

No. 24-7194

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**IN THE  
Supreme Court of the United States**

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NEIL AARON CARVER,  
*Petitioner,*

v.

STATE OF TEXAS,  
*Respondent.*

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On Petition for a Writ of Certiorari to the  
Texas Court of Criminal Appeals

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**APPENDIX TO BRIEF IN OPPOSITION**

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KEN PAXTON  
Attorney General of Texas

TOMEE M. HEINING  
Chief, Criminal Appeals Division

BRENT WEBSTER  
First Assistant Attorney General

STEPHANIE WAWRZYNSKI\*  
Assistant Attorney General  
\* *Counsel of Record*

JOSH RENO  
Deputy Attorney General  
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*Attorneys for Respondent*

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# Appendix A

OFFICIAL NOTICE FROM COURT OF CRIMINAL APPEALS OF TEXAS  
P.O. BOX 12308, CAPITOL STATION, AUSTIN, TEXAS 78711

**FILE COPY**

**12/18/2024**

**CARVER, NEIL AARON**

**Tr. Ct. No. 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

DISTRICT CLERK RAINS COUNTY  
220 W. QUITMAN STREET, STE. C  
EMORY, TX 75440

\* DELIVERED VIA E-MAIL \*

Trial Court No, 6172/Writ No. \_\_\_\_\_

In the State of Texas

County of Rains, Texas.

In the 8<sup>th</sup> Judicial District Court

8

FILED FOR RECORD  
At 2:00 O'clock P.M.  
JUN 26 2024  
DEBRA PATE, DISTRICT CLERK  
RAINS COUNTY, TEXAS  
BY: MB, DEPUTY

**AFFIDAVIT OF CHRISTA S CARVER:**

Before me, the undersigned authority, on this day personally appeared, CHRISTA S CARVER, Affiant, known to me to be the person whose name is subscribed hereto, who, upon Affiant's oath deposed and said:

"My name is CHRISTA S CARVER and my address is 686 RS County Road 1532, Point, Texas 75472. I am over the age of eighteen years and capable of making this statement. I am making this statement of my own free will and accord. No one has given or promised to give me anything of value or benefit, to influence me in any way to make this statement, No one is forcing me to sign this statement against my will. I voluntarily make this statement in order that the interest of justice will be served.

I was subpoenaed as a witness in the trial of Neil Aaron Carver in Rains County, in May 23-24, 2022. I was never called to testify and wanted to have on record what my testimony would have included. I was available the day of trial, ready to testify truthfully. I had previously met with Child Protective Serviced (CPS), Prosecution, and Defense counsel. I had witnessed the daily life of the Complainant (S.C.) and Neil. I had spoken with the CPS caseworker, who stated that S.C. thought that she had "dreamed It" in regards to the allege abuse. Where it went from a dream I don't know. I do know that S.C. once had a bad dream about frogs, and is now terrified of frogs. S.C. had previously been attacked by a dog, and she has no fear of dogs. Numerous people would be able to confirm this. Karyn B., Griselda C., as well as her therapist.

I was told by CPS that S.C. had set stuffed animals in front of her door to block the defendant from entering her bedroom. This is false and never happened. I told all parties, CPS, prosecution and defense counsel of this. After that the story became that S.C. had made an obstacle course from her toys on her bedroom floor in order to block the defendant. This was also false. S.C. always had a messy room and was often in trouble for not cleaning up her toys and clothes. All parties were informed of this.

There was an incident that was testified to about inappropriate touching that Neil had touched S.C. near her stitches. This was taken out of context. I would have testified to the fact that S.C. had been attacked by our dog and had stitches in numerous parts of her body making it hard for her to shower on her own. I was also injured in that attack and had the tip of my right index finger bitten off, therefore, my entire right had was bandaged at this time. I was unable to help S.C. wash her hair and dress her stitches. Neil only washed her hair, brushed it out and applied ointment to her stitches. At this occurrence, I was seated on the toilet and helped put the ointment on his finger as he applied it to all her stitches. I never saw any inappropriate touching.

I am also a very light sleeper and am often up at all hours of the night. I would also wake up monitoring Neil's sleep apnea, since he would stop breathing in his sleep. During the time in question I would wake up with Neil and make his morning coffee and see him off to work. Every morning that he left he would go upstairs and kiss S.C. goodbye while she slept. This would roughly be about 4:30 a.m. S.C. never woke up afterwards, nor come downstairs after he left. There were no "red flags" of any abuse, nor did S.C.'s demeanor change at all. She was always happy to see him when he came home from work on a nightly basis, or from his OTR trucking job. S.C. was always happy he was home. When we would walk to meet him she even had a little song she would sing about his returning home.

There were allegations of inappropriate touching on a riding lawn mower. First, the dates of the allegations were in winter months. The lawn was never mowed in the winter months. During the summertime S.C. would sometimes sit on his lap and ride along, however, I was always outside to monitor. I was especially watchful when Neil mowed because we had a grass fire that was sparked by the lawn mower one year, and the Rains Fire Department responded. After that I was always watchful. I never witnessed any wrong doing and S.C. never had any behavioral issues or concerns after mowing and would continue to help by collection tree limbs for the burn pile.

There were a number of "might have happened" allegations from CPS, but there was never an investigation of the home. The police, nor CPS, saw fit to look at the, the layout, and I left all of S.C.'s bedding as she left it because of the "might have" allegations. No one ever came and did an investigation. Also, had they investigated, they would have noted that Sophia had a lock on her bedroom door she could have used.

At the punishment stage, I would have testified that Neil was a loving, caring and supportive father to S.C. She loved and adored him, as can be attested to by numerous friends, and she couldn't wait for him to come home. Neil helped with the cooking, cutting up her meat, brushing her hair and her homeschooling. He was very involved in her daily activities up until the time he became an OTR trucker. At that time he would only be home 3 days out of the month. Neil made sure each night at S.C.'s bedtime, he would video call us and listen our day and what school lessons S.C. learned that day. We kept a large map of the US on the wall and would track Neil's stops along his deliveries. We would do a nightly routine that included saying a family prayer, send virtual hugs and kisses, and "I love yous".

I have never seen any untoward actions from Neil towards S.C. S.C. never made an outcry. Either straight on or inadvertently. She would often snuggle with him and play a game on their phones, or watch T.V.

I really hope to get my statement read and be able to tell the whole truth, not just partial or out of context fragments, and sometimes flat out exaggerations and untruth. I was available to testify both days during the trial, since I was subpoenaed as prosecution witness, but I was never called by either party.

I declare under the penalty of perjury that the foregoing is true and correct, The Affiant has nothing further.

Christa S. Carver

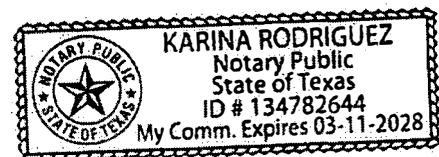
CHRISTA S CARVER, AFFIANT

SWORN TO AND ASUBSCRIBED this day 26 day of June, 2024.

