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CAUSE NO. 1085704

THE STATE OF TEXAS § IN THE 248TH DISTRICT COURT
VS. § OF HARRIS COUNTY, TEXAS
JUAN LEONARDO QUINTERO § FEBRUARY TERM, A. D., 2008

Members of the Jury:

The defendant, Juan Leonardo Quintero, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 21st day of September, 2006, 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 intentionally or knowingly commits murder, as hereinbefore defined, and the person murders a peace officer who is acting in the lawful discharge of an official duty and who the person knows is a peace officer.

"Peace Officer" means a person elected, employed, or appointed as a peace officer under Article 2.12, Code of Criminal Procedure.

The following are peace officers:

- (1) sheriffs and their deputies;
- (2) constables and their deputies; and
- (3) marshals or police officers of an incorporated city, town, or village.

"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.

Now, if you find from the evidence beyond a reasonable doubt that in Harris County, Texas, on or about the 21st day of September, 2006, the defendant, Juan Leonardo Quintero, did then and there unlawfully, intentionally or knowingly cause the death of Rodney Johnson, a peace officer in the lawful discharge of an official duty, by shooting Rodney Johnson with a deadly weapon, namely a firearm, knowing at the time that Rodney Johnson was a peace officer, 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."

You are instructed that no act done in a state of insanity can be punished as an offense. It is an affirmative defense to prosecution that, at the time of the conduct charged, the defendant, as a result of severe mental disease or defect, did not know that his conduct was wrong.

The severe mental disease or defect must have existed at the very time or times inquired about, that is, at the very time of the alleged commission of the offense.

The term "mental disease or defect" does not include an abnormality manifested only by repeated criminal or otherwise antisocial conduct.

The burden of proof, as to this affirmative defense, is upon the defendant to prove by a preponderance of the evidence.

By the term "preponderance of the evidence" is meant the greater weight and degree of the credible evidence in the case.

Now if you believe from the evidence beyond a reasonable doubt that on or about the 21st day of September, 2006, in Harris County, Texas, the defendant, Juan Leonardo Quintero, did then and there unlawfully, intentionally or knowingly cause the death of Rodney Johnson, a peace officer in the lawful discharge of an official duty, by shooting Rodney Johnson with a deadly weapon, namely a firearm, knowing at the time that Rodney Johnson was a peace officer, as alleged in the indictment, but you further believe, by a preponderance of the evidence in the case, that at the time he committed said act, if he did, the defendant, as a result of severe mental disease or defect, did not know that his conduct was wrong, then you will find the defendant "Not Guilty by Reason of Insanity," and so state in your verdict.

Under the instructions given you herein, you will state in your verdict whether you find the defendant "Guilty," or "Not Guilty," or "Not Guilty by Reason of Insanity."

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

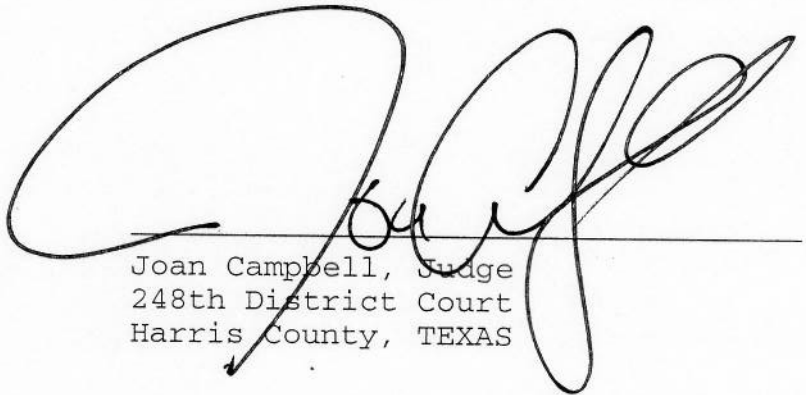
using the appropriate form attached hereto and signing the same as Foreman.

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.

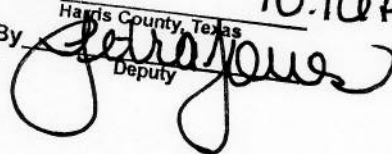
No one has any authority to communicate with you except the officer who has you in charge. After you have retired, you may communicate with this Court in writing through this officer. Any communication relative to the cause must be written, prepared and signed by the Foreman and shall be submitted to 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 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.

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



Joan Campbell, Judge
248th District Court
Harris County, TEXAS

FILED
Theresa Chang
District Clerk
MAY - 8 2008 10:16 AM
Time: _____
Harris County, Texas
By: 
Deputy



CAUSE NO. 1085704

THE STATE OF TEXAS § IN THE 248TH DISTRICT COURT
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JUAN LEONARDO QUINTERO § FEBRUARY TERM, A. D., 2008

V E R D I C T

"We, the Jury, find the defendant, Juan Leonardo Quintero, not guilty."

Foreman of the Jury

(Please Print) Foreman

"We, the Jury, find the defendant, Juan Leonardo Quintero, not guilty by reason of insanity."

Foreman of the Jury

(Please Print) Foreman

"We, the Jury, find the defendant, Juan Leonardo Quintero, guilty of capital murder, as charged in the indictment."

Frank Singer
Foreman of the Jury

Frank Singer
(Please Print) Foreman

FILED
Theresa Chang
District Clerk
Time: MAY - 8 2008
By: [Signature]
Harris County, Texas
6:06pm

