CAUSE NO. 2025-DCR-2300

THE STATE OF TEXAS	§	**IN THE DISTRICT COURT OF**
	§	
VS.	§	**404TH JUDICIAL DISTRICT**
	§	
ROGELIO MARTINEZ, JR.	§	**CAMERON COUNTY, TEXAS**

CHARGE OF THE COURT

MEMBERS OF THE JURY:

The defendant, Rogelio Martinez, Jr a/k/a Rogelio Martinez, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 17th day of October, 2023, in Cameron County, Texas. To this charge the defendant has pleaded not guilty.

1.
RELEVANT STATUTES

Murder

A person commits murder when he (1) intentionally or knowingly causes the death of an individual, or (2) when 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 causes the death of another if, but for the person's conduct, the death of the other would not have occurred.

Capital Murder

A person commits the offense of capital murder if the person intentionally or knowingly causes the death of an individual who is a peace officer acting in the lawful discharge of an official duty and who the person knows is a peace officer.

Manslaughter

A person commits the offense of manslaughter if the person recklessly causes the death of

an individual.

2.

DEFINITIONS

"Another" means a person other than the actor.

"Individual" means a human being who is alive.

"Peace officer" means a person employed as a police officer of an incorporated city, town, or village.

"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.

Intent to Cause Serious Bodily Injury

A person intends to cause serious bodily injury to another if it is the person's conscious objective or desire to cause the serious bodily injury to another.

Intentionally Causing the Death of an Individual

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

Knowingly Causing the Death of an Individual

A person knowingly causes the death of an individual if the person is aware that his conduct is reasonably certain to cause that death.

Knows an Individual is a Peace Officer

A person knows an individual is a peace officer if the person is aware that the person is a peace officer.

Recklessly Causing the Death of an Individual

A person recklessly causes the death of an individual if—

1. there is a substantial and unjustifiable risk that his conduct will cause that death
2. this risk is of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the person's standpoint; and
3. the person is aware of but consciously disregards that risk.

3.

Parties to Offenses

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. Each party to an offense may be charged with commission of the offense.

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.

4.

You are instructed that if there is any testimony before you in this case regarding the defendant having committed offenses other than the offense alleged against him in the indictment in this case, you cannot consider said testimony for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other offenses, if any were committed, and even then you may only consider the same in determining the defendant's motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident, and for no other

purpose.

5.

APPLICATION OF THE LAW TO THE FACTS

Although the State has charged the defendant with the offense of capital murder, you may find the defendant not guilty of that charged offense but guilty of a lesser included offense. In this case, the offenses of murder and manslaughter are lesser included offenses of the charged and greater offense of capital murder. You may consider the charged offense and the lesser included offenses in whatever order you find helpful, but you must acquit the defendant of the greater offense before returning a verdict on the lesser offense. If you have a reasonable doubt that the defendant is guilty of any offense in this charge, you will acquit the defendant and say by your verdict "Not Guilty."

If you believe from the evidence, beyond a reasonable doubt, that the defendant is guilty of capital murder, murder, or manslaughter, but you have a reasonable doubt about which of these offenses he is guilty of, you must resolve that doubt in the defendant's favor and find him guilty of the lesser offense.

6.

Charged Offense of Capital Murder

Now bearing in mind the foregoing instructions, if you believe from the evidence beyond a reasonable doubt that on or about the 17th day of October, 2023, in Cameron County, Texas, the defendant, Rogelio Martinez, Jr a/k/a Rogelio Martinez, either acting alone or as a party, did intentionally or knowingly cause the death of an individual, namely, Milton Resendez, by shooting him with a firearm, and the said Milton Resendez was then and there a peace officer who was acting in the lawful discharge of an official duty, and the defendant knew the said Milton Resendez

was a peace officer, then you will find the defendant guilty of capital murder as charged in the indictment.

If you do not so believe, or if you have a reasonable doubt thereof, you will acquit the defendant of capital murder and say by your verdict "Not Guilty."

In order to find the defendant guilty of the lesser included offenses of murder or manslaughter, you must first find him "Not Guilty" of capital murder.

7.

Lesser Included Offenses of Murder and Manslaughter

If you find from the evidence beyond a reasonable doubt that on or about the 17th day of October, 2023, in Cameron County, Texas, the defendant, Rogelio Martinez, Jr a/k/a Rogelio Martinez, either acting alone or as a party, with intent to cause serious bodily injury to an individual, namely, Milton Resendez, did commit an act clearly dangerous to human life, namely shooting a firearm at or toward Milton Resendez or the vehicle he occupied, which act caused the death of Milton Resendez, then you will find the defendant guilty of the lesser offense of murder.

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

If you find from the evidence beyond a reasonable doubt that on or about the 17th day of October, 2023, in Cameron County, Texas, the defendant, Rogelio Martinez, Jr a/k/a Rogelio Martinez, either acting alone or as a party, did recklessly cause the death of an individual, namely, Milton Resendez, by shooting a firearm at or toward the vehicle occupied by Milton Resendez, then you will find the defendant guilty of the lesser offense of manslaughter.

