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CAUSE NO. 35,597CR

STATE OF TEXAS

VS.

ANDREW RYAN CARLTON

IN THE DISTRICT COURT

OF HUNT COUNTY, TEXAS

196TH JUDICIAL DISTRICT

Susan Spradling
CLERK, DISTRICT COURT, HUNT CO., TX

CHARGE OF THE COURT

MEMBERS OF THE JURY:

The defendant, ANDREW RYAN CARLTON, stands charged by indictment with the offense of Continuous Sexual Abuse of Young Child, alleged to have been committed on or about the 16th day of October, 2023 in Hunt County, Texas. To this charge, the defendant has pleaded not guilty.

1.

A person commits an offense if, during a period that is 30 days or more 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, at the time of the commission of each of the acts of sexual abuse, the person was 17 years of age or older and the victim is a child younger than 14 years of age.

2.

“Act of sexual abuse” means any act that is a violation of one or more of the following penal laws:

(1) indecency with a child, to-wit: a person commits an offense if with a child, not the person's spouse, whether the child is of the same or opposite sex, the person engages in

sexual contact with the child. "Sexual contact" for this crime means, if committed with the intent to arouse or gratify the sexual desire of any person,

(A) any touching by a person of the anus, or any part of the genitals of a child; or

(2) aggravated sexual assault of a child, to-wit: a person commits an offense if he intentionally or knowingly:

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

"Child" means a person younger than 14 years of age who is not the spouse of the actor.

"Actor" means a person whose criminal responsibility is in issue in a criminal action.

3.

A person acts intentionally, or with intent, with respect to the nature of his conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or to cause the result.

A person acts knowingly, or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist.

4.

You are instructed that the State is not bound by the date alleged in the indictment but is bound to proof that the offense was committed any time prior to the return of the indictment that is within the period of limitation.

You are instructed that there is no statute of limitation for the offense of continuous sexual abuse of a young child.

5.

You are instructed that members of the jury are not required to agree unanimously on which specific acts of sexual abuse, if any, were committed by the defendant or the exact date when those acts were committed, if any. The jury must agree unanimously that the defendant, during a period that was 30 or more days in duration, committed two or more acts of sexual abuse as that term as been previously defined.

6.

Now, if you find from the evidence beyond a reasonable doubt that on or about the 16th day of October, 2023 in Hunt County, Texas, the defendant ANDREW RYAN CARLTON, did then and there during a period of thirty (30) days or more in duration, commit two (2) or more acts of sexual abuse against Jane Doe 41630 (pseudonym), a child younger than 14 years of age, and not the spouse of the defendant to wit:

(1) Intentionally or knowingly engage in sexual contact with Jane Doe 41630 (pseudonym), by contact between the hand of the Defendant and the genitals of the victim, with the intent to arouse or gratify the sexual desire of the defendant; and/or

(2) Intentionally or knowingly cause the penetration of the genitals of Jane Doe 41630 (pseudonym) by the defendant's fingers

Then you will find the defendant guilty of the offense of Continuous Sexual Abuse of Young Child, as charged in the indictment. Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt thereof, you will acquit the defendant of Continuous Sexual Abuse of Young Child and next consider whether the defendant is guilty of the lesser-included offense of Indecency with a Child by contact.

If you find from the evidence beyond a reasonable doubt that on or about the 16th day of October, 2023 in Hunt County, Texas, the defendant Andrew Ryan Carlton, did then and there intentionally or knowingly engage in sexual contact with Jane Doe 41630 (pseudonym), by contact between the hand of the Defendant and the genitals of the victim, with the intent to arouse or gratify the sexual desire of the defendant you will find the defendant guilty of the lesser-included offense of Indecency with a Child. Unless you so find beyond a reasonable doubt, or if you have a reasonable doubt there, you will acquit the defendant Indecency with a Child and say by your verdict not guilty

7.

A grand jury indictment is the means whereby a defendant is brought to trial in a felony prosecution. It is not evidence of guilt nor can it be considered by you in passing upon the issue of guilt of the defendant. The burden of proof in all criminal cases rests upon the State throughout the trial and never shifts to the defendant.

8.

All persons are presumed to be innocent, and no person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt. The fact

that a person has been arrested, confined, or indicted for, or otherwise charged with the offense gives rise to no inference of guilt at this trial. The law does not require the defendant to prove his innocence or produce any evidence at all. The presumption of innocence alone is sufficient to acquit the defendant, unless the jurors are satisfied beyond a reasonable doubt of the defendant's guilt after careful and impartial consideration of all of the evidence in the case.

