

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

NEIL AARON CARVER - PETITIONER

VS.

STATE OF TEXAS - RESPONDENT(S)

THE APPENDIX VOLUME TO PETITION FOR A WRIT OF CERTIORARI

APPENDIX A: Suggestion for reconsideration denied by Court of Criminal Appeals on February 18, 2025, Case No. WR-95, 970-01.

APPENDIX B: State Habeas Corpus denied without written order by Court of Criminal Appeals on December 18, 2024, Case No. WR-95, 970-01.

APPENDIX C: Application for an extension of time granted by Justice Alito on February 21, 2025. Application No. 24A810.

APPENDIX D: Memorandum Opinion affirming the trial court's judgment by the 12th district court of appeals on January 19, 2023. Case No. 12-22-00164-CR.

APPENDIX E: Rains County District Criminal File Docket by the Clerk's Office, Printed on October 15, 2024 in Case No. 6172. And the Court of Criminal Appeals Habeas File Docket in Case No. WR-95, 970-01.

APPENDIX F: Affidavit of Christa S. Carver, filed in the 8th Judicial District Court in Rains County on June 26, 2024. Case No. 6172.

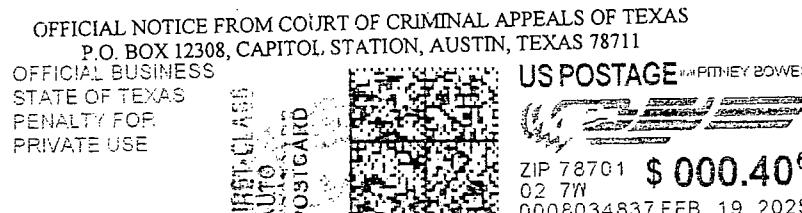
APPENDIX G: Affidavit of Benji L. Brändow, filed in the 8th Judicial District Court in Rains County on June 27, 2024. Case No. 6172.

APPENDIX H: Affidavit of Tony Vigil filed in the 8th Judicial District Court in Rains County on July 1, 2024. Case No. 6172.

APPENDIX I: Affidavit of Deavah L. Campbell-Vigil filed in the 8th Judicial District Court in Rains County on July 1, 2024. Case No. 6172.

APPENDIX J: Judgment of conviction by the 8th Judicial District Court of Rains County on May 24, 2022.

APPENDIX K: Constitutional and Statutory provisions involved written out in verbatim form, form page 3.



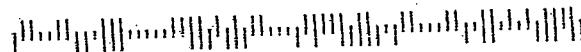
2/18/2025
CARVER, NEIL AARON Tr. Ct. No. 6172A WR-95,970-01
This is to advise that the applicant's suggestion for reconsideration has been
denied without written order.

Deana Williamson, Clerk

NEIL AARON CARVER
COFFIELD UNIT - TDC # 2400200
2661 FM 2054
TENNESSEE COLONY, TX 75884

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12/18/2024

CARVER, NEIL AARON

Tr. Ct. Nc. 6172A

WR-95,970-01

This is to advise that the Court has denied without written order the application for writ of habeas corpus.

Deana Williamson, Clerk

NEIL AARON CARVER
COFFIELD UNIT - TDC # 2400200
2661 FM 2054
TENNESSEE COLONY, TX 75884

K12.166B 75004

B

APPENDIX K - CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. UNITED STATES CONSTITUTION:

a. Article I, Section, Clause 2:

The privilege of the Writ of Habeas Corpus shall not be suspended, unless when in cases of Rebellion or Invasion the public Safety may require it.

b. Amendment V:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

c. Amendment VI:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

d. Amendment XIV, Section 1:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State

deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

2. 18 UNITED STATES CODE, SECTION 924(c)(3)(B):

(c)(3) For purposes of this subsection the term "crime of violence" means an offense that is a felony and—

- (A) has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or
- (B) that by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense.

3. FEDERAL RULE OF EVIDENCE 404:

(a) Character Evidence.

(1) Prohibited Uses. Evidence of a person's character or character trait is not admissible to prove that on a particular occasion the person acted in accordance with the character or trait.

