



CASE NO. 152218601010  
 INCIDENT No./TRN: 9172139218A001

THE STATE OF TEXAS

IN THE 179TH DISTRICT

vs.

COURT

RATLIFF, MICHAEL

HARRIS COUNTY, TEXAS

SID: TX08225914

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**JUDGMENT OF CONVICTION BY JURY – CAPITAL MURDER**

Judge Presiding:	VANESSA VELASQUEZ	Date Sentence Imposed:	3/2/2020
Attorney for State:	SAMANTHA KNECHT & LAUREN BARD	Attorney for Defendant:	BOURQUE, GERALD E. GRABER, JERALD
<u>Offense for Which Defendant Convicted:</u>			
CAPITAL MURDER (MULTI MURDER)			
<u>Charging Instrument:</u>		<u>Statute for Offense:</u>	
INDICTMENT			
<u>Date of Offense:</u>		<u>Plea to Offense:</u>	
6/16/2016		NOT GUILTY	
<u>Degree of Offense:</u>			
CAPITAL MURDER			
<u>Verdict of Jury:</u>		<u>Findings on Deadly Weapon:</u>	
GUILTY		YES, A FIREARM	
<u>Punished Assessed by:</u>		<u>Date Sentence to Commence:</u>	
COURT		3/2/2020	
<u>Punishment and Place of Confinement:</u>			
Life without Parole, Institutional Division, TDCJ			
<u>Court Costs:</u>		<u>Reimbursement Fees:</u>	
\$ 290.00		\$ N/A	
<u>Restitution:</u>			
\$ N/A			
<u>Restitution Payable to:</u> (See special finding or order of restitution which is incorporated herein by this reference.)			
Was the victim impact statement returned to the attorney representing the State? N/A			

This cause was called for trial by jury and the parties appeared. The State appeared by her District Attorney as named above.

**Counsel / Waiver of Counsel (select one)**

- Defendant appeared with counsel.
- Defendant appeared without counsel and knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

Both parties announced ready for trial. It appeared to the Court that Defendant was mentally competent to stand trial. A jury was selected, impaneled, and sworn. The Indictment was read to the jury, and Defendant entered a plea to the charged offense. The Court received the plea and entered it of record.

The jury heard the evidence submitted and argument of counsel. The Court charged the jury as to its duty to determine Defendant's guilt or innocence, and the jury retired to consider the evidence. Upon returning to open court, the jury delivered its verdict in the presence of Defendant and Defense Counsel.

The Court received the verdict and **ORDERED** it entered upon the minutes of the Court.

The jury heard evidence relative to the question of punishment. The Court charged the jury and it retired to consider the special issues set out in the jury charge. After due deliberation, the jury was brought into open court, where it returned its answers to the special issues as indicated below:

(1) The jury found beyond a REASONABLE DOUBT that there is a probability that defendant would commit criminal acts of violence that would constitute a continuing threat to society.



- Yes (unanimous)
- No (by at least 10 jurors)

(2) The jury found beyond a REASONABLE DOUBT that considering all the evidence, including the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant, that there is a sufficient mitigating circumstance or circumstances to warrant that a sentence of life imprisonment without parole rather than a death sentence be imposed?

- Yes (by at least 10 jurors)
- No (unanimous)

**Special Issues to be included if necessary:**

**(If Defendant is found GUILTY as a party under TEX. PEN. CODE §§ 7.01; 7.02)**

The jury found beyond a REASONABLE DOUBT that the defendant actually caused the death of the deceased or did not actually cause the death of the deceased but intended to kill the deceased or another or anticipated that a human life would be taken.

- Yes (unanimous)
- No (by at least 10 jurors)

**(If Defendant has a mental impairment or defect)**

The jury found from a PREPONDERANCE OF THE EVIDENCE that defendant is a person with:

- Mental illness
- Mental retardation

The Court **FINDS** Defendant committed the above offense and **ADJUDGES** Defendant **GUILTY** of the above offense.

The Court **ORDERS** Defendant punished as indicated above. The Court **FINDS** that the State of Texas is entitled to recover all costs and fees associated with the prosecution of this case from Defendant and may issue execution to recover the same.

