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CAUSE NO. 1447247

|                    |   |                             |
|--------------------|---|-----------------------------|
| THE STATE OF TEXAS | § | IN THE 338TH DISTRICT COURT |
| VS.                | § | OF HARRIS COUNTY, TEXAS     |
| JOSE REYES         | § | JULY TERM, A. D., 2014      |

Members of the Jury:

The defendant, Jose Reyes, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 4th day of February, 2014, in Harris County, Texas. The defendant has pleaded not guilty.

A person commits the offense of murder if he:

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

A person commits the offense of capital murder if he intentionally commits murder, as hereinbefore defined in paragraph (1), and the person intentionally commits the murder in the course of committing or attempting to commit the offense of kidnapping or the offense of aggravated sexual assault. Kidnapping and aggravated sexual assault are felony offenses.

"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.

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

The term "abduct" means to restrain a person with intent to prevent her liberation by:

(1) secreting or holding her in a place where she is not likely to be found; or

(2) using or threatening to use deadly force.

The term "restrain" means to restrict a person's movements without consent, so as to interfere substantially with her liberty, by moving her from one place to another or by confining her.

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

"Consent" means assent in fact, whether express or apparent.

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

A person commits the offense of aggravated sexual assault if the person intentionally or knowingly:

(1) causes the penetration of the anus or female sexual organ of another person by any means, without that person's consent; or

(2) causes the penetration of the mouth of another person by the sexual organ of the defendant, without that person's consent; or

(3) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth,

anus, or sexual organ of another person, including the defendant; and

If the person;

(1) uses or exhibits a deadly weapon in the course of the same criminal episode; or

(2) acts in concert with another who engages in aggravated sexual assault directed toward the same victim and occurring during the course of the same criminal episode.

An aggravated sexual assault is without the consent of the other person if the defendant compels the other person to submit or participate by the use of physical force or violence.

"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.

"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.

The definition of "person" relative to the offenses of kidnapping and aggravated sexual assault is "an individual".

"Individual" means a human being who is alive.

The definition of intentionally relative to the offense of capital murder is as follows:

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.

The definitions of intentionally and knowingly relative to the offense of kidnapping are as follow:

A person acts intentionally, or with intent, with respect to ~~the nature of his conduct or to a result of his conduct when it~~ is his conscious objective of desire to engage in the conduct or cause the result.

A person acts knowingly, or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. 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.

The definitions of intentionally and knowingly relative to the offenses of murder, sexual assault and aggravated sexual assault are as follow:

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.

All persons are parties to an offense who are guilty of acting together in the commission of 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, aids, or attempts to aid the other person to commit the offense. . . . Mere presence alone will not constitute one a party to an offense.

Before you would be warranted in finding the defendant guilty of capital murder, you must find from the evidence beyond a reasonable doubt not only that on the occasion in question the defendant was in the course of committing or attempting to commit the felony offense of kidnapping of Corriann Cervantes, as alleged in this charge, but also that the defendant specifically intended to cause the death of Corriann Cervantes by striking Corriann Cervantes with a deadly weapon, namely a blunt object; or by striking Corriann Cervantes with a deadly weapon, namely a sharp object; or by stabbing Corriann Cervantes with a deadly weapon, namely a sharp object; or you must find from the evidence beyond a reasonable doubt that the defendant, Jose Reyes, with the intent to promote or assist in the commission of the offense of kidnapping, if any, solicited, encouraged, directed, aided or attempted to aid Victor Alas in striking or stabbing Corriann Cervantes, if he did, with the intention of thereby killing Corriann Cervantes; or

You, must find from the evidence beyond a reasonable doubt not only that on the occasion in question the defendant was in

the course of committing or attempting to commit the felony offense of aggravated sexual assault of Corriann Cervantes, as alleged in this charge, but also that the defendant specifically intended to cause the death of Corriann Cervantes by striking Corriann Cervantes with a deadly weapon, namely a blunt object; or by striking Corriann Cervantes with a deadly weapon, namely a sharp object; ~~or by stabbing Corriann Cervantes with a deadly~~ weapon, namely a sharp object; or you must find from the evidence beyond a reasonable doubt that the defendant, Jose Reyes, with the intent to promote or assist in the commission of the offense of kidnapping, if any, solicited, encouraged, directed, aided or attempted to aid Victor Alas in striking or stabbing Corriann Cervantes, if he did, with the intention of thereby killing Corriann Cervantes, and unless you so find, then you cannot convict the defendant of the offense of capital murder.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 4th day of February, 2014, in Harris County, Texas, the defendant, Jose Reyes, did then and there unlawfully, while in the course of committing or attempting to commit the kidnapping of Corriann Cervantes, intentionally cause the death of Corriann Cervantes by striking Corriann Cervantes with a deadly weapon, namely a blunt object; or if you find from the evidence beyond a reasonable doubt that on or about the 4th day of February, 2014, in Harris County, Texas, Victor Alas, did then and there unlawfully, while in the course of committing or attempting to commit the kidnapping of Corriann Cervantes, intentionally cause the death of Corriann Cervantes by striking

