

CAUSE NO. CR-2324-17-D

Verdict Reached
8:14 p
May 6, 2026
[Signature]
IN THE DISTRICT COURT
206th JUDICIAL DISTRICT
HIDALGO COUNTY, TEXAS
FILED
AT 9:39 O'CLOCK A.M.
MAY 07 2026
LAURA HINOJOSA CLERK,
District Court, Hidalgo County
By *[Signature]* Deputy #2

THE STATE OF TEXAS
VS
AMBROSIO RODRIGUEZ

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IN THE DISTRICT COURT
206th JUDICIAL DISTRICT
HIDALGO COUNTY, TEXAS

CHARGE OF THE COURT

JURY INSTRUCTIONS

Members of the Jury,

The Defendant, AMBROSIO RODRIGIEZ, stands charged in this indictment with the offense of Capital Murder. The Defendant has pleaded "not guilty," and you have heard all of the evidence.

The parties will soon present final arguments. Before they do so, I must now give you the instructions you must follow in deciding whether or not the State has proved the Defendant guilty.

You will have a written copy of these instructions to take with you and to use during your deliberations.

I will first tell you about some general principles that apply in all criminal cases. Then I will tell you about the specific law applicable to this case. Finally, I will instruct you on the rules that must control your deliberations.

GENERAL PRINCIPLES

The Indictment

The indictment is not evidence of guilt. The indictment is a document required to bring the case before you. Do not consider the fact that the Defendant has been arrested, confined, or indicted or otherwise charged. Do not draw any inference of guilt from any of these circumstances.

Presumption of Innocence

The Defendant is presumed innocent of the charge. All persons are presumed to be innocent, and no person may be convicted of an offense unless the State proves each element of the offense beyond a reasonable doubt. The law does not require a defendant to prove his innocence or produce any evidence at all. The presumption of innocence alone is sufficient for you to return a verdict of not guilty. You may find the Defendant guilty only after a careful and impartial consideration of all of the evidence and only if the State has proved the Defendant's guilt beyond a reasonable doubt.

Burden of Proof

The State has the burden to prove every element of the offense beyond a reasonable doubt. If the State proves every element of the offense beyond a reasonable doubt, then you must find the Defendant "Guilty." If it does not, then you must find the Defendant "Not Guilty." The State is not required to prove guilt beyond all possible doubt; it is required that the State's proof excludes all "reasonable doubt" concerning the Defendant's guilt. If, after you have considered all the evidence and these instructions, you have a reasonable doubt about whether the Defendant is guilty, you must find the Defendant not guilty.

Jury as Fact Finder

As the jurors, you review the evidence and determine the facts and what they prove. You judge the believability of the witnesses and what weight to give their testimony.

In judging the facts and the believability of the witnesses, you must apply the law provided in these instructions.

Evidence

The evidence consists of the testimony and exhibits admitted in the trial. You must consider only evidence to reach your decision. You must not consider, discuss, or mention any other thing that is not evidence in the trial. You must not consider or mention any personal knowledge or information you may have about any fact or person connected with this case that is not evidence in the trial.

Statements made by the lawyers are not evidence. The questions asked by the attorneys are not evidence.

Nothing I have said or done in this case should be considered by you as my opinion about the facts of this case or influence you to vote one way or the other.

You should give terms their common meanings, unless you have been told in these instructions that the terms are given special meanings. In that case, of course, you should give those terms the meanings provided in the instructions.

While you should consider only the evidence, you are permitted to draw reasonable inferences from the testimony and exhibits if those inferences are justified in the light of common experience. In other words, you may make deductions and reach conclusions that reason and common sense lead you to draw from the evidence.

You are to render a fair and impartial verdict based on the evidence admitted in the case under the law that is in these instructions. Do not allow your verdict to be determined by bias, prejudice, or sympathy.

Admitted Exhibits

You may, if you wish, examine exhibits. All exhibits admitted into evidence will be provided to you when you begin your deliberations.

Testimony

Certain testimony will be read back to you by the court reporter if you request. To request that testimony be read back to you, you must follow these rules. The foreperson must make the request in writing and sign it. That request must (1) state that it is requesting that testimony be read back, (2) state that you have a disagreement about a specific statement of a witness or a particular point in dispute, and (3) identify the name of the witness who made the statement. The court will then have the court reporter read back only that part of the statement that is in dispute.

The Verdict

The law requires that you render a verdict of either "Guilty" or "Not Guilty." The verdict of "Not Guilty" simply means that the State has not proved the Defendant guilty beyond a reasonable doubt.

You may return a verdict only if all twelve of you agree on this verdict.

