

REPORTER'S RECORD
VOLUME 4 OF 9 VOLUMES
COURT CAUSE NO. 296-83565-2025
COURT OF APPEALS NO. 05-26-00840-CR

STATE OF TEXAS	)	IN THE DISTRICT COURT
	)	
VS.	)	COLLIN COUNTY, TEXAS
	)	
KARMELO SINCERE ANTHONY	)	296TH JUDICIAL DISTRICT

JURY TRIAL

JUNE 4, 2026

On the 4th day of June, 2026, the following proceedings came on to be held in the above-titled and numbered cause before the Honorable John Roach, Jr., Judge Presiding, held in McKinney, Collin County, Texas.

Proceedings reported by computerized stenotype machine.

Jan Dugger, CSR
296th District Court

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Jan Dugger, CSR
296th District Court

P R O C E E D I N G S

THE COURT: Okay. Rollins, we are going on the record.

I need [REDACTED] to turn on her camera, please.

Okay. I am Judge Roach. We are on the record in the State versus Anthony. The Court is the only person present. At the request of the Defense, the Court is swearing in the potential witnesses in this case; and we will go through their names in just a moment.

Everybody raise their right hand who is going to testify.

Do you and each of you solemnly swear the testimony you are about to give in this cause -- well, hang on, we've got some -- put your hand down again. We have some more people coming in.

I need [REDACTED] to turn his camera on. And I have a hand up from [REDACTED] Do you need something?

Okay. Where did he go?

All right. Again, we're -- I am Judge Roach. I am the judge presiding over this case. I have been requested by the Defense to swear in their witnesses; and for convenience sake and the sake of just

07:46:03 1 keeping the traffic down at the courthouse, I agreed to
07:46:06 2 do this by Zoom. So we will try this again.
07:46:09 3 Everybody that is going to, potentially,
07:46:11 4 testify in this case, raise your right hand.
07:46:13 5 (witnesses sworn.)
07:46:16 6 THE COURT: I have to get you to respond
07:46:25 7 out loud.
07:46:27 8 okay. Put your hands down. They all
07:46:29 9 said yes.
07:46:29 10 I am having a little problem hearing
07:46:33 11 y'all, so let me see if I can make an adjustment.
07:46:40 12 All right. Ms. Cole; Cami Cole, can you
07:46:44 13 hear me?
07:46:44 14 okay. I am having a hard time. Let me
07:46:47 15 see if I can change this over.
07:46:49 16 okay. Ms. Cole, can you try to talk to
07:47:07 17 me again?
07:47:09 18 okay. Give me just a second.
07:47:11 19 Ms. Cole, can you hear me?
07:47:21 20 okay. For some reason, I can't get it so
07:47:22 21 I am going to do it this way, for the record.
07:47:24 22 Ms. Cole, did you receive the oath? Just
07:47:28 23 nod your head.
07:47:30 24 She has nodded affirmatively.
07:47:31 25 Adam Linwood, are you here? I don't see

07:47:37 1 Adam Linwood -- oh, there he is. I see you right there.
07:47:42 2 Mr. Linwood, did you take the oath? Nod your head
07:47:46 3 yes-or-no.
07:47:46 4 okay. He has nodded affirmatively.
07:47:49 5 Dr. Violet Eyanaghov. Okay. Ma'am, did
07:47:54 6 you hear my oath?
07:47:57 7 okay. She has nodded affirmatively.
07:48:02 8 [REDACTED] where is that?
07:48:08 9 okay. Not here.
07:48:12 10 [REDACTED] did you take the oath?
07:48:21 11 okay. Nodded affirmatively.
07:48:23 12 [REDACTED] okay. I do not see
07:48:36 13 that person.
07:48:37 14 [REDACTED] I don't see that
07:48:46 15 person, either.
07:48:47 16 [REDACTED] okay. Did you take
07:48:53 17 the oath?
07:48:53 18 Nodded affirmatively.
07:48:55 19 [REDACTED] did you take the
07:49:04 20 oath?
07:49:04 21 Nodded affirmatively.
07:49:06 22 [REDACTED] -- it should be
07:49:11 23 [REDACTED] I'm sorry, Mr. [REDACTED] right? I'm
07:49:15 24 sorry, Ms. [REDACTED] You took the oath?
07:49:17 25 She nodded affirmatively.

07:49:19 1 [REDACTED] Okay. Did you take the
07:49:24 2 oath?
07:49:25 3 Okay. Nodded affirmatively.
07:49:27 4 [REDACTED] Okay. Did you take the
07:49:32 5 oath?
07:49:32 6 Nodded affirmatively.
07:49:33 7 Melissa wallace -- it should be Marissa.
07:49:37 8 I can't hear you, ma'am. Oh, Ms. wallace, there you go.
07:49:40 9 I see you. I got it. I can't hear anybody, so I am
07:49:44 10 trying to do the best I can. So I see you are there.
07:49:46 11 If you need something, holler at me. You know how to
07:49:49 12 get a hold of me.
07:49:50 13 I do have [REDACTED] it looks
07:49:53 14 like, now. Did you take the oath? Were you here for
07:49:57 15 that or not? You were?
07:49:58 16 Okay. He has nodded affirmatively.
07:50:00 17 All right. Since y'all are going to be
07:50:02 18 potential witnesses in this case, the Rule of
07:50:05 19 Sequestration has been invoked. What that means, from
07:50:07 20 this point forward, you are not allowed to talk to
07:50:09 21 anyone about the case. That means your parents, anybody
07:50:13 22 that has been -- previously testified. You can't talk
07:50:16 23 to anybody at all. You are not to be within hearing
07:50:20 24 distance of anyone discussing the case.
07:50:21 25 So even, for example, last night, I was

07:50:24 1 at a restaurant and people started talking about the
07:50:27 2 case. I had to get up and excuse myself from the
07:50:29 3 restaurant because I can't be around people talking
07:50:33 4 about the case, and that applies to you as well.

07:50:36 5 I think that we were going to order you
07:50:38 6 to come back on Monday. Ms. Wallace, is that true -- or
07:50:42 7 Saturday?

07:50:43 8 well, I think I am going to need you on
07:50:45 9 Saturday, okay? So I am going to order you -- and you
07:50:48 10 can work through the investigator, Ms. Wallace -- I am
07:50:52 11 going to order each of you to work with them, but I am
07:50:54 12 ordering you to appear in my courtroom at nine o'clock
07:50:58 13 on this Saturday morning to potentially testify at that
07:51:03 14 time.

07:51:03 15 Please nod your head, if you understand
07:51:06 16 me, yes.

07:51:06 17 okay. Everybody is nodding
07:51:09 18 affirmatively.

07:51:09 19 okay. I apologize the audio didn't work
07:51:11 20 this morning. We'll work on that.

07:51:13 21 Anything else, Ms. Wallace?

07:51:15 22 okay. She is shaking her head no.

07:51:18 23 All right. Thank y'all very much. We'll
07:51:19 24 see you -- y'all work with the investigator to find out
07:51:22 25 when it is your turn. Thank you.

(Recess in proceedings.)

THE COURT: Good morning. Everyone be seated, please.

We are on the record in Cause Number 296-83565-2025, State versus Karmelo Anthony. Starting on my right, your left, Counsel, state your name and the party you represent.

MR. WIRSKYE: Bill Wirskey for the State of Texas.

MR. MITCHELL: Dewey Mitchell for the State of Texas.

MS. SKIPPER: Christina Skipper for the State of Texas.

MS. BRAXTON: Lisa Braxton for the State of Texas.

MS. MATTINGLY: Alyssa Mattingly for the State of Texas.

MR. HOWARD: Mike Howard for the Defense.

MR. SHOOK: Toby Shook for the Defense.

MS. GUPTA: Tasha Gupta for the Defense.

THE COURT: Okay. Let the record reflect the Defendant is also present in the courtroom.

Are there any pretrial matters we need to discuss before we start trial?

MR. WIRSKYE: Nothing from the State,

08:54:45 1 Your Honor.

08:54:45 2 MR. MITCHELL: Yes, there is from the

08:54:46 3 State.

08:54:46 4 MR. WIRSKYE: Oh, I misspoke.

08:54:48 5 THE COURT: I already knew the answer to

08:54:49 6 that question, but go ahead, Mr. Mitchell.

08:54:51 7 MR. MITCHELL: May I approach, Judge?

08:54:52 8 THE COURT: Yes, sir.

08:54:53 9 MR. MITCHELL: At this time, Judge, the

08:54:54 10 State would give to the Court a copy of the signed Trial

08:55:00 11 Court Certification of Defendant's Right of Appeal,

08:55:03 12 signed Jury Separation Agreement, and a Stipulation of

08:55:08 13 Evidence, signed by all parties.

08:55:10 14 THE COURT: Any objection?

08:55:10 15 MR. HOWARD: No objection, Your Honor.

08:55:12 16 THE COURT: They are all admitted for

08:55:14 17 their individual purposes.

08:55:16 18 MR. MITCHELL: And then --

08:55:17 19 THE COURT: Do we have a Discovery Log,

08:55:17 20 too, or what are we doing with that?

08:55:21 21 MR. MITCHELL: We do have a log. I

08:55:25 22 believe it was the State's intention that we would be

08:55:27 23 filing that at the end of trial --

08:55:29 24 THE COURT: Okay.

08:55:29 25 MR. MITCHELL: -- with the Court.

08:55:33 1 THE COURT: No objection to that, Mr.
08:55:34 2 Howard?

08:55:35 3 MR. HOWARD: No objection.

08:55:36 4 THE COURT: Thank you.

08:55:36 5 MR. MITCHELL: And then finally, Your
08:55:38 6 Honor, prior to bringing in the jury, the State would
08:55:41 7 offer State's Exhibit Number 1, by agreement with
08:55:46 8 Defense.

08:55:48 9 MR. HOWARD: No objection.

08:55:49 10 THE COURT: State's-1 is admitted.
08:55:50 11 Anything else from the State?

08:55:59 12 MR. MITCHELL: No, Your Honor.

08:56:00 13 THE COURT: From the Defense?

08:56:01 14 MR. HOWARD: Judge, technically, we
08:56:03 15 haven't had rulings on the pretrial -- standard pretrial
08:56:06 16 motions we filed. Although I believe they are in
08:56:07 17 compliance, I would like to get rulings on those just
08:56:10 18 before we start.

08:56:11 19 THE COURT: Any objections to the Court
08:56:13 20 granting the Defendant's motions for pretrial?

08:56:16 21 MR. WIRSKYE: No, Your Honor.

08:56:17 22 THE COURT: Okay. They are all
08:56:18 23 admitted -- I'm sorry, they are granted.

08:56:20 24 MR. HOWARD: Thank you, Judge.

08:56:22 25 THE COURT: Okay. Anything else?

08:56:23 1 MR. HOWARD: Nothing else.

08:56:24 2 THE COURT: Is the State ready to

08:56:25 3 proceed?

08:56:26 4 MR. WIRSKYE: The State is ready.

08:56:27 5 THE COURT: Is the Defense ready?

08:56:29 6 MR. HOWARD: The Defense is ready.

08:56:31 7 THE COURT: Bring in the jury, please.

08:57:11 8 And just for the record, each side has

08:57:14 9 asked for 20 minutes for opening statement?

08:57:18 10 MR. WIRSKYE: That's correct, Your Honor.

08:57:21 11 MR. HOWARD: That's correct, Your Honor.

08:58:34 12 THE BAILIFF: All rise.

13 (Jury present.)

08:58:59 14 THE COURT: Remain standing, please.

08:59:01 15 Remain standing, please.

08:59:13 16 Everyone except the jury be seated,

08:59:17 17 please.

08:59:17 18 Good morning, ladies and gentlemen. No,

08:59:18 19 y'all need to keep standing up. Good morning.

08:59:22 20 THE JURY: Good morning.

08:59:22 21 THE COURT: How are y'all?

08:59:22 22 Thank y'all for being on time.

08:59:24 23 Everything went very smoothly this morning. We

08:59:27 24 appreciate it very much.

08:59:28 25 I gave you all of the instructions that I

08:59:30 1 am legally supposed to give you yesterday. What I did
08:59:31 2 not do, and I'm doing now, is to swear you all in.

08:59:34 3 Each of you raise your right hand.

08:59:36 4 (Jury sworn.)

08:59:44 5 THE COURT: Okay. Put your hands down
08:59:45 6 and be seated, please.

08:59:47 7 All right. Ladies and gentlemen, the
08:59:49 8 first thing we are going to do today, I am going to have
08:59:51 9 the State just to read the indictment. I don't think we
08:59:54 10 talked about it during voir dire very much. The
08:59:56 11 indictment is just the roadmap of the State's case,
08:59:58 12 which they have to prove each element beyond a
09:00:01 13 reasonable doubt. I am going to have the State read
09:00:03 14 that indictment to you now.

