

*Filed by Trial
Commit 3-28-24
8:50 AM WES Mundy*

**34TH DISTRICT COURT
EL PASO COUNTY, TEXAS**

STATE OF TEXAS

v.

ALEXUS CHANTAL DOMINGUEZ

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CAUSE NO. 20210D00388

CHARGE OF THE COURT

MEMBERS OF THE JURY:

**FILED
ROSMA FAVELA BARCELEAU
DISTRICT CLERK
2024 MAR 28 PM 4:02
EL PASO COUNTY, TEXAS
BY *[Signature]*
DEPUTY**

You will have this charge with you in the jury room, and shall refer to it for guidance during your deliberations. Suitable forms for your verdict are attached hereto; your verdict must be in writing and signed by your presiding juror. Your sole duty at this time is to determine the guilt or innocence of the Defendant under the indictment in this case; and restrict your deliberations solely to the issue of whether the Defendant is guilty or not guilty.

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 as it is given to you in this charge, and you are bound to be governed thereby.

You shall consider only the evidence and exhibits presented here in the courtroom through the witnesses who have testified. If you want to have the exhibits with you in the jury room for your deliberations, advise the bailiff. In deliberating on this case, you shall not talk to anyone except the members of the jury about it until you have been finally discharged from service on this jury.

If you want to communicate with the Court, explain what you want in writing and deliver your message, signed by your presiding juror, to the bailiff, who will deliver it to the Court. Do not orally explain to the bailiff what you want.

You are instructed that the Grand Jury indictment is not evidence of guilt, it is a means whereby the Defendant is brought to trial in a felony prosecution. It is not evidence, nor can it be considered by you in passing upon the innocence or guilt of the Defendant.

Our law provides that a Defendant may testify on her own behalf if she elects to do so. This, however, is a privilege accorded a Defendant; and, in the event she elects not to testify, that fact cannot be taken as a circumstance against her.

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 into consideration for any purpose whatsoever as a circumstance against her.

Boldface lettering of words or phrases in this charge indicate that such words or phrases are defined in this charge and nothing else.

The law does not require a defendant to prove her 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.

As you determine the facts, you must consider only the evidence presented during the trial, including the sworn testimony of the witnesses and the exhibits. Remember that any statements, objections, or arguments made by the lawyers are not evidence. In the final analysis, however, it is your own recollection and interpretation of the evidence that controls in the case. What the lawyers say is not binding upon you.

While you should consider only the evidence, you are permitted to draw such reasonable inferences from the testimony and exhibits as you feel are justified in the light of common experience. In other words, you may make deductions and reach conclusions that reason and common sense lead you to draw from the facts which have been established by the evidence.

You are to decide whether the State has proved beyond a reasonable doubt that the Defendant is guilty of the crime charged. The Defendant is not on trial for any act, conduct, or offense not alleged in the indictment. Neither are you concerned with the guilt of any person or persons not on trial as a defendant in this case.

The defendant, Alexis Chantal Dominguez, stands charged by indictment with the offense of CAPITAL MURDER BY TERROR THREAT/OTHER FELONY, alleged to have been committed on or about the 26th day of August, 2019 in El Paso County, Texas. To this charge, the defendant has pleaded not guilty.

A person commits capital murder when the person intentionally causes the death of an individual and the person intentionally commits the murder in the course of committing or attempting to commit kidnapping, burglary, robbery, aggravated rape, or arson.

A person commits murder when the person intentionally or knowingly causes the death of an individual.

A person commits kidnapping when he intentionally or knowingly abducts another person.

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

A person is criminally responsible as a party to an offense if the offense is committed by his own conduct, or by the conduct of another for which he is criminally responsible, or both. Each party to an offense may be charged with the 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 encourages or directs or aids or attempts to aid the other person to commit the offense. Mere presence alone will not make a person a party to an offense.

DEFINITIONS

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 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. A person acts knowingly or with knowledge, with respect to circumstances surrounding his conduct when he is aware that the circumstances exist.

“Attempt” means to commit an act with specific intent to commit an offense where the act committed amounts to more than mere preparation but fails to effect the commission of the offense intended.

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

"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.

APPLICATION

Now, if you find from the evidence beyond a reasonable doubt that on or about the 26th day of August, 2019, in El Paso County, Texas, the defendant, Alexis Chantal Dominguez, herself or as a party, did intentionally cause the death of Arnulfo Apodaca Gonzalez by striking Arnulfo Apodaca Gonzalez with a blunt object on or about the body, and the defendant, herself or as a party, was then and there in the course of committing or attempting to commit the offense of Kidnapping of Arnulfo Apodaca Gonzalez, then you will find the defendant guilty of Capital Murder, as alleged in the indictment and record your verdict by signing on **Verdict Form A**.