The prosecution has the burden of proving the defendant guilty, and it must do so by proving each and every element of the offense charged beyond a reasonable doubt, and if it fails to do so, you must acquit the defendant.

It is not required that the prosecution prove guilt beyond all possible doubt; it is required that the prosecution's proof excludes all "reasonable doubt" concerning the defendant's guilt.

9.

It is your duty to consult with one another and to deliberate in an effort to reach agreement if you can do so. Each of you must decide the case for yourself, but only after an impartial consideration of the evidence with your fellow jurors. During your deliberations, do not hesitate to reexamine your own opinions and change your mind if convinced that you were wrong. But do not give up your honest beliefs as to the weight or effect of the evidence solely because of the opinion of your fellow jurors, or for the mere purpose of returning a verdict.

When you go to the jury room, the first thing that you should do is select one of you as your presiding juror, who will help to guide your deliberations and will speak for you here in the courtroom.

During your deliberations, you must not communicate with or provide any information to anyone by any means about this case. This includes the bailiff. You may not use any electronic device or media, such as a telephone, cell phone, smart phone, iPhone, Blackberry, or computer; the internet, any internet service, or any text or instant messaging service; or any internet chat room, blog, or website such as Facebook, Myspace, LinkedIn, YouTube, or Twitter, to communicate to anyone any information about this case or to conduct any research about this case until the Court accepts your verdict, if any.

You have been permitted to take notes during the testimony in this case.

In event any of you took notes, you may rely on your notes during deliberations. However, you may not share your notes with other jurors and you should not permit other jurors to share their notes with you. You may, however, discuss the contents of your notes with the other jurors. You shall not use your notes as authority to persuade your fellow jurors. In your deliberations, give no more and no less weight to the views of a fellow juror just because the juror did or did not take notes. Your notes are not official transcripts. They are personal memory aids, just like the notes of the judge and the lawyers. Notes are valuable as a stimulant to your memory. On the other hand, you might make an error in observing or you might make a mistake in recording what you have seen or heard. Therefore, you are not to use your notes as authority to persuade fellow jurors of what the evidence was during the trial.

Occasionally, during jury deliberations, a dispute arises as to the testimony presented. If this should occur in this case, you shall inform the Court and request that the Court read the portion of disputed testimony to you from the official transcript.

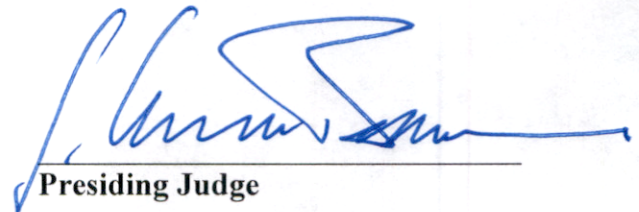
You shall not rely on your notes to resolve the dispute because those notes, if any, are not official transcripts. The dispute must be settled by the official transcript, for it is the official transcript, rather than the juror's notes, upon which you must base your determination of the facts and, ultimately, your verdict in this case.

Any verdict you render must be unanimous.

At the conclusion of your deliberations, the presiding juror should sign the appropriate verdict form, if any. If you need to communicate with the Court during your deliberations, the presiding juror should write the message, sign it as the foreperson, and give it to the bailiff. The Court will either reply in writing or bring you back into the court to answer your message.

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

Remember at all times, you are the judges of the facts. Your sole duty is to decide whether the State has proved the Defendant guilty beyond a reasonable doubt.



Presiding Judge

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VERDICT OF THE JURY (CHOOSE ONE)

We, the Jury, find the defendant, Andrw Ryan Carlton, "Guilty" of the offense of Continuous Sexual Abuse of Young Child, as charged in the indictment beyond a reasonable doubt.

Foreperson

OR

VERDICT OF THE JURY

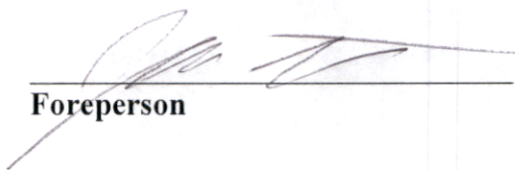
We, the Jury, find the defendant, Andrew Ryan Carlton, "Guilty" of the lesser-included offense of Indecency with a Child beyond a reasonable doubt.

Foreperson

OR

VERDICT OF THE JURY

We, the Jury, find the defendant, Andrew Ryan Carlton, "Not Guilty" of the offense of Continuous Sexual Abuse of Young Child and any lesser-included offenses.



Foreperson