Karina Rodriguez

NOTARY PUBLIC FOR THE STATE OF TEXAS

COMMISSION EXPIRES: 3-11-2028



Trial Court No. 6172/Writ No. \_\_\_\_\_

JUN 27 2024

In the State of Texas

County of SMITH

LAURA PATE, DISTRICT CLERK  
In the 8<sup>th</sup> Judicial District Court, RAINES COUNTY, TEXAS  
BY: [Signature]  
of Rains County, Texas

**AFFIDAVIT OF BENJI L. BRANDOW:**

BEFORE ME, the undersigned authority, on this day personally appeared BENJI L. BRANDOW, Affiant, known to me to be the person whose name is subscribed hereto, who, upon Affiant's oath deposed and said:

"My name is BENJI L. BRANDOW and my address is 21092 County Rd. 4118, Lindale, Smith, Texas 75771. I am over the age of Eighteen years of age and capable of making this statement. I am making this statement of my own free will and accord. No one has given or promised to give me anything of value or benefit, to influence me in anyway to make this statement. No one is forcing me to sign this statement against my will. I voluntarily make this statement in order that the interest of justice will be served.

I was available to testify in the trial of Neil Aaron Carver in Rains County, Texas in May 23-24, 2022. I was available to testify in the trial of Neil Aaron Carver in Rains County, Texas in May 23-24, 2022. I was never called to testify and wanted to testify on Neil's behalf. I am a character witness and would have testified that I have known Neil for nearly 10 yrs. Not once has he not invited me to his family home for get togethers or to just be there to talk. As a dedicated, hard-working, devoted father and husband, Mr. Carver never shied away from helping anyone who needed it. Usually, being the first to step up to gain support for someone or be the biggest giver to someone who needed help or gaining support from others to help someone. He was always there for his family, friends, and even perfect strangers. Neil is one of my very best friends who always wanted to know how things were or if there was anything he could do to help me or my family. Neil was a serviceman in the Marine Core as a police officer, dedicated to protecting others from harm or injustice. He was always in good spirits and dedicated his life to working hard for his family so they could enjoy a life as a wholesome family.

Now, we must support Neil in this time of his own given injustice and false imprisonment for now, years. Neil is a man of Honor, patience and good will and would give anyone anything to help them get ahead. He's rational, calm, and has a spirit that lights a room upon entering making those not happy, thankful for Neils visit and wisdom. He's a level headed clean cut citizen with no criminal back ground and was always one to help keep people out of trouble by discussing calmly an issue and working thru that issue to gain a positive work able solution.

Please help us help our family member as I love Neil as my own flesh and blood and he always informed me "we aren't friends Benji, you are my brother and family" Please listen to our family

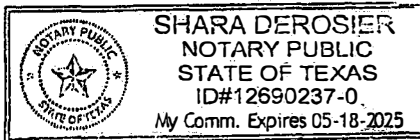


as our support for Neil won't waver or be broken for we know him better than anyone could possibly imagine. I Thank-you for your time in allowing me to enlighten you on what a great individual, father and husband Neil is and we just want him back home as a free man to be where he belongs, with his family. I declare under the penalty of perjury that the foregoing is true and correct. The Affiant says nothing further."

Benji L. Brandow

Benji L. Brandow, AFFIANT

SWORN TO AND SUBSCRIBED this 24 day of JUNE,  
2024.



[Signature]

NOTARY PUBLIC FOR THE STATE OF TEXAS.

COMMISSION EXPIRES: 05-18-2025

FILED FOR RECORD  
4:027 O'clock A.M.

JUL - 1 2024

LAURA PATE, DISTRICT CLERK  
RAINS COUNTY, TEXAS  
BY: [Signature] DEPUTY

Trial Court No. 6172/Writ No. \_\_\_\_\_

In the State of Texas

County of Gray

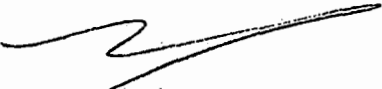
In the 8<sup>th</sup> Judicial District Court  
of Rains County, Texas

**AFFIDAVIT OF TONY VIGIL:**

BEFORE ME, the undersigned authority, on this day personally appeared TONY VIGIL, Affiant, known to me to be the person whose name is subscribed hereto, who, upon Affiant's oath deposed and said:

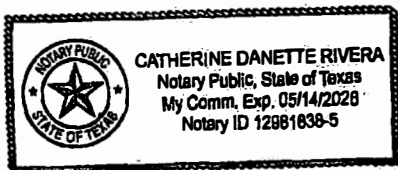
"My name is TONY VIGIL and my address is 928 Fisher St., Pampa, Gray, Texas 79065. I am over the age of Eighteen years of age and capable of making this statement. I am making this statement of my own free will and accord. No one has given or promised to give me anything of value or benefit, to influence me in anyway to make this statement. No one is forcing me to sign this statement against my will. I voluntarily make this statement in order that the interest of justice will be served.

I was available to testify in the trial of Neil Aaron Carver in Rains County, Texas in May 23-24, 2022. I was available to testify in the trial of Neil Aaron Carver in Rains County, Texas in May 23-24, 2022. I was never called to testify and wanted to testify on Neil's behalf. I am a character witness and would have testified that Neil Carver was always dedicated to making sure his family was taken care of. Neil was always respectful to others. Neil did everything in his power to put others in front of himself. Neil was always the first person to step forward in the time of need for a stranger, friend or any family member. Neil is always a great role model for others. Neil is one of the most selfless people I have ever met in my life. Neil's a great friend, uncle, brother-in-law, brother, son and dad and always put everybody ahead of himself. Neil always called and checked on his family whether it be his wife, sisters, brothers, brother-in-law, and even his parents. Neil always made sure others had what they needed before things he wanted. Neil always thought that family came before everything, friends were always family to him. Neil was always there to listen if you were having a bad day, if you were having problems or if you just needed to vent. Neil was always there for others. Neil was not a violent type of person at all, and he was a great provider for his family. Neil is one known to always have a steady job in order to be able to place others first. I declare under the penalty of perjury that the foregoing is true and correct. The Affiant says nothing further."

  
\_\_\_\_\_

TONY VIGIL, AFFIANT


SWORN TO AND SUBSCRIBED this 21<sup>st</sup> day of June,  
2024.



Catherine Danette Rivera  
NOTARY PUBLIC FOR THE STATE OF TEXAS.  
COMMISSION EXPIRES: 5/14/2028

FILED FOR RECORD  
A/027 O'clock A.M.

