

NO. 1341966D

THE STATE OF TEXAS § IN THE CRIMINAL DISTRICT
VS. § COURT NUMBER ONE
ANIBAL ALEJANDRO HERNANDEZ § TARRANT COUNTY, TEXAS

MEMBERS OF THE JURY:

The defendant, Anibal Alejandro Hernandez, stands charged by indictment with the offense of capital murder, alleged to have been committed in Tarrant County, Texas, on or about the 7th day of September, 2013. To these charges, the defendant has pleaded not guilty.

Our law provides that 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 the person intentionally or knowingly commits the offense of murder, as defined above, and murders more than one person during the same criminal transaction.

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 her conduct is reasonably certain to cause the result.

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

"Serious bodily injury" means a 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.

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

APR 02 2015

TIME 9:34
BY ls DEPUTY

A "deadly weapon" means 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. A firearm is a deadly weapon.

"Individual" means a human being who is alive.

You are instructed that an "accomplice," as the term is here used, means anyone connected with the crime charged as a party to the offense. 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. 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, or aids or attempts to aid the other person to commit the offense.

Mere presence alone, however, will not constitute one a party to an offense.

You are further instructed that mere presence of the accused in the company of an accomplice witness shortly before or after the time of the offense, if any, is not, in itself sufficient corroboration of the accomplice witness' testimony.

You are further instructed that a conviction cannot be had upon the testimony of an accomplice unless the jury first believes that the accomplice's evidence 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 also tend to connect the defendant with its commission.

Now, if you believe from the evidence beyond a reasonable doubt that an offense was committed and you further believe from the evidence that the witness, Ana Esparza, was an

accomplice, or you have a reasonable doubt whether she was or not, as that term is defined in the foregoing instructions, then you cannot convict the defendant upon the testimony of Ana Esparza unless you first believe that the testimony of Ana Esparza is true and that it shows the defendant is guilty as charged in the indictment; even then you cannot convict the defendant unless you further believe that there is other evidence in the case, outside of the evidence of Ana Esparza tending to connect the defendant with the commission of the offense charged in the indictment, and then from all the evidence you must believe beyond a reasonable doubt that the defendant is guilty.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 7th day of September, 2013, in Tarrant County, Texas, Anibal Alejandro Hernandez, either acting alone or as a party, did then and there intentionally or knowingly cause the death of an individual, Mark Anthony Torres, by shooting him with a deadly weapon, to wit: a firearm, and did then and there intentionally or knowingly cause the death of an individual, Aracely Charles, by shooting her with a deadly weapon, to wit: a firearm, 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, then you will acquit the defendant of capital murder and say by your verdict "not guilty".

The state has introduced evidence of extraneous crimes or bad acts other than the ones charged in the indictment in this case. This evidence was admitted only for the purpose of assisting you, if it does. You cannot consider the testimony for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other acts or crimes, if any

were committed, 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 in this case, 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 privilege 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 or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against 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 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 the defendant and say by your verdict, "not guilty."


You are instructed that the indictment in this case is no evidence whatsoever of the guilt of the defendant. It is a mere pleading necessary in order to bring this case into court for trial, and you will consider it for no purpose.

You are the exclusive judges of the facts proved, of the credibility of the witnesses, and of the weight to be given their 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 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 and signing the same as presiding juror.


You are instructed that your verdict must be by a unanimous vote of all members of the jury. In deliberating on this case, you shall consider the charge as a whole and you must not refer to or discuss any matters not in evidence before you.

If the jury wishes to communicate with the Court, such communication must be in writing and signed by the presiding juror and handed to the bailiff.


JUDGE ELIZABETH BEACH
Criminal District Court Number One
Tarrant County, Texas

VERDICT FORMS

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



PRESIDING JUROR

FILED
THOMAS A WILDER, DIST. CLERK
TARRANT COUNTY, TEXAS

APR 02 2015

-OR-

TIME 12:14
BY [Signature] DEPUTY

We, the jury, find the defendant, Anibal Alejandro Hernandez, not guilty.

PRESIDING JUROR