

NO. F25-98-211

THE STATE OF TEXAS

§

IN THE 211TH JUDICIAL

VS.

§

DISTRICT COURT OF

ADRIAN PADILLA

§

DENTON COUNTY, TEXAS

CHARGE OF THE COURT

MEMBERS OF THE JURY:

The defendant, ADRIAN PADILLA, stands charged by indictment with the offense of Capital Murder, alleged to have been committed on or about the 27th day of October, 2024. The defendant has pleaded not guilty.

A person commits Capital Murder if he intentionally commits murder in the course of committing or attempting to commit the offense of Kidnapping.

A person commits the offense of Kidnapping if he intentionally or knowingly abducts another person

A person commits Murder if he:

- (1) intentionally or knowingly causes the death of an individual; OR
- (2) intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual; OR

An “attempt” to commit an offense occurs if, with specific intent to commit an offense, a person does an act amounting to more than mere preparation that tends, but fails, to effect the commission of the offense intended.

DEFINITIONS

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.

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.

"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.

"Abduct" means to restrain a person with intent to prevent his liberation by:

- (A) secreting or holding him in a place where he is not likely to be found; OR
- (B) using or threatening to use deadly force

APPLICATION PARAGRAPH

Now, if you believe from the evidence beyond a reasonable doubt that the defendant, ADRIAN PADILLA, on or about the 27th day of October, 2024, in Denton County, Texas, did then and there intentionally cause the death of an individual, namely, Mary Jacinto, by cutting or stabbing Mary Jacinto with a knife, and the defendant was then and there in the course of committing or attempting to commit the offense of kidnapping of Mary Jacinto, then you will find the State has met it's burden of proof on the elements of Capital Murder and you must next decide whether the conduct was justified by self-defense.

If you do not so believe beyond a reasonable doubt, or if you have a reasonable doubt thereof that the defendant committed the offense of Capital Murder, you will next consider whether the defendant is guilty of Murder, a lesser-included offense of the indictment.

If you find from the evidence beyond a reasonable doubt that the defendant, ADRIAN PADILLA, on or about the 27th day of October, 2024, in Denton County, Texas, did then and there

intentionally cause the death of an individual, namely, Mary Jacinto, by cutting or stabbing Mary Jacinto with a knife, then you will find the State has met it's burden of proof on the elements of Murder and you must next decide whether the conduct was justified by self-defense.

If you do not so believe, or if you have a reasonable doubt thereof that the defendant committed the offense of Murder, you will consider whether or not the defendant is guilty of Manslaughter, a lesser-included offense of the amended indictment.

If you find from the evidence beyond a reasonable doubt that on or about the 27th day of October, 2024, in Denton County, Texas, the defendant, ADRIAN PADILLA, did then and there recklessly cause the death of an individual, namely Mary Jacinto, by cutting or stabbing Mary Jacinto with a knife, then you will find the State has met it's burden of proof on the elements of Manslaughter and you must next decide whether the conduct was justified by self-defense.

If you do not so believe, or if you have a reasonable doubt thereof, you will find the defendant not guilty.

If you all agree the state has proved, beyond a reasonable doubt, the charged offense of Capital Murder or the lesser-included-offenses of Murder or Manslaughter, then you must next consider whether the defendant's use of deadly force on that date was in self-defense.

SELF-DEFENSE

A person is justified in using force against another when and to the degree that he reasonably believes the force is immediately necessary to protect himself against the other person's use or attempted use of unlawful force.

A person is justified in using deadly force against another if he would be justified in using force against the other in the first place, as above set out, and when he reasonably believes that such deadly force is immediately necessary to protect himself against the other person's use or attempted use of unlawful deadly force, or to prevent the other's imminent commission of

aggravated kidnaping, murder, sexual assault, aggravated sexual assault, robbery, or aggravated robbery.

The defendant is not required to prove self-defense. Rather, the state must prove, beyond a reasonable doubt, that self-defense does not apply to the defendant's conduct.

Self-defense does not cover conduct in response to verbal provocation alone. The Defendant must have reasonably believed the other person had done more than verbally provoke the Defendant.

"Reasonable belief" means a belief that an ordinary and prudent person would have held in the same circumstances as the defendant.

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

The use of force against another is not justified:

1. in response to verbal provocation alone; or
2. if the actor provoked the other's use or attempted use of unlawful force, unless;
 - a. the actor abandons the encounter or clearly communicates to the actor his intent to do so reasonably believing he cannot safely abandon the encounter; and
 - b. the other nevertheless continues or attempts to use unlawful force against the actor.