09:00:04 15 Mr. Wirskeye.

09:00:06 16 MR. WIRSKYE: Thank you, Your Honor.

09:00:06 17 Good morning, ladies and gentlemen of the
09:00:09 18 jury. How are y'all?

09:00:11 19 THE JURY: Good morning.

09:00:11 20 MR. WIRSKYE: Again, my name is Bill
09:00:12 21 Wirskeye. I'm one of the Assistant District Attorneys
09:00:15 22 that represents the State of Texas in this case. As the
09:00:17 23 judge said, it is now my duty to read the True Bill of
09:00:20 24 Indictment to you folks, and it reads as follows.

09:00:24 25 True Bill of Indictment. In the name and

09:00:26 1 by the authority of the State of Texas, the Grand Jury
09:00:28 2 of Collin County, State of Texas, duly organized at the
09:00:32 3 January term, A.D., 2025 of the 219th District Court of
09:00:38 4 said county, in said court, at said term, do present
09:00:41 5 that one, Karmelo Sincere Anthony, hereinafter called
09:00:45 6 Defendant, on or about the 2nd day of April, 2025, in
09:00:49 7 said county and state, did then and there intentionally
09:00:54 8 and knowingly cause the death of an individual, namely
09:00:57 9 Austin Metcalf, by stabbing Austin Metcalf with a knife,
09:01:02 10 a deadly weapon. And further, then and there, with
09:01:05 11 intent to cause serious bodily injury to Austin Metcalf,
09:01:08 12 an individual, commit an act clearly dangerous to human
09:01:13 13 life by stabbing Austin Metcalf with a knife, a deadly
09:01:16 14 weapon, that caused the death of Austin Metcalf.
09:01:21 15 Against the peace and dignity of this state, signed by
09:01:24 16 the foreman of the Grand Jury.

09:01:25 17 THE COURT: Thank you, Mr. Wirskeye.

09:01:25 18 Mr. Anthony, to these charges, how do you
09:01:29 19 plead: guilty or not guilty?

09:01:31 20 THE DEFENDANT: Not guilty.

09:01:32 21 THE COURT: Thank you. Have a seat,
09:01:34 22 please.

09:01:35 23 We're going to proceed to opening
09:01:36 24 statements. Mr. Wirskeye, are you ready?

09:01:40 25 MR. WIRSKYE: Yes, Your Honor.

09:01:40 1 THE COURT: You may proceed.

09:01:40 2 MR. WIRSKYE: Thank you.

09:01:42 3 THE COURT: Hey, could you do me a favor?

09:01:44 4 I put lavaliers on your tables. would y'all mind

09:01:47 5 wearing those during your statements so we can all hear

09:01:49 6 you?

09:02:16 7 MR. WIRSKYE: Thank you, Your Honor. May

09:02:17 8 it please the Court --

09:02:19 9 THE COURT: Yes, sir.

09:02:19 10 MR. WIRSKYE: -- Counsel.

09:02:20 11 Good morning, again, ladies and gentlemen

09:02:22 12 of the jury. This is our opportunity to share with you

09:02:29 13 what we believe the evidence will be in this trial, to

09:02:33 14 basically tell you why we are all here this morning.

09:02:36 15 And very simply, we are all here this morning because

09:02:39 16 this young man, Karmelo Anthony, on Wednesday, April 2nd

09:02:44 17 of last year, 2025, decided to take a knife to a high

09:02:50 18 school track meet and provoke and goad another young

09:02:57 19 man, who he didn't know, into touching him.

09:02:59 20 And the instant he is touched, he

09:03:03 21 produced a hidden knife, already open in his hand, and

09:03:07 22 plunged it into the chest, buried it into the heart of

09:03:13 23 another young man, causing his death. And then he ran

09:03:17 24 away.

09:03:17 25 The other young man has a name. His name

09:03:23 1 is Austin Metcalf. And Austin Metcalf died that day in
09:03:30 2 a high school stadium because this man decided to commit
09:03:36 3 an unjustified, provoked murder. That's why we are here
09:03:42 4 this morning.

09:03:42 5 This case has nothing to do with race.
09:03:50 6 This case is not self-defense. This case is about a man
09:03:57 7 for a reason or reasons unknown, who took the knife to
09:04:01 8 the track meet, slipped into another team's tent,
09:04:08 9 refused to leave, and taunted them and goaded them and
09:04:12 10 provoked them. And when Austin Metcalf finally went and
09:04:16 11 pushed and shoved him to move him out from the tent,
09:04:18 12 that's when he lodged his sneak, surprise attack. The
09:04:23 13 folding knife already open. He had it hidden so no one
09:04:26 14 could see in his backpack, and then he plunged it into
09:04:30 15 Austin Metcalf's heart. An act clearly dangerous to
09:04:34 16 human life. In fact, an act that took a human life that
09:04:39 17 day. That is why we are here, folks. No other reason.

09:04:43 18 The facts of this case are simple. They
09:04:46 19 are as simple as this killing, as this murder, was
09:04:50 20 senseless. Simply senseless.

09:04:54 21 Now, you are going to hear a little bit
09:04:59 22 more about his deadly and dangerous actions that day;
09:05:02 23 but more importantly, you are going to see them. See,
09:05:06 24 there was a surveillance video that morning at
09:05:10 25 Kuykendall Stadium, and you are going to see it in just

09:05:13 1 a few minutes.

09:05:14 2 And that video tells the story. That
09:05:18 3 video shows the murder. And then you are also going to
09:05:22 4 hear from numerous eyewitnesses who were there to tell
09:05:26 5 you after he slipped into another team's tent, he
09:05:29 6 refused to leave; asked by multiple people multiple
09:05:33 7 times. You are going to have to make me; touch me, see
09:05:38 8 what happens; touch me, see what happens.

09:05:40 9 And finally, when Austin Metcalf said he
09:05:43 10 didn't want to fight -- he just wanted Karmelo Anthony
09:05:49 11 to leave -- and finally, when Austin Metcalf laid hands
09:05:53 12 on Karmelo Anthony, after Karmelo Anthony had provoked
09:05:58 13 him and goaded him, he stabbed him and runs away,
09:06:03 14 tossing the knife as he runs, and he tries to slip out
09:06:07 15 of the stadium. Running fast at first, and then slowing
09:06:10 16 down, trying to blend into the confusion and the
09:06:14 17 pandemonium that was going on out there that morning.

09:06:17 18 That's what you are going to hear. You
09:06:19 19 are going to hear from the kids that will tell you about
09:06:22 20 these conversations, describe exactly what was going on
09:06:25 21 under that tent that morning.

09:06:27 22 This was a provoked, unjustified murder.
09:06:34 23 The facts are simple. The killing -- this killing, this
09:06:38 24 murder, is just senseless. It is senseless.

09:06:41 25 So let me reset a little bit. Let me

09:06:46 1 rewind. Earlier that morning, that Wednesday, April 2nd
09:06:49 2 of last year, Kuykendall Stadium, Frisco ISD, that
09:06:54 3 morning, the district track meet was set to begin, okay?
09:06:58 4 There were several of the Frisco high schools, including
09:07:01 5 Memorial High School, where Austin Metcalf went and
09:07:04 6 attended with his twin brother, [REDACTED] It also
09:07:08 7 included Centennial High School, where this young man
09:07:12 8 attended, okay?

09:07:13 9 And you are going to hear that Memorial
09:07:15 10 actually hosted that district track meet, and you are
09:07:18 11 going to hear later today from one of their coaches:
09:07:21 12 Rob Starr. Rob Starr is going to come in and tell you a
09:07:25 13 little bit about how track meets run, and in particular
09:07:28 14 how this particular track meet ran. And because they
09:07:32 15 were the host, he had extra responsibilities; Coach
09:07:35 16 Starr did that morning.

09:07:36 17 Knowing he would be busy, knowing he
09:07:39 18 would be doing a hundred different things, he needed
09:07:42 19 some people to step up and take charge of the team, get
09:07:45 20 the tents set up, and make sure everybody was where they
09:07:49 21 needed to be. And he sent a text early that morning to
09:07:52 22 Austin Metcalf and another young man; and, he said, hey,
09:07:56 23 I need you guys to step up and be leaders today, okay?
09:08:02 24 That's the text that Austin got.

09:08:05 25 And as we get to about ten o'clock, Coach

09:08:09 1 starr will tell you there was rain in the forecast that
09:08:11 2 morning. Light rain drops began to fall. That caused
09:08:15 3 somewhat of a bit of confusion out there at the track
09:08:17 4 meet. Some teams assumed incorrectly they were in a
09:08:20 5 rain delay and went to the busses. Some teams and some
09:08:23 6 athletes that had been to the busses because of the
09:08:26 7 rain, when it is slacking, started to filter back into
09:08:30 8 the stadium. Some of the athletes warming up on the
09:08:33 9 field; most of them staying in their assigned areas with
09:08:37 10 their teams in their tents.

09:08:40 11 And you are going to see video
09:08:42 12 surveillance, that about six-and-a-half minutes before
09:08:44 13 the murder, Austin Metcalf and his twin brother, [REDACTED]
09:08:48 14 and several other boys, enter that tent. They had been
09:08:53 15 at Staley Middle School, which is very close to
09:08:55 16 Kuykendall. They had been over there saying hello to
09:08:59 17 some of their former coaches. You will see them come
09:09:02 18 in, up to the tent. The video will show you normal
09:09:05 19 activity under that tent. People seated, some people
09:09:10 20 leaving to go warm up. A lot of kids just sitting
09:09:12 21 there, heads buried in their phone.

09:09:15 22 And about two minutes after Austin
09:09:17 23 Metcalf entered the tent, this man, Karmelo Anthony, he
09:09:21 24 enters the picture. And you will see the video. He
09:09:25 25 comes up on those visitor side bleachers, comes up from

09:09:29 1 a protected area that might have kept him out of the
09:09:32 2 rain, comes up, looks around, and strolls right past two
09:09:36 3 large Liberty High School tents and their athletes and
09:09:41 4 their coaches, and he makes a beeline for the Memorial
09:09:44 5 tent.

09:09:44 6 And you will pick him up in another
09:09:46 7 camera angle slipping into the Memorial tent, up top of
09:09:49 8 the tent. The bleachers have a slant. They put the
09:09:53 9 tent over it. And you will see more normal activity
09:09:58 10 once he is in the tent. The witnesses will tell you,
09:10:00 11 numerous of the Memorial athletes said, hey, man, what
09:10:04 12 are you doing here? You can't be here. You need to
09:10:07 13 leave. We know what Coach Starr expects. No one else,
09:10:10 14 other than teammates, under that tent.

09:10:13 15 See, the tents kind of serve as a locker
09:10:18 16 room, as Coach Starr will tell you. It is very
09:10:20 17 important to protect the kids from the elements, a place
09:10:22 18 where they can safely leave their belongings without
09:10:26 19 fear of theft. These athletes knew what their coach's
09:10:28 20 expectations were, and he is refusing to leave.
09:10:33 21 Numerous people are asking him to leave. I am not going
09:10:36 22 to leave, move me, make me.

09:10:39 23 And finally, doing as his coach had
09:10:43 24 requested in a text message, Austin Metcalf steps up,
09:10:47 25 shows a little leadership, and says you need to go. You

09:10:51 1 need to go. What does he say? Do you want to fight?
09:10:55 2 Make me, touch me; touch me and see what happens. The
09:11:00 3 kids will tell you Austin was unwilling. He didn't want
09:11:03 4 a scene. He didn't want a fight. But he kept
09:11:07 5 provoking, goading, and taunting, until finally, Austin
09:11:11 6 Metcalf took the bait and touched him, shoved him,
09:11:17 7 pushed him. You will see it on videotape.

09:11:18 8 And at that point, he had been sitting
09:11:21 9 there the last few minutes of the taunting, the
09:11:25 10 provoking and the goading, with his hand in a Centennial
09:11:27 11 High School backpack, a folding knife you will see later
09:11:31 12 today, already open in his hand. And he produced it
09:11:34 13 swiftly and suddenly and plunged it into the chest of
09:11:38 14 Austin Metcalf. Austin Metcalf, he didn't even know he
09:11:44 15 had been stabbed.

09:11:45 16 Once the stabbing happened, what does he
09:11:47 17 do? He runs like the guilty run. He bolts out from the
09:11:52 18 tent. You will see this. He turns to his left, no
09:11:55 19 doubt realizing he can't get out that way. So he turns
09:11:58 20 to his right towards the main gate. He runs fast at
09:12:03 21 first, and then he slows down and tries to blend in and
09:12:08 22 slip out the front gate.