Corriann Cervantes with a deadly weapon, namely a blunt object, and that the defendant, Jose Reyes, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Victor Alas to commit the offense, if he did; or

If you find from the evidence beyond a reasonable doubt that ~~on or about the 4th day of February, 2014, in Harris County,~~ Texas, the defendant, Jose Reyes, did then and there unlawfully, while in the course of committing or attempting to commit the kidnapping of Corriann Cervantes, intentionally cause the death of Corriann Cervantes by striking Corriann Cervantes with a deadly weapon, namely a sharp object; or if you find from the evidence beyond a reasonable doubt that on or about the 4th day of February, 2014, in Harris County, Texas, Victor Alas, did then and there unlawfully, while in the course of committing or attempting to commit the kidnapping of Corriann Cervantes, intentionally cause the death of Corriann Cervantes by striking Corriann Cervantes with a deadly weapon, namely a sharp object, and that the defendant, Jose Reyes, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Victor Alas to commit the offense, if he did; or

If you find from the evidence beyond a reasonable doubt that on or about the 4th day of February, 2014, in Harris County, Texas, the defendant, Jose Reyes, did then and there unlawfully, while in the course of committing or attempting to commit the kidnapping of Corriann Cervantes, intentionally cause the death

of Corriann Cervantes by stabbing Corriann Cervantes with a deadly weapon, namely a sharp object; or if you find from the evidence beyond a reasonable doubt that on or about the 4th day of February, 2014, in Harris County, Texas, Victor Alas, did then and there unlawfully, while in the course of committing or attempting to commit the kidnapping of Corriann Cervantes, ~~intentionally cause the death of Corriann Cervantes by stabbing~~ Corriann Cervantes with a deadly weapon, namely a sharp object, and that the defendant, Jose Reyes, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Victor Alas to commit the offense, if he did; or

If you find from the evidence beyond a reasonable doubt that on or about the 4th day of February, 2014, in Harris County, Texas, the defendant, Jose Reyes, did then and there unlawfully, while in the course of committing or attempting to commit the aggravated sexual assault of Corriann Cervantes, intentionally cause the death of Corriann Cervantes by striking Corriann Cervantes with a deadly weapon, namely a blunt object; or if you find from the evidence beyond a reasonable doubt that on or about the 4th day of February, 2014, in Harris County, Texas, Victor Alas, did then and there unlawfully, while in the course of committing or attempting to commit the aggravated sexual assault of Corriann Cervantes, intentionally cause the death of Corriann Cervantes by striking Corriann Cervantes with a deadly weapon, namely a blunt object, and that the defendant, Jose Reyes, with the intent to promote or assist the commission of the offense, if



any, solicited, encouraged, directed, aided or attempted to aid Victor Alas to commit the offense, if he did; or

If you find from the evidence beyond a reasonable doubt that on or about the 4th day of February, 2014, in Harris County, Texas, the defendant, Jose Reyes, did then and there unlawfully, while in the course of committing or attempting to commit the ~~aggravated sexual assault of Corriann Cervantes,~~ intentionally cause the death of Corriann Cervantes by striking Corriann Cervantes with a deadly weapon, namely a sharp object; or if you find from the evidence beyond a reasonable doubt that on or about the 4th day of February, 2014, in Harris County, Texas, Victor Alas, did then and there unlawfully, while in the course of committing or attempting to commit the aggravated sexual assault of Corriann Cervantes, intentionally cause the death of Corriann Cervantes by striking Corriann Cervantes with a deadly weapon, namely a sharp object, and that the defendant, Jose Reyes, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Victor Alas to commit the offense, if he did; or

