

ORIGINAL

CAUSE NO. 07-204001

THE STATE OF TEXAS

§
§
§
§
§

IN THE 403rd JUDICIAL

VS.

DISTRICT COURT OF

ADAM CASTILLO

TRAVIS COUNTY, TEXAS

CHARGE OF THE COURT

Ladies and Gentlemen of the Jury:

The defendant, ADAM CASTILLO, stands charged by indictment with the offense of Capital Murder, alleged to have been committed in Travis County, Texas, on or about the 11th day of July, 2007. To this indictment, the defendant, ADAM CASTILLO, has pled not guilty.

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

1.

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

A person commits capital murder when such person murders more than one person in the same criminal transaction.

2.

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

3.

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

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. 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.

Filed in The District Court
of Travis County, Texas

JUN -5 2009
At 12:40 P.M.
Amalia Rodriguez-Mendoza, Clerk

4.

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

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

5.

Now bearing in mind the foregoing instructions, if you believe from the evidence beyond a reasonable doubt that the defendant, ADAM CASTILLO, on or about the 11th day of July, 2007, in the County of Travis, and State of Texas, did then and there intentionally or knowingly cause the death of an individual, namely, Carlos William Caudillo, by stabbing or cutting the said Carlos William Caudillo with a knife, a deadly weapon, and did then and there intentionally or knowingly cause the death of another individual, namely, John Chris Quinones, by stabbing or cutting the said John Chris Quinones with a knife, and both murders were committed during the same criminal transaction, you will find the defendant guilty of the offense of Capital Murder and so say by your verdict, but if you do not so believe, or if you have a reasonable doubt thereof, you will acquit the defendant of the offense of Capital Murder and so say by your verdict not guilty.

6.

You are instructed that in considering your verdict you may consider all relevant facts and circumstances surrounding the killing, if any, and the previous relationship existing between the accused and the deceased, together with all relevant facts and circumstances going to show the condition of the mind of the accused at the time of the alleged killing, if any.

7.

Upon the law of self-defense you are instructed that a person is justified in using force against another when and to the degree he reasonably believes the force is immediately necessary to protect himself against the other's use or attempted use of unlawful force.

The use of force against another is not justified in response to verbal provocation alone.

A person is justified in using deadly force against another:

- (1) if he would be justified in using force against the other; and
- (2) if a reasonable person in the defendant's situation would not have retreated; and
- (3) when and to the degree he reasonably believes the deadly force is immediately necessary to protect himself against the other's use or attempted use of unlawful deadly force.;

“Reasonable belief” means a belief that would be held by an ordinary and prudent person in the same circumstances as the defendant.

“Deadly force” means force that is intended or known by the person using it to cause, or in the manner of its use or intended use is capable of causing, death or serious bodily injury.

“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.

8.

Now bearing in mind the foregoing instructions, if you believe from the evidence beyond a reasonable doubt that the defendant, ADAM CASTILLO, on or about the 11th day of July, 2007, in the County of Travis, and State of Texas, did then and there intentionally or knowingly cause the death of an individual, namely, Carlos William Caudillo, by stabbing or cutting the said Carlos William Caudillo with a knife, a deadly weapon, and did then and there intentionally or knowingly cause the death of another individual, namely, John Chris Quinones, by stabbing or cutting the said John Chris Quinones with a knife, and both murders were committed during the same criminal transaction, you will find the defendant guilty of the offense of Capital Murder.

But, if you further find from the evidence, or have a reasonable doubt thereof, that the defendant reasonably believed, as viewed from his standpoint alone, that deadly force when and to the degree used, if it was, was immediately necessary to protect himself against the use or attempted use of unlawful deadly force by the said Carlos William Caudillo and by the said John Chris Quinones, and that at such time a reasonable person in the defendant’s situation would not have retreated, you will acquit the defendant of the offense of Capital Murder and so say by your verdict not guilty and proceed to consider Paragraph 13. However, if you find that self-defense is applicable to either victim, Carlos William Caudillo or John Chris Quinones, you will then proceed to consider the next paragraph.

