

NO. 73841

THE STATE OF TEXAS § IN THE DISTRICT COURT OF
VS. § BRAZORIA COUNTY, TEXAS
RYAN ANTONIO MATTHEWS § 23RD JUDICIAL DISTRICT

CHARGE OF THE COURT**MEMBERS OF THE JURY:**

The defendant, RYAN ANTONIO MATTHEWS, stands charged by indictment with the offense of CAPITAL MURDER, alleged to have been committed in Brazoria County, Texas, on or about the 21st day of March, 2014. To this charge the defendant has pleaded not guilty. You are instructed the law applicable to this case is as follows:

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

Our law provides a person commits the offense of Capital Murder when he murders more than one person in the same criminal transaction. Our law further provides a person commits the offense of Capital Murder when he murders an individual under 10 years of age.

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

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.

COUNT 1

Now bearing in mind the foregoing instructions, if you believe from the evidence beyond a reasonable doubt, that the defendant, RYAN ANTONIO MATTHEWS, on or about the 21st day of March, 2014, and before the presentment of this indictment, in the County and State aforesaid, did then and there intentionally or knowingly cause the death of an individual, namely, Arrijana Hill, by cutting or stabbing Arrijana Hill with a knife or knife-like object or sharp object and did then and there intentionally or knowingly cause the death of another individual namely, the first unborn child of Arrijana Hill, by cutting or stabbing Arrijana Hill with a knife or knife-like object or sharp object and both murders were committed during the same criminal transaction; or if you believe from the evidence beyond a reasonable doubt, that the defendant, RYAN ANTONIO MATTHEWS, hereinafter styled Defendant, on or about the 21st day of March, 2014, and before the presentment of this indictment, in said County and State, did then and there intentionally or knowingly cause the death of an individual, namely Arrijana Hill by asphyxia due to manually strangling Arrijana Hill and did then and there intentionally or knowingly cause the death of another individual, namely, the first unborn child of Arrijana Hill, by asphyxia due to manually strangling Arrijana Hill and both murders were committed during the same criminal transaction; then you will find the defendant guilty of the offense of CAPITAL MURDER as alleged in the indictment.

Unless you do so believe from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant of CAPITAL MURDER, as alleged in Count 1 of the indictment and say by your verdict not guilty.

COUNT 2

Now bearing in mind the foregoing instructions, if you believe from the evidence beyond a reasonable doubt, that the defendant, RYAN ANTONIO MATTHEWS, hereinafter styled Defendant, on or about the 21st day of March, 2014, and before the presentment of this indictment, in said County and State, did then and there intentionally or knowingly cause the death of an individual, namely, the second unborn child of Arrijana Hill, an individual younger than 10 years of age by cutting or stabbing Arrijana Hill with a knife or knife-like object or sharp object; or if you believe from the evidence beyond a reasonable doubt, that the defendant, RYAN ANTONIO MATTHEWS, hereinafter styled Defendant, on or about the 21st day of March, 2014, and before the presentment of this indictment, in said County and State, did then and there intentionally or knowingly cause the death of an individual, namely, the second unborn child of Arrijana Hill, an individual younger than 10 years of age by asphyxia due to manually strangling Arrijana Hill; then you will find the defendant guilty of the offense of CAPITAL MURDER as alleged in the indictment.

Unless you do so believe from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant of CAPITAL MURDER, as alleged in Count 2 of the indictment and say by your verdict not guilty.

All persons are presumed to be innocent and no person may be convicted unless each element of an offense is proved beyond a reasonable doubt. The fact that a defendant has been arrested, confined, or 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 and if it fails to do so, 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 him and say by your verdict not guilty.

You are limited in your deliberations upon a verdict to the consideration and discussion of such facts and circumstances only as were admitted in evidence, or as are reasonably deducible from the evidence, and no juror is permitted to communicate to any other juror anything she or he may have heard regarding the case or any witness therein from any source other than the witness stand. In deliberating on the cause you are not to refer to or discuss any matter or issue not in evidence before you nor talk about this case to anyone not of your jury.

During your deliberations you are instructed that you should not consider the remarks, rulings or actions of the judge presiding during this trial as any indication of the Court's opinion as to the existence or nonexistence of any fact or as an indication of the Court's opinion as to the guilt or innocence of the defendant.