(2) Exceptions for a Defendant or Victim in a criminal case. The following exceptions apply in a criminal case:

(A) a defendant may offer evidence of the defendant's pertinent trait, and if the evidence is admitted, the prosecutor may offer evidence to rebut it;

(B) Subject to the limitations in Rule 412, a defendant may offer evidence of an alleged victim's pertinent trait, and if the evidence is admitted, the prosecutor may:

(i) offer evidence to rebut it; and

(ii) offer evidence of the defendant's same trait; and

(C) in a homicide case, the prosecutor may offer evidence of the alleged victim's trait of peacefulness to rebut evidence that the

victim was the first aggressor.

(3) Exceptions for a Witness. Evidence of a witness's character may be admitted under Rules 607, 608, and 609.

(b) Other Crimes, Wrongs, or Acts.

(1) Prohibited Uses. Evidence of any other crime, wrong, or act is not admissible to prove a person's character in order to show that on a particular occasion the person acted in accordance with the character.

(2) Permitted Uses. This evidence may be admissible for another purpose, such as proving motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.

(3) Notice in a Criminal Case. In a Criminal case, the prosecutor must:

(A) provide reasonable notice of any such evidence that the prosecutor intends to offer at trial, so that the defendant has a fair opportunity to meet it;

(B) articulate in the notice the permitted purpose for which the prosecutor intends to offer the evidence and the reasoning that supports the purpose; and

(C) do so in writing before trial—or in any form during trial if the court, for good cause, excuses lack of pretrial notice.

4. TEXAS CODE OF CRIMINAL PROCEDURE:

a. article 11.04:

Construction. Every provision relating to the writ of habeas corpus shall be most favorably construed in order to give effect to the remedy, and protect the rights of the person seeking relief under it.

b. article 11.07, Section 3(a) - (d):

3(a) After final conviction in any felony case, the writ must be made returnable to the Court of Criminal Appeals of Texas at Austin, Texas.

3(b) An application for writ of habeas corpus filed after final conviction in a felony case, other than a case in which the death penalty is imposed, must be filed with the clerk of the court in which the conviction being challenged was obtained, and the clerk shall assign the application to that court. When the application is received by that court, a writ of habeas corpus, returnable to the Court of Criminal Appeals, shall issue by operation of law. The clerk of that court shall make appropriate notation thereof, assign to the case a file number (ancillary to that of the conviction being challenged), and forward a copy of the application by certified mail, return receipt requested, by electronic mail, or by personal service to the attorney representing the state in that court, who shall answer the application not later than the 30th day after the date the copy of the application is received. Matters alleged in the application not admitted by the state are deemed denied.

3(c) Within 20 days of the expiration of the time in which the state is allowed to answer, it shall be the duty of the convicting court to decide whether there are controverted, previously unresolved facts material to the legality of the applicant's confinement. Confinement means confinement for any offense or any collateral consequence resulting from the conviction that is the basis of the instant habeas corpus. If the convicting court decides that there are no such issues, the clerk shall immediately transmit to the Court of Criminal Appeals a copy of the application, any answers filed, and a certificate reciting the date upon which that finding was made. Failure of the court to act within the allowed 20 days shall constitute such a finding.

3(d) If the convicting court decides that there are controverted, previously unresolved facts which are material to the legality of the applicant's confinement, it shall enter an order within 20 days of the expiration of the time allowed for the state to reply, designating the issues of fact to be resolved. To resolve those issues the court may order affidavits, depositions, interrogatories, additional forensic testing, and hearings, as well as using personal recollection. The state shall pay the cost of additional forensic testing ordered under this subsection, except that the applicant shall pay the cost of the testing if the applicant retains counsel for purposes of filing an application under this article. The Convicting court may appoint an attorney or a magistrate to hold a hearing and make findings of fact. An attorney so appointed shall be compensated as provided in Article 26.05 of this code. It shall be the duty of the reporter who is designated to transcribe a hearing held pursuant to this article to prepare a transcript within 15 days of its conclusion. On completion of the transcript, the reporter shall immediately transmit the transcript to the clerk of the convicting court. After the convicting court makes findings of fact or approves the findings of the person designate to make them, the clerk of the convicting court shall immediately transmit to the Court of Criminal Appeals, under one cover, the application, any answer filed, any motions filed, transcripts of all depositions and hearings, any affidavits, and any other matters such as official records used by the court in resolving issues of fact.

c. article 37.07, Section 3(a):

Section 3. Evidence of prior criminal record in all criminal cases after

a finding of guilty.