09:12:09 23 Now back under the tent, the kids, as you
09:12:14 24 can well imagine, have now leapt up. They do not know
09:12:19 25 what is going on. Some of them, when they realize there

09:12:21 1 has been a stabbing, flee. They run for their lives,
09:12:25 2 afraid that the stabbing was going to continue and other
09:12:28 3 students would get hurt.

09:12:29 4 One group, including [REDACTED] went
09:12:33 5 to aid Austin. Once Austin realized he had been
09:12:37 6 stabbed, he lifts up his shirt and says I've been
09:12:41 7 stabbed; and the kids see a gaping, bloody wound.
09:12:47 8 That's the knife wound right through the heart. And he
09:12:50 9 stumbled down several rows of bleachers and falls, where
09:12:54 10 he is attended by several of the kids and his twin
09:12:58 11 brother.

09:12:58 12 Several of those kids call 9-1-1. A
09:13:02 13 third group of kids that had seen the stabbing and
09:13:06 14 figured out what had gone on, they point him out, they
09:13:10 15 follow him; they point him out and finally get some
09:13:15 16 coaches, who are able to stop him right as he is trying
09:13:18 17 to leave the track meet.

09:13:20 18 what does he say when he is stopped by
09:13:23 19 these people? He touched me, he touched me first, he
09:13:27 20 touched me, as if somehow that fact justifies his act;
09:13:33 21 as if somehow that fact justifies the murder he had just
09:13:41 22 committed.

09:13:43 23 In response to the 9-1-1 call, a Frisco
09:13:48 24 police officer, Officer Cortez, who is the school
09:13:50 25 resource officer at nearby Staley, he hears the call of

09:13:54 1 the stabbing come out. He races towards Kuykendall and
09:13:58 2 he runs and gets the group of kids who are running in
09:14:02 3 fear; and they tell him, hey, there has been a stabbing,
09:14:05 4 the victim is over by the Memorial tent.

09:14:07 5 officer Cortez activates his body-worn
09:14:12 6 camera and runs toward the scene. When he gets there,
09:14:15 7 he sees that these coaches have detained Austin Metcalf
09:14:18 8 (sic). And you will see all of this on surveillance
09:14:21 9 video and on Officer Cortez's body-worn camera. And
09:14:26 10 what -- what does Karmelo Anthony say when Officer
09:14:30 11 Cortez appears to put him in cuffs?

09:14:33 12 Cortez puts him in custody, puts on the
09:14:37 13 handcuffs, gets on his radio and said I have the alleged
09:14:40 14 suspect in custody, slow everyone down. Karmelo
09:14:44 15 Anthony, despite not being questioned, says, I am not
09:14:48 16 alleged, I did it. I am not alleged, I did it. And
09:14:53 17 then he repeats what he had told the bystanders, and you
09:14:56 18 will hear this on the body-worn camera, he touched me
09:15:00 19 first. He touched me first. That's what you will hear,
09:15:05 20 trying to justify the murder.

09:15:07 21 Most importantly what you are going to
09:15:09 22 hear is a telltale lie. A telltale lie. Seconds,
09:15:16 23 moments after the murder, he lies to Cortez, who is not
09:15:21 24 even trying to question him. He touched me, he touched
09:15:24 25 me first. What's the lie? I told him not to. I told

09:15:30 1 him not to. You see, he knows what he did. He knows he
09:15:34 2 provoked the murder. He knows he goaded the murder.
09:15:37 3 And in the seconds and minutes after that, the first
09:15:40 4 line out of his mouth: he touched me first, I told him
09:15:44 5 not to. And that lie tells you everything you need to
09:15:48 6 know about his mind-set that day. Everything you need
09:15:52 7 to know.

09:15:53 8 He wasn't scared. He lied when he got
09:15:57 9 caught trying to leave the stadium. He tossed the knife
09:16:01 10 immediately after the stabbing; something no scared
09:16:05 11 person would do. If you are scared and running away and
09:16:07 12 you just had to stab someone in self-defense, why toss
09:16:11 13 the knife? But that's what he did. He tried to slip
09:16:14 14 away from the scene, and then when he gets caught, he
09:16:18 15 tells that lie. And that lie should be very important
09:16:21 16 to you folks as you listen to the evidence.

09:16:23 17 You are going to see all of this video
09:16:28 18 later this morning, and you are going to start to hear
09:16:30 19 from the witnesses. You are going to start to hear from
09:16:32 20 the witnesses. And I submit to you the facts of this
09:16:36 21 case are very simple. It is a senseless murder. It is
09:16:41 22 not about self-defense.

09:16:42 23 You folks heard a little bit about the
09:16:46 24 law yesterday. You will hear more about it as the case
09:16:50 25 goes on. You simply cannot provoke someone, and then

09:16:54 1 when they touch you, produce a knife and take their
09:16:59 2 life.

09:16:59 3 That knife wasn't used to protect him
09:17:03 4 from harm. That knife was used to harm another. That's
09:17:09 5 what this case is about: murder, plain and simple, and
09:17:14 6 senseless. And after you hear all of this evidence, see
09:17:19 7 all of the video and listen to all the witnesses, I
09:17:24 8 expect to be back up here in a few days talking with you
09:17:27 9 folks and asking you to follow the oath that you took,
09:17:32 10 follow the evidence that you saw, the evidence that you
09:17:35 11 heard, and find this man guilty of first degree murder.
09:17:41 12 That's what this case is about.

09:17:42 13 Thank you very much.

09:17:44 14 THE COURT: Thank you, Mr. Wirskye.

09:17:45 15 Mr. Howard, do you care to make an
09:17:47 16 opening statement at this time?

09:17:49 17 MR. HOWARD: Yes, Your Honor.

09:17:50 18 THE COURT: You may proceed.

09:17:50 19 MR. HOWARD: Thank you, Judge.

09:17:50 20 May it please the Court --

09:17:56 21 THE COURT: Yes, sir.

09:17:56 22 MR. HOWARD: -- Counsel.

09:17:56 23 Ladies and gentlemen --

09:18:03 24 THE COURT: Can you turn your mic on?

09:18:07 25 I got it. It's on.

09:18:07 1 MR. HOWARD: Ladies and gentlemen, there
09:18:11 2 has been a lot of noise around this case. We all know
09:18:15 3 it. We talked about this in jury selection. You told
09:18:20 4 us you believe less than half of what you see on social
09:18:23 5 media, in media in general. And I think that's fair,
09:18:29 6 because there's a lot of noise about this case; a lot of
09:18:36 7 completely false information.

09:18:37 8 The good thing is, as the judge has told
09:18:41 9 you, you are going to hear all of the actual evidence in
09:18:46 10 this courtroom and only in this courtroom. There has
09:18:51 11 been a lot of noise about Melo, about his family. But
09:18:58 12 what the evidence is going to show is that Melo is a
09:19:05 13 son. He is a brother. The oldest of four. He is a
09:19:11 14 friend, a boyfriend. He is an A student, graduated with
09:19:17 15 a 3.7 GPA from Centennial High School, while holding
09:19:24 16 down two jobs while he was in high school, while being
09:19:28 17 an athlete, playing football, playing baseball, playing
09:19:32 18 track. He is into chess, likes to go camping, but
09:19:41 19 living here in the metroplex, doesn't get a ton of
09:19:43 20 opportunity to.

09:19:45 21 There has been a lot of noise about his
09:19:47 22 family. There has been a lot of noise about both
09:19:51 23 families, to be honest; a lot of unfairness. You are
09:19:54 24 going to hear the evidence in this courtroom that his
09:19:59 25 mom is a nurse, who gave up her career as she had more

09:20:06 1 kids, to stay at home -- to be a stay-at-home mom with
09:20:10 2 her four children. His dad is a finance manager for a
09:20:15 3 car dealership. They are from Baton Rouge, Louisiana.
09:20:22 4 That's where his parents are from. That's where Karmelo
09:20:26 5 was born. It is where they raised Melo.

09:20:28 6 And like so many people, they wanted
09:20:34 7 their family to have a better life, more opportunities;
09:20:39 8 and so they moved to the DFW metroplex. That's what
09:20:43 9 brought them here midway through Melo's freshman year of
09:20:49 10 high school. They came to Frisco for that better life.

09:20:56 11 Melo starts at Centennial his sophomore
09:21:04 12 year. He gets good grades. He joins the football team.
09:21:11 13 He had always played offense, but the coach needed
09:21:15 14 somebody to play safety on defense and asked Melo to
09:21:18 15 change positions, so he does. He is a team player.
09:21:23 16 Never played that position before, struggled to learn
09:21:26 17 it; but eventually, by his senior year, he is playing
09:21:30 18 and he is elected captain by his teammates.

09:21:35 19 Also, while he is in high school, he has
09:21:43 20 his first seizure, learns that he has epilepsy,
09:21:47 21 diagnosed with epilepsy. His younger sister also has
09:21:52 22 epilepsy. He gets on medication. It is pretty well
09:21:59 23 controlled with medication.

09:22:00 24 Going into his senior year, going into
09:22:05 25 the fall of 2024, that's when he gets elected captain of

09:22:10 1 the football team, is having a good year, and gets
09:22:13 2 injured that fall. Injures his shoulder, and a few
09:22:18 3 games into the season, his season is done. He is in a
09:22:21 4 sling for months, until shortly before the track meet
09:22:27 5 that changed everyone's life on April 2nd, 2025.

09:22:30 6 On April 22nd (sic), 2025, Melo woke up a
09:22:38 7 little late, in a rush, to get to the track meet. Drove
09:22:45 8 from his home to the school, where he got on the bus
09:22:50 9 with the rest of his teammates. Some kids had gotten
09:22:54 10 permission slips signed so they could drive directly to
09:22:57 11 the track meet. Melo rode the bus with everybody else.

09:23:01 12 Melo was a varsity track kid. Most of
09:23:08 13 the events that morning were JV and most of the varsity
09:23:12 14 events were later. But Melo was scheduled to do
09:23:18 15 long-jump and some other events, but long-jump was in
09:23:21 16 the morning. Melo had a PT appointment for his shoulder
09:23:26 17 that day but decided, do you know what, I am going to
09:23:29 18 go -- I am going to go to the track meet, and they
09:23:32 19 canceled the PT.

09:23:34 20 It was raining that day, and it was -- it
09:23:39 21 was on-and-off rain; but like we all know here in Texas,
09:23:45 22 sometimes that on-and-off rain turns into heavy rain,
09:23:48 23 and then it stops; and then it looks fine, and then 10
09:23:52 24 minutes later it is raining again. And that's what was
09:23:54 25 going on.

09:23:55 1 when the kids arrive, at first, it is
09:23:57 2 quite light; but then throughout the morning, it will
09:24:01 3 start raining hard, and then it will get -- stop again.
09:24:05 4 we've all been there. And so some kids do; they go to
09:24:09 5 the bus. There is word going around that events are
09:24:13 6 delayed. Some kids are taking cover under tents. Some
09:24:22 7 kids are taking cover under the bleachers; a lot of kids
09:24:25 8 are taking cover under the bleachers.

09:24:27 9 Every team that was there that day had a
09:24:32 10 tent except for Centennial, for whatever reason. No one
09:24:35 11 can remember if they forgot it or if they didn't have it
09:24:40 12 then, or what the deal was; but it is undisputed that
09:24:43 13 Centennial didn't have a tent. All they had was a tarp.

09:24:46 14 They put the tarp over the wet bleachers
09:24:49 15 when they get there, because it is not really raining
09:24:52 16 hard; and then, of course, the second it rains, that
09:24:53 17 tarp is just as every bit as wet and slick as anything
09:24:57 18 else and it is not protecting anybody from anything.

09:25:00 19 so you will hear, the evidence will
09:25:03 20 establish, that throughout that morning, Melo is in a
09:25:10 21 normal mood, everything is fine, that he is relaxing
09:25:15 22 with his teammates, talking; that goes and takes cover
09:25:21 23 from the rain. That word comes around that, hey, the
09:25:25 24 events are about to start; the 4-by-100 needs to be out
09:25:29 25 there. So Melo goes and helps them warm-up for a little

09:25:33 1 bit for the JV 4-by-100. And then Melo decides to go
09:25:38 2 get out of the rain because it is -- it is about to come
09:25:42 3 again.

09:25:42 4 Melo goes to look for a place to get out
09:25:48 5 of the rain. And you will see in the video -- a word
09:25:56 6 about the video for a second. I am going to tell you,
09:25:59 7 that video -- there was a surveillance camera. It is on
09:26:02 8 the opposite side of the stadium. We all know how
09:26:05 9 stadiums work; that's pretty far away. And so it is --
09:26:07 10 before you zoom in, it is just little dots on the
09:26:10 11 screen; and then you zoom in, and as you zoom in, it
09:26:14 12 becomes pretty blurry.