**Punishment Options**

**Confinement in Institutional Division.** The Court **ORDERS** the authorized agent of the State of Texas or the County Sheriff to take, safely convey, and deliver Defendant to the **DIRECTOR OF THE CORRECTIONAL INSTITUTIONS DIVISION, TDCJ**, for placement in confinement in accordance with this judgment. The Court **ORDERS** Defendant remanded to the custody of the Sheriff until the Sheriff can obey the directions of this judgment. The Court **ORDERS** TDCJ to make withdrawals from Defendant's inmate account as such funds become available. TDCJ is hereby notified that Defendant has been ordered to pay court costs, reimbursement fees, and restitution as indicated above. The Court **ORDERS** TDCJ to make withdrawals from Defendant's inmate account as such funds become available to pay said court costs, reimbursement fees, and restitution until said amounts are paid in full. Any restitution ordered above shall be paid to the individual or agency indicated above. The withdrawals and payments shall be made in accordance with Section 501.014, Tex. Gov't Code, and TDCJ's policies and procedures, to the extent that such policies and procedures are consistent with Sec. 501.014.

**Death.** The Court **ORDERS** the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the **DIRECTOR OF THE CORRECTIONAL INSTITUTIONS DIVISION, TDCJ**. Defendant shall be confined in said Institutions Division in accordance with the provisions of the law governing TDCJ until a date of execution of the said Defendant is imposed by this Court after receiving the mandate of affirmance from the Court of Criminal Appeals of the State of Texas. The Court **Orders** Defendant remanded to the custody of the Sheriff of this County until the Sheriff can obey the directions of this judgment.

**Execution**

- The Court **ORDERS** Defendant's sentence **EXECUTED**.

After having conducted an inquiry into Defendant's ability to pay, the Court **ORDERS** Defendant to pay the court costs, reimbursement fees, and restitution indicated above.


**Furthermore, the following special findings or orders apply:**

**DEADLY WEAPON, TEX. CODE CRIM. PROC. ART. 42A.054; TEX. PENAL CODE SEC. 1.07(17)(A)(B).**



THE COURT FINDS DEFENDANT USED OR EXHIBITED A DEADLY WEAPON, NAMELY, FIREARM , DURING THE COMMISSION OF A FELONY OFFENSE OR DURING IMMEDIATE FLIGHT THEREFROM OR WAS A PARTY TO THE OFFENSE AND KNEW THAT A DEADLY WEAPON WOULD BE USED OR EXHIBITED.

Date Judgment Entered: March 2, 2020

X   
VANESSA VELASQUEZ JUDGE PRESIDING

Clerk: J.FLORES

Notice of Appeal Filed: 3/2/2020

Mandate Received: \_\_\_\_\_ Type of Mandate: \_\_\_\_\_

After Mandate Received, Sentence to Begin Date is: \_\_\_\_\_

Jail Credit: \_\_\_\_\_ DAYS

Thumbprint

Right Thumbprint

Case Number: 1522186 Court: 179TH Defendant: **RATLIFF, MICHAEL**



**FILED**

Marlyn Burgess  
District Clerk

MAR 02 2020

CAUSE NO. 1522186

Time: \_\_\_\_\_  
Harris County, Texas

By \_\_\_\_\_  
County

THE STATE OF TEXAS                   §    IN THE 179th DISTRICT COURT  
VS.                                       §    OF HARRIS COUNTY, TEXAS  
MICHAEL RATLIFF                     §    FEBRUARY TERM, A. D., 2020

Members of the Jury:

The defendant, Michael Ratliff, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 16<sup>th</sup> day of June, 2016, in Harris 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.

"Deadly weapon" means a firearm or 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.

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 defendant and Sandtrece Ratliff and the defendant and Ariel Ratliff 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 16<sup>th</sup> day of June, 2016, in Harris County, Texas, the defendant, Michael Ratliff, did then and there unlawfully, during the same criminal transaction, intentionally or knowingly cause the death of Sandtrece Ratliff, by shooting Sandtrece Ratliff with a deadly weapon, namely a firearm and intentionally or knowingly cause the death of Ariel Ratliff, by shooting Ariel Ratliff, with a deadly weapon, namely a firearm, 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."

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.

