

CAUSE NO. 1540067

THE STATE OF TEXAS	§	IN THE 178TH DISTRICT COURT
VS.	§	OF HARRIS COUNTY, TEXAS
MAURICIO NAVARRETE-TORRES	§	JANUARY TERM, A. D., 2021

Members of the Jury:

The defendant, Mauricio Navarrete-Torres, stands charged by indictment with the offense of capital murder, alleged to have been committed on or about the 3rd day of February, 2017, 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 burglary of a habitation. Burglary of a habitation is a felony.

Definitions

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

"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 commits the offense of burglary of a habitation if, without the effective consent of the owner, he:

(1) enters a habitation with intent to commit a felony, theft, or an assault; or

(2) enters a habitation and commits or attempts to commit a felony, theft, or an assault.

"Theft" means the unlawful appropriation of property with intent to deprive the owner of property. Appropriation of property is unlawful if it is without the owner's effective consent.

"Enter" means to intrude any part of the body or any physical object connected with the body.

"Habitation" means a structure or vehicle that is adapted for the overnight accommodation of persons, and includes: (a) each separately secured or occupied portion of the structure or vehicle and (b) each structure appurtenant to or connected with the structure or vehicle.

"Effective consent" means assent in fact, whether express or apparent, and includes consent by a person legally authorized to act for the owner. Consent is not effective if induced by deception or coercion.

"Owner" means a person who has title to the property, possession of property, or a greater right to possession of the property than the defendant.

"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 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 definition of intentionally relative to the offense of burglary of a habitation is as follows:

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.

Charge of Capital Murder

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 burglary of a habitation owned by Christine Martinez, as alleged in this charge, but also that the defendant specifically intended to cause the death of Christine Martinez, by stabbing Christine Martinez, with a deadly weapon, namely a knife

and/or a sharp instrument, 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 3rd day of February, 2017, in Harris County, Texas, the defendant, Mauricio Navarrete-Torres, did then and there unlawfully, while in the course of committing or attempting to commit the burglary of a habitation owned by Christine Martinez, intentionally cause the death of Christine Martinez, by stabbing Christine Martinez with a knife; or

If you find from the evidence beyond a reasonable doubt that on or about the 3rd day of February, 2017, in Harris County, Texas, the defendant, Mauricio Navarrete-Torres, did then and there unlawfully, while in the course of committing or attempting to commit the burglary of a habitation owned by Christine Martinez, intentionally cause the death of Christine Martinez, by cutting Christine Martinez with a knife; or

If you find from the evidence beyond a reasonable doubt that on or about the 3rd day of February, 2017, in Harris County, Texas, the defendant, Mauricio Navarrete-Torres, did then and there unlawfully, while in the course of committing or attempting to commit the burglary of a habitation owned by Christine Martinez, intentionally cause the death of Christine Martinez, by slashing Christine Martinez with a knife; or

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commit the burglary of a habitation owned by Christine Martinez, intentionally cause the death of Christine Martinez, by stabbing Christine Martinez with a sharp instrument; or

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Lesser Offense of Murder

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 murder.

Therefore, if you find from the evidence beyond a reasonable doubt that on or about the 3rd day of February, 2017, in Harris County, Texas, the defendant, Mauricio Navarrete-Torres, did then and there unlawfully, intentionally or knowingly cause the death

of Christine Martinez, by stabbing Christine Martinez with a knife;
or

If you find from the evidence beyond a reasonable doubt that on or about the 3rd day of February, 2017, in Harris County, Texas, the defendant, Mauricio Navarrete-Torres, did then and there unlawfully, intentionally or knowingly cause the death of Christine Martinez, by cutting Christine Martinez with a knife; or

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or

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the defendant, Mauricio Navarrete-Torres, did then and there unlawfully, intentionally or knowingly cause the death of Christine Martinez, by slashing Christine Martinez with a sharp instrument; or

If you find from the evidence beyond a reasonable doubt that on or about the 3rd day of February, 2017, in Harris County, Texas, the defendant, Mauricio Navarrete-Torres, did then and there unlawfully intend to cause serious bodily injury to Christine Martinez, and did cause the death of Christine Martinez by intentionally or knowingly committing an act clearly dangerous to human life, namely by stabbing Christine Martinez with a knife; or

If you find from the evidence beyond a reasonable doubt that on or about the 3rd day of February, 2017, in Harris County, Texas, the defendant, Mauricio Navarrete-Torres, did then and there unlawfully intend to cause serious bodily injury to Christine Martinez, and did cause the death of Christine Martinez by intentionally or knowingly committing an act clearly dangerous to human life, namely by cutting Christine Martinez with a knife; or

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If you find from the evidence beyond a reasonable doubt that on or about the 3rd day of February, 2017, in Harris County, Texas, the defendant, Mauricio Navarrete-Torres, did then and there unlawfully intend to cause serious bodily injury to Christine Martinez, and did cause the death of Christine Martinez by intentionally or knowingly committing an act clearly dangerous to human life, namely by slashing Christine Martinez with a sharp instrument, then you will find the defendant guilty of murder.

