NO. 2025-DCR-2300

THE STATE OF TEXAS	§	IN THE 404th JUDICIAL
	§	
	§	
V.	§	DISTRICT COURT OF
	§	
	§	
ROGELIO MARTINEZ, JR	§	CAMERON COUNTY, TEXAS

CHARGE OF THE COURT

MEMBERS OF THE JURY:

By the verdict returned in this case you have found the defendant, Rogelio Martinez, guilty of the offense of capital murder as charged in the indictment. It is now your duty to determine, from all the evidence in this case, the answers to certain questions called "Special Issues" in this charge. The Court instructs you in answering these "Special Issues" as follows:

1.

The mandatory punishment for the offense of capital murder of which you have found the defendant guilty is either death or confinement in the Institutional Division of the Texas Department of Criminal Justice for life without the possibility of parole.

2.

> SPECIAL ISSUE NUMBER 1: Whether there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society.

You are instructed that in answering Special Issue No. 1, you shall answer "Yes" or "No".

The State has the burden of proving beyond a reasonable doubt that Special Issue No. 1 should be answered "Yes".

In deliberating on Special Issue No. 1 you shall consider all the evidence at the guilt or innocence stage and the punishment stage, including evidence of the defendant's background or character or the circumstances of the offense that militates for or mitigates against the imposition of the death penalty.

You may not answer Special Issue No. 1 "Yes" unless you agree unanimously.

You may not answer Special Issue No. 1 "No" unless ten (10) or more jurors agree. Members of the jury need not agree on what particular evidence supports a negative answer to Special Issue No. 1.

You are further instructed that you are not to be swayed by mere conjecture, passion, prejudice, public opinion, or public feeling in considering all of the evidence before you and in answering Special Issue No. 1.

It is not required that the State prove Special Issue No. 1 beyond all possible doubt; it is only required that the State's proof excludes all reasonable doubt concerning Special Issue No. 1.

You are instructed that if you return an affirmative finding, that is a "Yes" answer, to Special Issue No. 1, then and only then, are you to answer Special Issue No. 2. If you do not unanimously agree that the State has proven the answer to Special Issue No. 1 "Yes" beyond a reasonable doubt, do not answer Special Issue No. 2.

3.

SPECIAL ISSUE No. 2: whether 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.

You are instructed that in answering Special Issue No. 2, you shall answer "Yes" or "No".

The State has the burden of proving beyond a reasonable doubt that Special Issue No. 2

should be answered "Yes".

In deliberating on Special Issue No. 2 you shall consider all the evidence at the guilt or innocence stage and the punishment stage, including evidence of the defendant's background or character or the circumstances of the offense that militates for or mitigates against the imposition of the death penalty.

You may not answer Special Issue No. 2 "Yes" unless you agree unanimously.

You may not answer Special Issue No. 2 "No" unless ten (10) or more jurors agree. Members of the jury need not agree on what particular evidence supports a negative answer to Special Issue No. 2.

You are further instructed that you are not to be swayed by mere conjecture, passion, prejudice, public opinion, or public feeling in considering all of the evidence before you and in answering Special Issue No. 2.

It is not required that the State prove Special Issue No. 2 beyond all possible doubt; it is only required that the State's proof excludes all reasonable doubt concerning Special Issue No.2.

You are instructed that if you return an affirmative finding, that is a "Yes" answer, to Special Issue No. 2, then and only then, are you to answer Special Issue No. 3. If you do not unanimously agree that the State has proven the answer to Special Issue No. 2 "Yes" beyond a reasonable doubt, do not answer Special Issue No. 3.

4.

SPECIAL ISSUE NUMBER 3: Whether, taking into consideration all of the evidence, including the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant, 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.

You are instructed that in answering Special Issue No. 3, you shall answer "Yes" or "No".

You may not answer Special Issue No. 3 "No" unless you agree unanimously.

You may not answer Special Issue No. 3 "Yes" unless ten (10) or more jurors agree. Members of the jury need not agree on what particular evidence supports an affirmative answer to Special Issue No. 3.

In deliberating on Special Issue No. 3, you shall consider all the evidence, including but not limited to evidence of the defendant's character and background and the personal moral culpability of the defendant or any evidence that could serve as a basis for a sentence less than death.

You are again instructed that you are not to be swayed by mere conjecture, passion, prejudice, public opinion or public feeling in considering all of the evidence before you in answering Special Issue No. 3.

5.

You are instructed that only if the jury returns an affirmative answer to Special Issue No. 1, an affirmative answer to Special Issue No. 2, and a negative answer to Special Issue No. 3, the Court will sentence the defendant to death. Should you return a negative answer to Special Issue No. 1, or a negative answer to Special Issue No. 2, or an affirmative answer to Special Issue No. 3, the Court will sentence the defendant to confinement in the Institutional Division of the Texas Department of Criminal Justice for life without the possibility of parole.

