

FILED  
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TARRANT COUNTY, TEXAS  
MAY 24 2018  
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BY KHALIL DEPUTY

NO. 1493076

THE STATE OF TEXAS | IN THE 371ST JUDICIAL DISTRICT  
VS. | DISTRICT COURT OF  
JUAN JESUS VILLARREAL | TARRANT COUNTY, TEXAS

COURT'S CHARGE

**MEMBERS OF THE JURY:**

The Defendant, Juan Jesus Villarreal, stands charged by Indictment with the offense of capital murder, alleged to have been committed in Tarrant County, Texas, on or about the 15<sup>th</sup> day of March, 2017. To this charge, the Defendant has pled 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 the murder in the course of committing or attempting to commit kidnapping. Kidnapping is a felony.

A person commits the offense of kidnapping if he intentionally or knowingly abducts another person.

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

"Felony" means an offense so designed by law or punishable by death or confinement in a penitentiary.

- "Abduct" means to restrain a person with intent to prevent his liberation by:
- (A) secreting or holding him in a place where he is not likely to be found; or
  - (B) using or threatening to use deadly force.

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"Restrain" means to restrict a person's movements without consent, so as to interfere substantially with his liberty, by moving him from one place to another or by confining him.

Restraint is "without consent" if it is accomplished by force, intimidation, or deception.

"Consent" means assent in fact, whether express or apparent.

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

"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.

"Firearm" means any device designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

"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.

The term "in the course of committing or attempting to commit the offense of kidnapping" means conduct that occurs in an attempt to commit, during the commission of, or in the immediate flight after the attempt or commission of kidnapping.

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"Attempt" to commit an offense occurs if, with specific intent to commit an offense, a person does an act amounting to more than mere preparation that tends, but fails, to effect the commission of the offense intended.

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.

All persons are parties to an offense who are guilty of acting together in the commission of the offense. 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. Mere presence alone will not constitute one a party to an offense.

Now, if you find and believe from the evidence beyond a reasonable doubt, that the Defendant, Juan Jesus Villarreal, in Tarrant County, Texas, on or about the 15<sup>th</sup> day of March, 2017, either acting alone or with another or others as a party to the offense, as that term has heretofore been defined, did intentionally cause the death of Moses Prieto, by shooting him with a deadly weapon, to wit: a firearm, and the said defendant was in the course of committing or attempting to commit the offense of kidnapping of Moses Prieto, as charged in the Indictment, then you will find the Defendant guilty of capital murder.

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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 capital murder and next consider whether the Defendant is guilty of murder.

If you find and believe from the evidence beyond a reasonable doubt that the Defendant, Juan Jesus Villarreal, in Tarrant County, Texas, on or about the 15<sup>th</sup> day of March, 2017, either acting alone or with another or others as a party to the offense, as that term has heretofore been defined, did intentionally or knowingly cause the death of Moses Prieto, by shooting him with a deadly weapon, to wit: a firearm, you will find the Defendant guilty 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 capital murder and next consider whether the Defendant is guilty of kidnapping.

If you find from and believe from the evidence beyond a reasonable doubt that the Defendant, Juan Jesus Villarreal, in Tarrant County, Texas, on or about the 15<sup>th</sup> day of March 2017, either acting alone or with another or others as a party to the offense, as that term has heretofore been defined, did intentionally or knowingly abduct Moses Prieto by secreting or holding him in a place where he is not likely to be found; or using or threatening to use deadly force, then you will find the Defendant guilty of the offense of kidnapping.

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."

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In a criminal case the law permits the Defendant to testify in his own behalf but he is not compelled to do so, and the same law provides that the fact that a defendant does not testify shall not be considered as a circumstance against him. You will, therefore, not consider the fact that the Defendant did not testify as a circumstance against him; and you will not during your deliberations allude to, comment on, or in any manner refer to the fact that the Defendant has not testified.

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 a person 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 the Defendant and say by your verdict, "Not guilty."


You are instructed that the Indictment in this case is no evidence whatsoever of the guilt of the Defendant. It is a mere pleading necessary in order to bring this case into court for trial, and you will consider it for no purpose.

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

After you retire to the jury room, you will 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 form attached hereto and signing the same as Presiding Juror.

You are instructed that your verdict must be by a unanimous vote of all members of the jury. In deliberating on this case, you shall consider the charge as a whole and you must not refer to or discuss any matters not in evidence before you, neither shall you separate from each other, nor talk with anyone not of your jury.

If the jury wishes to communicate with the Court pertaining to this case, such communication must be in writing and signed by the Presiding Juror and handed to the Bailiff.

  
MOLLEE WESTFALL, JUDGE  
371st Judicial District Court  
Tarrant County, Texas

VERDICT FORMS

MAY 24 2018

TIME 1148  
BY BA DEPUTY

We, the Jury, find the Defendant, JUAN JESUS VILLARREAL, guilty of the offense of capital murder as charged in the Indictment.

  
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PRESIDING JUROR

- OR -

We, the Jury, find the Defendant, JUAN JESUS VILLARREAL, guilty of the offense of murder.

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PRESIDING JUROR

- OR -

We, the Jury, find the Defendant, JUAN JESUS VILLARREAL, guilty of the offense of kidnapping.

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PRESIDING JUROR

- OR -

We, the Jury, find the Defendant, JUAN JESUS VILLARREAL, not guilty.

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PRESIDING JUROR