

CAUSE NO. L-17-0071-CR-B

THE STATE OF TEXAS § IN THE DISTRICT COURT
VS. § OF LIVE OAK COUNTY, TEXAS
ANISETO ALEJANDRO, JR. § 156TH JUDICIAL DISTRICT

CHARGE TO THE JURY

Members of the Jury:

The defendant, ANISETO ALEJANDRO, JR., stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 22nd day of December, 2015, in Live Oak County, Texas. The defendant has pleaded not guilty.

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

A person commits the offense of capital murder if he commits murder, as hereinbefore defined, and the person intentionally or knowingly causes the death of more than one person during the same criminal transaction.

Murders occur in the "same criminal transaction" when the evidence shows a continuous and uninterrupted chain of conduct occurring over a very short period of time.

An accomplice, as the term is here used, means anyone connected with the crime charged, as a party thereto, and includes all persons who are connected with the crime by unlawful act or omission on their part transpiring either before or during the time of the commission of the offense, and whether or not they were present and participated in the commission of the crime. A person is criminally responsible as a party to an offense if the offense is committed by his own conduct, by the conduct of another for which he is criminally responsible or by both. Mere presence alone, however, will not constitute one a party to an offense.

At 4:08 FILED P
O'Clock P M
At George West, Texas

APR 09 2019
Melanie Matkin
MELANIE MATKIN
District Clerk, Live Oak County, Texas
Rv Deputy

A person is criminally responsible for an offense committed by the conduct of another if, acting with intent to promote or assist the commission of the offense, he solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense. The term "conduct" means any act or omission and its accompanying mental state.

You are instructed that a conviction cannot be had upon the testimony of an accomplice unless the jury first believes that the accomplice's testimony is true and that it shows the defendant is guilty of the offense charged against him, and even then you cannot convict unless the accomplice's testimony is corroborated by other evidence tending to connect the defendant with the offense charged, and the corroboration is not sufficient if it merely shows the commission of the offense, but it must tend to connect the defendant with its commission.

The witness, Desiree Icis Trevino, is an accomplice, if an offense was committed, and you cannot convict the defendant upon her testimony unless you first believe that the testimony of Desiree Icis Trevino is true and that it shows the defendant is guilty as charged in the indictment; and even then you cannot convict the defendant unless you further believe that there is other evidence in the case, outside of the testimony of Desiree Icis Trevino tending to connect the defendant with the offense committed, if you find that an offense was committed, and the corroboration is not sufficient if it merely shows the commission of the offense, but it must tend to connect the defendant with its commission, and then from all of the evidence you must believe beyond a reasonable doubt that the defendant is guilty of the offense charged against him.

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.

You are instructed that it is your duty to consider the evidence of all relevant facts and circumstances surrounding the deaths and the previous relationship, if any, existing between the accused and William Daniel Hammit and the accused and Sandra Ann Garcia together with all relevant facts and circumstances going to show the condition of the mind of the defendant at the time of the alleged offense.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 22nd day of December, 2015, in Live Oak County, Texas, the defendant, ANISETO ALEJANDRO, JR., acting alone and together with Desiree Icis Trevino, did then and there, intentionally or knowingly cause the death of William Daniel Hammit, by shooting William Daniel Hammit with a firearm, or burning him, or by manner and means unknowable to the Grand Jury, and intentionally or knowingly cause the death of Sandra Ann Garcia, by shooting Sandra Ann Garcia with a firearm, or burning her, or by manner and means unknowable to the Grand Jury, and both murders were committed during the same criminal transaction, then you will find the defendant guilty of capital murder, as charged in the indictment.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant and say by your verdict "Not Guilty."

You are further instructed that if there is any evidence before you in this case regarding the defendant's committing an alleged offense or offenses other than the offense alleged against him in the indictment in this case, you cannot consider such evidence for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other offense or offenses, if any, and even then you may only consider the same in determining the motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident of the defendant, if any, in connection with the offense, if any, alleged against him in the indictment and for no other purpose.

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

A Grand Jury indictment is the means whereby a defendant is brought to trial in a felony prosecution. It is not evidence of guilt nor can it be considered by you in passing upon the question of guilt of the defendant. The burden of proof in all criminal cases rests upon the State throughout the trial and never shifts to the defendant.

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 he 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 the weight to be given their testimony, but the law you shall receive in these written instructions, and you must be governed thereby.

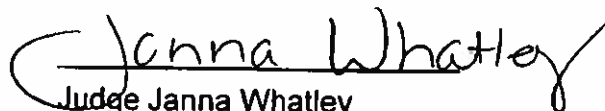
After you retire to the jury room, you should select one of your members as your Foreperson. It is his or her duty to preside at your deliberations, vote with you, and when you have unanimously agreed upon a verdict, to certify to your verdict by using the appropriate form attached hereto and signing the same as Foreperson.

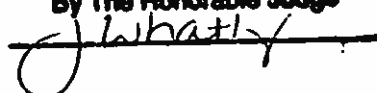
During your deliberations in this case, you must not consider, discuss, nor relate any matters not in evidence before you. You shall not consider nor mention any personal knowledge or information you may have about any fact or person connected with this case which is not shown by the evidence.

No one has any authority to communicate with you except the officer who has you in charge. After you have retired, you may communicate with this Court in writing through this officer. Any communication relative to the cause must be written, prepared and signed by the Foreperson and shall be submitted to the court through this officer. Do not attempt to talk to the officer who has you in charge, or the attorneys, or the Court, or anyone else concerning any questions you may have.

Your sole duty at this time is to determine the guilt or innocence of the defendant under the indictment in this cause and restrict your deliberations solely to the issue of guilt or innocence of the defendant.

Following the arguments of counsel, you will retire to consider your verdict.


Judge Janna Whatley
156th Judicial District Court
Live Oak County, TEXAS

BENCH FILED
9 day of April 2019
at 10:50 o'clock a.m.
Dist. Court, Live Oak Co., Texas
By The Honorable Judge


CAUSE NO. L-17-0071-CR-B

THE STATE OF TEXAS

§ IN THE DISTRICT COURT

VS.

§ OF LIVE OAK COUNTY, TEXAS

ANISETO ALEJANDRO, JR.

§ 156TH JUDICIAL DISTRICT

VERDICT

"We, the Jury, find the defendant, ANISETO ALEJANDRO, JR., NOT GUILTY of Capital Murder, as charged in the indictment."

Foreperson of the Jury

(Please Print) Foreperson

"We, the Jury, find the defendant, ANISETO ALEJANDRO, JR., GUILTY of Capital Murder, as charged in the indictment."



Foreperson of the Jury

ESPERANZA H. KATZ

(Please Print) Foreperson