Under the law applicable in this case, if the defendant is sentenced to confinement for life without parole in the Texas Department of Criminal Justice, the defendant will be ineligible for release from the department on parole for the remainder of his natural life.

6.

You are instructed that if there is any testimony before you in this case regarding the defendant's 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 answers to the Special Issues.

7.

You are instructed that a witness may be impeached by showing that he has previously been convicted of a felony offense or a crime involving moral turpitude. Such impeachment evidence may be considered by you to aid you in determining (if it does) the weight, if any, to be given the testimony of the witness at trial and his credibility.

8.

Our law provides that a defendant may testify in his own behalf if he elects to do so. This, however, is a right afforded to 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 or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against the defendant.

9.

You are charged that it is only from the witness stand that the jury is permitted to receive evidence regarding the case, and no juror is permitted to communicate to any other juror

anything he might have heard regarding the case from any source other than the witness stand, nor may you consider any evidence, conjecture, or information regarding the case from any other source in reaching your answers to the special issues. You must not consider or mention any personal knowledge or information you may have about any facts or person connected with this case which is not shown by the evidence admitted in court. You shall not consult law books, the internet, or anything not in evidence in this case.

In deliberating on this case you are not to refer to any matter or issue not in evidence before you; nor talk about this case to anyone not of your jury.

You are instructed that your answers to the Special Issues shall be arrived at by due deliberation and not by drawing lots or by any other method of chance.

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

Any further communication must be in writing signed by your presiding juror through the bailiff to the Court. Do not attempt to talk to the bailiff, the attorneys, or the Court, regarding any questions you may have concerning the trial of the case.

Filed 10:56 o'clock A m
LAURA PEREZ-REYES - DISTRICT CLERK

OCT 2 6 2026

DISTRICT COURT OF
CAMERON COUNTY, TEXAS
BY Jolanta Gutierrez DEPUTY

Hon. Ricardo Adobatti, District Judge
404th Judicial District Court
Cameron County, Texas

NO. 2025-DCR-2300

THE STATE OF TEXAS	§	IN THE 404th JUDICIAL
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ROGELIO MARTINEZ	§	CAMERON COUNTY, TEXAS

SPECIAL ISSUE NO. 1

Do you find from the evidence beyond a reasonable doubt that there is a probability that the defendant would commit criminal acts of violence that would constitute a continuing threat to society?

Answer "Yes" or "No."

ANSWER

We, the jury, unanimously find and determine beyond a reasonable doubt that the answer to Special Issue No. 1 is "Yes."

Presiding Juror

Israel Valdez

Printed Name of Presiding Juror

OR

We, the jury, because at least ten (10) jurors agree, find that the answer to Special Issue No. 1 is "No."

Presiding Juror

Printed Name of Presiding Juror

If you have answered Special Issue No. 1 "Yes," proceed to Special Issue No. 2 on the next page. If you have answered Special Issue No. 1 "No," do not answer Special Issue No. 2 or Special Issue No. 3; ~~the presiding juror shall sign the Verdict on the last page.~~

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SPECIAL ISSUE NO. 2

Do you find from the evidence beyond a reasonable doubt that the defendant actually caused the death of Milton Resendez, or did not actually cause the death of Milton Resendez but intended to kill Milton Resendez or another or anticipated that a human life would be taken?

Answer "Yes" or "No." The presiding juror signs only the one answer that is the jury's verdict.

ANSWER

We, the jury, unanimously find and determine beyond a reasonable doubt that the answer to Special Issue No. 2 is "Yes."

Presiding Juror

Israel Valdez

Printed Name of Presiding Juror

OR

We, the jury, because at least ten (10) jurors agree, find that the answer to Special Issue No. 2 is "No."

Presiding Juror

Printed Name of Presiding Juror

If you have answered Special Issue No. 2 "Yes," proceed to Special Issue No. 3 on the next page. If you have answered Special Issue No. 2 "No," do not answer Special Issue No. 3; ~~the presiding juror shall sign the Verdict on the last page.~~

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SPECIAL ISSUE NO. 3

Taking into consideration all of the evidence, including the circumstances of the offense, the defendant's character and background, and the personal moral culpability of the defendant, do you find 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?

Answer "Yes" or "No." The presiding juror signs only the one answer that is the jury's verdict.

ANSWER

We, the jury, because at least ten (10) jurors agree, find that the answer to Special Issue No. 3 is "Yes."

_____
Presiding Juror

_____
Printed Name of Presiding Juror

OR

We, the jury, unanimously find that the answer to Special Issue No. 3 is "No."

_____
Presiding Juror

Israel Valdez
Printed Name of Presiding Juror