

CAUSE NO. 1391357

P11

THE STATE OF TEXAS § IN THE 179TH DISTRICT COURT
VS. § OF HARRIS COUNTY, TEXAS
RYAN JUSUP SIMON § JANUARY TERM, A. D., 2016

Members of the Jury:

The defendant, Ryan Jusup Simon, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 17th day of April, 2013, 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 commits murder, as hereinbefore defined, in the course of committing or attempting to commit the offense of aggravated sexual assault. Aggravated sexual assault is a felony offense.

A person commits the offense of felony murder if he commits or attempts to commit a felony, other than manslaughter, and in the course of and in furtherance of the commission or attempt, or in immediate flight from the commission or attempt, he commits or attempts to commit an act clearly dangerous to human life that causes the death of an individual.

"Attempt" to commit an offense occurs if, with specific intent to commit an offense, a person does an act amounting to

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging

more than mere preparation that tends, but fails, to effect the commission of the offense intended.

A person commits the offense of aggravated sexual assault if the person intentionally or knowingly:

- (1) causes the penetration of the anus or female sexual organ of another person by any means, without that person's consent; or
- (2) causes the penetration of the mouth of another person by the sexual organ of the defendant, without that person's consent; or
- (3) causes the sexual organ of another person, without that person's consent, to contact or penetrate the mouth, anus, or sexual organ of another person, including the defendant; and

If the person uses or exhibits a deadly weapon in the course of the same criminal episode.

An aggravated sexual assault is without the consent of the other person if the defendant compels the other person to submit or participate by the use of physical force or violence.

"Deadly weapon" means 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 a 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.

The definition of intentionally relative to the offense of capital murder is as follows:

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.

The definitions of intentionally and knowingly relative to the offenses of felony murder and aggravated sexual assault are as follow:

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.

Before you would be warranted in finding the defendant guilty of capital murder, you must find from the evidence beyond a reasonable doubt not only that on the occasion in question the defendant was in the course of committing or attempting to commit the felony offense of aggravated sexual assault of Gricelda Garcia-Munoz, as alleged in this charge, but also that the defendant specifically intended to cause the death of Gricelda Garcia-Munoz by stabbing Gricelda Garcia-Munoz with a deadly weapon, namely, a knife, and unless you so find, then you cannot convict the defendant of the offense of capital murder.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 17th day of April, 2013, in Harris County, Texas, the defendant, Ryan Jusup Simon, did then and there unlawfully, while in the course of committing or attempting to commit the aggravated sexual assault of Gricelda Garcia-Munoz, intentionally cause the death of Gricelda Garcia-Munoz by stabbing her with a deadly weapon, namely, a knife, 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, or if you are unable to agree, you will next consider whether the defendant is guilty of the lesser offense of felony murder.

Therefore, if you find from the evidence beyond a reasonable doubt that on or about the 17th day of April, 2013, in Harris County, Texas, the defendant, Ryan Jusup Simon, did then and there unlawfully, while in the furtherance of the commission or attempted commission of the felony of aggravated sexual assault of Gricelda Garcia-Munoz, or in immediate flight from the commission or attempted commission of the felony of aggravated sexual assault of Gricelda Garcia-Munoz, commit an act clearly dangerous to human life, to-wit: by stabbing Gricelda Garcia-Munoz with a deadly weapon, namely, a knife, that caused the death of Gricelda Garcia-Munoz, then you will find the defendant guilty of felony murder.

If you believe from the evidence beyond a reasonable doubt that the defendant is guilty of either capital murder on the one

hand or felony murder on the other hand, but you have a reasonable doubt as to which of said offenses he is guilty, then you must resolve that doubt in the defendant's favor and find him guilty of the lesser offense of felony murder.

If you have a reasonable doubt as to whether the defendant is guilty of any offense defined in this charge you will acquit the defendant and say by your verdict "Not Guilty."

Voluntary intoxication does not constitute a defense to the commission of a crime. "Intoxication" means disturbance of mental or physical capacity resulting from the introduction of any substance into the body.

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.

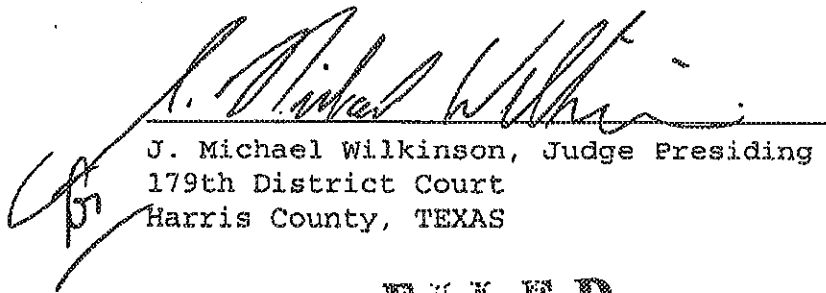
After you retire to the jury room, you should select one of your members as your Foreman. It is his or her duty to preside at your deliberations, vote with you, and when you have unanimously agreed upon a verdict, to certify to your verdict by using the appropriate form attached hereto and signing the 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 whether the defendant is guilty or not guilty under the indictment in this cause and restrict your deliberations solely to that issue.

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


J. Michael Wilkinson, Judge Presiding
179th District Court
Harris County, TEXAS

FILED
Chris Daniel
District Clerk

JAN 27 2016

Time: 3:34 pm
By: 
Deputy

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VS.
RYAN JUSUP SIMON

§ IN THE 179TH DISTRICT COURT
§ OF HARRIS COUNTY, TEXAS
§ JANUARY TERM, A. D., 2016

CHOOSE ONE

"We, the Jury, find the defendant, Ryan Jusup Simon, guilty of capital murder, as charged in the indictment."

FILED
Chris Daniel
District Clerk

JAN 27 2016

Time: 5:17 PM
By: [Signature]
Deputy

[Signature]

Foreman of the Jury

Kelly J. Hakes

(Please Print) Foreman

"We, the Jury, find the defendant, Ryan Jusup Simon, guilty of felony murder."

Foreman of the Jury

(Please Print) Foreman

"We, the Jury, find the defendant, Ryan Jusup Simon, not guilty."

Foreman of the Jury

(Please Print) Foreman