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CAUSE NO.: 2019-CI-12058

DEPUTY  
BY 

IN THE MATTER OF  
THE MARRIAGE OF

§

IN THE DISTRICT COURT

CHRISTOPHER HOFFMAN

§

285<sup>th</sup> JUDICIAL DISTRICT

and

§

BEXAR COUNTY, TEXAS

§

MOISES ORTIZ

§

**CHARGE OF THE COURT**

MEMBERS OF THE JURY:

After closing arguments, you will go to the jury room to decide the case, answer the questions that are attached, and reach a verdict. You may discuss the case with the other jurors only when you are all together in the jury room.

Remember my previous instructions: Do not discuss the case with anyone else, either in person or by any other means. Do not do any independent investigation about the case or conduct any research. Do not look up any words in dictionaries or on the Internet. Do not post information about the case on the Internet. Do not share any special knowledge or experiences with other jurors. Do not use your cell phone or any other electronic device during your deliberations for any reasons.

Here are the instructions for answering the questions:

1. Do not let bias, prejudice or sympathy play any part in your deliberations.
2. Base your answers only on the evidence admitted in court and on the law that is in these instructions and questions. Do not consider or discuss any evidence that was not admitted in the courtroom.

3. You are to make up your own minds about the facts. You are the sole judges of the credibility of the witnesses and the weight to give their testimony. But on matters of law, you must follow all of my instructions.

4. If my instructions use a word in any way that is different from its ordinary meaning, use the meaning I give you, which will be a proper legal definition.

5. All the questions and answers are important. No one should say that any question or answer is not important.

6. Answer "yes" or "no" to all questions unless you are told otherwise. A "yes" answer must be based on a preponderance of the evidence unless you are told otherwise. Whenever a question requires an answer other than "yes" or "no," your answer must be based on a preponderance of the evidence unless you are told otherwise.

The term "preponderance of the evidence" means the greater weight of credible evidence presented in this case. If you do not find that a preponderance of the evidence supports a "yes" answer, then answer "no". A preponderance of the evidence is not measured by the number of witnesses or the number of documents admitted in evidence. For a fact to be proved by a preponderance of evidence, you must find that the fact is more likely true than not true.

A fact may be established by direct evidence or by circumstantial evidence or both. A fact is established by direct evidence when proved by documentary evidence or by witnesses who saw the act done or heard the words spoken. A fact is established by circumstantial evidence when it may be fairly and reasonably inferred from other facts

proved.

7. Do not decide who you think should win before you answer the questions and then just answer the questions to match your decision. Answer each question carefully without considering who will win. Do not discuss or consider the effect your answers will have.

8. Do not answer questions by drawing straws or by any method of chance.

9. Some questions might ask you for a dollar amount. Do not agree in advance to decide on a dollar amount by adding up each juror's amount and figuring the average.

10. Do not trade your answers. For example, do not say, "I will answer this question your way if you answer another question my way."

11. Unless otherwise instructed, the answers to the questions must be based on the decision of at least ten of the twelve jurors. The same ten jurors must agree on every answer. Do not agree to be bound by vote of anything less than ten jurors, even if it would be a majority.

As I have said before, if you do not follow these instructions, you will be guilty of juror misconduct, and I might have to order a new trial and start this process over again. This would waste your time and the parties' money and would require the taxpayers of this county to pay for another trial. If a juror breaks any of these rules, tell that person to stop and report it to me immediately.

**QUESTION 1**

Two people are married if they agreed to be married, and after the agreement they lived together in Texas as spouses and there represented to others that they were married.

Are CHRISTOPHER HOFFMAN and MOISES ORTIZ married?

**Answer "Yes" or "No."**

Answer: YES

*If you answered "Yes" to Question 1, answer Questions 2, 3 and 4. If you answered "No" to Question 1, answer no more questions.*

**QUESTION 2**

When were CHRISTOPHER HOFFMAN and MOISES ORTIZ married?

*Answer by stating the date of marriage.*

**Answer:** FEBRUARY 14, 1996

### **QUESTION 3**

A divorce may be granted without regard to fault if the marriage has become insupportable because of discord or conflict of personalities that destroys the legitimate ends of the marriage relationship and prevents any reasonable expectation of reconciliation.