09:26:16 13 So you guys are going to see video of
09:26:18 14 everything, but I think it is going to be pretty fair to
09:26:21 15 say that that video, it establishes some things but it
09:26:24 16 is not crystal clear about anything. But you can see
09:26:33 17 that Memorial has a tent; next to it is Liberty High
09:26:37 18 School's tent. You will see, as people pass in front of
09:26:39 19 Liberty's high school tent that Liberty is pretty jam
09:26:42 20 packed, that Memorial has a good number of people under
09:26:45 21 it, too.

09:26:46 22 So Melo walks out in front of the tent
09:26:54 23 and sees somebody he recognizes. Melo knew a number of
09:27:03 24 people from Memorial, but he especially knew [REDACTED]
09:27:07 25 [REDACTED] [REDACTED] [REDACTED] is the close family friend of

09:27:14 1 karmelo's then and still girlfriend. And so Melo had
09:27:22 2 spent time with [REDACTED] knew [REDACTED] recognized [REDACTED] and
09:27:26 3 goes over to say hi to his friend, who he thought was
09:27:30 4 his friend.

09:27:30 5 Melo sits down. A number of students see
09:27:37 6 him sit down. He doesn't slip into the tent like some
09:27:42 7 thief in the night. He walks right up to his buddy, and
09:27:45 8 they describe, as the young folks talk about it, dapping
09:27:50 9 each other up, doing the little handshake thing; hey,
09:27:54 10 how are you?

09:27:54 11 And he sits down and they chat for
09:27:57 12 somewhere -- you know, a few minutes. Some witnesses
09:28:00 13 say five minutes; some witnesses say less than ten
09:28:02 14 minutes. It is some amount of time. Sits there,
09:28:07 15 talking.

09:28:08 16 The government just said that multiple
09:28:17 17 people told him to leave, but before that, multiple
09:28:23 18 witnesses, and these are all Memorial kids, said that
09:28:28 19 they were just talking, everything was fine. Clearly,
09:28:32 20 he seemed to know [REDACTED] He seemed friendly; friendly
09:28:39 21 talk. And that went on until [REDACTED] and Austin Metcalf
09:28:53 22 saw Melo.

09:28:54 23 Now, Melo was seated toward the top of
09:28:56 24 the tent. He has got Memorial kids to his left, he has
09:29:00 25 got Memorial kids to his right. [REDACTED] his friend, was

09:29:04 1 sitting to his right. [REDACTED] is sitting
09:29:08 2 directly in front of him with his back to him, hasn't
09:29:12 3 noticed him yet, for the however many minutes this talk
09:29:16 4 is going on, catching up. [REDACTED] is right in front of
09:29:20 5 him.

09:29:20 6 Austin Metcalf is off to Melo's right,
09:29:26 7 either on [REDACTED] row or maybe one row down. It is a
09:29:30 8 little hard; no one remembers exactly. There are --
09:29:34 9 Memorial kids estimate 10, 15, 20 kids under the tent.
09:29:43 10 Everyone there, but Karmelo, is from Memorial.

09:29:46 11 You are going to hear a lot of testimony
09:29:53 12 about what happens, and it is perfectly natural for
09:29:58 13 there to be small discrepancies, and whatnot. But as
09:30:02 14 the judge told you yesterday, you can consider the
09:30:05 15 relationship of the witness to the parties to decide the
09:30:09 16 credibility, and I just want you to remember that
09:30:12 17 everybody under that tent is a teammate and friend of
09:30:16 18 Austin and [REDACTED]

09:30:18 19 Now, there are some independent
09:30:20 20 witnesses. I don't know what the State is going to --
09:30:23 21 who they are going to call and in what order, but you
09:30:27 22 may not hear from anybody who is not Memorial who was an
09:30:32 23 eyewitness to this and exactly what happened under the
09:30:35 24 tent until the Defense gets to present evidence. So
09:30:38 25 that's why it is so important that you keep an open mind

so that you can hear both sides of the story.

So [REDACTED] and Austin notice Melo and they confront him and tell him to leave. What's important to know is Melo is five-foot-eight, a hundred-and-30-ish pounds; 130, 135, 140 on a heavy day. [REDACTED] and Austin Metcalf were six-one, 213, 215 pounds. 83 pounds heavier than Melo. And they confront him; they tell him to get out.

You are going to hear that Melo was confused. Why are they making such a big deal out of this? You are going to hear differing accounts of exactly what was said. The government has given you a, you know, clearly, it was touch me and find out. But there are witnesses who also are going to tell you that, well, maybe it was, as long as you don't touch me, we're cool.

What you will hear, even from all of the Memorial kids, is that Melo remained seated, even as Austin stood up, even as [REDACTED] stood up. That Melo put his hand in his bag when Austin stood up and was being aggressive, and that pretty much everybody recognized that as like a back-off warning, the hand in the bag, even so much that multiple witnesses said that Austin said, I know you ain't got nothing in that bag, calling Melo's bluff.

09:32:44 1 Austin comes towards Melo. Melo remains
09:32:47 2 seated as Austin comes right up in front of him,
09:32:52 3 standing right to his right shoulder. [REDACTED] stands up
09:32:57 4 and he is directly in front. You will hear from
09:33:01 5 witnesses that other Memorial kids start to stand up,
09:33:04 6 like kids do when they think a fight or altercation of
09:33:09 7 some sort is about to happen. They stand up, they gawk,
09:33:13 8 maybe they move towards; but Melo stays seated.

09:33:17 9 And it is uncontroverted that Austin
09:33:25 10 makes the first physical contact. In spite of the
09:33:33 11 warning, in spite of the don't touch me or touch me and
09:33:35 12 find out, or whatever was said, Austin grabs, shoves,
09:33:42 13 punches, pushes -- there is going to be different
09:33:47 14 descriptions of that. But in that split second, Melo
09:33:57 15 has a decision to make: how and when to act.

09:34:02 16 Because the thing about self-defense is
09:34:10 17 the law says very clearly that you can't use it too
09:34:14 18 early, of course, because then it is not self-defense.
09:34:17 19 But self-defense is useless if you wait until it is too
09:34:21 20 long to defend yourself, so the question, when you are
09:34:24 21 put in that position, is when to act. And you have to
09:34:28 22 make that decision in a split second, as things are
09:34:31 23 happening.

09:34:31 24 You will hear that it is raining. Some
09:34:36 25 witnesses describe it as raining hard at this point.

09:34:40 1 That Melo sat down to get out of the rain, that he sat
09:34:45 2 down to talk to his friends; and now he is -- he has got
09:34:50 3 Memorial kids all around him and now they are turning on
09:34:53 4 him and they are coming towards him and he doesn't know
09:34:57 5 what to do. And in that moment, he has to decide what
09:35:04 6 to do; and so he reacts in a split second of fear and
09:35:16 7 chaos.

09:35:17 8 Now, a question may come up throughout
09:35:20 9 this trial why he -- why he didn't just walk away. And
09:35:24 10 I want you to pay close attention that there is an
09:35:27 11 answer to that question. After Melo defended himself
09:35:38 12 with the knife -- because it is a question for you if
09:35:44 13 that was a reasonable defense of himself -- but after he
09:35:48 14 did defend himself, he ran. He didn't stab twice, he
09:35:56 15 didn't threaten anyone else with the knife, he didn't
09:35:59 16 keep the knife just in case. He dropped the knife,
09:36:02 17 tossed the knife, right by the bleachers, right on the
09:36:06 18 bleachers, right by the tent. He could have ran and
09:36:09 19 tried to throw it in the woods or whatever. There was
09:36:11 20 no woods next to it, but he could have tried to run and
09:36:16 21 throw it somewhere where it couldn't be found, but he
09:36:21 22 left it right by the tent.

09:36:22 23 He ran, he stumbles, he falls. There are
09:36:25 24 people running, there are people yelling, there are
09:36:27 25 people chasing him. He falls on the tent -- on the

09:36:32 1 bleachers as he is going down the bleachers. Of course,
09:36:35 2 it is wet and slick. And then he goes along -- and the
09:36:39 3 video shows this -- he goes along the edge. And the
09:36:45 4 government just said he is trying to slip out; he is
09:36:47 5 trying to get away. Get away with this, they think.

09:36:53 6 Except instead of going out towards the
09:36:57 7 exit, he turns and goes on to the track where there is
09:37:02 8 coaches and people; and it is, obviously, not the way
09:37:07 9 out. He goes on to the track and walks right up to a
09:37:12 10 coach, Vincent Hooper, who puts his arm around Melo.
09:37:17 11 And you can see it on the video.

09:37:21 12 When the police got there -- Melo stayed
09:37:34 13 with Vincent Hooper; didn't try to run away. When
09:37:39 14 Officer Cortez came up and said I have the alleged
09:37:42 15 suspect, he did, he said, I am not alleged, I did it.
09:37:46 16 This is not someone trying to hide it. He immediately
09:37:49 17 says I was defending myself; and you will hear those
09:37:54 18 statements, as he sobbed.

09:38:01 19 At the end of the day, ladies and
09:38:04 20 gentlemen, your job is going to be to decide has the
09:38:08 21 government ruled out every logically possible reasonable
09:38:11 22 doubt, and that includes has the government ruled out
09:38:16 23 the logically possible reasonable doubt that Melo acted
09:38:21 24 in self-defense.

09:38:22 25 Thank you.

09:38:24 1 THE COURT: Thank you, Mr. Howard.
09:38:25 2 The State, call your first witness.
09:38:32 3 MR. MITCHELL: The State calls Mark
09:38:33 4 Porter.
09:38:34 5 THE COURT: I couldn't hear you.
09:38:36 6 MR. MITCHELL: The State calls Mark
09:38:37 7 Porter.
09:38:39 8 THE COURT: Okay. I turned it off.
09:38:49 9 Sir, if you will walk towards this black
09:39:01 10 chair to my right. That's the witness chair.
09:39:06 11 Before you sit down, turn to me and raise
09:39:07 12 your right hand.
13 (Witness sworn.)
09:39:13 14 THE COURT: Put your hand down and be
09:39:14 15 seated, please.
09:39:15 16 Mr. Mitchell, pull that microphone toward
09:39:20 17 you, please, and you may begin.
09:39:21 18 MR. MITCHELL: Thank you, Your Honor.
19 MARK PORTER,
20 having been first duly sworn, testified as follows:
21 DIRECT EXAMINATION
09:39:24 22 Q Good morning, sir.
09:39:25 23 A Good morning.
09:39:25 24 Q If you would, please introduce yourself to the
09:39:27 25 jury.

09:39:27 1 A My name is Mark Porter.

09:39:29 2 Q And, Mr. Porter, if you would, tell the jury
09:39:31 3 how you are employed.

09:39:33 4 A I'm a forensic video analyst for the Tarrant
09:39:35 5 County Criminal District Attorney's Office.

09:39:38 6 Q Okay. And I know I probably don't have to say
09:39:42 7 this, but Tarrant County is not Collin County. What's
09:39:45 8 the big city in Tarrant County?

09:39:47 9 A Fort Worth.

09:39:48 10 Q Okay. If you would, will you tell the jury a
09:39:51 11 little bit about how you are employed with that District
09:39:54 12 Attorney's Office in Tarrant County?

09:39:55 13 A Yes. I am one member of the digital and
09:39:59 14 forensics and technical services unit for our office. I
09:40:02 15 am the video analyst. I also do audio work. There are
09:40:09 16 two computer forensic video analysts in my lab, and
09:40:12 17 there are also two cell phone forensic analysts in my
09:40:17 18 lab, as well.

09:40:18 19 Q Is that kind of the nature of modern criminal
09:40:20 20 investigations? We -- you know, we now employ
09:40:24 21 individuals to be able to go through video evidence,
09:40:28 22 cell phone evidence? I mean, that's just the modern
09:40:30 23 world?

09:40:30 24 A It is.

09:40:31 25 Q If you would, I want to talk a little bit

09:40:33 1 about the Tarrant County lab, but first I want to talk
09:40:36 2 about your background to be able to do the job you do.
09:40:39 3 Could you describe for the jury, what is a forensic
09:40:44 4 analyst and what training and experience do you have to
09:40:46 5 do that job?

09:40:47 6 A A forensic analyst is a person that will take
09:40:50 7 digital multimedia evidence -- and we just shorten that
09:40:54 8 to the three letters of DME -- and we, as requested, and
09:40:58 9 relating to criminal cases and things of that nature, do
09:41:02 10 an analysis, if it is required. Sometimes we just take
09:41:06 11 cell phones. For example, we will extract all of the
09:41:08 12 data from the cell phone and provide it in a report for
09:41:12 13 the prosecutor. And they have their own disciplines to
09:41:17 14 do that, and everything is -- we don't really cross
09:41:20 15 fields. So we are all specialized in the fields that we
09:41:25 16 do. And that's basically -- they have their own set of
09:41:29 17 requirements, as far as training and experience and, you
09:41:32 18 know, certifications, as well as I do.