(a)(1) Regardless of the plea and whether the punishment be assessed by the judge or the jury, evidence may be offered by the state and the defendant as to any matter the court deems relevant to sentencing, including but not limited to the prior criminal record of the defendant, his general reputation, his character, an opinion regarding his character, the circumstances of the offense for which he is being tried, and, notwithstanding Rules 404 and 405, Texas Rules of Evidence, any other evidence of an extraneous crime or bad act that is shown beyond a reasonable doubt by evidence to have been committed by the defendant or for which he could be held criminally responsible, regardless of whether he has previously been charged with or finally convicted of the crime or act. A court may consider as a factor in mitigating punishment the conduct of a defendant while participating in a program under Chapter 17 as a condition of release on bail. Additionally, notwithstanding Rule 609(d), Texas Rule of Evidence, and subject to Subsection (h), evidence may be offered by the state and the defendant of an adjudication of delinquency based on a violation by the defendant of a penal law of the grade of:

(A) a felony; or

(B) a misdemeanor punishable by confinement in jail.

(a)(2) Notwithstanding Subdivision (1), evidence may not be offered by the state to establish that the race or ethnicity of the defendant makes it likely that the defendant will engage in future criminal conduct.

(a)(3) Regardless of the plea and whether the punishment is assessed by the judge or the jury, during the punishment phase of the trial of

an offense under Section 35A.02, Penal Code, subject to the applicable rules of evidence, the state and the defendant may offer evidence not offered during the guilt or innocence phase of the trial concerning the total pecuniary loss to the affected health care program caused by the defendant's conduct or, if applicable, the scheme or continuing course of conduct of which the defendant's conduct is part. Evidence may be offered in summary form concerning the total pecuniary loss to the affected health care program. Testimony regarding the total pecuniary loss to the affected health care program is subject to cross-examination. Evidence offered under this subdivision may be considered by the judge or jury in ordering or recommending the amount of any restitution to be made to the affected health care program or the appropriate punishment for the defendant.

d. article 38.07:

Testimony in corroboration of victim of sexual offense.

- (a) A conviction under Chapter 21, Section 20A.02(a)(3),(4),(7), or (8), Section 22.011, or Section 22.021, Penal Code, is supportable on the uncorroborated testimony of the victim of the sexual offense if the victim informed any person, other than the defendant, of the alleged offense within one year after the date on which the offense is alleged to have occurred.
- (b) The requirement that the victim inform another person of an alleged offense does not apply if at the time of the alleged offense the victim was a person:
 - (1) 17 years of age or younger;
 - (2) 65 years of age or older; or

(3) 18 years of age or older who by reason of age or physical or mental disease, defect, or injury was substantially unable to satisfy the person's need for food, shelter, medical care, or protection from harm.

e. article 38.37:

Evidence of Extraneous Offenses or Acts.

Sec. 1.

(a) Subsection (b) applies to a proceeding in the prosecution of a defendant for an offense, or an attempt or conspiracy to commit an offense, under the following provisions of the Penal Code:

(1) if committed against a child under 17 years of age:

- (A) Chapter 21 (Sexual offenses);
- (B) Chapter 22 (Assaultive offenses); or
- (C) Section 25.02 (Prohibited Sexual Conduct); or

(2) if committed against a person younger than 18 years of age:

- (A) Section 43.25 (Sexual Performance by a Child);
- (B) Section 20A.02(a)(5),(6),(7), or (8) (Trafficking of Persons);
- (C) Section 20A.03 (Continuous Trafficking of Persons), if based partly or wholly on conduct that constitutes an offense under Section 20A.02(a)(5),(6),(7), or (8); or
- (D) Section 43.05(a)(2) (Compelling Prostitution).

(b) Notwithstanding Rule 404 and 405, Texas Rules of Evidence, evidence of other crimes, wrongs, or acts committed by the defendant against the child who is the victim of the alleged offense shall be admitted for it bearing on relevant matters, including:

- (1) the state of mind of the defendant and the child; and
- (2) the previous and subsequent relationship between the defendant and

the child.

Sec. 2.