JUL - 1 2024

LAURA PATE, DISTRICT CLERK  
RAINS COUNTY, TEXAS  
BY: 

Trial Court No. 6172/Writ No. \_\_\_\_\_

In the State of Texas

County of Gray

In the 8<sup>th</sup> Judicial District Court

of Rains County, Texas

**AFFIDAVIT OF DEAVAH L. CAMPBELL-VIGIL:**

BEFORE ME, the undersigned authority, on this day personally appeared DEAVAH L. CAMPBELL-VIGIL, Affiant, known to me to be the person whose name is subscribed hereto, who, upon Affiant's oath deposed and said:

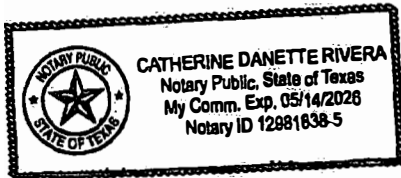
"My name is DEAVAH L. CAMPBELL-VIGIL and my address is 928 Fisher St., Pampa, Gray, Texas 79065. I am over the age of Eighteen years of age and capable of making this statement. I am making this statement of my own free will and accord. No one has given or promised to give me anything of value or benefit, to influence me in anyway to make this statement. No one is forcing me to sign this statement against my will. I voluntarily make this statement in order that the interest of justice will be served.

I was available to testify in the trial of Neil Aaron Carver in Rains County, Texas in May 23-24, 2022. I did testify on Neil's behalf during guilt-innocence phase of his trial. I was never called to testify during his punishment stage and I wanted to testify on Neil's behalf. I wanted to say that Neil is an amazing person. I'm lucky to have grown up with Neil and to be as close as we are. Neil has always put others before himself. Neil loves his family. Neil has been known to help anyone who ever needed help, no matter what it was someone needed. Neil was always there. Neil has been an amazing husband, brother, friend and father. Neil has always gone out of his way to make sure that the people he loves knows that he is always there for them. If Neil sees people on the side of the road, he stops to help or in any given situation he will try to help. Neil is a great man. Neil is a great provider to his family, and if needed his friends also. Neil started teaching his daughter at such an early age and she is so smart. Neil has always been a huge support system for me, and for anyone who needed it. Neil deserves to have people speak on his behalf at punishment and I do not understand why I was not called to testify on his behalf. I declare under the penalty of perjury that the foregoing is true and correct. The Affiant says nothing further."



DEAVAH L. CAMPBELL-VIGIL, AFFIANT

SWORN TO AND SUBSCRIBED this 21<sup>st</sup> day of June,  
2024.



Catherine Danette Rivera

NOTARY PUBLIC FOR THE STATE OF TEXAS.

COMMISSION EXPIRES: 5/14/2026

# Appendix B



CASE NO. 6172 COUNT  
INCIDENT NO./TRN: 9160451165 A001

THE STATE OF TEXAS

V.

NEIL AARON CARVER

STATE ID No.: TX17308297

§  
§  
§  
§  
§  
§

IN THE 8<sup>TH</sup> JUDICIAL DISTRICT

COURT

RAINS COUNTY, TEXAS

## JUDGMENT OF CONVICTION BY JURY

Judge Presiding: HON. EDDIE NORTHCUTT

Date Judgment Entered: 5/24/2022

Attorney for State: ROBERT F. VITITOW

Attorney for Defendant: THERYN WAGGENER

Offense for which Defendant Convicted:

CONTINUOUS SEXUAL ABUSE OF A YOUNG CHILD

Charging Instrument:

INDICTMENT

Statute for Offense:

21.02(b) Penal Code

Date of Offense:

01/01/2018

Degree of Offense:

1ST DEGREE FELONY

Plea to Offense:

NOT GUILTY

Verdict of Jury:

GUILTY

Findings on Deadly Weapon:

N/A

Plea to 1<sup>st</sup> Enhancement

Paragraph:

N/A

Plea to 2<sup>nd</sup> Enhancement/Habitual

Paragraph:

N/A

Findings on 1<sup>st</sup> Enhancement

Paragraph:

N/A

Findings on 2<sup>nd</sup>

Enhancement/Habitual Paragraph:

N/A

Punished Assessed by:

JURY

Date Sentence Imposed:

5/24/2022

Date Sentence to Commence:

5/24/2022

Punishment and Place

of Confinement:

Life sentence, Correctional Institutions Division, TDCJ EN

THIS SENTENCE SHALL RUN CONCURRENTLY.

☐ SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR

Fine:  
\$ -0-

Court Costs:

\$ 405.00

Reimbursement:

\$ 15.00

Restitution Payable to:

☐ VICTIM (see below) ☐ AGENCY/AGENT (see below)

☐ Attachment A, Order to Withdraw Funds, is incorporated into this judgment and made a part hereof.

Sex Offender Registration Requirements apply to the Defendant. TEX. CODE CRIM. PROC. chapter 62.

The age of the victim at the time of the offense was 9 years.

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.

From to

From to

From to

Time  
Credited:

From to

From to

From to

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.

453 Days

All pertinent information, names and assessments indicated above are incorporated into the language of the judgment below by reference.

This cause was called for trial in Rains County, Texas. The State appeared by her District Attorney.

Counsel / Waiver of Counsel (select one)

☒ Defendant appeared in person with Counsel.

☐ Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

It appeared to the Court that Defendant was mentally competent and had pleaded as shown above to the charging instrument. Both parties announced ready for trial. A jury was selected, impaneled, and sworn. The INDICTMENT was read to the jury, and Defendant entered a plea to the charged offense. The Court received the plea and entered it of record.

The jury heard the evidence submitted and argument of counsel. The Court charged the jury as to its duty to determine the guilt or innocence of Defendant, and the jury retired to consider the evidence. Upon returning to open court, the jury delivered its verdict in the presence of Defendant and defense counsel, if any.

The Court received the verdict and ORDERED it entered upon the minutes of the Court.

**Punishment Assessed by Jury / Court / No election (select one)**

☒ **Jury.** Defendant entered a plea and filed a written election to have the jury assess punishment. The jury heard evidence relative to the question of punishment. The Court charged the jury and it retired to consider the question of punishment. After due deliberation, the jury was brought into Court, and, in open court, it returned its verdict as indicated above.

☐ **Court.** Defendant elected to have the Court assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

☐ **No Election.** Defendant did not file a written election as to whether the judge or jury should assess punishment. After hearing evidence relative to the question of punishment, the Court assessed Defendant's punishment as indicated above.

The Court FINDS Defendant committed the above offense and ORDERS, ADJUDGES AND DECREES that Defendant is GUILTY of the above offense. The Court FINDS the Presentence Investigation, if so ordered, was done according to the applicable provisions of TEX. CODE CRIM. PROC. art. 42.12 § 9.

The Court ORDERS Defendant punished as indicated above. The Court ORDERS Defendant to pay all fines, court costs, and restitution as indicated above.

