIPLES**

**The Indictment**

The indictment is not evidence of guilt. The indictment is a document required to bring the case before you. Do not consider the fact that the Defendant has been arrested, confined, or indicted or otherwise charged. Do not draw any inference of guilt from any of these circumstances.

**Presumption of Innocence**

The Defendant is presumed innocent of the charge. All persons are presumed to be innocent, and no person may be convicted of an offense unless the State proves each element of the offense beyond a reasonable doubt. The law does not require a defendant to prove his innocence or produce any evidence at all. The presumption of innocence alone is sufficient for you to return a verdict of not guilty. You may find the Defendant guilty only after a careful and impartial consideration of all of the evidence and only if the State has proved the Defendant's guilt beyond a reasonable doubt.

## **Burden of Proof**

The State has the burden to prove every element of the offense beyond a reasonable doubt. If the State proves every element of the offense beyond a reasonable doubt, then you must find the Defendant "Guilty." If it does not, then you must find the Defendant "Not Guilty." If, after you have considered all the evidence and these instructions, you have a reasonable doubt about whether the Defendant is guilty, you must find the Defendant "Not Guilty."

## **Jury as Fact Finder**

As the jurors, you review the evidence and determine the facts and what they prove. You judge the believability of the witnesses and what weight to give their testimony.

In judging the facts and the believability of the witnesses, you must apply the law provided in these instructions.

## **Evidence**

The evidence consists of the testimony and exhibits admitted in the trial. You must consider only evidence to reach your decision. You must not consider, discuss, or mention any other thing that is not evidence in the trial. You must not consider or mention any personal knowledge or information you may have about any fact or person connected with this case that is not evidence in the trial.

Statements made by the lawyers are not evidence. The questions asked by the attorneys are not evidence.

Nothing I have said or done in this case should be considered by you as my opinion about the facts of this case or influence you to vote one way or the other.

You should give terms their common meanings, unless you have been told in these instructions that the terms are given special meanings. In that case, of course, you should give those terms the meanings provided in the instructions.

While you should consider only the evidence, you are permitted to draw reasonable inferences from the testimony and exhibits if those inferences are justified in the light of common experience. In other words, you may make deductions and reach conclusions that reason and common sense lead you to draw from the evidence.

You are to render a fair and impartial verdict based on the evidence admitted in the case under the law that is in these instructions. Do not allow your verdict to be determined by bias, prejudice, or sympathy.

## **Admitted Exhibits**

You may, if you wish, examine exhibits. Only exhibits that were admitted into evidence will be given to you for examination.

## **The Verdict**

The law requires that you render a verdict of either "Guilty" or "Not Guilty." The verdict of "Not Guilty" simply means that the State has not proved the Defendant guilty beyond a reasonable doubt.

You may return a verdict only if all twelve of you agree on this verdict.

When you reach a verdict, the foreperson should notify the court.

## **Defendant's Right to Remain Silent**

The Defendant has a constitutional right to remain silent. The Defendant may testify on his own behalf. The Defendant may also choose not to testify. The Defendant's decision not to testify cannot be held against him, and it is not evidence of guilt. You must not speculate, guess, or even talk about what the Defendant might have said if he had taken the witness stand or why he did not. The foreperson of the jury must immediately stop any juror from mentioning the Defendant's decision not to testify.

## **Evidence of Wrongful Acts Possibly Committed by Defendant**

You are instructed that if there is any testimony before you in this case regarding the defendant having committed offenses other than the offense alleged against him in the indictment in this case, you cannot consider said testimony for any purpose unless you find 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 motive, intent, plan or opportunity, if any, in connection with the offense alleged against him in the indictment in this case and for no other purpose.

## **LAW SPECIFIC TO THIS CASE**

The Defendant, RICHARD FORD, stands charged in this indictment with the offense of Capital Murder. Specifically, the accusation is that the defendant intentionally caused the death of Melissa Banda by cutting her with a knife or object unknown to the grand jurors and the defendant was in the course of committing or attempting to commit kidnapping.

## **Relevant Statutes**

A person commits an offense if the person intentionally causes the death of an individual in the course of committing or attempting to commit kidnapping.

A person commits the offense of kidnapping if the person intentionally or knowingly restricts the movements of another person without consent, so as to interfere substantially with that person's liberty, by moving that person from one place to another or by confining the person, with intent to prevent that person's liberation by secreting or holding that person in a place where they are not likely to be found or by using or threatening to use deadly force.

## **Definitions**

### *Intentionally or With Intent*

A person intentionally causes the death of an individual if the person has the conscious objective or desire to cause that death.

### *Restraint without Consent*

Restraint of another is "without consent" if it is accomplished by force, intimidation, or deception.

### *Deadly Force*

"Deadly force" means force that is intended or known by the person using it to cause death or serious bodily injury or force that in the manner of its use or intended use is capable of causing death or serious bodily injury.

### *Intentionally Restricting Another's Movements*

A person intentionally restricts another's movements by moving the other from one place to another or by confining the other if the person has the conscious objective or desire to restrict the other's movements and to do so by moving the other from one place to another or by confining that other person.