(a) Subsection (b) applies only to the trial of a defendant for:

(1) an offense under any of the following provisions of the Penal

Code:

(A) Section 20A.02, if punishable as a felony of the first degree

under Section 20A.02(b)(1) (Labor or Sex Trafficking of a Child or disabled Individual);

(B) Section 21.02 (Continuous Sexual Abuse of Young Child or Disabled Individual);

(C) Section 21.11 (Indecency With a Child);

(D) Section 22.011(a)(2) (Sexual Assault of a Child);

(E) Sections 22.021(a)(1)(B) and (2) (Aggravated Sexual Assault of Child);

(F) Section 33.021 (Online Solicitation of a Minor);

(G) Section 43.25 (Sexual Performance by a Child); or

(H) Section 43.26 (Possession or Promotion of Child Pornography),
Penal Code; or

(2) an attempt or conspiracy to commit an offense described by Sub-
division (1).

(b) Notwithstanding Rules 404 and 405, Texas Rules of Evidence, and sub-
ject to Section 2-a, evidence that the defendant has committed a sepa-
rate offense described by Subsection (a)(1) or (2) may be admitted in
the trial of an alleged offense described by Subsection (a)(1) or (2)
for any bearing the evidence has on relevant matters, including the
character of the defendant and acts performed in conformity with the
character of the defendant.

Sec. 2-a. Before evidence described by Section 2 may be introduced, the trial Judge must:

- (1) determine that the evidence likely to be admitted at trial will be adequate to support a finding by the jury that the defendant committed the separate offense beyond a reasonable doubt; and
- (2) conduct a hearing out of the presence of the jury for that purpose.

Sec. 3. The state shall give the defendant notice of the state's intent to introduce in the case in chief evidence described by Section 1 or 2 not later than the 30th day before the date of the defendant's trial.

Sec. 4. This article does not limit the admissibility of evidence of extraneous crimes, wrongs, or acts under any other applicable law.

5. TEXAS RULE OF APPELLATE PROCEDURE 73:

73.1

- (a) Prescribed Form. An application filed under Article 11.07 must be on the form prescribed by the Court of Criminal Appeals.
- (b) Availability of Form. The district clerk of the county of conviction shall make the form available to applicants on request, without charge.
- (c) Contents. The applicant or petitioner must provide all information required by the form. The form must include all grounds for relief and set forth in summary fashion the facts supporting each ground. Any ground not raised on the form will not be considered. Legal citations and arguments may be made in a separate memorandum. The form must be computer-generated, typewritten, or

legibly handwritten.

- (d) Length. Each ground for relief and supporting facts raised on the form shall not exceed two pages provided for each ground in the form. The applicant or petitioner may file a separate memorandum. This memorandum shall comply with these rules and shall not exceed 15,000 words if computer-generated or 50 pages if not. If the total number of pages, including those in the original and any additional memoranda, exceed the word or page limits, an application may be dismissed unless the convicting court for good cause shown grants leave to exceed the prescribed limits. The prescribed limits do not include appendices, exhibits, cover page, table of contents, table of authorities, and certificate of compliance.
- (e) Typeface. A computer-generated memorandum must be printed in a conventional typeface no smaller than 14-point except for footnotes, which must be no smaller than 12-point. A typewritten document must be printed in standard 10-character-per-inch (cpi) monospaced typeface.
- (f) Certificate of Compliance. A computer-generated memorandum, including any additional memoranda, must include a certificate by the applicant or petitioner stating the number of words in the document. The person certifying may rely on the word count of the computer program used to prepare the document.
- (g) Verification. The application must be verified by either:
 - (1) oath made before a notary public or other officer authorized to administer oaths; or
 - (2) an unsworn declaration in substantially the form required by Civil Practice and Remedies Code Chapter 132 as set out in the

verification section of the application form.

73.2 Non-compliant Applications. The Court of Criminal Appeals may dismiss an application that does not comply with these rules.

73.3 State's Response. Any response by the State must comply with length, typeface, and certificate of compliance requirements set out in rule 73.1 (d), (e) and (f).

73.4 Filing and Transmission of Habeas Record.

- (a) The district clerk of the county of conviction shall except and file all Code of Criminal Procedure article 11.07 applications.
- (b) In addition to the duties set out in Article 11.07, the district clerk shall do the following:
 - (1) If the convicting court enters an order designating issues, the clerk shall immediately transmit to the Court of Criminal Appeals a copy of that order and proof of the date the district attorney received the habeas application.
 - (2) When any pleadings, objections, motions, affidavits, exhibits, proposed or entered findings of fact and conclusions of law, or other orders are filed or made a part of the record, the district clerk shall immediately send a copy to all parties in the case. A party has ten days from the date he receives the trial court's findings of fact and conclusions of law to file objections, but the trial court may, nevertheless, order the district clerk to transmit the record to the Court of Criminal Appeals before the expiration of the ten days. Upon transmission of the record, the district clerk shall immediately notify all parties in the case.