**Punishment Options (select one)**

☒ **Confinement in State Jail or Institutional Division.** The Court ORDERS the authorized agent of the State of Texas or the Sheriff of this County to take, safely convey, and deliver Defendant to the Director, Institutional Division, TDCJ. The Court ORDERS Defendant to be confined for the period and in the manner indicated above. The Court ORDERS Defendant remanded to the custody of the Sheriff of this county until the Sheriff can obey the directions of this sentence. The Court ORDERS that upon release from confinement, Defendant proceed immediately to the \_\_\_\_\_. Once there, the Court ORDERS Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **County Jail—Confinement / Confinement in Lieu of Payment.** The Court ORDERS Defendant immediately committed to the custody of the Sheriff of \_\_\_\_\_ County, Texas on the date the sentence is to commence. Defendant shall be confined in the County Jail for the period indicated above. The Court ORDERS that upon release from confinement, Defendant shall proceed immediately to the \_\_\_\_\_. Once there, the Court ORDERS Defendant to pay, or make arrangements to pay, any remaining unpaid fines, court costs, and restitution as ordered by the Court above.

☐ **Fine Only Payment.** The punishment assessed against Defendant is for a FINE ONLY. The Court ORDERS Defendant to proceed immediately to the Office of the \_\_\_\_\_ County. Once there, the Court ORDERS Defendant to pay or make arrangements to pay all fines and court costs as ordered by the Court in this cause.

**Execution / Suspension of Sentence (select one)**

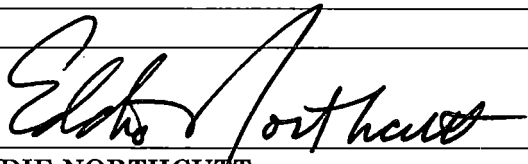
☒ The Court ORDERS Defendant's sentence EXECUTED.

☐ The Court ORDERS Defendant's sentence of confinement SUSPENDED. The Court ORDERS Defendant placed on community supervision for the adjudged period (above) so long as Defendant abides by and does not violate the terms and conditions of community supervision. The order setting forth the terms and conditions of community supervision is incorporated into this judgment by reference.

The Court ORDERS that Defendant is given credit noted above on this sentence for the time spent incarcerated.

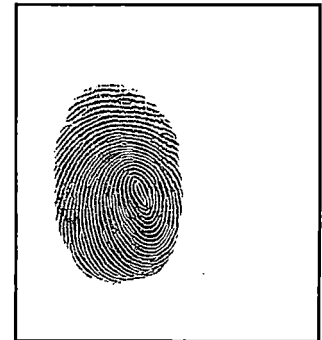
**Furthermore, the following special findings or orders apply:**

Signed and entered on \_\_\_\_\_

X   
EDDIE NORTHCUTT  
JUDGE PRESIDING

Clerk: \_\_\_\_\_

  
Defendant



Right Thumbprint



## Appendix C

1 MS. CAMPBELL-VIGIL: Deavah  
2 Campbell-Vigil.

3 THE COURT: And I failed to actually  
4 write the spelling of your first name again.

5 MS. CAMPBELL-VIGIL: D-E-A-V-A-H.

6 THE COURT: Actually, that's exactly how  
7 I had it spelled.

8 All right. And I swore you in earlier,  
9 correct?

10 MS. CAMPBELL-VIGIL: Yes, sir.

11 THE COURT: Mr. Waggener.

12 MR. WAGGENER: Yes, sir.

13 DEAVAH CAMPBELL-VIGIL  
14 having been first duly sworn, testified as follows:

15 DIRECT EXAMINATION

16 BY MR. WAGGENER:

17 Q. Ms. Campbell -- or Ms. Vigil -- excuse me --  
18 where do you live at this time?

19 A. In Pampa, Texas.

20 Q. Pampa, Texas. Okay.

21 And how long have you lived there?

22 A. Five years.

23 Q. I'm sorry?

24 A. Five years.

25 Q. Five years. Okay.

1 Can you see me better there?

2 A. Yes, sir.

3 Q. Do you have a job outside your home?

4 A. No, sir.

5 Q. Do you have any children?

6 A. I have two left at home.

7 Q. Two at home. Okay.

8 And where do they go to school?

9 A. They're home schooled.

10 Q. They're home schooled.

11 And so, I guess -- or you live in your home then.

12 You don't have a job outside the home. So that makes  
13 you the cook and housekeeper, teacher and --

14 A. Yes, sir.

15 Q. -- to your children; is that right?

16 A. Yes, sir.

17 Q. Okay. And do you know the man sitting here  
18 next to me?

19 A. Yes, sir.

20 Q. And who is that?

21 A. My brother, Neil.

22 Q. Okay. And do you love your brother?

23 A. Yes, sir.

24 Q. And some people might think because you're  
25 testifying here for your brother that you might come

1 here and not tell the truth about what's going on  
2 because of your love for him; is that correct?

3 A. No, sir.

4 Q. Okay. You wouldn't tell us any untruthful  
5 information?

6 A. No, sir.

7 Q. Would you say you're very close to your  
8 brother?

9 A. Yes.

10 Q. And are you close to his wife and daughter?

11 A. Yes, sir.

12 Q. Okay. And how do you stay close to them by  
13 living -- when you're living quite a ways from them?

14 A. We Facetime. We Facebook Messenger. We  
15 call. We -- pictures all the time.

16 Q. Okay. And you do this on a weekly basis?

17 A. About three to four times a week.

18 Q. Oh, okay. And how do you know his -- do you  
19 know his daughter, Sophia?

20 A. Yes, sir.

21 Q. She's your niece; isn't that correct?

22 A. Yes, sir.

23 Q. And has she ever stayed at your home?

24 A. Yes, sir.

25 Q. And for how long? Just weekends or --

1           A.    She's stayed a couple of months one time and  
2   a few weeks another time.

3           Q.    Okay. Did she come to just visit for, like,  
4   a weekend or anything like that?

5           A.    Not lately.

6           Q.    Okay. And would one of those visits have  
7   been in 2020, like from, say, September to October?

8           A.    Yes, sir.

9           Q.    Okay. So several weeks in there; isn't that  
10   correct?

11          A.    Yes.

12          Q.    Okay. And then again in January she stayed  
13   with you for awhile, a few days when --

14          A.    About two weeks.

15          Q.    Okay. And her mother was in a car wreck in  
16   January 12th of 2022; is that correct?

17          A.    Yes, sir.

18          Q.    And is that when you took care -- or got a  
19   hold of Sophia to take care of her?

20          A.    Yes, sir.

21          Q.    Okay. How did -- did you drive down there to  
22   get her, pick her up?

23          A.    Yes, I drove down.

24          Q.    Okay. And was that on the same day of the  
25   accident?

1           A.    Yes, sir.

2           Q.    So you drove -- what is that -- six hours  
3 down there to pick her up?

4           A.    About six and a half.

5           Q.    That's a 12-hour drive, isn't it?   Okay.  
6 And were you contacted subsequently by CPS?

7           A.    Yes, sir.

8           Q.    Do you know what they wanted?

9           A.    To interview Sophia.

10          Q.    Okay.   Do you know what they wanted to  
11 interview her about?

12          A.    The car accident.

13          Q.    And did they come out a few days later?

14          A.    Yes, sir.

15          Q.    On or about the 15th of January, around that  
16 area?

17          A.    That sounds about right.

18          Q.    And what happened when they -- when CPS  
19 arrived?

20          A.    She took her upstairs so they could have  
21 quiet to talk.

22          Q.    And do you remember who the CPS officer was?

23          A.    Miki Crawford.

24          Q.    Her name also Leitha?

25          A.    I don't know.

1           Q.    Okay.  And then, I guess, after the  
2   interview, they came back downstairs.  Did you remain  
3   downstairs?