Our law provides that a person commits the lesser offense of murder if he intentionally or knowingly causes the death of an individual, or if he 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.

Therefore, if you find from the evidence beyond a reasonable doubt that on or about the 16<sup>th</sup> day of June, 2016, in Harris County, Texas, the defendant, Michael Ratliff, did then and there unlawfully, intentionally or knowingly cause the death of Sandtrece Ratliff, by shooting Sandtrece Ratliff with a deadly weapon, namely a firearm, or he intended to cause serious bodily injury and intentionally or knowingly committed an act clearly dangerous to human life that caused the death of Sandtrece Ratliff but did not intentionally or knowingly cause the death of Ariel Ratliff, then you will find the defendant guilty of the lesser offense of murder of Sandtrece Ratliff.

Alternatively, if you find from the evidence beyond a reasonable doubt that on or about the 16<sup>th</sup> day of June, 2016, in Harris County, Texas, the defendant, Michael Ratliff, did then

and there unlawfully, intentionally or knowingly cause the death of Ariel Ratliff, by shooting Ariel Ratliff with a deadly weapon, namely a firearm, or he intended to cause serious bodily injury and intentionally or knowingly committed an act clearly dangerous to human life that caused the death of Ariel Ratliff but did not intentionally or knowingly cause the death of Sandtrece Ratliff, then you will find the defendant guilty of the lesser offense of murder of Ariel Ratliff.

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 the 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.

If there is evidence before you in this case alleging the defendant committed an offense or offenses other than the offenses alleged against him in the indictment in this case, you are instructed that you cannot consider such evidence for any purpose unless you first find and believe beyond a reasonable doubt that the defendant did commit such other alleged offense or offenses.

You are instructed that evidence of crimes, wrongs, or acts other than what is alleged in the indictment is not admissible to prove the character of the defendant in order to show action in conformity with that character as proof of his guilt for the offense charged in the indictment.

Crimes, wrongs, or acts other than alleged in the indictment may however be admissible for other purposes, such as proof of motive, opportunity, intent, preparation, plan, or knowledge, or to show the previous relationship existing between the defendant and the deceased's. Even then, you may only consider the same in determining the motive, opportunity, intent, preparation, plan, or knowledge, or to show the previous relationship existing between the defendant and the deceaseds in connection with the offense charged in the indictment.

You are further instructed that if there is evidence before you in this case regarding the defendant's commission of a crime, wrong, or act other than 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, if any, and even then you may only consider the same for the purpose of refuting, it if does refute, a defensive theory of the defendant.

If you all agree that the State has proved, beyond a reasonable doubt, each of the elements of capital murder as described above, or the lesser included offense of murder as described above, you must next consider whether the defendant's use of deadly force was justified in self-defense.

You have heard evidence that, when the defendant shot Sandtrece Ratliff and Ariel Ratliff, he believed his use of deadly force was necessary to defend himself against Sandtrece Ratliff and Ariel Ratliff's use or attempted use of unlawful deadly force.

Upon the law of self-defense, you are instructed that a person's use of deadly force against another that would otherwise constitute the crime of capital murder or murder is not a criminal offense when the person reasonably believed deadly force used was immediately necessary to protect the person against the other's use or attempted use of unlawful deadly force.

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 person or persons using it to cause death or serious bodily injury or force that in the manner of its use or intended use is capable of causing death or serious bodily injury.

When a person is attacked with unlawful deadly force, or he reasonably believes he is under attack or attempted attack with unlawful deadly force by another or others and there is created in the mind of such a person a reasonable expectation or fear of death or serious bodily injury, then the law excuses or justifies such person in resorting to deadly force to the degree that he reasonably believes is immediately necessary, viewed from his standpoint at the time to protect himself from attack or attempted attack.

It is not necessary that there be actual danger, as a person is justified in using deadly force to defend his life and person from apparent danger to the same extent as he would have were the danger real, as it reasonably appeared to him from his standpoint at the time, and provided he reasonably believes the deadly force is immediately necessary to protect himself against the other's use or attempted use of unlawful deadly force.

In determining the existence of real or apparent danger, you should consider all the facts and circumstances in evidence before you. You should consider all relevant facts and circumstances surrounding the event, the previous relationship existing between the defendant and the deceaseds, together with all the relevant facts and circumstances that show the condition

of the mind of the defendant at the time of the event. Then, in considering such circumstances, you should place yourselves in the defendant's position at that time and view them from his standpoint.