Unless you so find beyond a reasonable doubt, or if have a reasonable doubt thereof, you will acquit the defendant of capital murder and record your verdict by signing on **Verdict Form B** and next consider whether the defendant is guilty of the lesser included offense of murder.

If you find from the evidence beyond a reasonable doubt that on or about the 26th day of August, 2019, in El Paso County, Texas, the defendant, Alexis Chantal Dominguez, herself or there as a party, did intentionally or knowingly cause the death of Arnulfo Apodaca Gonzalez by striking Arnulfo Apodaca Gonzalez with a blunt object on or about the body, then you will find the defendant guilty of Murder, as alleged in the indictment and record your verdict by signing on **Verdict Form C**.

Unless you so find beyond a reasonable doubt, or if have a reasonable doubt thereof, you will acquit the defendant of murder and record your verdict by signing on **Verdict Form D**.

You are instructed that you may consider all relevant facts and circumstances presented and admitted in evidence, any previous relationship existing between the accused and the deceased, if any, together with all relevant facts and circumstances going to show the condition of the mind of the accused at the time of the offense, if any.

It is your duty to consult with one another and to deliberate in an effort to reach an agreement if you can do so. Each of you must decide the case for yourself, but only after an impartial consideration of the evidence with your fellow jurors. During your deliberations, do not hesitate to reexamine your own opinions and change your mind if convinced that you were wrong. But do not give up your honest beliefs as to the weight or effect of the evidence solely because of the opinion of your fellow jurors, or for the mere purpose of returning a verdict.

During your deliberations, you must not communicate with or provide any information to anyone by any means about this case. You may not use any electronic device or media, such as a telephone, cell phone, smart phone, iPhone, Blackberry, or computer, the internet, any internet service, or any text or instant messaging service; or any internet chat room, blog, or website such as Facebook, Instagram, LinkedIn, YouTube or Twitter, to communicate to anyone any information about this case or to conduct any research about this case until I accept your verdict, if any.

Any verdict you render must be unanimous.

At the conclusion of your deliberations, the presiding juror should sign the appropriate verdict form, if any.

If you need to communicate with me during your deliberations, the presiding juror should write the message, ring the jury call button on the wall, and give it to the bailiff. I will either reply in writing or bring you back into the court to answer your message.

You are instructed that if there is any testimony before you in this case regarding the defendant having committed offenses or bad acts other than the offense alleged against her 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 or bad acts if any were committed, and even then you may only consider the same in determining the motive, opportunity, intent, knowledge, plan or scheme, of the defendant, if any, in connection with the offense, if any, alleged against her in the indictment in this case, and for no other purpose.

After you retire to the jury room, you should 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.

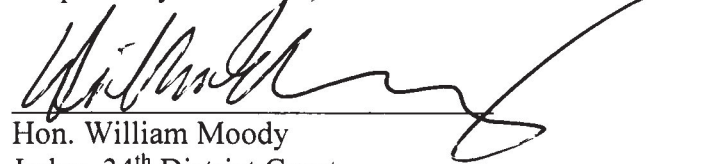
No one has any authority to communicate with you except the officer who has you in charge. During your deliberations in this case, you must not consider, discuss, nor relate any matters not in evidence before you. You should not consider nor mention any personal knowledge or information you may have about any fact or person connected with this case which is not shown by the evidence.

After you have retired, you may communicate with this court in writing through the officer who has you in charge. Do not attempt to talk to the officer who has you in charge, or the attorneys, or the court, or anyone else concerning any question you may have.

MANNER OF DELIBERATIONS

- a. In order to return a verdict, each juror must agree thereto.
- b. Jurors have a duty to consult with one another to deliberate with a view of reaching an agreement, if it can be done without abrogating individual judgment.
- c. Each juror must decide the case for themselves, but only after an impartial consideration of the evidence with their fellow jurors.
- d. In the course of deliberations, a juror should not hesitate to re-examine their own views and change their opinion if convinced it is erroneous.
- e. No juror should surrender their honest conviction as to the weight or effect of the evidence only because of the opinion of fellow jurors, or for the mere purpose of returning a verdict.
- f. In arriving at your verdict, it will not be proper to fix the same by lot, chance, or any other method than by full, fair and free exercise of the opinion of the individual jurors under evidence admitted before you.
- g. Do not let bias, prejudice, or sympathy play any part in your deliberations.
- h. The Presiding Juror or any other juror who observes a violation of the Court's instructions shall immediately warn the one who is violating the same and caution the juror not to do so again.
- i. After you have arrived at your verdict, you will notify the bailiff that you have reached your verdict.

Respectfully submitted,



Hon. William Moody
Judge, 34th District Court
El Paso County, Texas