4           A.    Yes, sir.

5           Q.    Okay.  And what happened when they came  
6   downstairs?

7           A.    The CPS worker said that she wanted to talk  
8   to Sophia again and then she left.

9           Q.    And did Sophia say anything to you about the  
10  interview?

11          A.    She told us that they had brought up my  
12  ex-husband.

13          Q.    Okay.  And did you ask her what they asked --  
14  exactly asked?

15          A.    I did.

16          Q.    Okay.  And did she -- did she respond to  
17  that?

18          A.    She did.

19          Q.    Okay.  What did she say?

20          A.    That she didn't remember.

21          Q.    Okay.  And that was right after the  
22  interview?

23          A.    Yes, sir.

24          Q.    Okay.  And what happened after that?

25          A.    My husband and I asked her if she had ever

1       been touched inappropriately or touched anybody else  
2       inappropriately.

3           Q.    Okay.  Did she respond to that?

4           A.    She did.

5           Q.    What was her response?

6           A.    She told us no.

7           Q.    Okay.  Is -- is your ex-husband -- is he  
8       Sophia's father?

9           A.    No.

10          Q.    Okay.  Is Calista your ex-husband's daughter?

11          A.    No.

12          Q.    Okay.  Who is her father?

13          A.    Tony Vigil.

14          Q.    And who is Tony Vigil?

15          A.    My husband.

16          Q.    How long have you been married?

17          A.    We got married in August.

18          Q.    Of?

19          A.    2020.

20          Q.    2020.

21          A.    Wait.  2021.

22          Q.    2021?

23          A.    Yes.

24          Q.    Okay.

25          A.    This past August.



1 Q. So you've been married almost a year?

2 A. Correct.

3 Q. And -- now, your daughter, Calista -- is that  
4 her name?

5 A. Calista.

6 Q. Calista. Okay.

7 She had a separate incident occur with her and  
8 your ex-husband; is that correct?

9 A. Yes, sir.

10 Q. Okay. And who discovered that incident?

11 A. She told me about it.

12 Q. Okay. And what did you do?

13 A. I took her to the police station.

14 Q. Okay. And did -- was he molesting your  
15 daughter?

16 A. Yes, sir.

17 Q. And how often was that going on? Do you  
18 know?

19 A. Every night.

20 Q. Every night. And what happened with him?

21 A. He's serving 25 years.

22 Q. Okay. For that -- because of that, right?

23 A. Yes, sir.

24 Q. And was that case similar to Sophia's case?

25 A. Yes, sir.

1 Q. Okay. In Calista's case, there was physical  
2 evidence; isn't that correct?

3 A. Yes, sir.

4 Q. What kind of physical evidence would there  
5 be?

6 A. Photos, videos, pictures.

7 Q. Okay. Of the incidents?

8 A. Yes, sir.

9 Q. Okay. So was there a trial in that case?

10 A. He took a plea deal.

11 Q. He pled guilty. Okay.

12 Now, when Sophia had told you she hadn't been  
13 touched by anyone else, was there anybody else  
14 present?

15 A. Just my husband.

16 Q. Okay. Just your husband.

17 And now you're close to your brother, Neil; isn't  
18 that correct?

19 A. Yes, sir.

20 Q. And do you believe that Neil could ever be  
21 capable of committing this crime that he's sitting  
22 here today for?

23 A. No, sir.

24 Q. And why is that?

25 A. It's --

1 Q. Can you tell us why that is?

2 A. -- not who he is. It's not his character.

3 Q. Okay. Does he have a -- what kind of a  
4 relationship does he have with his daughter?

5 A. They were close. He was on the road. He  
6 Facetimed her every night. They said prayers together  
7 every night.

8 Q. Was she a happy little girl?

9 A. Yes, sir.

10 Q. Very sociable?

11 A. Very.

12 Q. Okay. Easy to make friends with?

13 A. Yes.

14 Q. And during these -- this time of this  
15 allegation, did you notice any change in her?

16 A. No.

17 Q. Did they have any kind of -- oh, you've  
18 already mentioned that. Thank you.

19 If you had known that he had done something wrong  
20 with his daughter, would you -- what would you have  
21 done about that? Would you have done something about  
22 that?

23 A. I would have called the police.

24 Q. Even though he's your brother?

25 A. Absolutely.

1           Q.   Now, before that first interview, when all  
2           these activities were going on allegedly with Sophia,  
3           did you notice any change in Sophia? Did she seem  
4           unsociable, or was she unhappy or sad?

5           A.   No.

6           Q.   Depressed?

7           A.   No.

8           Q.   Just acted the same old way?

9           A.   Yes, sir.

10          Q.   Just the same old Sophia.

11          And was that normal for her to be that way,  
12          always smiling and happy? Is that --

13          A.   Always.

14          Q.   That's the way she is. Okay.

15          So in January, she was still the same happy  
16          Sophia that you've always known?

17          A.   Yes, sir.

18          Q.   And when Sophia was staying with you in  
19          2020 -- and you made trips to Amarillo to be with her  
20          father; is that correct?

21          A.   Yes, sir.

22          Q.   And was she always excited and happy to go  
23          see him?

24          A.   Oh, she counted down the time until we left.

25          Q.   Okay. So she was very happy to see him?

1 A. Oh, yes.

2 Q. Isn't it -- didn't -- did -- so where did  
3 Sophia stay at your house?

4 A. In my daughter's room with her.

5 Q. With her. Both of them in that room?

6 A. Yes.

7 Q. Okay. And do you believe it's possible or  
8 maybe even probable that Sophia came up with this  
9 story of abuse --

10 MR. VITITOW: Your Honor, I'm going to  
11 object to that as speculation.

12 THE COURT: Sustained.

13 MR. WAGGENER: I'm sorry. What was the  
14 objection?

15 THE COURT: Sustained.

16 MR. WAGGENER: Speculation.

17 THE COURT: Speculation.

18 Q. (BY MR. WAGGENER) Did -- these meetings with  
19 her father in Amarillo, did they take place on several  
20 occasions?

21 A. Yes.

22 Q. She was always happy to see him?

23 A. Oh, yes.

24 Q. And this -- we already know that. Was there  
25 any time at all in 2020 when she was staying with you,

1 or 2021, that would have led you to believe that she  
2 was being molested by her father?