Unless you so find from the evidence beyond a reasonable doubt, or if you have a

reasonable doubt thereof, you will acquit the defendant of manslaughter and say by your verdict 'Not Guilty.

If you believe from the evidence, beyond a reasonable doubt, that the defendant is guilty of either murder or manslaughter, but you have a reasonable doubt about which of these offenses he is guilty of, you must resolve that doubt in the defendant's favor. In that situation, you must find him guilty of the lesser offense of manslaughter.

8.

GENERAL PRINCIPLES

Notes

In the event any of you took notes, you may rely on your notes during your deliberations. However, you may not share your notes with the other jurors and you should not permit the other jurors to share their notes with you. You may, however, discuss the contents of your notes with the other jurors.

Notes are not to be considered as evidence. In the event of disagreement of testimony, the jurors may request disputed testimony to be read from the official record by the court reporter.

Indictment

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.

Presumption of Innocence

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 a careful and impartial consideration of all the evidence in the case.

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.

Burden of Proof

The burden of proof in all criminal cases rests upon the State throughout the trial and never shifts to the defendant. 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."

Jury as Fact Finder

You are the exclusive judges of the facts proved, of the credibility of the witnesses, and of the weight to be given to their testimony, but the law you shall receive in these written instructions, and you must be governed thereby.

Evidence

The evidence consists of the testimony and exhibits admitted in the trial. You are charged that it is only from the witness stand that the jury is permitted to receive evidence regarding the case, or any witness therein, and no juror is permitted to communicate to any other juror anything he may have heard regarding the case or any witness therein, from any source other than the witness stand.

Statements made by lawyers are not evidence. Nothing the judge has said or done in this case should be considered by you as an opinion about the facts of this case or influence you to vote one way or the other.

You are instructed that you are not to allow yourselves to be influenced in any degree whatsoever by what you think or surmise the opinion of the Court to be. The Court has no right by any word or any act to indicate any opinion regarding any matter of fact involved in this case, nor to indicate any desire respecting its outcome. The Court has not intended to express any opinion regarding 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.

Admitted Exhibits

You may, if you wish, examine exhibits. If you wish to examine an exhibit, the Presiding Juror will inform the court and specifically identify the exhibit you wish to examine. Only exhibits that were admitted into evidence may be given to you for examination.

Deliberations

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. 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.

After you retire to the jury room, you should select one of your members as your Presiding Juror. It is his or her duty to preside at your deliberations, vote with you, and, when you have unanimously agreed upon a verdict, to certify to your verdict by using the appropriate forms attached hereto and signing the same as Presiding Juror.

Communication

No one has any authority to communicate with you except the officer who has you in charge.

When the jury wishes to communicate with the Court, it shall notify the bailiff, who shall inform the Court thereof. Any communication relative to the cause must be in writing, signed by the Presiding Juror, and shall be submitted to the Court through the bailiff.

Following the arguments of counsel, you will retire to begin your deliberations.

SIGNED ON THIS THE 8 DAY OF OCTOBER, 2026.

HON. RICARDO M. ADOBBATI,
PRESIDING JUDGE
404TH JUDICIAL DISTRICT COURT
CAMERON COUNTY, TEXAS

Filed 3:58 o'clock P m
LAURA PEREZ-REYES - DISTRICT CLERK

OCT 0 8 2026

DISTRICT COURT OF
CAMERON COUNTY, TEXAS
BY Jolanda Gutierrez DEPUTY

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FORMS OF VERDICT

VERDICT—GUILTY OF CAPITAL MURDER

We, the jury, find the defendant, Rogelio Martinez, Jr a/k/a Rogelio Martinez, GUILTY of capital murder, as charged in the indictment.

Israel Valdez, Jurl

Presiding Juror (print and sign)

OR

We, the jury, find the defendant, Rogelio Martinez, Jr a/k/a Rogelio Martinez, NOT GUILTY of capital murder, as charged in the indictment.

_____

Presiding Juror (print and sign)

If you have found the defendant guilty of capital murder, proceed no further. If you have found the defendant not guilty of capital murder, then proceed to the next page.

VERDICT—GUILTY OF MURDER

We, the jury, find the defendant, Rogelio Martinez, Jr a/k/a Rogelio Martinez GUILTY of the lesser offense of murder.

_____

Presiding Juror (print and sign)

OR

We, the jury, find the defendant, Rogelio Martinez, Jr a/k/a Rogelio Martinez, NOT GUILTY of the lesser offense of murder.

_____

Presiding Juror (print and sign)

If you have found the defendant guilty of the lesser offense of murder, proceed no further. If you have found the defendant not guilty of the lesser offense of murder, then proceed to the next page.

VERDICT—GUILTY OF MANSLAUGHTER

We, the jury, find the defendant, Rogelio Martinez, Jr a/k/a Rogelio Martinez GUILTY of the lesser offense of manslaughter.

_____
Presiding Juror (print and sign)

OR

We, the jury, find the defendant, Rogelio Martinez, Jr a/k/a Rogelio Martinez, NOT GUILTY of the lesser offense of manslaughter.

_____
Presiding Juror (print and sign)