09:41:35 19 Q If you would, would you describe to the jury
09:41:36 20 your training and your certifications in the field of
09:41:39 21 video forensics?

09:41:41 22 A Yes. My certification is through LEVA, which
09:41:43 23 is L-E-V-A. It is the Law Enforcement and Emergency
09:41:47 24 Services Video Association. The requirements to start
09:41:52 25 into the certification process are four core courses

09:41:56 1 that are each one week in length, and you have to do
09:42:01 2 practical examinations during the week and you also have
09:42:04 3 hands-on theory and you also have lecture.

09:42:07 4 The first element is called Forensic Video
09:42:10 5 Analysis and the Law, and you are exposed to what DME
09:42:15 6 is; you know, what it is and what it can consist of,
09:42:17 7 such as audio/video, still imagery, and things of that
09:42:23 8 nature. And because there is not a lot of
09:42:24 9 standardization in the closed-circuit television world,
09:42:29 10 the DVR's and the MBR's that you see that record media
09:42:34 11 or video, you are exposed to several different types of
09:42:37 12 systems that you may run into out in the field when you
09:42:40 13 are acquiring that evidence.

09:42:41 14 And then you progress on and you are exposed
09:42:45 15 to some of the legal aspects of what video -- how video
09:42:49 16 is used in a legal process or a legal setting. And
09:42:52 17 after that, you progress to instruction on how to
09:42:55 18 correctly acquire the video from the device and also to
09:43:00 19 accurately disseminate the information that you have
09:43:03 20 acquired from that device.

09:43:05 21 Then you go to level two, which is Digital and
09:43:08 22 Multimedia Evidence Processing, where you build upon
09:43:12 23 that and you take that data that you have acquired and
09:43:16 24 you are instructed on the best practices on how to
09:43:19 25 maintain the integrity of the data so it doesn't get

09:43:22 1 damaged or compromised. And then you are exposed to a
09:43:25 2 little more advanced theory on how DME works. You get,
09:43:29 3 basically, under the hood of how it is constructed and
09:43:31 4 how it works on a machine level.

09:43:33 5 And after that, it is -- basically, it is
09:43:40 6 forensic video analysis comparison and contrast. And
09:43:44 7 what you do, you take and -- and the scientific method;
09:43:49 8 that's what is also included in that as well -- where
09:43:53 9 you take digital multimedia evidence and it will be
09:43:56 10 unknown DME that you have, such as still images and
09:44:01 11 video, and you do a comparison and contrast to known
09:44:05 12 images and videos that are acquired to determine if
09:44:10 13 there are things that are there that you can do a
09:44:12 14 comparison, whether they are present in the known and
09:44:14 15 the unknown; and if they are, you can start developing a
09:44:20 16 process to write a report and to write a chart to
09:44:23 17 illustrate the similarities between the unknowns and the
09:44:27 18 known. But you also have to look at the option to see
09:44:32 19 if there are things in one that are not present in the
09:44:35 20 other and if that is an explainable difference or an
09:44:37 21 unexplainable difference.

09:44:39 22 And finally, the fourth aspect of it is
09:44:43 23 basically called forensic video analysis -- or, excuse
09:44:47 24 me -- Advanced Video Analysis, where you are taking the
09:44:50 25 encompassment of all of your training prior, you are

09:44:53 1 given a case file to work that contains DME, a police
09:44:57 2 report. You then have to do an analysis of that DME
09:45:01 3 that was provided to you, write a report, and then
09:45:07 4 defend it in a moot court setting; and you also have to
09:45:09 5 pass the final written exam for that test.

09:45:12 6 Q Now, you mentioned a certification body. I
09:45:16 7 believe you said it was LEVA?

09:45:18 8 A That's correct.

09:45:19 9 Q Is that a -- if you would, is that a
09:45:27 10 certifying body for forensic video analysts?

09:45:32 11 A It is. It is an international organization.

09:45:35 12 Q And you mentioned all of these different
09:45:39 13 levels. Is that a process where you have to -- you have
09:45:44 14 to have proficiency checks within each level to move on
09:45:47 15 to the next one, is LEVA the agency that actually
09:45:51 16 certifies people in the ability to work in a courtroom
09:45:55 17 setting, in a lab setting?

09:45:57 18 A That is correct.

09:45:58 19 Q And how long have you been certified by LEVA
09:46:01 20 in those different areas?

09:46:03 21 A I've been certified -- my certification I
09:46:05 22 achieved in 2010, and I have maintained it to this day.

09:46:09 23 Q Have you also taken on different roles within
09:46:11 24 that international organization beyond just being
09:46:15 25 certified by them?

09:46:16 1 A Yes.

09:46:16 2 Q And what roles have you taken on?

09:46:18 3 A I was on the board of directors from 2013 to
09:46:22 4 2018, and as a director at large, and also vice chairman
09:46:26 5 of the board of directors. And from 2022 until the
09:46:31 6 present day, I am on the recertification committee, or
09:46:34 7 certification committee.

09:46:36 8 Q And as a video forensic analyst, have you
09:46:40 9 testified as an expert in courtrooms prior to this?

09:46:43 10 A I have.

09:46:44 11 Q Few or many times?

09:46:46 12 A Many.

09:46:46 13 Q Just in Tarrant County?

09:46:49 14 A Throughout the State of Texas.

09:46:50 15 Q Okay. How many -- just so we can kind of get
09:46:54 16 a picture -- like, how many people are there with your
09:46:58 17 certifications?

09:46:59 18 A Currently, there are 59 certified video
09:47:04 19 analysts in the world through LEVA; and there is a lower
09:47:07 20 level certification as a video technician, and there is
09:47:11 21 approximately 1,070 of those people.

09:47:13 22 Q Do you know how many of their -- do you know
09:47:16 23 how many of you there are in the State of Texas,
09:47:18 24 roughly?

09:47:19 25 A If I recall correctly, less than five.

09:47:23 1 MR. MITCHELL: May I approach, Your
09:47:27 2 Honor?

09:47:27 3 THE COURT: You may.

09:47:29 4 Q Mr. Porter, I am going to show you what's been
09:47:31 5 marked as State's Exhibit-86. Is this a true and
09:47:37 6 correct copy of your curriculum vitae?

09:47:42 7 A Yes, it is.

09:47:43 8 MR. MITCHELL: We'll offer State's-86 for
09:47:49 9 record purposes only.

09:47:56 10 MR. SHOOK: No objection.

09:47:57 11 THE COURT: State's-86 is admitted for
09:47:59 12 record purposes only.

09:48:00 13 Q Now, Mr. Porter, I want to talk a little bit
09:48:03 14 about the lab that you mentioned for the Tarrant County
09:48:10 15 District Attorney's Office. Is that a -- well, I guess,
09:48:12 16 who -- as part of that lab, who do you work for?

09:48:16 17 A I basically work for the elected District
09:48:18 18 Attorney. He is the overriding authority for the
09:48:21 19 office. But I basically work for all of the
09:48:25 20 prosecutors, approximately 160 prosecutors in our
09:48:28 21 office, both felony and misdemeanor, as well as anyone
09:48:31 22 else that requires assistance.

09:48:35 23 Q Now, when you -- you just told the jury I have
09:48:38 24 testified in other places around the State of Texas.
09:48:41 25 Was that on cases for the Tarrant County District

09:48:47 1 Attorney's Office?

09:48:49 2 A Those were cases that were brought forth to me
09:48:51 3 from other counties. Other judicial districts will
09:48:56 4 contact me to see if I would be able to be of service to
09:48:59 5 them, and I was. So when I did that work, I would have
09:49:02 6 to travel to that county to testify, as needed.

09:49:08 7 Q And so basically, with your expertise, you are
09:49:11 8 also asked by other counties, both police agencies and
09:49:16 9 District Attorney's offices, to analyze video; is that
09:49:19 10 correct?

09:49:20 11 A Yes.

09:49:22 12 Q Now, within your -- your analysis of video,
09:49:30 13 what are some of the different ways you have been called
09:49:32 14 upon to work in cases?

09:49:37 15 A Various ways. If you have multiple locations
09:49:43 16 where events occurred that are tied to a singular
09:49:47 17 incident, I have been asked to make a timeline or a
09:49:51 18 compilation that shows the person or object of interest
09:49:56 19 that travels from place to place, in a linear fashion,
09:50:00 20 so you don't have to stop and switch players back and
09:50:03 21 forth, as well as taking multiple camera views on NVR's,
09:50:08 22 which are network video recorders.

09:50:10 23 If you have multiple cameras, like you have a
09:50:12 24 16-camera system, rather than having to play one file,
09:50:17 25 stop, go to the next file, start it over again, what we

09:50:20 1 can do is we can develop a timeline that will show the
09:50:23 2 progression of the person or thing of interest and put
09:50:28 3 it in a timeline to where you can follow it in a logical
09:50:31 4 fashion.

09:50:31 5 I have also been asked to do audio enhancement
09:50:35 6 or clarification, as well. I also do still image
09:50:41 7 photography. I take -- I document tattoo photos for our
09:50:44 8 gang unit, as well.

09:50:46 9 Q Have you been involved in cases where you have
09:50:47 10 done height comparisons based on prior video with known
09:50:58 11 heights?

09:50:58 12 A Yes, we have.

09:50:59 13 Q And is that -- that's actually changed in the
09:51:01 14 way you've been able to do that. It used to be kind of
09:51:05 15 a stick that was taken by the same camera and then
09:51:09 16 compared to prior video, and now you have got software
09:51:11 17 that does that kind of stuff? Is that fair?

09:51:14 18 A Yes, back in the old VHS days, we had a
09:51:17 19 calibrated pole that we had put graduations every inch,
09:51:22 20 alternating black and white, and what you had to do --
09:51:26 21 if you have ever watched a movie or a video and one
09:51:30 22 scene fades into the other, it is called a mixer. And
09:51:33 23 what we would do, as long as the camera remained in the
09:51:36 24 exact same position, the day that we did the height pole
09:51:41 25 analysis, is the day that the event occurred and nothing

09:51:45 1 has changed. what we would do is put the pole -- the
09:51:48 2 reference pole, we know how tall it is. we would place
09:51:51 3 that in the same area where the person of interest is
09:51:55 4 and do a 50-percent cross-mix. And where the top of
09:51:58 5 that person's head or the top of that person's headgear
09:52:01 6 intersected that board, that was their approximate
09:52:04 7 height, within an inch or so.

09:52:05 8 And things have progressed to a great degree
09:52:09 9 at this point, to where all we have to do now is we can
09:52:13 10 utilize software to do that. we do not have to put the
09:52:17 11 actual height pole to the image. All we need to do is
09:52:20 12 have a known height or a known distance in that image
09:52:24 13 and we can feed that into the software and make some
09:52:27 14 other aligns -- align some other lines in there and the
09:52:31 15 software will calculate that person, once you put that
09:52:34 16 person in that same image at a certain height, with a
09:52:40 17 margin of error.

09:52:42 18 Q Have you also been called upon, with video
09:52:45 19 evidence, to work on identification of individuals?

09:52:48 20 A Yes.

09:52:49 21 Q In what ways?

09:52:50 22 A Basically, a lot of the times, it is tattoos
09:52:54 23 on people's body, and things of that nature. I
09:52:56 24 typically do not do facial comparisons. But if there is
09:52:59 25 anything on the person's body that's noticeable and

09:53:02 1 observable in the image, I will get -- I will get
09:53:07 2 photographs of that person. And that is my questioned
09:53:12 3 object or person, and you always identify the question;
09:53:14 4 and you examine the questioned items first so you don't
09:53:18 5 be biased towards that is the person.

09:53:22 6 So what I do is I take the questioned item,
09:53:25 7 annotate what I see, make my observations; and then I
09:53:28 8 will go and take a -- or get a known photograph of that
09:53:31 9 person and see if there are similarities.

09:53:33 10 Q And in all of these different types of work --
09:53:36 11 you know, you have told us that you are housed in the
09:53:42 12 Tarrant County District Attorney's Office, so that -- I
09:53:44 13 would -- I would imagine that means oftentimes you are
09:53:47 14 called by the State of Texas -- I guess the way to put
09:53:51 15 it is put on the stand with -- with the role, at least
09:53:55 16 in their mind, of having what I am going to call damning
09:54:00 17 evidence against a defendant, right? You are on the
09:54:02 18 prosecution team and you are trying to -- in their mind,
09:54:06 19 you are there to help their case?