3 A. No.

4 Q. Nothing at all?

5 A. Nothing.

6 Q. Do you think that you would have recognized  
7 any signs of depression or --

8 A. Yes.

9 Q. -- being unhappy or sad?

10 A. Yes.

11 Q. Do you have any formal training in child  
12 psychology or anything?

13 A. No.

14 Q. Okay. Why do you think you could have  
15 detected any change in her?

16 A. After my daughter was molested, I realized  
17 what the signs were that I had missed with her.

18 Q. Did you detect any kind of trauma at all in  
19 her?

20 A. No.

21 Q. Okay. Do you have anything besides that that  
22 gives you experience in how child -- how children  
23 react or anything?

24 A. Just my daughter -- I've had a friend that  
25 came to me, and her son had told me that stepmom --

1 MR. VITITOW: Your Honor, I'm going to  
2 object to this.

3 THE COURT: Stop. Just wait until -- I  
4 have to rule.

5 What's the objection?

6 MR. VITITOW: Your Honor, I don't  
7 believe she has had -- if he's going to ask what's  
8 happened in her past, that's one thing. But to ask  
9 her for an opinion as to whether or not this child's  
10 been molested, that's outside the scope of her  
11 knowledge, Your Honor.

12 THE COURT: Sustained.

13 MR. WAGGENER: May I respond, Your  
14 Honor?

15 THE COURT: No. Ask your next question.

16 Q. (BY MR. WAGGENER) Now, when your daughter  
17 made an outcry to you about the incident with her --  
18 your ex-husband, what did you do?

19 MR. VITITOW: Your Honor, I'm going to  
20 object to that as asked and answered. She already --  
21 he asked her that earlier. She said, I reported it to  
22 the police.

23 THE COURT: Sustained.

24 Ask your next question.

25 Q. (BY MR. WAGGENER) Now, we've had reports

1 here of people testifying here that Sophia had told  
2 you that her father put -- used his fingers on her; is  
3 that correct? Did he --

4 A. No, sir.

5 Q. Nobody ever told you that?

6 A. No, sir.

7 Q. So you have no knowledge of that happening?

8 A. No, sir.

9 Q. Okay. So if anybody said that, would that be  
10 true?

11 A. No.

12 Q. Did -- now, when Neil was on the road, did  
13 you and him ever track his progress, where he was  
14 traveling?

15 A. Yes, sir.

16 MR. WAGGENER: Okay. Your Honor, I'm  
17 going to show Defendant's Exhibit 1 and 2 for identity  
18 only. Marked for identity only. Can I approach?

19 THE COURT: You may.

20 Q. (BY MR. WAGGENER) Do you -- do you recognize  
21 that computer printout?

22 A. Yes, I do.

23 Q. Can you tell us what it is?

24 A. It's a printout of Neil's timeline when he  
25 was traveling.



1 Q. And what are the dates on that?

2 A. This one is November 30th of 2020, and this  
3 is December 1st of 2020.

4 Q. Okay. And can you tell us by that document  
5 where he was at on those dates?

6 A. November 30th, he was at Shamrock Foods in  
7 Commerce City, Colorado. And on December 1st, he was  
8 at Custom Made Meals in Denver, Colorado.

9 Q. Okay. Now, there's some other dates shown on  
10 there. Would he have been in that same area on those  
11 dates?

12 A. Yes.

13 Q. And what are those other dates?

14 A. The December 1st, 2nd, 3rd.

15 Q. Okay. And were there any November dates in  
16 there?

17 A. November 30th.

18 Q. November 30th. Okay. Thank you.

19 MR. WAGGENER: Your Honor, I'd like to  
20 enter these into evidence.

21 THE COURT: Mr. Vititow.

22 MR. VITITOW: No objection, Your Honor.

23 THE COURT: Was it Defendant's 1 and 2?

24 MR. VITITOW: Yes, sir.

25 THE COURT: Defendant's Exhibits 1 and 2

1 are admitted.

2 MR. WAGGENER: Okay. May I publish  
3 these to the jury, Your Honor?

4 THE COURT: You may.

5 Just take a look at them, and when  
6 you're through, pass them to the next juror.

7 THE COURT: You may continue.

8 MR. WAGGENER: Thank you, Your Honor.

9 Q. (BY MR. WAGGENER) Now, your computer  
10 location on that was December 1 and 2. If he was  
11 driving then in Colorado on those dates, it would  
12 be -- do you think it would have been difficult for  
13 him to be at home?

14 A. Absolutely.

15 Q. Okay. Because that's indicated in the  
16 indictment, that he was in -- that he was -- that it  
17 was in December of 2020, right?

18 A. Correct.

19 MR. WAGGENER: Pass the witness.

20 THE COURT: Mr. Vititow.

21 CROSS-EXAMINATION

22 BY MR. VITITOW:

23 Q. Ms. -- is it Vigil or Vigil?

24 A. Vigil.

25 Q. How do you spell it? V-I-G-I-L?

1 A. Yes, sir.

2 Q. Ms. Vigil --

3 THE COURT: No. Vigil.

4 MR. VITITOW: I'm sorry. Ms. Vigil --

5 THE COURT: Ms. Vigil.

6 MR. VITITOW: Vigil. I know Vigils  
7 around here. I'm sorry.

8 MS. CAMPBELL-VIGIL: It's okay.

9 Q. (BY MR. VITITOW) You said this was  
10 similar -- what happened to Sophia was similar to what  
11 happened to Calista. Can you tell the jury how it's  
12 similar?

13 A. The rooms were upstairs. Going in the  
14 similarities of what was described on what they did,  
15 the hand motions, the -- on the laps.

16 Q. Is that it?

17 A. Just the way it's worded is extremely similar  
18 to my daughter's wording.

19 MR. VITITOW: Your Honor, may I approach  
20 the witness?

21 THE COURT: You may.

22 Q. (BY MR. VITITOW) I'm showing you, Ms. Vigil,  
23 what's been marked as State's Exhibit Number 4.

24 Tell you what. Do you recall the evidence being  
25 that there was a video of -- you said there was a

1 video earlier, right?

2 A. Yes.

3 Q. Do you recall the video being of Calista? I  
4 believe the initials here are C.C. Can you read right  
5 there, starting at C.C., that sentence, what that says  
6 for the jury?

7 A. C.C. is holding an erect adult penis in her  
8 mouth with her right hand.

9 Q. So that's what's on the video, right?

10 A. From what I was told. I have not seen it.

11 Q. But yet you're sitting here telling this jury  
12 what happened to Calista is similar to what happened  
13 to Sophia, right?

14 A. Correct.

15 Q. And you're telling the jury that --

16 MR. VITITOW: May I approach again, Your  
17 Honor?

18 THE COURT: You may.

19 Q. (BY MR. VITITOW) Just since we're comparing  
20 these things. If you would read that sentence right  
21 there starting with C.C. down to the word interviewer  
22 for the jury.

23 A. C.C. told the forensic interviewer that they  
24 play with Bobby's Jell-O. That thing. C.C.  
25 identified --

1                   MR. WAGGENER: I'd object. Her  
2 testimony is that the cases were similar, not the  
3 actions involved.

4                   THE COURT: What's the legal objection?  
5 Not a speaking objection or argumentative objection.  
6 What's the legal objection?