(3) When a district clerk transmits the record in a post-conviction application for a writ of habeas corpus under Code of Criminal Procedure articles 11.07; or 11.071, the district clerk must prepare and transmit a summary sheet that includes the following information:

- (A) the convicting court's name and county, and the name of the judge who tried the case;
- (B) the applicant's name, the offense, the plea, the cause number, the sentence, and the date of sentence, as shown in the judgment of conviction;
- (C) the cause number of any appeal from the conviction and the citation to any published report;
- (D) whether a hearing was held on the application, whether findings of facts were made, any recommendation of the convicting court, and the name of the judge who presided over the application;
- (E) the name of counsel if applicant is represented; and
- (F) the following certification:

I certify that all applicable requirements of Texas Rule of Appellate Procedure 73.4 have been complied with in this habeas proceeding, including the requirement to serve all the parties in the case any objections, motions, affidavits, exhibits, proposed findings of fact and conclusions of law, findings of fact and conclusions of law, and any other orders entered or pleadings filed in the habeas case.

Signature of Dist. Clerk or Rep.

Date Signed

(4) The district clerk shall also include in the record transmitted to the Court of Criminal Appeals, among any other pertinent papers or supplements, the indictment or information, any plea papers, the court's docket sheet, the court's charge and the jury's verdict, any proposed findings of fact and conclusions of law, the court's findings of fact and conclusions of law, any objections to the court's findings of fact and conclusions of law filed by either party, and the transcript of any hearings held.

(5) On the 181st day from the date of receipt of the application by the State of a postconviction application for writ of habeas corpus under Article 11.07, the district clerk shall forward the writ record to this Court unless the district court has received an extension of time from the Court of Criminal Appeals pursuant to Rule 73.5

73.5 Time Frame for Resolution of Claims Raised in Application. Within 180 days from the date of receipt of the application by the State, the convicting court shall resolve any issues that the court has timely designated for resolution. Any motion for extension of time must be filed in the Court of Criminal Appeals before the expiration of the 180-day period.

73.6. Action on Application. The Court may deny relief based upon its own review of the application or may issue such other instructions or orders as may be appropriate.

73.7. New Evidence after Application Forwarded to Court of Criminal Appeals. If an Article 11.07 or 11.071 application has been forwarded to this Court, and a party wishes this Court to consider evidence

not filed in the trial court, then the party must comply with the following procedures or the evidence will not be considered.

(a) if the Court of Criminal Appeals has received an Article 11.07 or 11.071 application from the district clerk of the county of conviction and has filed and set the application for submission, a party has two options:

(1) The party may file the evidence directly in the Court of Criminal Appeals with a motion for the Court of Criminal Appeals to consider the evidence. In this motion, the party should describe the evidence, explain its evidentiary value, and state why compelling and extraordinary circumstances exist for the Court of Criminal Appeals to consider the evidence directly. The moving party must immediately serve copies of the motion and the evidence the party seeks to file on the other party or parties in the case. If the Court of Criminal Appeals grants this motion, the Court will consider the evidence in its review of the application. The Court of Criminal Appeals will Grant such a motion only if the Court concludes the circumstances are truly exceptional.

(2) The party may file in the Court of Criminal Appeals a motion to supplement the record in the trial court. In this motion, the party should describe the evidence the party intends to file, explain its evidentiary value, and state why the evidence could not have been filed in the trial court before the Court of Criminal Appeals filed and set the application for submission. The moving party must immediately serve copies of the motion and evidence the party seeks to file

on the other party or parties in the case. If the Court of Criminal Appeals grants the motion, the party may file the evidence with the district clerk of the county of conviction, and should attach a copy of the motion to supplement and the Court of Criminal Appeals' order granting said motion. The district clerk shall immediately send a copy of the filed materials to the trial judge assigned to the habeas case and to the other party or parties in the case, and otherwise comply with the procedures set out in Rule 73.4(b) of these rules.