A divorce may be granted in favor of one spouse if the other spouse is guilty of cruel treatment toward the complaining spouse of a nature that renders further living together insupportable.

A divorce may be granted in favor of one spouse if the other spouse has committed adultery.

Do grounds exist for a divorce?

**Answer "Yes" or "No."**

Answer: YES

#### **QUESTION 4**

The value of an asset is its fair market value unless it has no fair market value.

"Fair market value" means the amount that would be paid in cash by a willing buyer who desires to buy, but is not required to buy, to a willing seller who desires to sell, but is under no necessity of selling.

If an asset has no fair market value, its value is the value of its current ownership as determined from the evidence.

In valuing an asset to be received in the future, you are to find its present value as determined from the evidence.

State in dollars the value of the Texas Teacher Retirement System pension held for the benefit of or in the name of MOISES ORTIZ.

Answer:     \$ 247,273.35

### ***Presiding Juror***


1. When you go into the jury room to answer the questions, the first thing you will need to do is choose a presiding juror.
2. The presiding juror has these duties:
  - a. Have the completed charge read aloud if it will be helpful to your deliberations;
  - b. Preside over your deliberations, meaning manage the discussion, and see that you follow these instructions;
  - c. Give written questions or comments to the bailiff who will give them to the court;
  - d. Write down answers you agree on;
  - e. Get signatures for the verdict certificate; and
  - f. Notify the bailiff that you have reached a verdict.

Do you understand the duties of the presiding juror? If you do not, please tell me now.

### ***Instructions for Signing the Verdict Certificate***

1. You may answer the questions on a vote of ten (10) jurors. The same 10 jurors must agree on every answer in this charge. This means you may not have one group of 10 jurors agree on one answer and a different group of 10 jurors agree on another answer.
2. If 10 jurors agree on every answer, those 10 jurors sign the verdict.
3. If 11 jurors agree on every answer, those 11 jurors sign the verdict.
4. If all 12 of you agree on every answer, you are unanimous and only the presiding juror signs the verdict.
5. All jurors should deliberate on every question. You may end up with all 12 of you agreeing on some answers, while only 10 or 11 of you agree on other answers. But when you sign the verdict, only those 10 jurors who agree on every answer will sign the verdict.

Do you understand these instructions? If you do not, please tell me now.

  
JUDGE PRESIDING MAR 24 2022

**Aaron S. Haas**  
Presiding Judge  
285th District Court  
Bexar County, Texas

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**VERDICT CERTIFICATE**

DEPUTY

Check ONE (1):

BY \_\_\_\_\_

\_\_\_\_ Our verdict is unanimous. All twelve of us have agreed to each and every answer.  
The presiding juror has signed this certificate for all twelve of us:

\_\_\_\_\_  
Signature of Presiding Juror

\_\_\_\_\_  
Printed Name of Presiding Juror

\_\_\_\_ Our verdict is not unanimous. Eleven of us have agree to each and every answer and  
have signed the certificate below.

✓ \_\_\_\_ Our verdict is not unanimous. Ten of us have agreed to each and every answer and  
have signed the certificate below.

	<b>Signature</b>	<b>Printed Name</b>
1)	<u>Katherine Howie</u>	<u>Katherine Howie</u>
2)	<u>[Signature]</u>	<u>Matthew Cash</u>
3)	<u>[Signature]</u>	<u>Vanessa Olivera Alba</u>
4)	<u>Virginia Munn</u>	<u>VIRGINIA MUNN</u>
5)	<u>Daniela Mendez</u>	<u>Daniela Mendez</u>
6)	<u>Kevin Cambridge</u>	<u>Kevin Cambridge</u>
7)	<u>Jacob De Los Santos</u>	<u>JACOB DE LOS SANTOS</u>
8)	<u>[Signature]</u>	<u>Jamie Foley</u>
9)	<u>[Signature]</u>	<u>Abraham Rivera</u>
10)	<u>Breanna Solano</u>	<u>Breanna Solano</u>
11)	_____	_____