09:54:08 20 A Well, in their mind, that may be, but I am not
09:54:11 21 on their team. What I do is I determine whether that
09:54:15 22 individual, that object, is consistent or it is
09:54:18 23 conceivable that it is the same. And if it isn't, I
09:54:21 24 will tell them that. It doesn't matter -- if it is not
09:54:25 25 there or I determine that there are no tattoos visible

09:54:29 1 on a person, but yet I see someone with tattoos, that's
09:54:32 2 a difference that I can explain; and I will tell them,
09:54:35 3 you know, this is not your person.

09:54:37 4 Q And, in fact, in your work, have you also, I
09:54:41 5 guess -- you know, it is hard to ask you without saying
09:54:46 6 teams, but at the same time, you have also worked for
09:54:50 7 the defense attorney saying, look, this is -- they have
09:54:54 8 got the wrong person and you have worked with regard to
09:54:57 9 ruling out people who have been charged with crimes; is
09:54:59 10 that correct?

09:55:00 11 A Yes, absolutely.

09:55:08 12 Q All right. Well, would you, if you could,
09:55:10 13 explain to us -- let's start real basic. What is video?
09:55:14 14 When we get video, what are we actually getting?

09:55:18 15 A Video is basically, at its lowest form, is
09:55:20 16 just a series of still images displayed in a rapid
09:55:26 17 fashion. And once you do that, once you have played
09:55:27 18 them in a rapid fashion one after the other after the
09:55:30 19 other, you get what appears to be motion.

09:55:33 20 Q And so when we think about video, I think we
09:55:36 21 think about it as something that's moving, but it is
09:55:39 22 really image, image, image displayed so fast that our
09:55:43 23 brains can track with it as movement?

09:55:47 24 A That's a fair assessment, yes.

09:55:50 25 Q I know. I'm sorry.

09:55:51 1 A That's fine.

09:55:52 2 Q If you would, what's resolution?

09:55:54 3 A Resolution can be two things. The actual
09:55:59 4 definition is the ability to discern one thing from
09:56:02 5 another in an image. But typically, when you speak of
09:56:05 6 resolution, people are usually -- they are usually
09:56:10 7 understanding it as what I call a pixel matrix.
09:56:13 8 1920-by-1080 or 720-by-240, these are pixel matrixes,
09:56:21 9 which are how many pixels across are in the image versus
09:56:23 10 how many pixels are in the vertical orientation. So
09:56:27 11 1920-by-1080 means that there is -- in that image, there
09:56:30 12 is 1,920 pixels across and there is 1,080 pixels from
09:56:35 13 top to bottom.

09:56:38 14 Q And how do -- how do -- how do -- what are
09:56:42 15 pixels in comparison to an image we see? What are --

09:56:46 16 A Basically, a pixel is what is -- it is a
09:56:49 17 picture element. It is the smallest element in an image
09:56:52 18 that can contain data; color data.

09:56:55 19 Q And all of those pixels make up the image that
09:57:00 20 we look at? Is that a fair way to look at it?

09:57:04 21 A Yes.

09:57:04 22 Q When you are asked to work on a case, are
09:57:08 23 there limitations with what you can do with video?

09:57:11 24 A Absolutely.

09:57:12 25 Q Okay. You get asked to work on a case, can

09:57:16 1 you go out and somehow create camera angles or create
09:57:22 2 video that didn't exist at the time whatever occurred?

09:57:27 3 A No.

09:57:29 4 Q Can you take an image and how -- whatever that
09:57:33 5 pixel count or resolution is, do you have any ability to
09:57:37 6 go and make it more resolution, clearer, closer?

09:57:43 7 A You can't really make it clearer. There are
09:57:46 8 filters that are available in software that I utilize
09:57:50 9 that will do a magnification, but it does not change the
09:57:54 10 actual image itself.

09:57:55 11 Q Okay. And when we talk about magnifying
09:57:57 12 preexisting video, what -- what's the -- what's the
09:58:03 13 limitation when you start -- like, I am going to use the
09:58:05 14 term -- or can I use the term zoom in?

09:58:08 15 A Yes.

09:58:08 16 Q Okay. If you start to zoom in on video,
09:58:14 17 what's the limitation with that? What's the cost?

09:58:18 18 A When you start doing a digital zoom-in on an
09:58:22 19 image like that, what you are asking the image to do,
09:58:25 20 for lack of a better word, is to -- when you zoom in,
09:58:28 21 you are asking the image to cover more area than it did
09:58:33 22 in its initial or current or standard -- I guess the
09:58:37 23 original format. And when you start zooming in, if a
09:58:40 24 pixel covers one foot and you zoom in a hundred percent,
09:58:46 25 well, now a pixel covers two feet, so anything that is

09:58:50 1 smaller than that two feet now is going to get degraded,
09:58:53 2 as far as the ability to be able to actually accurately
09:58:58 3 determine what it is.

09:58:59 4 Q And I guess if you get to where you zoom in
09:59:01 5 too much, now you just start to see colors and movement
09:59:04 6 and you don't have a clear image that you had when you
09:59:09 7 first looked at that from a regular view, I guess?

09:59:13 8 A Yes. Typically, what will happen is the more
09:59:15 9 you zoom in, the blurrier the image will get, and you
09:59:19 10 lose fine detail.

09:59:22 11 Q All right. Well, let's talk about this case a
09:59:26 12 little bit. In this case -- well, no, let me back up.

09:59:35 13 In any case, are you an original investigator,
09:59:40 14 meaning are you a part of the original investigation,
09:59:42 15 the crime scene team, the team that goes out when a
09:59:45 16 crime is committed to do an investigation?

09:59:48 17 A On occasion, I've been asked by the Texas
09:59:50 18 Rangers division of the Department of Public Safety,
09:59:53 19 because I work with the rangers that are in my county;
09:59:55 20 and I have been asked on occasion to go out to a scene
10:00:00 21 that is active, that has just occurred in the very near
10:00:03 22 past. But typically, my procedures, I only get that
10:00:07 23 video long after the event has occurred and after it has
10:00:10 24 been processed through the legal system as being
10:00:12 25 prepared for trial.

10:00:13 1 Q And is that -- in this case, were you part of
10:00:16 2 any of the investigation, or is it just like what you
10:00:21 3 just described; this is an after-the-fact you are being
10:00:22 4 brought in?

10:00:23 5 A Yes, it was -- I was not involved in the
10:00:25 6 investigation in this case whatsoever.

10:00:28 7 Q And with regards to your work in this case,
10:00:32 8 were you -- did you review police reports, did you
10:00:37 9 interview witnesses or do any investigative work on this
10:00:41 10 case?

10:00:41 11 A I did not.

10:00:42 12 Q So with regard to the facts of this case, you
10:00:45 13 are not that witness? You are not the one to ask about
10:00:49 14 what people said or what people saw, or what happened
10:00:53 15 that day, based on personal knowledge?

10:00:56 16 A No.

10:00:59 17 Q What was -- what was presented to you in --
10:01:04 18 well, let me back up. Were you shown original video
10:01:10 19 that purported to be from the school district in this
10:01:12 20 case?

10:01:12 21 A Yes.

10:01:14 22 Q And when presented with that type of evidence,
10:01:21 23 what's your initial role with that? You know, kind of,
10:01:23 24 hey, here's what we've got, what do you look at and what
10:01:29 25 are you interested in at that point?

10:01:31 1 A Typically, what I will do, when I receive a
10:01:32 2 request for work, is I ask them what are they looking
10:01:35 3 for, what are they wanting to achieve with this
10:01:38 4 evidence. And then what I have to do is just do a basic
10:01:42 5 examination of it and weigh that, the request for what
10:01:46 6 they are wanting to do or to illustrate versus what is
10:01:49 7 available, as far as the data that's there, and to be
10:01:52 8 able to determine if their request is going to be
10:01:54 9 feasible to do.

10:01:59 10 Q Now, you can get videos in different ways; is
10:02:01 11 that correct?

10:02:02 12 A I am not quite clear on what that question is.

10:02:05 13 Q Fair enough. I do that a lot.

10:02:08 14 Let me ask it this way. You had mentioned
10:02:12 15 pulling video off DVR's and devices -- you know, Ring --
10:02:18 16 there is all kinds of ways to pull video. But when you
10:02:21 17 pull video, is the video -- can it be packaged
10:02:24 18 differently, as far as your consumer use?

10:02:27 19 A Absolutely, yes.

10:02:29 20 Q And sometimes, it comes in a format that can
10:02:33 21 be used in all different kinds of ways, and sometimes it
10:02:36 22 comes in a particular software program that it is
10:02:42 23 intended to be seen through? Am I asking that right
10:02:46 24 or --

10:02:47 25 A You are. Typically, what a lot of the systems

10:02:49 1 will do is they will allow you to export the video in
10:02:52 2 what is called a proprietary format. They will include
10:02:55 3 the video data in a file, along with the playback
10:02:58 4 software; so all you can do, once you get the optical
10:03:02 5 disk or the USB drive, you can then just click on that
10:03:07 6 player and point it towards that video file and it will
10:03:10 7 pop open and play. And some players have the ability to
10:03:16 8 basic -- I don't want to say manipulate, but you can
10:03:20 9 adjust the view or you can play it faster or you can
10:03:22 10 play it slower or you can freeze-frame it. So it will
10:03:26 11 have some kind of functionality to do that in its native
10:03:29 12 format.

10:03:29 13 Q And in this case, is that -- is that how the
10:03:33 14 video that was brought to you -- it was in a proprietary
10:03:37 15 software system; a player, if you will?

10:03:40 16 A Yes.

10:03:42 17 Q Were you able to take time and view those
10:03:48 18 videos?

10:03:49 19 A I did.

10:03:50 20 Q Were there -- basically, were there five
10:03:52 21 different videos of a relevant time from different
10:03:56 22 cameras?

10:03:56 23 A Yes.

10:03:57 24 MR. MITCHELL: All right. At this time,
10:04:02 25 the State will offer State's Exhibits 5 through 9

10:04:06 1 through stipulation.

10:04:35 2 MR. SHOOK: Your Honor, we've seen these
10:04:37 3 and we have no objection.

10:04:39 4 THE COURT: State's-5 through 9 are
10:04:42 5 admitted.

10:04:42 6 Q All right. Mr. Porter, I want to talk to you
10:04:48 7 a little bit about these videos.

10:04:52 8 MR. MITCHELL: Your Honor, permission to
10:04:54 9 publish?

10:04:55 10 THE COURT: Yes, sir. Are you plugged
10:04:56 11 in?

10:04:57 12 MR. MITCHELL: No, I want to make sure
10:04:59 13 whatever is supposed to be up before I do that.

10:05:04 14 THE COURT: Okay. Let me know when you
10:05:05 15 are ready.

10:05:18 16 MR. MITCHELL: Okay. I think I am ready.
10:05:48 17 And may I approach, Judge?

10:05:50 18 THE COURT: You may.

10:05:50 19 Q And, Mr. Porter, I am showing you what's been
10:05:52 20 marked as State's Exhibit-5. What do we see in State's
10:05:56 21 Exhibit-5?

10:05:57 22 A State's Exhibit-5 contains, basically, an
10:05:59 23 overview of a -- it looks like what appears to be a
10:06:03 24 football stadium with half of the field visible from the
10:06:07 25 50-yard line to end zone and approximately half of the

10:06:11 1 running track around the field.

10:06:13 2 Q Okay. And now, you are not familiar with --
10:06:14 3 with this particular area; you haven't -- you didn't go
10:06:19 4 out and do any independent research of this scene, or
10:06:21 5 anything like that; is that correct?

10:06:24 6 A I did not.

10:06:24 7 MR. MITCHELL: Your Honor, at this time,
10:06:28 8 the State is going to ask to publish already admitted
10:06:35 9 State's Exhibit-1 through a blown-up foam board.

10:06:41 10 MR. SHOOK: No objection.

10:06:42 11 THE COURT: All right. You may publish.

10:07:07 12 Q So I don't block anybody, I am going to show
10:07:09 13 you what's been marked as State's Exhibit-1 for
10:07:13 14 presentation purposes and ask, have you seen this image
10:07:16 15 before?

10:07:17 16 A This is the first time that I've seen this,
10:07:19 17 yes.

10:07:22 18 Q With regard to State's Exhibit-1, like you
10:07:26 19 said, you have never been out to this stadium, correct?

10:07:31 20 A That's correct.

10:07:32 21 Q Looking at State's Exhibit-5, just so we can
10:07:41 22 orient the jury --

10:07:44 23 THE COURT: I muted it. I muted it. Go
10:07:47 24 ahead.