7                   MR. WAGGENER: That they're not the  
8 same.

9                   THE COURT: Okay. That's argumentative,  
10 not a legal objection. I'll overrule the objection.

11                  MR. WAGGENER: Okay.

12                  Q. (BY MR. VITITOW) So if you could read that  
13 sentence again.

14                  A. C.C. told the forensic interviewer that they  
15 play with Bobby's Jell-O. That thing. C.C.  
16 identified Bobby's Jell-O as his testicles by drawing  
17 a dot on the testicles on an image of a nude male for  
18 the forensic interviewer. C.C. told the forensic --

19                  Q. That's okay. Tell you what. Can you read  
20 the sentence that starts right there with Robert's?

21                  A. They went into Robert's room through the  
22 conjoining closet. C.C. stated that sometimes Robert  
23 squirts on his tummy.

24                  Q. And go ahead and read the next sentence too.

25                  A. C.C. told the forensic interviewer that it

1 doesn't go in their mouth, because they don't like it  
2 because it tastes bad.

3 Q. And so you're telling the jury that that case  
4 is similar to Sophia's?

5 A. Some of the wording, yes.

6 Q. Okay. And do you recall how long that took  
7 place?

8 A. With my daughter?

9 Q. Yes.

10 A. Years.

11 Q. Well, the report says it took place March of  
12 2018 to December of 2018?

13 A. She told them that it started when we lived  
14 in Florida. We moved to Texas in 2017.

15 Q. So let's clear this up. All those times when  
16 this was happening to her, you were living with her,  
17 right?

18 A. Yes.

19 Q. And you didn't know it?

20 A. No.

21 Q. So you really don't know whether this  
22 happened to Sophia or not, because you weren't with  
23 her all the time either, were you?

24 A. No, I wasn't.

25 Q. In fact, if this happened for years, it took

1     some years then for your daughter to tell you that it  
2     happened, didn't it?

3             A.    Yes, it did.

4             Q.    Do you even know what Sophia has said  
5     happened to her?

6             A.    She said that she touched his peach worm and  
7     that he put his hands down her pants in her fancy  
8     panties.

9             Q.    And do you not recall her telling you that he  
10    -- in Pampa, her telling you that he had touched her  
11    -- she had done cannonballs on him, but you didn't  
12    understand what that was?

13            A.    She never told me that.

14            Q.    You think maybe she's actually accurate, and  
15    you just simply didn't understand what she was telling  
16    you? Is that possible?

17            A.    I would have asked her what she meant.

18            Q.    Isn't that possible?

19            A.    No.

20            Q.    That you just didn't understand what she's  
21    telling you?

22            A.    No.

23                   MR. VITITOW: Pass the witness, Your  
24    Honor.

25                   THE COURT: Mr. Waggener.

1 MR. WAGGENER: No more questions, Your  
2 Honor.

3 (Discussion off the record.)

4 THE COURT: All right. I'm going to  
5 excuse you at this time. The Rule -- I told you about  
6 the Rule regarding --

7 MR. CAMPBELL-VIGIL: Yes.

8 So the Rule is still in place. You are  
9 subject to recall, but I'll excuse you at this time.

10 MS. CAMPBELL-VIGIL: Okay.

11 THE COURT: Thank you.

12 All right. Ladies and gentlemen, so  
13 I've got 4:56. Just about 5 o'clock, so we're -- it's  
14 been a long day for all of us. You especially. So  
15 we're going to recess for the day, and we'll pick  
16 things back up in the morning at 9:00 a.m. Give you a  
17 little extra 30 minutes. We should have coffee and  
18 donuts for you in there when you arrive in the  
19 morning.

20 Get here a little bit early, if you  
21 will, because the treasurer's office likes to take  
22 care of the juror pay for the day beforehand. But be  
23 ready to go, if you will, at 9 o'clock in the morning.

24 Now, remember, we're still in the middle  
25 of trial. You've heard some evidence, but not all the



## Appendix D

1 THE COURT: All right. Let's be back at  
2 1:25 ready to go.

3 (Recess from 12:13 p.m. to 1:36 p.m.)

4 (Jury present.)

5 THE COURT: Thank you. Please be seated.  
6 All right. We are back on the record. The jury is  
7 present. The parties are present. We are ready for the  
8 second half of the trial and sentencing.

9 What says the state?

10 MR. VITITOW: Your Honor, we're ready. We  
11 would like to call one witness.

12 THE COURT: Okay. Do you intend to make an  
13 opening statement?

14 MR. VITITOW: No, Your Honor.

15 THE COURT: All right. Call your witness.

16 MR. VITITOW: We call Bradley Camp.

17 THE COURT: Mr. Camp, please come on up,  
18 please.

19 Mr. Camp, I believe you testified  
20 yesterday, and I'll remind you that you are still under  
21 oath, sir.

22 THE WITNESS: Yes, sir.

23 THE COURT: If you'll sit up and position  
24 that microphone where it is right in front of you.

25 Thank you. State your name for the record.

1 THE WITNESS: My name is Brandon Camp.

2 THE COURT: Thank you very much.

3 Mr. Vititow.

4 BRANDON CAMP,

5 having been first duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 QUESTIONS BY MR. ROBERT VITITOW:

8 Q. Mr. Camp, the jury will recall you're the  
9 brother of Sophia. And can you tell -- the jury has now  
10 convicted Mr. Carver of the offense of continuous sexual  
11 abuse of a child. Can you tell the jury what an impact  
12 this has had on the life of Sophia and your family?

13 A. It has been really hard. It's too much for a  
14 brother to bear. Too much for a child to bear. No  
15 child should ever have to go through that, ever. The  
16 thought shouldn't even have to cross a child's mind.

17 It has been hard on my family. And I'm  
18 just grateful, before my grandmother passed of cancer,  
19 that she didn't have to find this out because this would  
20 have broke her too.

21 It is just -- I don't know how else to put  
22 it. It has just been unbearable, taking on a burden  
23 like that and trying to put all emotions aside when I  
24 had custody of her because my -- excuse me.

25 It is my job as an older brother to protect

1 her, and the thought that I could not protect her is  
2 just, like I said, unbearable. And from then on, from  
3 that moment on, I didn't show any emotion to her for  
4 what had happened. My whole point is to keep her happy.  
5 My whole purpose is to keep her happy and her mind off  
6 all the negativity, and let her grow up the way a child  
7 should grow up, happy, loved, and not in an environment  
8 like this.

