



CAUSE NO. 22-DCR-100594

THE STATE OF TEXAS	§	IN THE 240th DISTRICT COURT
V.	§	OF
ANTHONY CRATER	§	FORT BEND COUNTY, TEXAS

JURY CHARGE

MEMBERS OF THE JURY:

The defendant, ANTHONY CRATER, stands charged by indictment with the offense of Capital Murder, alleged to have been committed on or about the 30th day of April, 2022, in Fort Bend County, Texas. To this charge, the defendant has pleaded not guilty. You are instructed that the law applicable in this case is as follows:

I.

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

II.

A person commits the offense of Robbery if, in the course of committing Theft, and with intent to obtain and maintain control of property of another, the person: (1) intentionally or knowingly causes bodily injury to another; or (2) intentionally or knowingly threatens or places another in fear of imminent bodily injury or death.

A person commits the offense of Theft if the person unlawfully appropriates property with intent to deprive the owner of property.

III.

"Individual" means a human being who is alive.

“Attempt” means to commit an act with specific intent to commit an offense where the act committed amounts to more than mere preparation but fails to effect the commission of the offense intended.

“In the course of committing theft” means conduct that occurs in an attempt to commit, during the commission of, or in immediate flight after the attempt or commission of theft.

“Appropriate” means: (A) to bring transfer or purported transfer of title to or other nonpossessory interest in property, whether to the actor or another; or (B) to acquire or otherwise exercise control over property other than real property.

Appropriation of property is unlawful if: (A) it is without the owner’s effective consent; or (B) the property is stolen and the defendant appropriates the property knowing it was stolen from another.

“Deprive” means: (A) to withhold property from the owner permanently or for so extended a period of time that a major portion of the value or enjoyment of the property is lost to the owner; (B) to restore property only upon payment of reward or other compensation; or (C) to dispose of property in a manner that makes recovery of the property by the owner unlikely.

“Property” means: (A) tangible or intangible personal property, including anything severed from land; or (B) a document, including money, that represents or embodies anything of value.

“Consent” means assent in fact, whether express or apparent.

“Effective consent” includes consent by a person legally authorized to act for the owner. Consent is not effective if: (A) induced by deception or coercion; (B) given by a person the actor knows is not legally authorized to act for the owner; (C) given by a person who by reason of youth, mental disease or defect, or intoxication is known by the actor to be unable to make reasonable decisions; or (D) given solely to detect the commission of an offense.

“Owner” means a person who has title to the property, possession of the property, or a greater right to possession of the property than the person charged.

“Possession” means actual care, custody, control or management of property.

“Deadly Weapon” means: (A) a firearm or anything manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury; or, anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

“Firearm” means any device manifestly designed, made, or adapted to expel a projectile through a barrel by using the energy generated by an explosion or burning substance or any device readily convertible to that use.

"Bodily injury" means physical pain, illness, or any impairment of physical condition.

"Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ.

IV.

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

A person acts knowingly, or with knowledge, with respect to 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. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

A person is criminally responsible if the result would not have occurred but for his conduct.

V.

A person is criminally responsible as a party to an offense if the offense is committed by his own conduct, by the conduct of another for which he is criminally responsible, or by both.

Each party to an offense may be charged with commission of the offense.

A person is criminally responsible for an offense committed by the conduct of another if:

(A) acting with the kind of culpability required for the offense, the person causes or aids an innocent or nonresponsible person to engage in conduct prohibited by the definition of the offense; (B) acting with intent to promote or assist the commission of the offense, the person solicits, encourages, directs, aids, or attempts to aid the other person to commit the offense; or (C) having a legal duty to prevent commission of the offense and acting with intent to promote or assist its commission, the person fails to make a reasonable effort to prevent commission of the offense.

VI.

The person may be responsible for a capital murder committed by someone else even though the person did not intentionally cause the death of an individual, because the person joined in an unlawful conspiracy. At least one member of the unlawful conspiracy must have intentionally caused the death of an individual before the person can be responsible for the capital murder.

A member of a conspiracy to commit one felony offense is guilty of another felony offense committed by one of his coconspirators when that other felony offense was committed in furtherance of the original unlawful conspiracy and was one that should have been anticipated as a result of the unlawful conspiracy. Under those circumstances, all coconspirators are guilty of the felony offense actually committed by one member of the conspiracy, though the rest of them had no intent to commit it.

Capital Murder and Robbery are felony offenses.

A person conspires with others to commit a felony offense if: (A) the person intends that a felony be committed; (B) the person agrees with one or more persons that one or more of them engage in conduct that would constitute the felony offense; and (C) one or more of them performs an overt act in pursuance of the agreement. A person intends that a felony offense be committed when it is his conscious objective or desire that the felony offense be committed.

To prove that a defendant is guilty of a felony offense committed by one of his coconspirators, the state must prove, beyond a reasonable doubt, four elements. The elements are that:

- A. The defendant conspired with the other or others to commit a felony offense;
- B. In the attempt to carry out that conspiracy, one coconspirator committed another felony offense;
- C. That other felony offense was committed in furtherance of the unlawful purpose of the conspiracy; and
- D. That other felony offense was one that should have been anticipated as a result of the carrying out of the conspiracy.