Deliberating on the Lesser Offense

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

Alleged Date

You are further instructed that the State is not bound by the specific date which the offense, if any, is alleged in the indictment to have been committed, but that a conviction may be had upon proof beyond a reasonable doubt that the offense, if any, was committed at any time prior to the filing of the indictment which is within the period of limitations. There is no limitation period applicable to the offense of capital murder.

Admissibility of the Oral Statement and Evidence Obtained from
the Statement

You are instructed that a statement of an accused may be used in evidence against him if it appears that the same was freely and voluntarily made without compulsion or persuasion.

Therefore, unless you believe from the evidence beyond a reasonable doubt that the alleged statement introduced into evidence was freely and voluntarily made by the defendant without compulsion or persuasion, or if you have a reasonable doubt thereof, you shall not consider such alleged statement for any purpose nor any evidence obtained as a result thereof.

No oral statement of an accused made as a result of custodial interrogation (while the accused was in jail or other place of confinement or in the custody of a peace officer) shall be admissible against the accused in a criminal proceeding unless:

(1) An electronic recording, which may include motion picture, videotape, or other visual recording, is made of the statement;

(2) Prior to the statement but during the recording the accused is given the following warning:

(a) he has the right to remain silent and not make any statement at all and that any statement he makes may be used against him at his trial;

(b) any statement he makes may be used as evidence against him in court;

(c) he has the right to have a lawyer present to advise him /prior to and during any questioning;

- (d) if he is unable to employ a lawyer, he has the right to have a lawyer appointed to advise him prior to and during any questioning;
- (e) he has the right to terminate the interview at any time; and
- (f) the accused knowingly, intelligently, and voluntarily waives any rights set out in the warning;

So in this case, if you find from the evidence, or if you have a reasonable doubt thereof, that prior to the time the defendant gave the alleged oral statement to the said offense of capital murder, if he did give it, the said officer did not warn the defendant in the respects outlined above, or as to any one of such requirements, then you will wholly disregard the alleged oral statement and not consider it for any purpose nor any evidence obtained as a result thereof; if, however, you find beyond a reasonable doubt that the aforementioned warning was given the defendant prior to his having made such oral statement, if he did make it, still, before you may consider such oral statement as evidence in this case, you must find from the evidence beyond a reasonable doubt that prior to and during such oral statement, if any, the defendant knowingly, intelligently and voluntarily waived the rights hereinabove set out in the said warning, and unless you so find, or if you have a reasonable doubt thereof, you will not consider the oral statement for any purpose whatsoever or any evidence obtained as a result of same.

You are instructed that no evidence obtained by an officer or other person in violation of any provisions of the Constitution or laws of the State of Texas, or of the Constitution or laws of the United States of America, shall be admitted in evidence against the accused on the trial of any criminal case.

Therefore, if you believe or have a reasonable doubt thereof that the evidence in question was obtained in violation of any provision of the Constitution or laws of the State of Texas, or of the Constitution or laws of the United States of America, then in such event you will wholly disregard such evidence and not consider it as any evidence whatsoever.

Presumption of Innocence and Burden of Proof

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.

Duty of the Jury

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.

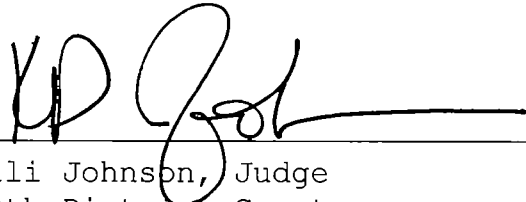
No one has any authority to communicate with you except the officer who has you in charge. After you have retired, you may communicate with this Court in writing through this officer. Any communication relative to the cause must be written, prepared and signed by the Foreman and shall be submitted to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

Your verdict must be by a unanimous vote of all members of the jury.

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



Kelli Johnson, Judge
178th District Court
Harris County, TEXAS

FILED
Marilyn Burgess
District Clerk

JUN 11 2021

Time: _____
Harris County, Texas

BY 
Deputy

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MAURICIO NAVARRETE-TORRES § JANUARY TERM, A. D., 2021

CHOOSE ONE

"We, the Jury, find the defendant, Mauricio Navarrete-Torres, not guilty."

Foreman of the Jury

(Please Print) Foreman

"We, the Jury, find the defendant, Mauricio Navarrete-Torres, guilty of capital murder, as charged in the indictment."

Foreman of the Jury

(Please Print) Foreman

"We, the Jury, find the defendant, Mauricio Navarrete-Torres, guilty of murder, as charged in the indictment."

FILED
Marilyn Burgess
District Clerk

James Sarao
Foreman of the Jury

James Sarao
(Please Print) Foreman

Time: JUN 11 2021 4:30 PM
By: [Signature]
Harris County, Texas