10:07:50 25 Q With regards to State's Exhibit-1, can you

10:07:52 1 see -- see the video board behind the end zone?

10:07:57 2 A Yes.

10:07:58 3 Q On State's Exhibit-5?

10:08:00 4 A Yes.

10:08:01 5 Q Looking at State's Exhibit-1, can you see the
10:08:03 6 image of the video board and a set of bleachers? I am
10:08:08 7 going to -- if I am looking at this, up being north, on
10:08:11 8 the west side?

10:08:14 9 A Yes.

10:08:15 10 Q Okay. All right.

10:08:15 11 MR. MITCHELL: Ladies and gentlemen, can
10:08:18 12 everybody see that?

10:08:20 13 Q So when we first take a look at this, this
10:08:24 14 video, is this what you mentioned, as far as video
10:08:27 15 coming to you in proprietary software?

10:08:30 16 A Yes.

10:08:33 17 Q Do you know, what was the resolution of this
10:08:36 18 video?

10:08:37 19 A Yes. It was 3840-by-2160. That equates to
10:08:44 20 8,000 -- well, 8.4 megapixels, or what's commonly
10:08:51 21 referred to as 4K.

10:08:52 22 Q Is that good video, as far as surveillance
10:08:55 23 video? Is that -- or is that poor quality?

10:08:58 24 A It is good quality.

10:09:00 25 Q Okay. Now, with regard to proprietary

10:09:05 1 software, that means that when we watch this video, it
10:09:10 2 plays in -- in that software? We are not playing it on
10:09:14 3 just kind of whatever the player on a computer plays; is
10:09:17 4 that correct?

10:09:17 5 A That's correct. The video is encapsulated or
10:09:20 6 is being displayed in that software natively.

10:09:23 7 Q And so with regards to the angle -- we talked
10:09:27 8 about this. The angle, obviously, you can see the --
10:09:30 9 what I am going to say the other -- the south bleachers
10:09:34 10 in that video -- or in that image, so does that mean it
10:09:38 11 is coming from across the football field toward the
10:09:40 12 other bleachers?

10:09:41 13 A Yes.

10:09:42 14 Q Is there something you can do to make that
10:09:44 15 video any different with regards to resolution or angle?

10:09:51 16 A Yes.

10:09:52 17 Q And what -- for you to start working on that
10:09:58 18 video, can you do it in that or do you have to put it in
10:10:02 19 something else?

10:10:03 20 A I typically will utilize forensic software to
10:10:06 21 do those actions.

10:10:08 22 Q But with regard to starting off, this is the
10:10:10 23 video the way it came to you for you to be able to view
10:10:14 24 it?

10:10:14 25 A That's correct.

10:10:16 1 Q Now, with regards to the way that the video
10:10:22 2 plays, are there timestamps on the video?

10:10:27 3 A There are.

10:10:29 4 Q Can you talk to us about the timestamps within
10:10:32 5 a -- within a video and the accuracy and, you know, kind
10:10:37 6 of, in your line of work, what those mean to you and how
10:10:41 7 accurate those are?

10:10:45 8 A They can be anywhere from accurate to wildly
10:10:49 9 inaccurate. It just depends on the system and the
10:10:52 10 person maintaining that system.

10:10:54 11 Q Okay. In this case, we have a counter at the
10:10:58 12 bottom that I guess that's showing current time?

10:11:01 13 A Yes.

10:11:02 14 Q And then within the player, there is a bar at
10:11:05 15 the bottom and that shows the -- that shows a time?

10:11:10 16 A Yes.

10:11:10 17 Q And then, you know, like right now, I have got
10:11:14 18 the player at nine -- well, the -- looking at -- looking
10:11:21 19 at the player at 9:49:55 a.m. on the player, does it
10:11:26 20 have a different number on the actual clock on the
10:11:31 21 image?

10:11:32 22 A It does.

10:11:32 23 Q Okay. So even within this system, we've
10:11:35 24 got -- we are off on time? Somebody is off on time?

10:11:39 25 A Correct.

10:11:43 1 Q With regard to your work on this case -- and,
10:11:49 2 you know, you talked about a lot of different stuff you
10:11:51 3 were able to do in other types of cases -- with this --
10:11:54 4 after reviewing this video, was it your opinion or were
10:12:00 5 you asked to identify -- like talk about a couple of
10:12:05 6 different things you have done in the past. Were you
10:12:07 7 asked to do any type of forensic work on height?

10:12:11 8 A No.

10:12:13 9 Q After reviewing the quality of the video and
10:12:15 10 the video, were you asked to do any type of work as far
10:12:19 11 as identity formation?

10:12:21 12 A No.

10:12:22 13 Q Okay. So with regards to your work and what
10:12:24 14 you did, you are not going to be -- just so the jury
10:12:28 15 knows, you are not going to be looking at this saying
10:12:31 16 this person is this person and I can make
10:12:32 17 identifications in court? This is -- the video is what
10:12:37 18 the video is, and then you worked on it to try to create
10:12:41 19 some zoom-in and maybe do some magnification and
10:12:46 20 spotlighting to try to help us watch that, I guess,
10:12:49 21 better?

10:12:50 22 A That's correct.

10:12:51 23 Q Okay. In order to do that job, were you
10:12:53 24 presented some individuals that you may not know who
10:13:00 25 they are, but from us, we said these may be people of

10:13:05 1 interest in this case?

10:13:05 2 A Yes.

10:13:06 3 MR. MITCHELL: May I approach, Judge?

10:13:07 4 THE COURT: You may.

10:13:08 5 Q I am going to show you what's been marked as
10:13:12 6 State's Exhibit-2, 3, and 4. And are those just
10:13:15 7 zoomed-in pictures of individuals from the original
10:13:17 8 videos that Frisco provided?

10:13:21 9 A They are.

10:13:26 10 MR. MITCHELL: We'll offer State's
10:13:28 11 Exhibits 2, 3, and 4 at this time.

10:13:34 12 MR. SHOOK: No objection.

10:13:34 13 THE COURT: State's-2, 3, and 4 are
10:13:44 14 admitted.

10:13:44 15 MR. MITCHELL: Permission to publish,
10:13:53 16 Your Honor?

10:13:54 17 THE COURT: Publish what?

10:13:55 18 MR. MITCHELL: 2, 3, and 4.

10:13:58 19 THE COURT: Okay. Granted.

10:14:10 20 Q All right. So, Mr. Porter, when we start
10:14:16 21 looking at these pictures of individuals, you don't know
10:14:19 22 who these people are; is that correct?

10:14:20 23 A I do not.

10:14:21 24 Q With regards to State's Exhibit-2, other than,
10:14:26 25 I guess, us saying if -- I could refer to somebody as

10:14:30 1 the victim. Does that mean you know whether they are a
10:14:32 2 victim or not?

10:14:33 3 A No.

10:14:34 4 Q Just like I could refer to somebody as a
10:14:35 5 suspect and you wouldn't know whether they are a
10:14:37 6 suspect?

10:14:38 7 A That's correct.

10:14:39 8 Q With regards to the image in State's
10:14:43 9 Exhibit-2, I guess -- I guess then in State's Exhibit-3,
10:14:52 10 two similarly-dressed individuals, what was kind of the
10:14:55 11 differentiating feature we found between the person in
10:14:59 12 State's Exhibit-2 and State's-Exhibit-3, just for
10:15:01 13 identification purposes?

10:15:02 14 A It would be the footwear.

10:15:04 15 Q Okay. The individual in State's Exhibit-2
10:15:08 16 clearly has -- I am going to say gray New Balances and
10:15:14 17 then State's Exhibit-3, we've got somebody -- the image
10:15:18 18 isn't really great, but has some different coloring
10:15:22 19 on -- at least some white tennis shoes?

10:15:25 20 A Yes.

10:15:27 21 THE COURT: Mr. Mitchell, pull the
10:15:28 22 microphone toward you, please.

10:15:30 23 MR. MITCHELL: Yes, Your Honor.

10:15:30 24 Q And then in State's Exhibit Number 4, again, I
10:15:36 25 think we use the term "suspect" with regards to the

10:15:39 1 person in State's Exhibit-4, was that a person of
10:15:43 2 interest we asked you to review the video on?

10:15:46 3 A Yes.

10:15:46 4 Q And would State's Exhibit-4 -- I guess best
10:15:50 5 description, gray top, black pants?

10:15:54 6 A Typically on colors, that can be subjective,
10:15:56 7 especially to the person and/or the system recording it.
10:16:01 8 I would say light-toned top and dark-toned bottom.

10:16:06 9 Q Okay. Great. All right. Well, then going
10:16:16 10 back to State's Exhibit-5, you told the jury that we
10:16:22 11 had -- we had been given five different camera angles
10:16:28 12 from Frisco ISD that you were able to review?

10:16:32 13 A Yes.

10:16:32 14 Q If we kind of walk through State's Exhibit
10:16:35 15 Number 1 --

10:16:38 16 MR. MITCHELL: Permission to --

10:16:39 17 THE COURT: Yes, sir.

10:16:40 18 Q And just so the jury kind of gets a preview of
10:16:43 19 what we are about to do, they are seeing what I am going
10:16:46 20 to call the west side of that stadium. Were you also
10:16:49 21 provided with a camera angle -- basically two cameras
10:16:52 22 that just split that field in half with a west side and
10:16:57 23 an east side?

10:16:58 24 A That's correct.

10:16:59 25 Q Okay. And then the additional three camera

10:17:03 1 angles are such that you have two of the parking lot, I
10:17:10 2 guess to the -- you are looking at the east-side-only
10:17:13 3 parking lots outside the stadium; is that correct?

10:17:19 4 A Yes, that -- if you are referring on State's
10:17:21 5 Exhibit-1, that would be, as you are looking at the
10:17:23 6 image, it would be on the right side.

10:17:26 7 Q And then finally, another camera angle, that's
10:17:30 8 on what I am going to call the entrance into that
10:17:33 9 stadium, again on the right side?

10:17:35 10 A Correct.

10:17:36 11 Q And so we're going to watch these original
10:17:43 12 videos in the proprietary software and walk through what
10:17:49 13 you can do just within the proprietary software, and
10:17:53 14 then talk about what you were able to do and what you
10:17:56 15 created; is that fair?

10:17:57 16 A Yes.

10:17:57 17 Q And we are also going to do it in two
10:18:00 18 different ways. Did we talk about -- I think you
10:18:02 19 mentioned that the original of these videos was in
10:18:09 20 what's called 4K?

10:18:11 21 A Yes.

10:18:13 22 Q In order to be able to watch a video within
10:18:16 23 that 4K resolution, does it, one, have to be displayed,
10:18:23 24 because we are using a computer, by a computer in 4K and
10:18:26 25 then also played on a 4K screen?

10:18:28 1 A Yes.

10:18:29 2 Q Okay. And so just so the jury kind of knows,
10:18:32 3 because I know this is difficult, and especially if they
10:18:35 4 are on this end of the jury trying to look at this
10:18:39 5 video, we are going to play everything through that
10:18:42 6 screen, but then we are also going to bring in a 4K TV
10:18:46 7 and allow the jury to look at it closer, just as 4K as
10:18:51 8 well; is that correct?

10:18:52 9 A Yes, sir.

10:18:54 10 Q And I think lastly, before we start watching
10:18:56 11 the video, would it be helpful to you to have a laser
10:19:00 12 pointer just in case we are talking about something on
10:19:03 13 the video so I don't have to keep walking up back and
10:19:06 14 forth to you?

10:19:07 15 A It would.

10:19:08 16 MR. MITCHELL: May I approach, Judge?

10:19:09 17 THE COURT: Yes.

10:19:09 18 Q And prior to your testimony, were you able to
10:19:12 19 enter the courtroom and make sure that the laser pointer
10:19:14 20 works with this TV and isn't going to shoot off into the
10:19:19 21 gallery and be disruptive?

10:19:21 22 A Yes.

10:19:22 23 MR. MITCHELL: Judge, permission -- I
10:19:23 24 would like to approach the witness and allow the use of
10:19:26 25 a laser pointer on the screen.

10:19:28 1 THE COURT: Yes, sir.

10:19:35 2 Q Now, Mr. Porter, the videos that we've got I
10:19:39 3 think were made of the relevant times. Is it fair to
10:19:43 4 say with regards to the incident that day and the little
10:19:49 5 you know about it, would you say this is a long incident
10:19:52 6 or a pretty short incident, when you start looking at,
10:19:55 7 you know, persons of interest and, ultimately, an
10:19:57 8 arrest?

10:19:58 9 A When you are looking at persons of interest
10:20:02 10 and to the point of a person being arrested, it is
10:20:04 11 relatively short.

