

DEC 13 2021

CAUSE NO. CR21305

TRACIA PIPPIN DIST. CLERK
JACK COUNTY, TEXAS
BY JP DEPUTY

STATE OF TEXAS

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IN THE DISTRICT COURT

V.

271ST JUDICIAL DISTRICT

RONNIE LEE BREZINA

JACK COUNTY, TEXAS

CHARGE OF THE COURT

MEMBERS OF THE JURY:

The Defendant, RONNIE LEE BREZINA, stands charged by indictment with the offense Capital Murder, alleged to have been committed in Wise County, Texas on or about the 7th day of January, 2019. To these charges the Defendant has pled not guilty.

You are instructed that the law applicable to this case is as follows:

I.

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

"Person" means an individual, corporation, or association.

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

A person commits the offense of capital murder if the person intentionally commits the murder in the course of committing or attempting to commit kidnapping.


A person commits the offense of murder if he intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual.

A person also commits the offense of murder if he commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

"In the course of committing" means conduct occurring in an attempt to commit, during the commission, or in the immediate flight after the attempt or commission of the offense.

A person commits a criminal attempt if, with specific intent to commit an offense, he does an act amounting to more than mere preparation that tends but fails to effect the commission of the offense intended.

With respect to capital murder and murder, 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.

 With respect to murder, ^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.

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

The offense becomes aggravated kidnapping if a deadly weapon is used or exhibited during the commission of the offense of kidnapping.

"Abduct" means to restrain a person with intent to prevent ^{her} ~~his~~ liberation by (A) secreting or holding her in a place where ^{she} ~~he~~ is not likely to be found or (B) using or threatening to use deadly force.

"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.

"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.

"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 of serious bodily injury.

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

"Serious bodily injury" means bodily injury that creates substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member of organ.

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

With respect to kidnapping, 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.

II.

It is a defense to prosecution that the conduct in question is justified under our law. You are to consider this statutory defense in determining if the defendant is guilty of the offense alleged in the indictment.

Under our law, a person is justified in using force against another when and to the degree that he reasonably believes the force is immediately necessary to protect himself against the other person's use or attempted use of unlawful force.

A person is justified in using deadly force against another if he would be justified in using force against the other in the first place, as set out above, and when he reasonably believes that such deadly force is immediately necessary to protect himself against the other person's use or attempted use of unlawful deadly force.

The term "reasonable belief," as used herein, means a belief that would be held by an ordinary and prudent person in the same circumstances as the defendant.

The Defendant's belief that deadly force was immediately necessary is presumed to be reasonable if the Defendant knew or had reason to believe that the person against whom deadly force was used was either attempting to enter unlawfully and with force the defendant's occupied habitation, or was committing or attempting to commit murder, AND the Defendant did not provoke the person against whom the deadly force was used; AND, the Defendant was not otherwise engaged in criminal activity, other than a Class C misdemeanor that is a violation of law or ordinance regulating traffic at the time the force was used.

If the State fails to prove beyond a reasonable doubt that the facts giving rise to the presumption do not exist, you must find that the presumed fact exists. Even if you find that the

presumed fact does not exist, the state must prove beyond a reasonable doubt each of the elements of the offense charged. If you have a reasonable doubt as to whether the presumed fact exists, the presumption applies and you must consider the presumed fact to exist.

A person who has a right to be present at the location where the deadly force is used, who has not provoked the person against whom the deadly force is used, and who is not engaged in criminal activity at the time the deadly force is used, is not required to retreat before using deadly force to defend himself. If you find from the evidence that the Defendant was such a person, or if you have a reasonable doubt thereof, in determining whether the Defendant reasonably believed that the use of deadly force was necessary, you may not consider whether the Defendant failed to retreat.

Voluntary intoxication does not constitute a defense to the commission of an offense.

III.

Now bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that the defendant, RONNIE LEE BREZINA, on or about the 7th day of January, 2019, in the County of Wise, and State of Texas, did then and there, intentionally cause the death of an individual, namely, BRANDY ANN WALLEN, by cutting and stabbing BRANDY ANN WALLEN with a knife, and the defendant was then and there in the course of committing or attempting to commit the offense of kidnapping of BRANDY ANN WALLEN, then you will find the defendant guilty of the offense of Capital Murder as charged in the indictment.

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will next consider whether the Defendant is guilty of the lesser included offense of Murder.

IV.

Now bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that the defendant, RONNIE LEE BREZINA, on or about the 7th day of January, 2019, in the County of Wise, and State of Texas, did then and there, intentionally cause the death of an individual, namely, BRANDY ANN WALLEN, by cutting and stabbing BRANDY ANN WALLEN with a knife, but you have a reasonable doubt as to whether the defendant was then and there in the course of committing or attempting to commit the offense of kidnapping at the time of the stabbing, if any; or did then and there knowingly cause the death of an individual, namely, BRANDY ANN WALLEN, by cutting and stabbing BRANDY ANN WALLEN with a knife; or did then and there, intend to cause serious bodily injury to BRANDY ANN WALLEN, and the defendant intentionally or knowingly committed an act clearly dangerous to human life, namely: cutting and stabbing BRANDY ANN WALLEN with a knife; or did then and there, commit or attempt to commit a felony, to wit: kidnapping, and in the course of and in furtherance of the commission, or in immediate flight from the commission of said felony, committed or attempted to commit an act clearly dangerous to human life, to wit: cutting and stabbing BRANDY ANN WALLEN with a knife, then you will find the defendant guilty of the lesser-included offense of Murder.

Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will next consider whether the Defendant is guilty of the lesser included offense of Aggravated Kidnapping.

V.

Now bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt that the defendant, RONNIE LEE BREZINA, on or about the 7th day of January, 2019, in the County of Wise, and State of Texas, did then and there, with the intent to inflict bodily injury on BRANDY ANN WALLEN, or with the intent to terrorize BRANDY ANN WALLEN, intentionally and knowingly abduct BRANDY ANN WALLEN, by restricting her movements without her consent, so as to interfere substantially with her liberty by using or threatening to use deadly force, to wit: cutting and stabbing BRANDY ANN WALLEN with a knife, then you will find the defendant guilty of the lesser included offense of Aggravated Kidnapping.

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

VI.

During the trial, you heard evidence that the defendant may have committed acts not charged in the indictment. Specifically, you received evidence that the defendant may have committed certain acts as alleged in Facebook messages admitted in State's Exhibits 389, 390, and 391. The State offered the evidence to show the nature of the relationship between the accused and Brandy Wallen. You are not to consider that evidence at all unless you find, beyond a reasonable doubt, that the defendant did, in fact, commit the act. Those of you who believe the defendant did the act may consider it.

Even if you do find that the defendant committed the act, you may consider this evidence only for the limited purpose I have described. You may not consider this evidence to prove that

the defendant is a bad person and for this reason was likely to commit the charged offense. In other words, you should consider this evidence only for the specific, limited purpose I have described. To consider this evidence for any other purpose would be improper.

During the trial, you were given instructions by the Court to disregard thirty seconds of video you had heard in State's Exhibit #237. You may not consider this evidence to prove that the defendant was likely to commit the charged offense or for any other purpose. To consider this evidence for any purpose would be improper.

VII.

In all criminal cases, the burden of proof is upon the State. All persons are presumed innocent and no person may be convicted unless each element of the offense is proved beyond a reasonable doubt. The fact that the 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 the 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 a 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 prosecutor's proof excludes all reasonable doubt concerning the defendant's guilt.

You are instructed that you may consider all relevant facts and circumstances surrounding the alleged offense, if any, and the previous relationship existing between the accused and the deceased, if any, together with all relevant facts and circumstances going to show the condition of the mind of the accused at the time of the ~~shooting~~ ^{alleged offense} in question, if any.

You are instructed that you are not to allow yourselves to be influenced in any degree whatsoever by what you may think or surmise the opinion of the Court to be. The Court has no right by any word or act to indicate any opinion respecting any matter of fact in this case, and if you have observed anything which you have or may interpret as the Court's opinion upon any matter of fact in this case, you must wholly disregard it.

You are instructed that any statements of counsel made during the course of the trial or during argument, not supported by the evidence or statements of law made by counsel, not in harmony with the law as stated to you by the Court in these instructions, are to be wholly disregarded.

Our law provides that a defendant may testify if he elects to do so; but, in the event a defendant does not testify, the fact that he did not testify cannot be considered as evidence or circumstance against him or anyone else. You are instructed that you cannot, and must not, refer to or allude to the election of any defendant to not testify when you enter your deliberations, or take such election into consideration for any purpose whatsoever as evidence or 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 the defendant

has been arrested, confined, or indicted for or otherwise charged with the offense gives rise to no inference of guilt at the defendant's trial.

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 at all.

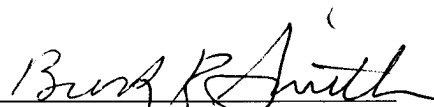
In deliberating on the cause you are not to refer to or discuss any matter or issue not in evidence before you; and in determining the guilt or innocence of the defendant, you shall not discuss or consider the punishment, if any, which may be assessed against the defendant in the event he is found guilty beyond a reasonable doubt. Do not let bias, prejudice, or sympathy play any part in your deliberations.

You are the exclusive judges of the facts proven, of the credibility of the witnesses and of the weight to be given to their testimony, but you are bound to receive the law from the Court, which is herein given, and be governed thereby.

Any further communication must be in writing by your foreperson through the bailiff to the Court, except as to your personal needs which may be communicated orally to the bailiff in charge.

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

After closing arguments you may retire to consider your verdict.



JUDGE BROCK SMITH
PRESIDING JUDGE, 271st JUDICIAL DISTRICT

CAUSE NO. CR21305

STATE OF TEXAS

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IN THE DISTRICT COURT

V.

271ST JUDICIAL DISTRICT

RONNIE LEE BREZINA

JACK COUNTY, TEXAS

VERDICT FORM

(Presiding Juror to sign only one)

We, the Jury, find the Defendant, RONNIE LEE BREZINA, guilty of the offense of Capital Murder as charged in the indictment.

Ricky Wade
PRESIDING JUROR

-OR-

We, the Jury, find the Defendant, RONNIE LEE BREZINA, guilty of the offense of Murder, a lesser included offense of the indictment.

PRESIDING JUROR

-OR-

FILED

A.M. 4:02 P.M.

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TRACIE PIPPIN DIST. CLERK
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BY JP DEPUTY

We, the Jury, find the Defendant, RONNIE LEE BREZINA, guilty of the offense of Aggravated Kidnapping, a lesser included offense of the indictment.

PRESIDING JUROR

-OR-

We, the Jury, find the Defendant, RONNIE LEE BREZINA, not guilty.

PRESIDING JUROR