When you reach a verdict, the foreperson should notify the court.

Defendant's Right to Remain Silent

The Defendant has a constitutional right to remain silent. The Defendant may testify on his own behalf. The Defendant may also choose not to testify. The Defendant's decision not to testify cannot be held against him, and it is not evidence of guilt. You must not speculate, guess, or even talk about what the Defendant might have said if he had taken the witness stand or why he did not. The foreperson of the jury must immediately stop any juror from mentioning the Defendant's decision not to testify.

LAW SPECIFIC TO THIS CASE

The Defendant, AMBROSIO RODRIGIEZ, stands charged in this indictment of committing the offense of Capital Murder. Specifically, the accusation is that the defendant intentionally caused the death of Gerado Rodriguez by shooting him with a firearm and the defendant was in the course of committing or attempting to commit robbery or burglary of a habitation.

The state accuses the defendant of having committed the offense of capital murder. Specifically, the accusation is that the defendant is guilty of capital murder under two alternative theories.

Primary Actor Liability

First, the state contends that the defendant, by his own conduct as a primary actor, committed capital murder.

Party Liability

Second, the state contends that a person unknown to the grand jurors committed capital murder and the defendant is criminally responsible for this offense as a party because the defendant solicited, encouraged, directed, aided, or attempted to aid a person unknown to the grand jurors in committing it.

Relevant Statutes

A person commits an offense if the person intentionally causes the death of an individual in the course of committing or attempting to commit burglary of a habitation or robbery.

To prove that the defendant is guilty of capital murder, the state must prove, beyond a reasonable doubt, two elements. The elements are that--

1. the defendant intentionally caused the death of an individual; and
2. this was done in the course of:
 - a. committing or attempting to commit the offense of Robbery; or,
 - b. committing or attempting to commit the offense of Burglary of a Habitation.

Robbery

A person commits the offense of robbery if, in the course of committing or attempting to commit theft and with intent to obtain or maintain control of the property, the person either--

1. intentionally, knowingly, or recklessly causes bodily injury to another; or
2. intentionally or knowingly threatens or places another in fear of imminent bodily injury or death.

In the Course of Committing or Attempting to Commit Theft

"In the course of committing or attempting to commit theft" means conduct that occurs in an attempt to commit, during the commission of, or in immediate flight after the attempt or commission of theft.

Theft

A person commits the offense of theft if--

1. the person appropriates property;
2. this appropriation was unlawful, in that it was without the property owner's effective consent, and
3. the person did this with intent to deprive the owner of the property.

Attempt to Commit Theft

A person attempts to commit theft if the person, with the specific intent to commit theft, does an act amounting to more than mere preparation that tends but fails to effect a theft.

Burglary of a Habitation

A person commits the offense of burglary of a habitation if the person, without the effective consent of the owner, enters a habitation with intent to commit a felony, theft, or an assault.

Habitation

"Habitation" means a structure or vehicle that is adapted for the overnight accommodation of persons.

If a structure or vehicle is a habitation, each separately secured or occupied portion of the structure or vehicle is also a habitation.

Habitation also includes, in addition to a structure or vehicle itself adapted for the overnight accommodation of persons--

1. each structure connected with the adapted structure or vehicle; and
2. each structure near and related to the use and enjoyment of the adapted structure.

Owner

"Owner" means a person who has--

1. title to the property; or
2. possession of the property, whether lawful or not; or
3. a greater right to possession of the property than the defendant.

Possession

"Possession" means actual care, custody, control, or management.

Enter a Place

"Enter a place" means to intrude into the place either (1) any part of the body or (2) any physical object connected with the body.

Consent

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

Effective Consent

"Effective consent" includes consent by a person legally authorized to act for the owner. Consent is not effective if it is--

1. induced by force, threat, or fraud;
2. given by a person the actor knows is not legally authorized to act for the owner;
3. given by a person who by reason of youth, mental disease or defect, or intoxication is known by the actor to be unable to make reasonable decisions; or
4. given solely to detect the commission of an offense.

Intoxication

"Intoxication" means disturbance of mental or physical capacity resulting from the introduction of any substance into the body.

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

Defenses Excluded

In a prosecution in which an actor's criminal responsibility is based on the conduct of another, the actor may be convicted on proof of commission of the offense and that he was a party to its commission, and it is no defense that the person for whose conduct the actor is criminally responsible has been acquitted, has not been prosecuted or convicted, has been convicted of a different offense or of a different type or class of offense, or is immune from prosecution.

Liability as Primary Actor

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

The defendant acts intentionally as required by this offense if it is his conscious objective or desire to cause the result of death.