### *Knowingly Restricting Another's Movements*

A person knowingly restricts another's movements by moving the other from one place to another or by confining the other if the person is aware that he is restricting the other's movements and doing so by moving the other from one place to another or by confining that other person.

### *Intent to Prevent Liberation*

A person restrains another with intent to prevent that other person's liberation by either secreting or holding the other person in a place where that other person is not likely to be found or using or threatening to use deadly force if the person has the conscious objective or desire to prevent the other person's liberation by either of these methods.

### *On or about*

The indictment alleges that the offense was committed on or about the 6<sup>th</sup> of August 2020. The State is not required to prove that the alleged offense happened on that exact date. It is sufficient if the State proves that the offense was committed before February 4, 2021, the date the indictment was filed.

### **Application of Law to Facts**

You must determine whether the State has proved, beyond a reasonable doubt, two elements. The elements are that--

1. the Defendant, RICHARD FORD, in Hidalgo County, Texas, on or about the 6<sup>th</sup> of August 2020, intentionally caused the death of Melissa Banda by cutting her with a knife or object unknown to the grand jurors; and,

2. this was done in the course of committing or attempting to commit kidnapping.

You must all agree on elements 1 and 2 listed above. You are not required to agree on the manner and means used to cause the death of Melissa Banda. If you all agree the State has proved, beyond a reasonable doubt, both of the elements listed above, you must find the Defendant "Guilty" of Capital Murder and so indicate on the attached verdict form, titled "Verdict—Guilty of Capital Murder."

If you all agree the state has failed to prove, beyond a reasonable doubt, one or both of elements 1 and 2 listed above, you must find the defendant "Not Guilty" of Capital Murder.

### **RULES THAT CONTROL DELIBERATIONS**

You must follow these rules while you are deliberating and until you reach a verdict. After the closing arguments by the attorneys, you will go into the jury room.

Your first task will be to pick your foreperson. The foreperson should conduct the deliberations in an orderly way. Each juror has one vote, including the foreperson. The foreperson must supervise the voting, vote with other jurors on the verdict, and sign the verdict sheet.

While deliberating and until excused by the trial court, all jurors must follow these rules:

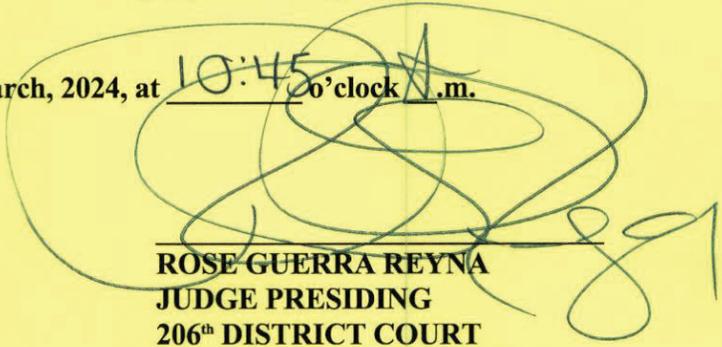
1. You must not discuss this case with any court officer, or the attorneys, or anyone not on the jury.
2. You must not discuss this case unless all of you are present in the jury room. If anyone leaves the room, then you must stop your discussions about the case until all of you are present again.
3. You must communicate with the judge only in writing, signed by the foreperson and given to the judge through the officer assigned to you.
4. You must not conduct any independent investigations, research, or experiments.
5. You must tell the judge if anyone attempts to contact you about the case before you reach your verdict.

Your sole duty at this point is to determine whether the state has proved the defendant guilty. You must restrict your deliberations to this matter.

After you have arrived at your verdict, you are to use the form attached to these instructions. The foreperson should sign the line that corresponds to your verdict.

After the closing arguments by the attorneys, you will begin your deliberations to decide your verdict.

Filed on the 6<sup>th</sup> day of March, 2024, at 10:45 o'clock A.m.



**ROSE GUERRA REYNA**  
**JUDGE PRESIDING**  
**206<sup>th</sup> DISTRICT COURT**  
**HIDALGO COUNTY, TEXAS**

CAUSE NO. CR-0336-21-D

THE STATE OF TEXAS

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IN THE DISTRICT COURT

VS

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206<sup>th</sup> JUDICIAL DISTRICT

RICHARD FORD

§

HIDALGO COUNTY, TEXAS

**JURY VERDICT — NOT GUILTY**

We, the Jury, find the Defendant, RICHARD FORD, NOT GUILTY.

\_\_\_\_\_  
Foreperson of the Jury

\_\_\_\_\_  
Printed Name of Foreperson

**-OR-**

**JURY VERDICT — GUILTY OF CAPITAL MURDER**

We, the Jury, find the Defendant, RICHARD FORD, GUILTY of the offense of CAPITAL MURDER, as charged in the indictment.

*Paul Quintero*  
\_\_\_\_\_  
Foreperson of the Jury

*Pablo Quintero*  
\_\_\_\_\_  
Printed Name of Foreperson