9 Q. Mr. Camp, so what do you think should happen to  
10 the defendant?

11 A. I'm pushing for the full.

12 MR. VITITOW: I'll pass the witness, Your  
13 Honor.

14 THE COURT: Mr. Waggener?

15 MR. WAGGENER: I have no questions, Your  
16 Honor.

17 THE COURT: Thank you. You may step down.

18 THE WITNESS: Thank you.

19 MR. VITITOW: No further witnesses, Your  
20 Honor.

21 THE COURT: Mr. Waggener, what says the  
22 defense?

23 MR. WAGGENER: I'm sorry?

24 THE COURT: The state has rested. What  
25 says the defense?

1 Confinement by the Texas Department of Criminal Justice  
2 for life, and a fine of blank, \$0 to \$10,000.

3 So the jury, once you reach your verdict,  
4 you will select and write in what your verdict is.

5 The forelady will then sign her name and  
6 print below.

7 With that, it is time now for closing  
8 arguments in punishment.

9 Mr. Vititow, what says the state?

10 MR. VITITOW: We reserve our time, Your  
11 Honor.

12 THE COURT: Mr. Waggener.

13 MR. WAGGENER: May I approach, Your Honor?

14 THE COURT: You may.

15 (Off the record bench discussion.)

16 MR. WAGGENER: Ladies and gentlemen, you've  
17 all made your decision, and now you've got to make  
18 another one here about punishment. You've all read the  
19 different punishments available there, 25 years to 99, 5  
20 to 99 or life, and then there's also a \$10,000 fine that  
21 can be --

22 The only thing I can ask is that -- or tell  
23 you is that we'd like to see the minimum punishment, and  
24 I hope that you can be merciful enough to do that. It  
25 is obviously ruining his life and his family's life, and

1 he's never been in this kind of trouble before.

2                   So we pray that you give the right  
3 punishment in this case. Thank you.

4                   THE COURT: Mr. Vititow.

5                   MR. VITITOW: May it please the Court,  
6 counsel. Ladies and gentlemen of the jury, we have not  
7 really put on much evidence here in the punishment  
8 phase, but you can consider all the evidence you've  
9 heard throughout the case. You can consider the same  
10 evidence you considered in convicting the defendant in  
11 this case.

12                   You heard my argument earlier. It wouldn't  
13 be a lie if I said those same things this time, but what  
14 I'm just going to add to this is this. Someone breaks  
15 into your house and they steal a diamond ring from you,  
16 you can replace that. Anything they break into your  
17 house and steal, you can go replace. What he did to  
18 Sophia, she'll never get back. It is a life sentence  
19 for her. She'll never get it back.

20                   You've convicted him, ladies and gentlemen,  
21 and now I want you to send the message that we're not  
22 going to put up with it in Rains County. It is a  
23 horrible crime. It is a terrible crime. It is  
24 continuous sexual abuse of a young child, a child  
25 younger than 14. And what's worse, it is her own dad

1 that did it.

2                   There's certain things that when you do  
3 those things, you should forfeit your right to walk  
4 among the free public. You should not have the  
5 opportunity to walk among the free public when you do  
6 certain things. This is one of those things. It's a  
7 life sentence for her, and I'm asking you to give a life  
8 sentence for what he did.

9                   Thank you, ladies and gentlemen.

10                  THE COURT: All rise for the jury while  
11 they deliberate their verdict.

12                  I've got the Court's Charge right here.  
13 The sheriff will give that to our foreperson.

14                  The court is in recess at this time.

15                  (Recess from 1:52 p.m. to 2:03 p.m.)

16                  (Jury not present.)

17                  THE COURT: We have received a note from  
18 the jury. The jury is still in their room deliberating.

19                  The note reads, Judge, if we agree on a  
20 fine, does the money go to the state, or where does the  
21 money go. Also, if the defendant is in prison, who pays  
22 the fine, signed by the foreperson.

23                  It is my intention to state that the court  
24 cannot instruct them beyond what they have been  
25 instructed in the Court's Charge, and they should

1 continue their deliberations.

2 Any objection to that response, Mr. Fenlaw?

3 MR. FENLAW: None at all, Your Honor.

4 THE COURT: Mr. Waggener?

5 MR. WAGGENER: None, Your Honor.

6 (Recess from 2:05 p.m. to 2:43 p.m.)

7 (Jury present.)

8 THE COURT: Thank you. Please be seated.

9 We're back on the record. The parties are present and  
10 the jury is in the courtroom.

11 Madam Foreperson, it is my understanding  
12 that the jury has reached a verdict; is that correct?

13 VENIRE FOREPERSON: Yes, sir.

14 THE COURT: And without saying what that  
15 verdict is, was that verdict unanimous?

16 VENIRE FOREPERSON: Yes, sir.

17 THE COURT: Mr. Carver and Mr. Waggener, if  
18 you'll please stand.

19 The verdict of the jury reads. We, the  
20 jury, having found the defendant, Neil Aaron Carver,  
21 guilty of the offense of continuous sexual abuse of a  
22 young child assess the defendant's punishment at  
23 confinement by the Texas Department of Criminal Justice  
24 for life and no fine.

25 Ma'am, did I read that correctly?



# Appendix E

No. 6172  
Prosecutor# 300817

Bond \$

**THE STATE OF TEXAS VS. NEIL AARON CARVER**

**CHARGE: SEX ABUSE OF CHILD CONTINUOUS: VICTIM UNDER 14—21.02(b)PC**

**--First Degree Felony**

**IN THE NAME AND BY AUTHORITY OF THE STATE OF TEXAS:**

**THE GRAND JURORS**, for the County of **RAINS**, State of Texas, duly selected, empaneled, sworn, charged, and organized as such at the **JANUARY** term, 2021 of the 8TH JUDICIAL DISTRICT COURT for said County, upon their oaths present in and to said court at said term that **NEIL AARON CARVER**, hereinafter styled Defendant, on or about the **1st day of January, 2018**, and before the presentment of this indictment, in the County and State aforesaid, did then and there, during a period that was 30 or more days in duration, namely from on or about January 1, 2018 through December 1, 2020, when the defendant was 17 years of age or older, commit two or more acts of sexual abuse against a child younger than 14 years of age, namely:

- A) Indecency with a Child by Contact -- On or about the 1st day of January, 2018, in the County of Rains and State of Texas, the Defendant did then and there, intentionally or knowingly cause S.C., a child younger than 17 years and not the spouse of the Defendant, to engage in sexual contact by causing the said S.C. to touch the genitals of the Defendant.
- B) Aggravated Sexual Assault of Child -- On or about the 1st day of December, 2019, in the County of Rains and State of Texas, the Defendant did then and there, intentionally or knowingly penetrate the sexual organ of S.C., a child younger than 14 years and not the spouse of the Defendant, with the Defendant's finger.

FILED FOR RECORD  
At 239 O'clock P Indecency with a Child by Contact -- On or about the 1st day of December, 2020, in the County of Rains and State of Texas, the Defendant did then and there,

JUN 29 2021

LAURA PATE, DISTRICT CLERK  
RAINS COUNTY, TEXAS

BY: LP DEPUTY

intentionally or knowingly cause S.C., a child younger than 17 years and not the spouse of the Defendant, to engage in sexual contact by causing the said S.C. to touch the genitals of the Defendant.

**AGAINST THE PEACE AND DIGNITY OF THE STATE.**

  
FOREMAN OF THE GRAND JURY