If you find from the evidence beyond a reasonable doubt that on or about the 4th day of February, 2014, in Harris County, Texas, the defendant, Jose Reyes, did then and there unlawfully, while in the course of committing or attempting to commit the aggravated sexual assault of Corriann Cervantes, intentionally cause the death of Corriann Cervantes by stabbing Corriann Cervantes with a deadly weapon, namely a sharp object; or if you find from the evidence beyond a reasonable doubt that on or about

the 4th day of February, 2014, in Harris County, Texas, Victor Alas, did then and there unlawfully, while in the course of committing or attempting to commit the aggravated sexual assault of Corriann Cervantes, intentionally cause the death of Corriann Cervantes by stabbing Corriann Cervantes with a deadly weapon, namely a sharp object, and that the defendant, Jose Reyes, with ~~the intent to promote or assist the commission of the offense, if~~ any, solicited, encouraged, directed, aided or attempted to aid Victor Alas to commit the offense, if he did, 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, or if you are unable to agree, you will next consider whether the defendant is guilty of the lesser offense of murder.

Therefore, if you find from the evidence beyond a reasonable doubt that on or about the 4th day of February, 2014, in Harris County, Texas, the defendant, Jose Reyes, did then and there unlawfully, intentionally or knowingly cause the death of Corriann Cervantes, by striking Corriann Cervantes with a deadly weapon, namely a blunt object; or if you find from the evidence beyond a reasonable doubt that on or about the 4th day of February, 2014, in Harris County, Texas, Victor Alas, did then and there unlawfully, intentionally or knowingly cause the death of Corriann Cervantes, by striking Corriann Cervantes with a deadly weapon, namely a blunt object, and that the defendant, Jose Reyes, with the intent to promote or assist the commission

of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Victor Alas to commit the offense, if he did; or

If you find from the evidence beyond a reasonable doubt that on or about the 4th day of February, 2014, in Harris County, Texas, the defendant, Jose Reyes, did then and there unlawfully intend to cause serious bodily injury to Corriann Cervantes, and

~~did cause the death of Corriann Cervantes by intentionally or~~

knowingly committing an act clearly dangerous to human life, namely by striking Corriann Cervantes with a deadly weapon, namely a blunt object; or if you find from the evidence beyond a

reasonable doubt that on or about the 4th day of February, 2014, in Harris County, Texas, Victor Alas, did then and there

unlawfully intend to cause serious bodily injury to Corriann Cervantes, and did cause the death of Corriann Cervantes by

intentionally or knowingly committing an act clearly dangerous to human life, namely by striking Corriann Cervantes with a deadly

weapon, namely a blunt object, and that the defendant, Jose Reyes, with the intent to promote or assist the commission of the

offense, if any, solicited, encouraged, directed, aided or attempted to aid Victor Alas to commit the offense, if he did; or

If you find from the evidence beyond a reasonable doubt that on or about the 4th day of February, 2014, in Harris County, Texas, the defendant, Jose Reyes, did then and there unlawfully,

intentionally or knowingly cause the death of Corriann Cervantes, by striking Corriann Cervantes with a deadly weapon, namely a

sharp object; or if you find from the evidence beyond a reasonable doubt that on or about the 4th day of February, 2014,

in Harris County, Texas, Victor Alas, did then and there unlawfully, intentionally or knowingly cause the death of Corriann Cervantes, by striking Corriann Cervantes with a deadly weapon, namely a sharp object, and that the defendant, Jose Reyes, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Victor Alas to commit the offense, if he did; or

If you find from the evidence beyond a reasonable doubt that on or about the 4th day of February, 2014, in Harris County, Texas, the defendant, Jose Reyes, did then and there unlawfully intend to cause serious bodily injury to Corriann Cervantes, and did cause the death of Corriann Cervantes by intentionally or knowingly committing an act clearly dangerous to human life, namely by striking Corriann Cervantes with a deadly weapon, namely a sharp object; or if you find from the evidence beyond a reasonable doubt that on or about the 4th day of February, 2014, in Harris County, Texas, Victor Alas, did then and there unlawfully intend to cause serious bodily injury to Corriann Cervantes, and did cause the death of Corriann Cervantes by intentionally or knowingly committing an act clearly dangerous to human life, namely by striking Corriann Cervantes with a deadly weapon, namely a sharp object, and that the defendant, Jose Reyes, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Victor Alas to commit the offense, if he did; or

If you find from the evidence beyond a reasonable doubt that on or about the 4th day of February, 2014, in Harris County,