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.

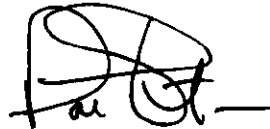
You have been permitted to take notes during the testimony in this case. In the event any of you took notes, you may rely on your notes during your deliberations. However, you may not share your notes with the other jurors and you should not permit the other jurors to share their notes with you. You may not use your notes as authority to persuade your fellow jurors. In your deliberations, give no more and no less weight to the views of a fellow juror just because that juror did or did not take notes. Your notes are not official transcripts. They are personal memory aids, just like the notes of the judge and the notes of the lawyers. Notes are valuable as a stimulant to your memory. On the other hand, you might make an error in observing or you might make a mistake in recording what you have seen or heard.

Your deliberations at this time are limited solely to the issue of the guilt or innocence of the defendant of the offense charged, and you are not authorized to pass upon the punishment, if any, to be imposed.


After argument of counsel, you will retire and select one of your members as your presiding juror. It is her or his duty to preside at your deliberations and to vote with you in

arriving at a verdict. Your verdict must be unanimous, and after you have arrived at your verdict, you may use the forms attached hereto by having your presiding juror sign her or his name. Your presiding juror will sign one form only for each count.

After you have retired to consider your verdict, no one has the authority to communicate with you except the officer, bailiff of the Court, who has you in charge. In the event you desire to communicate with the Court on any matter in connection with your deliberations, your presiding juror will notify the bailiff, who will inform the Court thereof. Any communication relative to the cause must be written, signed by the presiding juror and submitted to the Court through the bailiff of the Court.



JUDGE PRESIDING

FILED
at 135 o'clock P.M.
APR 23 2015
Ronda Benschel
Clerk of District Court Brazoria Co., Texas
BY  DEPUTY

NO.73841



THE STATE OF TEXAS § IN THE DISTRICT COURT OF
VS. § BRAZORIA COUNTY, TEXAS
RYAN ANTONIO MATTHEWS § 23RD JUDICIAL DISTRICT

VERDICT - COUNT 1

We, the jury, find the defendant, RYAN ANTONIO MATTHEWS, guilty of the offense of CAPITAL MURDER, as charged in the indictment.



PRESIDING JUROR

FILED
at 9:11 o'clock P M.
APR 23 2015

Clerk of District Court Brazoria Co., Texas
BY  DEPUTY

NO.73841

THE STATE OF TEXAS § IN THE DISTRICT COURT OF
VS. § BRAZORIA COUNTY, TEXAS
RYAN ANTONIO MATTHEWS § 23RD JUDICIAL DISTRICT

VERDICT – COUNT 1

We, the jury, find the defendant, RYAN ANTONIO MATTHEWS, not guilty of the offense of CAPITAL MURDER, as charged in the indictment.

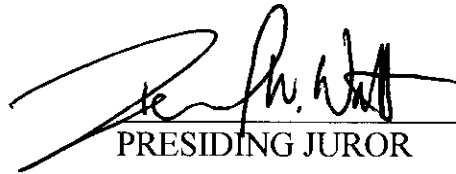
PRESIDING JUROR

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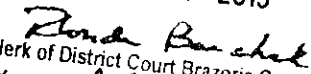
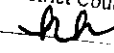
THE STATE OF TEXAS § IN THE DISTRICT COURT OF
VS. § BRAZORIA COUNTY, TEXAS
RYAN ANTONIO MATTHEWS § 23RD JUDICIAL DISTRICT

VERDICT – COUNT 2

We, the jury, find the defendant, RYAN ANTONIO MATTHEWS, guilty of the offense of CAPITAL MURDER, as charged in the indictment.



PRESIDING JUROR

FILED
at 9:11 o'clock P.M.
APR 23 2015

Clerk of District Court Brazoria Co., Texas
BY  DEPUTY

NO.73841

THE STATE OF TEXAS § IN THE DISTRICT COURT OF
VS. § BRAZORIA COUNTY, TEXAS
RYAN ANTONIO MATTHEWS § 23RD JUDICIAL DISTRICT

VERDICT – COUNT 2

We, the jury, find the defendant, RYAN ANTONIO MATTHEWS, not guilty of the offense of CAPITAL MURDER, as charged in the indictment.

PRESIDING JUROR