

NO. 401-83185-06

THE STATE OF TEXAS

§

IN THE 401ST JUDICIAL

VS.

§

DISTRICT COURT OF

RONNIE JENE SHY II

§

COLLIN COUNTY, TEXAS

CHARGE OF THE COURT

**MEMBERS OF THE JURY:**

The defendant, **RONNIE JENE SHY II**, stands charged by indictment with the offense of Capital Murder, alleged to have been committed on or about the 20th day of August, 1990, in Collin County, Texas. To this charge the defendant has pleaded not guilty.

A person commits the offense of Capital Murder if he intentionally causes the death of an individual and the person intentionally commits the murder in the course of committing or attempting to commit Kidnapping.

A person commits the offense of Murder if he intentionally or knowingly causes the death of an individual.

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

"Abduct" means to restrain a person with intent to prevent his liberation by using or threatening to use deadly force.

**FILED**

**M**

OCT 25 2007

HANNAH KUNKLE

By HANNAH KUNKLE  
CLERK OF DISTRICT COURT, COLLIN COUNTY, TEXAS

"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, or any means.

"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 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.

The term "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.

"Person" means an individual, corporation, or association.

"Individual" means a human being who has been born and is alive.

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.

You are further instructed that while the indictment alleges that the offense was committed on or about the 20th day of August, 1990, you are not bound to find that the offense, if any, took place on that specific date, it being sufficient if such time is approximately accurate, and occurring prior to December 5, 2006, the date of the return of the indictment for said offense in this case, and is not barred by the statute of limitations.

You are further instructed that there is no statute of limitations for the offense of Capital Murder.

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",

**NOW**, if you find from the evidence beyond a reasonable doubt that on or about the 20th day of August, 1990, in Collin County, Texas, the defendant, **RONNIE JENE SHY II**, did then and there intentionally cause the death of an individual, namely: David Grubstein, by shooting David Grubstein with a firearm, and the defendant was then and there in the course of committing or attempting to commit the offense of Kidnapping of David Grubstein, then you will find the defendant guilty of Capital Murder as charged in the indictment.

You are instructed that an "accomplice," as the term is hereinafter used, means any person connected with the crime charged, as a party thereto, and includes all persons who are connected with the crime, as such parties, by unlawful act or omission on their part transpiring either before or during the time of the commission of the offense.

The witnesses, Cinnamon Nemece and Cynthia Schobert, are accomplices, if an offense was committed, and you cannot convict the defendant upon their testimony unless you first believe that their testimony is true and shows that the defendant is guilty as charged, and then you cannot convict the defendant upon said testimony unless you further believe that there is other testimony in the case, outside of the evidence of the said Cinnamon Nemece and Cynthia Schobert tending to connect the defendant with the offense committed, if you find that an offense was committed, and the corroboration is not sufficient if it merely shows the commission of the offense, but it must tend to connect the defendant with its commission, and then from all of the evidence you must believe beyond a reasonable doubt that the defendant is guilty of the offense charged against him.

The State has introduced evidence of extraneous crimes or bad acts other than the one charged in the indictment in this case allegedly committed by the defendant. This evidence was admitted only to describe the nature of the relationship, if any, between Cinnamon Nemece and the defendant and to assist the jury, if it does, in understanding the actions, if any, of Cinnamon Nemece after the events she has testified to, and for no other purpose. You cannot consider the testimony unless you find and believe beyond a reasonable doubt that the defendant committed these acts, if any, were committed.

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 they fail to do so, you must acquit the defendant.

Our law provides that a defendant may testify in his own behalf if he elects to do so. This, however, is a privilege 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 or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against the defendant.

You are instructed that any statements of counsel made during the course of the trial or during argument not supported by the evidence, or statements of laws made by counsel not in harmony with the law as stated to you by the Court in these instructions, are to be wholly disregarded.

You are further instructed that you should not question the Bailiff concerning the testimony or the law of the case, nor should you discuss the case in his presence. If you have any questions, you should reduce them to writing, to be signed by your presiding juror, and present them to the Court.

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

You are instructed that you are not to allow yourselves to be influenced in any degree whatsoever by what you may think or surmise the opinion of the Court to be. The Court has no right by any word or any act to indicate any opinion respecting any matter of fact involved in this case, nor to indicate any desire respecting its outcome. The Court has not intended to express any opinion upon any matter of fact in this case, and if you have observed anything which you have or may interpret as the Court's opinion upon any matter of fact in this case, you must wholly disregard it.

During your deliberations in this case, you must not consider, discuss, or relate any matters not in evidence before you. You should not consider or 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 to your jury room, you should elect 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 your verdict by signing the same as presiding juror.

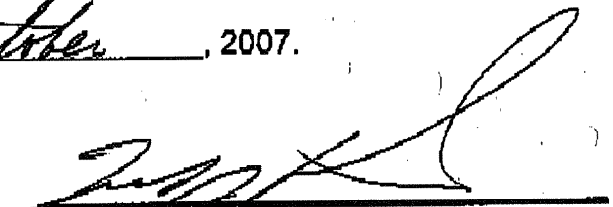
You are the exclusive judges of the facts proved, of the credibility of the witnesses, and of the weight to be given to the testimony, but you are bound to receive the law from the Court which is herein given to you and be governed thereby.

You are charged that it is only from the witness stand that the jury is permitted to receive evidence regarding the case, and no juror is permitted to communicate to any other juror anything he or she may have heard regarding the case from any source other than the witness stand.

If the Jurors disagree as to the statement of any witness, they may, upon applying to the Court, have read to them from the Court Reporter's notes that portion of such witness' testimony, and only that portion, on the point in dispute.

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 whether the defendant is guilty or not guilty under the indictment in this cause and you are to restrict your deliberations solely to that issue.

**SIGNED** this the 25 day of October, 2007.

  
**JUDGE PRESIDING**

We, the Jury, find the defendant **guilty** of the offense of Capital Murder as charged in the indictment.

Brenda L. Lakhani  
Presiding Juror

Brenda L. Lakhani  
Presiding Juror's Printed Name

**OR,**

We, the Jury, find the defendant **not guilty**.

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Presiding Juror

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Presiding Juror's Printed Name