(b) if the Court of Criminal Appeals has received an Article 11.07 or 11.071 application from the district clerk of the county of conviction, but the Court has not yet filed and set the application for submission, the party must file in the Court of Criminal Appeals a motion to stay the proceedings pending the filing of the evidence in the trial court. In this motion, the party should describe the evidence the party intends to file and explain its evidentiary value. The moving party must immediately serve copies of the motion and the evidence the party seeks to file on the other party or parties in the case. If the Court of Criminal Appeals grants the motion, the Court will specify a designated time frame for the party to file the evidence with the district clerk of the county of conviction. The party should attach a copy of the motion to stay the proceedings and the Court of Criminal Appeals' order granting said motion to the evidentiary filing. The district clerk of the county of conviction shall immediately send a copy of the filed materials

to the trial judge assigned to the habeas case and to the other party or parties in the case, and otherwise comply with the procedures set out in Rule 73.4(b) of these rules.

73.8. Rules of Evidence. The Texas Rules of Evidence apply to a hearing held on a postconviction application for a writ of habeas corpus filed under Code of Criminal Procedure Article 11.07 or 11.071.

6. CALIFORNIA PENAL CODE, SECTION 288.5(a) - (b):

Continuous sexual abuse of child.

(a) Any person who either resides in the same home with the minor child or has recurring access to the child, who over a period of time, not less than three months in duration, engages in three or more acts of substantial sexual conduct with a child under the age of 14 years at the time of the commission of the offense, as defined in subdivision (b) of Section 1203.066, or three or more acts of lewd or lascivious conduct, as defined in Section 288, with a child under the age of 14 years at the time of the commission of the offense is guilty of the offense of continuous sexual abuse of a child and shall be punished by imprisonment in the state prison for a term of 6, 12, or 16 years.

(b) To convict under this section the trier of fact, if a jury, need unanimously agree only that the requisite number of acts occurred not on which acts constitute the requisite number.

7. TEXAS PENAL CODE:

a. Section 21.02(b) - (d):

(a) A person commits an offense if:

(1) during a period that is 30 or more days in duration, the person commits two or more acts of sexual abuse, regardless of whether

the acts of sexual abuse are committed against one or more victims;
and

(2) at the time of the commission of each of the acts of sexual abuse,
the actor is 17 years of age or older and the victim is:
(A) a child younger than 14 years of age, regardless of whether
the actor knows the age of the victim at the time of the
offense; or
(B) a disabled individual.

(c) For purposes of this section, "act of sexual abuse" means any act that
is a violation of one or more of the following penal laws:
(1) aggravated kidnapping under Section 20.04(a)(4), if the actor
committed the offense with the intent to violate or abuse the
victim sexually;
(2) indecency with a child under Section 21.11(a)(1), if the actor
committed the offense in a manner other than by touching, in-
cluding touching through clothing, the breast of a child;
(3) sexual assault under Section 22.011;
(4) aggravated sexual assault under Section 22.021;
(5) burglary under Section 30.02, if the offense is punishable under
Subsection (d) of that section and the actor committed the offense
with the intent to commit an offense listed in Subdivisions (1)-
(4);
(6) sexual performance by a child under Section 43.25;
(7) trafficking of persons under Section 20A.02(a)(3),(4),(7), or (8);
and
(8) compelling prostitution under Section 43.05.

(d) if a jury is the trier of fact, members of the jury are not required

to agree unanimously on which specific acts of sexual abuse were committed by the defendant or the exact date when those acts were committed. The jury must agree unanimously that the defendant, during a period that is 30 or more days in duration, committed two or more acts of sexual abuse.

b. Section 22.021(a)(1)(B), (2)(B):

(a) A person commits an offense:

(1) if the person:

(B) regardless of whether the person knows the age of the child at the time of the offense, intentionally or knowingly:

(i) causes the penetration of the anus or sexual organ of a child by any means;

(ii) causes the penetration of the mouth of a child by the sexual organ of the actor;

(iii) causes the sexual organ of a child to contact or penetrate the mouth, anus, or sexual organ of another person, including the actor;

(iv) causes the anus of a child to contact the mouth, anus, or sexual organ of another person, including the actor; or

(v) causes the mouth of a child to contacts the anus or sexual organ of another person, including the actor; and

(2) if:

(B) the victim is younger than 14 years of age, regardless of whether the person knows the age of the victim at the time of the offense[.]

END OF APPENDIX VOLUME

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**Additional material
from this filing is
available in the
Clerk's Office.**