9.

Now bearing in mind the foregoing instructions, if you believe from the evidence beyond a reasonable doubt that the defendant, ADAM CASTILLO, on or about the 11th day of July, 2007, in the County of Travis, and State of Texas, did then and there intentionally or knowingly cause the death of an individual, namely, Carlos William Caudillo, by stabbing or cutting the said Carlos William Caudillo with a knife, a deadly weapon, then you will find the defendant

guilty of the offense of Murder and so say by your verdict and proceed to consider Paragraph 10. But, if you do not so believe, or if you have a reasonable doubt thereof, you will acquit the defendant of the offense of Murder and so say by your verdict not guilty.

10.

But, if you further find from the evidence, or have a reasonable doubt thereof, that the defendant reasonably believed, as viewed from his standpoint alone, that deadly force when and to the degree used, if it was, was immediately necessary to protect himself against the use or attempted use of unlawful deadly force by the said Carlos William Caudillo, then you will acquit the defendant of the offense of murder of the said Carlos William Caudillo and so say by your verdict not guilty and proceed to consider the next paragraph.

11.

Now bearing in mind the foregoing instructions, if you believe from the evidence beyond a reasonable doubt that the defendant, ADAM CASTILLO, on or about the 11th day of July, 2007, in the County of Travis, and State of Texas, did then and there intentionally or knowingly cause the death of an individual, namely, John Chris Quinones, by stabbing or cutting the said John Chris Quinones with a knife, then you will find the defendant guilty of the offense of Murder and so say by your verdict and proceed to consider Paragraph 12. But, if you do not so believe, or if you have a reasonable doubt thereof, you will acquit the defendant of the offense of Murder and so say by your verdict not guilty.

12.

But, if you further find from the evidence, or have a reasonable doubt thereof, that the defendant reasonably believed, as viewed from his standpoint alone, that deadly force when and to the degree used, if it was, was immediately necessary to protect himself against the use or attempted use of unlawful deadly force by the said John Chris Quinones, then you will acquit the defendant of the offense of murder of the said John Chris Quinones and so say by your verdict not guilty and proceed to consider the next paragraph.

13.

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, preparation, plan, knowledge, identity, or absence of mistake or accident, if any. You cannot

consider the testimony unless you find and believe beyond a reasonable doubt that the defendant committed these acts, if any, were committed.

14.

You are instructed that certain evidence was admitted in evidence before you in regard to the defendant's having been charged and convicted of offenses other than the one for which he is now on trial. Such evidence cannot be considered by you against the defendant as any evidence of guilt in this case. Said evidence was admitted before you for the purpose of aiding you, if it does aid you, in passing upon the weight you will give his testimony, and you will not consider the same for any other purpose.

15.

You are further instructed as a part of the law in this case that the indictment against the defendant is not evidence in the case, and that the true and sole use of the indictment is to charge the offense and to inform the defendant of the offense alleged against him. The reading of the indictment to the jury in the statement of the case of the State against the defendant cannot be considered as a fact or circumstance against the defendant in your deliberations.

16.

In all criminal cases the burden of proof is on the State. All persons are presumed to be innocent, and no person may be convicted of an offense unless each element of the offense is proven beyond a reasonable doubt. The fact that a person has been arrested, confined, 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.

17.

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; however, 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 the defendant and say by your verdict not guilty.

18.

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 or she may have heard regarding the case or any witness therein, from any source other than the witness stand.

19.

In deliberating on this cause you are not to refer to or discuss any matter or issue not in evidence before you; nor talk about this case to anyone not of your jury. And, after the reading of this charge, you shall not separate from each other until you have reached a verdict. Further, 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.

20.

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.

21.