VII.

In a prosecution in which an actor's criminal responsibility is based on the conduct of another, the actor may be convicted on proof of commission of the offense and that he was a party to its commission, and it is no defense: (A) that the actor belongs to a class of persons that by definition of the offense is legally incapable of committing the offense in an individual capacity; or (B) that the person for whose conduct the actor is criminally responsible has been acquitted, has not been prosecuted or convicted, has been convicted of a different offense or of a different type or class of offense, or is immune from prosecution.

Mere presence alone will not constitute one a party to an offense.

VIII.

Now, bearing in mind the foregoing definitions and instructions, if you believe from the evidence beyond a reasonable doubt that on or about the 30th day of April, 2022, in Fort Bend County, Texas, the defendant, ANTHONY CRATER, acting alone, did then and there unlawfully, while in the course of committing or attempting to commit the Robbery of Henry Yohan Salvador, intentionally cause the death of Henry Yohan Salvador, by shooting Henry Yohan Salvador with a deadly weapon, namely a firearm; OR

If you believe from the evidence beyond a reasonable doubt that on or about the 30th day of April, 2022, in Fort Bend County, Texas, Jessie Cook, Kaylin Johnson and/or Syandra Patterson did then and there unlawfully, while in the course of committing or attempting to commit the Robbery of Henry Yohan Salvador, intentionally caused the death of Henry Yohan Salvador, by shooting Henry Yohan Salvador with a deadly weapon, namely a firearm, and if you further believe from the evidence beyond a reasonable doubt that on or about the 30th day of April, 2022, in Fort Bend County, Texas, the defendant, ANTHONY CRATER, acting with another or others as a party to the offense, as that term is hereinbefore defined, solicited, encouraged, directed, aided or attempted to aid Jessie Cook, Kaylin Johnson and/or Syandra Patterson, in the foregoing action; OR

If you believe from the evidence beyond a reasonable doubt that on or about the 30th day of April, 2022, in Fort Bend County, Texas, the defendant, ANTHONY CRATER, joined a conspiracy to commit the Robbery of Henry Yohan Salvador; in the attempt to carry out this conspiracy, if any, Jessie Cook, Kaylin Johnson and/or Syandra Patterson intentionally caused the death of Henry Yohan Salvador by shooting Henry Yohan Salvador with a deadly weapon, namely

a firearm; the murder was committed by Jessie Cook, Kaylin Johnson and/or Syandra Patterson in furtherance of the unlawful conspiracy to rob Henry Yohan Salvador; and the murder should have been anticipated as a result of this conspiracy to commit the Robbery of Henry Yohan Salvador; then you will find the defendant, ANTHONY CRATER, “Guilty” of the offense of Capital Murder, as alleged in the indictment, and so say by your verdict; but if you do not so believe, or if you have a reasonable doubt thereof, you will acquit the defendant and say by your verdict “Not Guilty.”

IX.

A conviction cannot be had upon the testimony of an accomplice unless the jury first believes that the accomplice’s evidence is true and that it shows the defendant is guilty of the offense charged against him, and even then you cannot convict unless the accomplice’s testimony is corroborated by other evidence tending to connect the defendant with the offense charged, and the corroboration is not sufficient if it merely shows the commission of the offense, but it must tend to connect the defendant with its commission.

You are further instructed, that mere presence of the accused in the company of an accomplice witness shortly before or after the time of the offense, if any, is not, in itself, sufficient corroboration of the accomplice witness’ testimony.

Therefore, you are charged that Kaylin Johnson was an accomplice if any offense was committed, and you are instructed that you cannot find the defendant guilty upon the testimony of Kaylin Johnson unless you first believe that the testimony of the said Kaylin Johnson is true and that it shows the defendant is guilty as charged in the indictment; and even then you cannot convict the defendant, ANTHONY CRATER, unless you further believe that there is other evidence in this case, outside the evidence of said Kaylin Johnson, tending to connect the defendant with the

commission of the offense charged in the indictment and then from all the evidence you must believe beyond a reasonable doubt that the defendant is guilty.

X.

You are further instructed that if there is any evidence before you as to any acts or statements of any person, alleged to be a co-conspirator with the defendant, you cannot consider any such acts or statements against the defendant unless you first believe from the evidence beyond a reasonable doubt that at the time any such acts or statements were done or made, there existed a conspiracy between such person or persons and the defendant to commit or attempt to commit the offense of Robbery, and further that such acts or statements, if any, were made during the course of and in furtherance of the conspiracy, if any; and unless you so believe from the evidence beyond a reasonable doubt, you will disregard any such acts or statements made by any such person or persons as evidence against the defendant.

XI.

You are instructed that if there is any testimony before you in this case regarding the defendant having committed offenses other than the offense alleged against him in the indictment in this case, you cannot consider said testimony for any purpose unless you find and believe beyond a reasonable doubt that the defendant committed such other offenses, if any were committed, and even then you may only consider said acts, if any, for purposes of establishing the defendant's motive, opportunity, intent, preparation, plan, knowledge, identity, absence of mistake, or lack of accident.