Texas, the defendant, Jose Reyes, did then and there unlawfully, intentionally or knowingly cause the death of Corriann Cervantes, by stabbing Corriann Cervantes with a deadly weapon, namely a sharp object; or if you find from the evidence beyond a reasonable doubt that on or about the 4th day of February, 2014, in Harris County, Texas, Victor Alas, did then and there unlawfully, intentionally or knowingly cause the death of

Corriann Cervantes, by stabbing Corriann Cervantes with a deadly weapon, namely a sharp object, and that the defendant, Jose Reyes, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Victor Alas to commit the offense, if he did; or

If you find from the evidence beyond a reasonable doubt that on or about the 4th day of February, 2014, in Harris County, Texas, the defendant, Jose Reyes, did then and there unlawfully intend to cause serious bodily injury to Corriann Cervantes, and did cause the death of Corriann Cervantes by intentionally or knowingly committing an act clearly dangerous to human life, namely by stabbing Corriann Cervantes with a deadly weapon, namely a sharp object; or if you find from the evidence beyond a reasonable doubt that on or about the 4th day of February, 2014, in Harris County, Texas, Victor Alas, did then and there unlawfully intend to cause serious bodily injury to Corriann Cervantes, and did cause the death of Corriann Cervantes by intentionally or knowingly committing an act clearly dangerous to human life, namely by stabbing Corriann Cervantes with a deadly weapon, namely a sharp object, and that the defendant, Jose

Reyes, with the intent to promote or assist the commission of the offense, if any, solicited, encouraged, directed, aided or attempted to aid Victor Alas to commit the offense, if he did, then you will find the defendant guilty of murder.

If you believe from the evidence beyond a reasonable doubt that the defendant is guilty of either capital murder on the one hand or murder on the other hand, but you have a reasonable doubt as to which of said offenses he is guilty, then you must resolve that doubt in the defendant's favor and find him guilty of the lesser offense of murder.

If you have a reasonable doubt as to whether the defendant is guilty of any offense defined in this charge you will acquit the defendant and say by your verdict "Not Guilty."

Voluntary intoxication does not constitute a defense to the commission of a crime. "Intoxication" means disturbance of mental or physical capacity resulting from the introduction of any substance into the body.

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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.



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.

You are further instructed that any evidence that any witness has been convicted in any case or cases was admitted before you for the purpose of aiding you, if it does aid you, in passing upon the credibility of the witness and the weight to be given his or her testimony, and you will not consider the same for any other purpose.

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 Foreman. 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 Foreman.

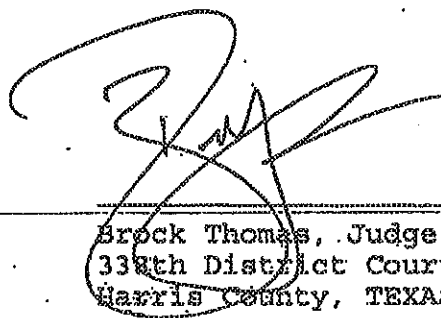
During your deliberations in this case, you must not consider, discuss, nor relate any matters not in evidence before you. You should not consider nor mention any personal knowledge or information you may have about any fact or person connected with this case which is not shown by the evidence.

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 Foreman 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.

A large, stylized handwritten signature in black ink, appearing to read 'Brock Thomas', is written over a horizontal line.

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Brock Thomas, Judge  
338th District Court  
Harris County, TEXAS

**FILED**

Chris Daniel  
District Clerk

DEC 11 2014

CAUSE NO. 1447247

Time:

Harris County, Texas

By 11:35 AM 98  
Deputy

THE STATE OF TEXAS  
VS.  
JOSE REYES

§ IN THE 338TH DISTRICT COURT  
§ OF HARRIS COUNTY, TEXAS  
§ JULY TERM, A. D., 2014

CHOOSE ONE

"We, the Jury, find the defendant, Jose Reyes, not guilty."

\_\_\_\_\_  
Foreman of the Jury

\_\_\_\_\_  
(Please Print) Foreman

"We, the Jury, find the defendant, Jose Reyes, guilty of capital murder, as charged in the indictment."

  
\_\_\_\_\_  
Foreman of the Jury

Jorge Garcia  
\_\_\_\_\_  
(Please Print) Foreman

"We, the Jury, find the defendant, Jose Reyes, guilty of murder."

\_\_\_\_\_  
Foreman of the Jury

\_\_\_\_\_  
(Please Print) Foreman