A juror may believe any, all, none, or part of any evidence provided by a witness. You are instructed that upon your request to the bailiff, you shall be furnished any exhibits admitted as evidence in the case.

22.

You have been permitted to take notes during the testimony in this case. 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 shall not use your notes as authority to persuade your fellow jurors. In your deliberations, give no more and no less weight to the views of a fellow juror just because that juror did or did not take notes. Your notes are not official transcripts. They are personal memory aids, just like the notes of the judge and the notes of the lawyers. Notes are valuable as a stimulant to your memory. On the other hand, you might make an error in observing, and you might make a mistake in recording what you have seen or heard. Therefore, you are not to use your notes as authority to persuade fellow jurors of what the evidence was during the trial.

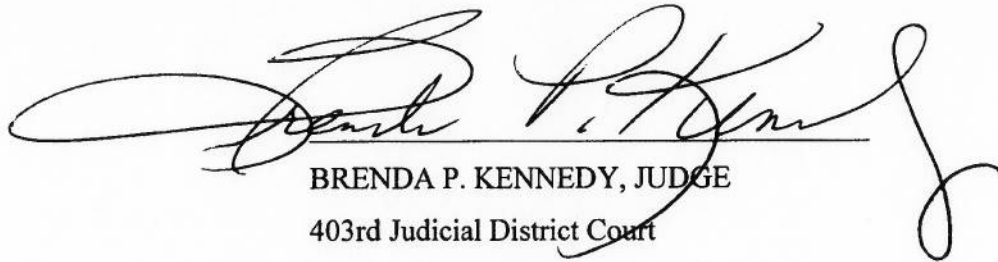
Occasionally, during jury deliberations, a dispute arises as to the testimony presented. If this should occur in this case, you shall inform the Court and request that portion of disputed testimony be read to you from the official transcript. You shall not rely on your notes to resolve the dispute because, again, those notes, if any, are not official transcripts. The dispute must be settled by the official transcript, for it is the official transcript rather than any juror's notes upon which you must base your determination of the facts and ultimately your verdict.

23.

If the jury wishes to communicate with the Court it must do so in writing. Such writing must be signed by the presiding juror and submitted to the Court through the bailiff.

24.

After the reading of the charge and argument of counsel, you will retire and select one of your members as your foreperson. It is his or her duty to preside at your deliberations and to vote with you in arriving at a unanimous verdict. Your verdict must be unanimous and it must reflect the individual verdict of each individual juror, and not a mere acquiescence in the conclusion of the other jurors. After you have arrived at your verdicts, you may use the form attached hereto by having your foreperson complete and sign it in conformance with your verdicts.



BRENDA P. KENNEDY, JUDGE
403rd Judicial District Court
Travis County, Texas

Date/Time: 6/5/09 10:47 AM

CAUSE NO. 07-204001

THE STATE OF TEXAS

§
§
§
§
§

IN THE 403rd JUDICIAL

VS.

DISTRICT COURT OF

ADAM CASTILLO

TRAVIS COUNTY, TEXAS

VERDICT OF THE JURY

We, the Jury, find the Defendant, ADAM CASTILLO, guilty of
(guilty or not guilty)

the offense of Capital Murder, as alleged in the indictment.



Signature of Presiding Juror

Michael Neberman

Printed Name of Presiding Juror

6/5/09 12:39 pm

Date/Time

CAUSE NO. 07-204001

THE STATE OF TEXAS

§
§
§
§
§

IN THE 403rd JUDICIAL

VS.

DISTRICT COURT OF

ADAM CASTILLO

TRAVIS COUNTY, TEXAS

VERDICT OF THE JURY

We, the Jury, find the Defendant, ADAM CASTILLO, _____ of

(guilty or not guilty)

the offense of Murder as to Carlos William Caudillo OR John Chris Quinones *(If guilty, circle one)* as

alleged in the indictment.

Signature of Presiding Juror

Printed Name of Presiding Juror

Date/Time