To decide on the issue of self-defense, you must determine whether the State has proved, beyond a reasonable doubt, one of the following:

1. The defendant did not believe his conduct was immediately necessary to protect himself against Mary Jacinto's use or attempted use of deadly force; or
2. The defendant's belief was not reasonable.

You must all agree that the State has proved, beyond a reasonable doubt, either element 1 or 2 listed above. You need not agree on which of these elements the State has proved.

If you find that the State has failed to prove, beyond a reasonable doubt, at least one of the two elements listed above, you must find the defendant "not guilty".

If you all agree the State has proved, beyond a reasonable doubt, each of the elements of the offense of Capital Murder, Murder or Manslaughter, and you believe, beyond a reasonable doubt, that the defendant did not act in self-defense, you must find the defendant guilty.

EVIDENCE

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 instructed that if there is any testimony before you in this case regarding the defendant's having committed offenses other than the offense alleged against him in the indictment in this case, you cannot consider said testimony for any other 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 of the defendant, if any, in connection with the offense, if any, alleged against him in the indictment in this case, and for no other purpose.

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 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 think or surmise the opinion of the court to be. The Court has no right by any word or any act 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.

You are instructed that any statements of counsel, made during the course of the trial or during argument are not evidence.

Words or terms with a special legal meaning are herein defined. All other words are to be given their common and ordinary meaning.

You are limited in your deliberations as jurors on the verdict of guilty or not guilty. You are to consider and discuss only the facts and circumstances as were admitted into evidence. You should not consider nor discuss facts and circumstances that are not in evidence, nor should you make deductions therefrom and in connection with this, you are instructed that no juror may lawfully relate any fact or circumstance of which he or she may claim to have knowledge which has not been admitted into evidence before you. If any evidence has been withdrawn from the jury by the Court, you will not discuss or consider it for any purpose.

PRESUMPTION OF INNOCENCE

All persons are presumed to be innocent and no person may be convicted of any 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.

DEFENDANT OBLIGATION TO TESTIFY

Our law provides that a defendant may testify if he elects to do so; but, in the event a defendant does not testify, the fact that he did not testify cannot be considered as evidence or circumstance against him or anyone else. You are instructed that you cannot, and must not, refer to allude to the election of any defendant to not testify when you enter your deliberations, or take such election into consideration for any purpose whatever as evidence or a circumstance against the defendant.

BURDEN OF PROOF

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".

JURY IS THE JUDGE OF CREDIBILITY

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. You can believe or disbelieve all or any part of any testimony of any witness or witnesses but you are bound to receive the law from the Court, which is herein given you, and be governed thereby.

INSTRUCTIONS FOR DELIBERATING

After you retire to your jury room, you should 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, and signing the same as Presiding Juror.

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.

You are further instructed that you are not to allow bias, prejudice, or sympathy to play any part in your deliberations. You are to restrict your deliberations solely to the evidence admitted at trial and the law that is contained in the Court's instructions.

The Presiding Juror or any other juror who observes a violation of the Court's instructions shall immediately warn the one who is violating the same and caution the juror not to do so again.

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

1. You must not discuss this trial 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 presiding juror and given to the judge through the officer assigned to you.
4. You must not review any media coverage nor 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.
6. If you have heard any comments from people in the gallery of the courtroom, you are to wholly disregard those comments and not consider them for any purpose.

You will make no further finding in this case except to show in the blank on the form of verdict whether the defendant is guilty beyond a reasonable doubt, or not guilty, as you may find and determine from the law and the evidence in this case.

SIGNED this the 13th day of August, 2026.

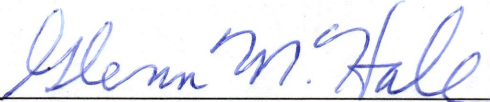


BRODY SHANKLIN
JUDGE PRESIDING

VERDICT FORM

(Presiding Juror to sign only one)

We, the jury, find the defendant, ADRIAN PADILLA guilty of the offense of Capital Murder, as alleged in the indictment.



PRESIDING JUROR

We, the jury, find the defendant, ADRIAN PADILLA, guilty of the offense of Murder, a lesser included offense of the indictment.

PRESIDING JUROR

We, the jury, find the defendant, ADRIAN PADILLA, guilty of the offense of Manslaughter, a lesser included offense of the indictment.

PRESIDING JUROR

We, the jury, find the defendant, ADRIAN PADILLA, not guilty.

PRESIDING JUROR