The State must prove beyond a reasonable doubt, that self-defense does not apply to this case. The State is not required to produce evidence to refute self-defense. However, the State is required to prove the defendant's conduct was not justified by self-defense through the burden of persuasion.

Therefore, if you find that the State has proved the offense of capital murder or the lesser offense of murder beyond a reasonable doubt, you must next decide whether the State has proved beyond a reasonable doubt that the defendant's conduct was not justified by self-defense.

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

1. The defendant did not believe his conduct was immediately necessary to protect himself against Sandtrece Ratliff and Ariel Ratliff's use or attempted use of unlawful 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 persuaded you or on what persuaded you.

If you find that the State has failed to prove, beyond a reasonable doubt, either element 1 or 2 listed above, you must find the defendant not guilty. If you have a reasonable doubt as to whether or not Michael Ratliff acted in self-defense on said occasion and under the circumstances, then you shall give him the benefit of that doubt and say by your verdict, not guilty.

However, if you all agree that the State has proved, beyond a reasonable doubt, each of the elements of the offense of capital murder or the lesser offense of murder and you all agree that the state has proved, beyond a reasonable doubt, that the defendant was not acting in self-defense, as described above, you must find the defendant guilty.

If you find from the evidence that the State has proved beyond a reasonable doubt that the defendant committed capital murder but you also believe that the defendant was acting in self-defense when he killed Sandtrece Ratliff, but was not acting in self-defense, as described above, when he killed Ariel Ratliff, then you must find the defendant "guilty" of the murder of Ariel Ratliff. Or in the alternative, if you find from the evidence that the State has proved beyond a reasonable doubt that the defendant committed capital murder but you also believe that the defendant was acting in self-defense when he killed Ariel Ratliff but was not acting in self-defense, as described above, when he killed Sandtrece Ratliff, then you must find the defendant "guilty" of the murder of Sandtrece Ratliff.

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.

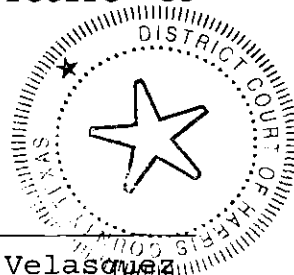
After you retire to the jury room, you should select one of your members as your Foreman. It is his or her duty to preside at your deliberations, vote with you, and when you have unanimously agreed upon a verdict, to certify to your verdict by using the appropriate form attached hereto and signing the 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 of the defendant under the indictment in this cause and restrict your deliberations solely to the issue of guilt of the defendant.

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



*V. Velasquez*  
Presiding Judge, Vanessa Velasquez  
179th District Court  
Harris County, TEXAS

**FILED**  
Marilyn Burgess  
District Clerk  
MAR 02 2020

Time: \_\_\_\_\_  
By: \_\_\_\_\_  
Harris County, Texas



CAUSE NO. 1522186

THE STATE OF TEXAS                    §    IN THE 179TH DISTRICT COURT  
VS.    §    OF HARRIS COUNTY, TEXAS  
MICHAEL RATLIFF                        §    FEBRUARY TERM, A. D., 2020

V E R D I C T

"We, the Jury, find the defendant, Michael Ratliff, not guilty."

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

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

"We, the Jury, find the defendant, Michael Ratliff, guilty of Capital Murder, as charged in the indictment."

*Julie Kalbac*  
\_\_\_\_\_  
Foreman of the Jury

*Julie Kalbac*  
\_\_\_\_\_  
(Please Print) Foreman

**FILED**  
Marilyn Burgees  
District Clerk

MAR 02 2020

Time: \_\_\_\_\_

By: \_\_\_\_\_

6:13 p  
Harris County, Texas  
Dacey

"We, the Jury, find the defendant, Michael Ratliff, guilty of the Murder of Sandtrece Ratliff."

---

Foreman of the Jury

---

(Please Print) Foreman

"We, the Jury, find the defendant, Michael Ratliff, guilty of the Murder of Ariel Ratliff."

---

Foreman of the Jury

---

(Please Print) Foreman