The defendant acts knowingly as required by this offense if he is aware that his conduct is reasonably certain to cause the result of death.

Responsibility for Conduct of Another as Party

A person who does not by his own conduct commit an offense may nonetheless be criminally responsible for the conduct of another person.

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.

Definitions

Intentionally or With Intent

A person intentionally causes the death of an individual if the person has the conscious objective or desire to cause that death.

Intentionally Causing the Commission of an Offense

A defendant acts with intent to promote or assist in the commission of an offense when it is his conscious objective or desire to promote or assist in the commission of the offense.

A defendant's mere presence alone will not make him responsible for an offense. A defendant's mere knowledge of a crime or failure to disclose a crime is not sufficient.

Deadly weapon

"Deadly weapon" means--

1. a firearm; or
2. anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury; or

3. anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

Firearm

"Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

On or about

The indictment alleges that the offense was committed on or about the 13th of March 2017. The State is not required to prove that the alleged offense happened on that exact date. It is sufficient if the State proves that the offense was committed before June 20, 2017, the date the indictment was filed.

Application of Law to Facts

You must determine whether the state has proved, beyond a reasonable doubt, that the defendant is guilty of capital murder, either as the primary actor or as a party.

Liability as Primary Actor

You must determine whether the state has proved the defendant committed the crime by his own conduct. To prove this, the state must prove, beyond a reasonable doubt, two elements. The elements are that--

1. the defendant, in Hidalgo County, Texas, on or about the 13th of March 2017, intentionally caused the death of Gerardo Rodriguez by shooting him with a firearm; and,
2. this was done in the course of:
 - a. committing or attempting to commit the offense of Robbery of Jose Luis Soto; or
 - b. committing or attempting to commit the offense of Burglary of a Habitation of Theresa Plascencia.

For element 2, you need not agree on the underlying criminal act of burglary of a habitation or robbery, but you must all agree that the death was done in the course of either robbery or burglary of a habitation.

You must all agree on elements 1 and 2 of the offense of capital murder listed above. You are not required to agree on the manner and means used to cause the death of Gerardo Rodriguez. Nor are you required to be unanimous on the manner under which the offense of Burglary of a habitation or Robbery were committed or attempted to be committed.

If you all agree the state has proved, beyond a reasonable doubt, both of the two elements listed above, you must find the defendant "guilty."

Liability as a Party

If any of you fail to agree that the state has proved, beyond a reasonable doubt, both elements 1 and 2 listed above, you must next decide whether the state has proved, beyond a reasonable doubt, that the defendant is guilty because he is criminally responsible for the commission of a crime committed by the conduct of another person. This is the case if the state has proved, beyond a reasonable doubt, four elements. The elements are that—

1. in Hidalgo County, Texas, on or about 13th of March, 2017, a person unknown to the grand jurors caused the death of an individual, Gerardo Rodriguez, by shooting Gerardo Rodriguez with a firearm while in the course of committing or attempting to commit the offense of robbery of Jose Luis Soto; or

in Hidalgo County, Texas, on or about 13th of March, 2017, a person unknown to the grand jurors caused the death of an individual, Gerardo Rodriguez, by shooting Gerardo Rodriguez with a firearm while in the course of committing or attempting to commit the offense of burglary of a habitation of Theresa Plascencia; and

2. A person unknown to the grand jurors did this intentionally; and
3. the defendant solicited, encouraged, directed, aided, or attempted to aid a person unknown to the grand jurors to commit the offense of capital murder; and
4. the defendant acted with the intent to promote or assist the commission of the offense of capital murder by a person unknown to the grand jurors,

If all of you who did not find the defendant guilty as the primary actor agree that the state has proved, beyond a reasonable doubt, each of the four elements listed above, you must find the defendant "guilty."

If you all agree the state has failed to prove, beyond a reasonable doubt, either element 1 or 2 above establishing the defendant's guilt as the primary actor, and the state has failed to prove, beyond a reasonable doubt, one or more of elements 1 through 4 listed above establishing the defendant's guilt as a party, then you must find the defendant "not guilty."

You need not be unanimous about the theory underlying either your "guilty" or "not guilty" verdict. If you all agree the defendant is guilty either as the primary actor (because the state has proved elements 1 and 2 of primary actor liability beyond a reasonable doubt) or as a party (because the state has proved elements 1 through 4 of party liability beyond a reasonable doubt), then you must find the defendant "guilty." If you all agree the state has failed to prove, beyond a reasonable doubt, either element 1 or 2 of primary actor liability and has failed to prove, beyond a reasonable doubt, one or more of elements 1 through 4 of party liability, you must find the defendant "not guilty."