You are further instructed that any evidence that any witness has been convicted in any case or cases was admitted before you for the purpose of aiding you, if it does not aid you, in

passing upon the credibility of the witnesses and the weight to be given his or her testimony, and you will not consider the same for any other purpose.

XII.

Our law provides that a defendant may testify in his own behalf if he elects to do so. This, however, is a privilege accorded a defendant, and in the event he elects not to testify, that fact cannot be taken as a circumstance against him.

In this case, the defendant has elected not to testify, and you are instructed that you cannot and must not refer to or allude to that fact throughout your deliberations or take it into consideration for any purpose whatsoever as a circumstance against the defendant.

XIII.

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.

In the event you have a reasonable doubt as to the defendant's guilt after considering all the evidence before you, and these instructions, you will acquit him and say by your verdict "Not Guilty."

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 question 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.

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

You are the exclusive judges of the facts proved, of the credibility of the witnesses and of the weight to be given to the testimony, but the law you shall receive in these written instructions, and you must be governed thereby.

During your deliberations in this case, you must not consider, discuss or relate any matters not in evidence before you. You should not consider or mention any personal knowledge or information you may have about any fact or person connected with this case, which is not shown by the evidence.

You have been allowed to take notes during the trial. Your notes are an aid to your memory. If your memory should later be different from your notes, you should rely on your memory. However, you may not share your notes with the other jurors and you should not permit the other jurors to share their notes with you. You may, however, discuss the contents of your notes with other jurors. Do not be unduly influenced by the notes of other jurors. A juror's notes are not entitled to any greater weight than each juror's recollection of the testimony. Your notes are not official transcripts. They are personal memory aids. Notes are valuable as a stimulant to your memory, but you might make an error in observing or you might make a mistake in recording what

you've seen or heard. Therefore, you are not to use your notes as authority to persuade fellow jurors of what the evidence was during trial.

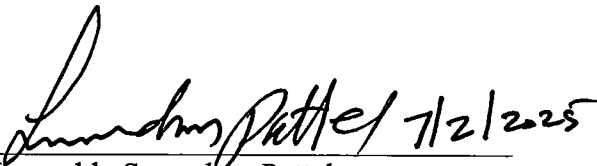
Occasionally, during jury deliberations a dispute arises as to the testimony presented. If this should occur in this case, you shall inform the Court and request that the Court read the portion of disputed testimony to you from the official transcript. You shall not rely on your notes to resolve the 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 any juror's notes, upon which you must base your determination of the facts and, ultimately, your verdict in this case.

After you have retired to your jury room, you should select one of your members as your presiding juror. It is his or her duty to preside at your deliberations, vote with you, and when you have unanimously agreed upon a verdict, to certify your verdict by signing the same as presiding juror. You are the exclusive judges of the facts proved, of the credibility of the witnesses, and of the weight to be given to the evidence, but you are bound to receive the law from the Court, which is herein given to you, and be governed thereby. You may make reasonable inferences from the evidence presented.

A form for your verdict is hereto attached; your verdict must be in writing and signed by your presiding juror. Your sole duty at this time is to determine the guilt or innocence of the defendant and you are to restrict your deliberations solely to the issue of guilt or innocence of the defendant.

No one has any authority to communicate with you except the officer who has you in charge. You may communicate with the court only in writing, signed by your presiding juror, delivered to the court by the officer who has you in charge. Do not attempt to talk to the officer, the attorneys, or the court concerning questions you may have.

After the court reads this charge, you may not separate from each other without the court's permission, nor may you talk with anyone not of your jury regarding this case. The presiding juror's duty is to preside at your deliberations and to vote with you in arriving at a unanimous verdict. After you have arrived at your verdict, you must have your presiding juror indicate the jury verdict by signing the particular form or forms that coincide with your verdict.



Honorable Surendran Pattel
Presiding Judge, 240th Judicial District Court
Fort Bend County, Texas

FILED

JUL 02 2025 ^{KT}

AT 10:07 A.M.

Beverly M. Allen
CLERK DISTRICT COURT, FORT BEND CO., TX

THE STATE OF TEXAS	§	IN THE 240 th DISTRICT COURT
V.	§	OF
ANTHONY CRATER	§	FORT BEND COUNTY, TEXAS

"We, the Jury, find the defendant, ANTHONY CRATER, Guilty of Capital Murder, as charged in the indictment."

FILED
JUL 02 2025 *KT*
AT 5:03 *P.M.*
Beverly M. Green Walsh
CLERK DISTRICT COURT, FORT BEND CO., TX

Mark Keelling
Presiding Juror

Mark Keelling
Printed name of Presiding Juror

CAUSE NO. 22-DCR-100594

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V.	§	OF
ANTHONY CRATER	§	FORT BEND COUNTY, TEXAS

VERDICT FORM – NOT GUILTY

"We, the Jury, find the defendant, ANTHONY CRATER, Not Guilty.

Presiding Juror

Printed name of Presiding Juror