Evidence of Wrongful Acts Possibly Committed by Defendant

The State has introduced evidence of extraneous crimes or bad acts other than the one charged in the indictment in this case. This evidence was admitted only for the purpose of assisting you, if it does, for the purpose of showing the defendant's motive, opportunity, intent, plan, identity, or absence of mistake or accident. You cannot consider the testimony unless you find and believe beyond a reasonable doubt that the defendant committed these acts, if any.

Voluntariness of Statement

You have heard evidence that the defendant made a video recorded statement to Inv. Juan M. Garza, and Inv. Gilberto Vazaldua on March 25, 2017. If you find the defendant did make the statement, you may consider that statement against the defendant only if you resolve a preliminary question in favor of the state.

A statement of an accused may be considered against the accused only if the statement was freely and voluntarily made without compulsion or persuasion.

Therefore, you may consider any statement you believe the defendant made only if you all agree the state has proved, beyond a reasonable doubt, that the defendant made the statement freely and voluntarily without compulsion or persuasion.

Unless you find the state has proved, beyond a reasonable doubt, that the statement a video recorded statement to Inv. Juan M. Garza, and Inv. Gilberto Vazaldua, on March 25, 2017, was in fact made and that it was made freely and voluntarily, you must not consider the statement for any purpose.

RULES THAT CONTROL DELIBERATIONS

You must follow these rules while you are deliberating and until you reach a verdict. After the closing arguments by the attorneys, you will go into the jury room.

Your first task will be to pick your foreperson. The foreperson should conduct the deliberations in an orderly way. Each juror has one vote, including the foreperson. The foreperson must supervise the voting, vote with other jurors on the verdict, and sign the verdict sheet.

While deliberating and until excused by the trial court, all jurors must follow these rules:

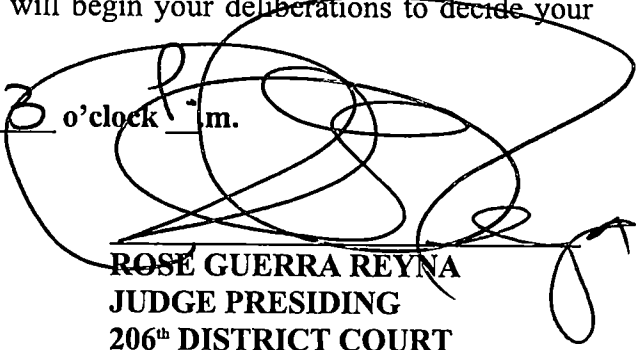
1. You must not discuss this case with any court officer, or the attorneys, or anyone not on the jury.
2. You must not discuss this case unless all of you are present in the jury room. If anyone leaves the room, then you must stop your discussions about the case until all of you are present again.
3. You must communicate with the judge only in writing, signed by the foreperson and given to the judge through the officer assigned to you.
4. You must not conduct any independent investigations, research, or experiments.
5. You must tell the judge if anyone attempts to contact you about the case before you reach your verdict.

Your sole duty at this point is to determine whether the state has proved the defendant guilty. You must restrict your deliberations to this matter.

After you have arrived at your verdict, you are to use the form attached to these instructions. The foreperson should sign the line that corresponds to your verdict.

After the closing arguments by the attorneys, you will begin your deliberations to decide your verdict.

Filed on the 6 day of MAY, 2026, at 3:13 o'clock pm.


ROSE GUERRA REYNA
JUDGE PRESIDING
206th DISTRICT COURT
HIDALGO COUNTY, TEXAS

CAUSE NO. CR-2324-17-D

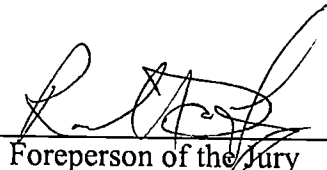
THE STATE OF TEXAS
VS
AMBROSIO RODRIGUEZ

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IN THE DISTRICT COURT
206th JUDICIAL DISTRICT
HIDALGO COUNTY, TEXAS

JURY VERDICT — GUILTY

We, the Jury, find the Defendant, AMBROSIO RODRIGUEZ, GUILTY of the offense of CAPITAL MURDER, as charged in the indictment.



Foreperson of the Jury

Raul DeLeon Jr.

Printed Name of Foreperson

OR

JURY VERDICT — NOT GUILTY

We, the Jury, find the Defendant, AMBROSIO RODRIGUEZ, NOT GUILTY.

Foreperson of the Jury

Printed Name of Foreperson