10:20:06 12 Q But the school district saved 45 minutes-plus
10:20:09 13 of video from each one of these angles, and so that's
10:20:13 14 why we are seeing such a long time period; is that
10:20:16 15 right?

10:20:17 16 A That's correct.

10:20:20 17 Q All right. So looking at what is labeled
10:20:25 18 State's Exhibit Number 5, the west football field -- and
10:20:29 19 I am going to forward this video to -- and we'll talk
10:20:43 20 about some relative times, but as we -- for the record,
10:20:47 21 as we talk about this, I am going to be referring to the
10:20:51 22 time on the player's timeline.

10:20:57 23 A That is located in this area?

10:21:00 24 Q Correct. And not the -- not the clock
10:21:03 25 timeline that's on the actual screen.

10:21:06 1 A Okay. For the record, then, it would be the
10:21:08 2 timeline or the time displayed on the left side of the
10:21:13 3 image, not the timestamp in the right side of the image?

10:21:17 4 Q Correct. And I think it will be apparent why
10:21:19 5 in a little bit, but at least from viewing it, it seemed
10:21:24 6 like the time on the bottom was more consistent
10:21:27 7 throughout our cameras than the clock at the bottom of
10:21:31 8 the screen consistent between cameras?

10:21:33 9 A Yes.

10:21:35 10 Q All right. So I am going to take your
10:21:37 11 attention to -- on State's Exhibit-5 to nine -- roughly
10:21:42 12 the 9:52:45, and I am going to -- if we play it just
10:21:50 13 as-is, this is the far-away view, this is as best as we
10:21:55 14 are going to get from this video, right, prior to using
10:21:59 15 any features in the video?

10:22:01 16 A That's correct.

10:22:02 17 Q And with regards to the person of interest,
10:22:05 18 were you able to, at least through your work on this
10:22:11 19 video, find someone that -- that matched the description
10:22:15 20 and could possibly be the person of interest or suspect
10:22:24 21 with regards to this camera angle?

10:22:26 22 A Yes.

10:22:27 23 Q And where in the video would you direct our
10:22:30 24 jury to start to look in that area?

10:22:34 25 A It would be the upper right-hand portion of

10:22:36 1 the image. It appears to be an entrance into the
10:22:42 2 bleacher area.

10:22:43 3 Q Okay. And fair to say trying to do that, just
10:23:02 4 watching the -- you know, from the distance that this
10:23:04 5 jury is with that big screen, it is pretty hard to see
10:23:08 6 anything?

10:23:09 7 A It is very difficult.

10:23:11 8 Q Does this software have a zoom-in feature?

10:23:15 9 A It does.

10:23:18 10 Q Is that -- do you actually go to kind of the
10:23:21 11 right corner and there is a couple of different icons
10:23:24 12 and it actually says "create zoom window"?

10:23:28 13 A Yes.

10:23:31 14 Q And then using that, we get kind of a process
10:23:35 15 and that allows us to push it onto the video?

10:23:43 16 A Yes.

10:23:43 17 Q And move it to the place we are interested in
10:23:47 18 watching?

10:23:47 19 A That's correct.

10:23:48 20 Q So now I go back to -- now, is this what you
10:23:54 21 were talking about -- like, I guess, looking at that
10:23:58 22 zoomed-in image on the right, would you expect that to
10:24:01 23 be more or less crisp -- I don't know if crisp is the
10:24:05 24 right word -- but more or less crisp than the image on
10:24:10 25 the left when we have it pulled up?

10:24:12 1 A It is going to be less.

10:24:13 2 Q why?

10:24:13 3 A Because as I stated earlier, you are asking
10:24:15 4 the pixels to cover a greater area per pixel, because
10:24:20 5 you are zooming into it; and therefore, the details
10:24:23 6 start to get expanded and basically washed out or are
10:24:27 7 going to get fuzzy.

10:24:30 8 Q But with regards to staying in the proprietary
10:24:33 9 system, this is going to be the best we have within that
10:24:35 10 software?

10:24:37 11 A Yes.

10:24:39 12 Q So 9:52 -- I'm sorry -- 44, do we see --
10:24:56 13 again, we are not making identifications, but at least
10:24:59 14 someone -- I guess you said whose clothing matches tones
10:25:04 15 of the -- what I am going to refer to as the suspect
10:25:08 16 that you were -- State's Exhibit-4 that you were shown?

10:25:13 17 A Yes.

10:25:13 18 Q And what was that -- what does the suspect
10:25:18 19 appear to do at this point?

10:25:20 20 A He is standing in the entrance at the
10:25:22 21 bleachers and he appears to just be looking around.

10:25:27 22 Q Okay. Let me back it up so that we can start
10:25:30 23 it -- if I back it up to 9:52:39 and let it play.

10:25:39 24 I will also ask you, does it appear that there
10:25:56 25 is something in his hands?

10:25:57 1 A Yes.

10:26:04 2 Q And then where did that person go after
10:26:07 3 looking around?

10:26:08 4 A He goes back down the entrance.

10:26:10 5 Q And based on your viewing of the video
10:26:14 6 provided, was that in our -- in our -- in the totality
10:26:17 7 of the videos, was that the first opportunity that --
10:26:20 8 for you to identify someone who could be the suspect in
10:26:25 9 this case?

10:26:26 10 A Yes.

10:26:28 11 Q Approximately three minutes later, do we see
10:26:31 12 that -- that individual that --

10:26:35 13 THE COURT: Stop for a second.

10:26:37 14 Q An individual that could be --

10:26:40 15 THE COURT: Stop.

10:26:41 16 JUROR: I would like to excuse myself.

10:26:42 17 THE COURT: Ladies and gentlemen, we'll
10:26:43 18 be in a recess -- no one is allowed to leave except for
10:26:46 19 the jury. We will be in recess for five minutes.

10:26:52 20 THE BAILIFF: All rise.

21 (Jury not present.)

10:27:20 22 THE COURT: All right. Actually, this is
10:27:21 23 probably a good time to take a break. Let me say
10:27:23 24 something that I have not had to say earlier. The Court
10:27:28 25 has issued an order in regard to how you respond and act

10:27:30 1 in the courtroom. I have seen some people talking. I
10:27:32 2 am not going to call you out now. If I see it again, I
10:27:35 3 am going to excuse you from the courtroom and you will
10:27:37 4 not be allowed back, period.

10:27:38 5 Everyone is excused for about 10 minutes.
10:27:40 6 You are going to have to rescreen when you come back, if
10:27:43 7 you decide to leave. You are excused.

8 (Recess in proceedings.)

10:40:21 9 THE COURT: Everyone be seated.

10:40:23 10 (Bench discussion.)

10:45:33 11 MR. MITCHELL: Judge, is that okay? I
10:45:35 12 don't know if it will help or not.

10:45:39 13 THE COURT: No, I don't think people can
10:45:41 14 see it. Why don't you pull it this way, because
10:45:47 15 otherwise, you are staring at other people's heads. And
10:45:54 16 then turn it, I think.

10:45:56 17 Is the State ready?

10:46:12 18 MR. MITCHELL: Yes, Your Honor.

10:46:13 19 THE COURT: Is the Defense ready?

10:46:15 20 MR. SHOOK: Yes, Your Honor.

10:46:16 21 THE COURT: Bring in the jury.

10:46:16 22 I am going to caution the audience one
10:46:19 23 more time. We'll break at 12:00 noon-ish for lunch.

10:48:03 24 THE BAILIFF: All rise.

10:48:04 25 THE COURT: Hey, I prefer y'all remain

standing until I seat everybody. It makes it easier for people to come in and out.

(Jury present.)

THE COURT: Everyone be seated.

All right. Ladies and gentlemen, I said five minutes and I usually mean five minutes, but I thought it was a really good time for everybody to take a break, so I apologize. It is going to happen every once in a while, but I didn't mean to say five minutes and not do five minutes.

We are ready to continue. Mr. Mitchell.

MR. MITCHELL: Thank you, Your Honor.

Q All right. Mr. Porter, I think where we left off -- now we have adjusted another TV so that maybe the jurors can see it a little bit better, depending on their seating. I think where we left off was right at -- you had mentioned 9:52:45 being the first time we see the person matching the suspect's description leave that covered entrance and walk out, look around, and go back in?

A Correct.

Q Forwarding the video to 9:55, roughly three minutes later, do we catch that -- what you believe to be that same individual the second time?

A Yes. You will observe him coming up the

10:49:52 1 entrance into the stadium.

10:49:56 2 Q So I am going to put it at 9:55:43, roughly
10:50:04 3 three minutes later.

10:50:17 4 Now, as I play this, does the player allow the
10:50:22 5 zoomed-in feature to move as the video plays?

10:50:27 6 A It does not. You would have to physically
10:50:30 7 move your area of interest, which is denoted by the
10:50:33 8 yellow box.

10:50:34 9 Q So if I move that yellow box as the video
10:50:38 10 plays, we can actually follow this individual within the
10:50:42 11 zoom capabilities of the software?

10:50:45 12 A Yes.

10:51:01 13 Q And so what time does it show as far as that
10:51:05 14 person exiting the far right side of the area of this
10:51:10 15 video moving towards the east side of the stadium?

10:51:14 16 A He leaves the field of view on the timestamp
10:51:16 17 of 9:56:07.

10:51:20 18 Q So the individual comes out, walks past those
10:51:23 19 two tents going to the right side of our range of view
10:51:27 20 on that video?

10:51:29 21 A Correct.

10:51:32 22 Q And we'll get to it in a second, but is this
10:51:34 23 one of the videos that you said, hey, I may be able to
10:51:38 24 zoom in and make it at least a little bit more clear,
10:51:41 25 what we see on that video?

10:51:44 1 A Yes.

10:51:47 2 Q I want to take your attention next to State's
10:51:51 3 Exhibit-6. And also, when we are playing these in the
10:52:03 4 proprietary software, that proprietary software, it
10:52:07 5 takes a little bit to load?

10:52:13 6 A It does.

10:52:43 7 Q Now, looking at State's Exhibit-6, which side
10:52:48 8 of the football field in State's Exhibit Number 1 are we
10:52:52 9 looking at now?

10:52:53 10 A As you are looking at State's Exhibit Number
10:52:55 11 1, it would be the right-hand side of the football
10:52:58 12 field.

10:52:59 13 Q So we've moved -- we were looking at the left
10:53:02 14 side; now we are looking at the right side on State's
10:53:09 15 Exhibit-1?

10:53:09 16 A That's correct.

10:53:11 17 Q Looking at that video -- now looking at this
10:53:14 18 video, is there a gap -- a little bit of a gap between
10:53:18 19 where those camera angles start from?

10:53:20 20 A Yes.

10:53:22 21 Q But which direction was the image we are
10:53:26 22 moving in -- and I am going to say from left -- well,
10:53:29 23 which direction on the west side was that individual
10:53:34 24 moving?

10:53:34 25 A He was moving towards the right in the image.

10:53:37 1 Q So that would be towards the beginning or the
10:53:42 2 left side of State's Exhibit-6, what we are looking at
10:53:45 3 now?

10:53:46 4 A Correct.

10:53:56 5 Q And just to again point out the differences in
10:53:58 6 the clock, we started the other video at 9:49:55 and
10:54:05 7 that screen clock time was 9:47. This one, we have got
10:54:08 8 at 9:49:51 and our screen time on this one is 9:43. So
10:54:14 9 those -- like you said, those clocks can be real off?

10:54:18 10 A That's correct.

10:54:24 11 Q With regards to the other two people of
10:54:27 12 interest, you had noted the victim and another person
10:54:33 13 dressed kind of similarly and we had talked about their
10:54:37 14 shoes.

10:54:38 15 A Yes.

10:54:39 16 Q I am going to take the video or State's
10:54:41 17 Exhibit-6 to 9:52:59. And now that the jury kind of
10:54:52 18 understands how the feature works, I am going to zoom
10:54:58 19 towards the entrance on the right side of the video.

10:55:24 20 And, if you would, what do -- have you got
10:55:27 21 your pointer? Could you point -- do we see that person
10:55:31 22 of interest that I am going to describe as the victim?

10:55:34 23 A Yes. He is located in the center-left of the
10:55:37 24 image just below the limb of the tree.

10:55:42 25 Q So using the timer stamp, what time do we have

10:55:45 1 him, roughly, entering that stadium?

10:55:48 2 A 9:53:06.

10:56:07 3 Q And then behind him, that second person of
10:56:09 4 interest dressed the same, except for the shoes?

10:56:12 5 A Yes, he has just cleared the limb area. He is
10:56:16 6 beside the fence.

10:57:26 7 Q So using the timer at the bottom, what time do
10:57:30 8 we have the persons of interest, the victim arriving to
10:57:36 9 that yellow tent with the big "M" on it?

10:57:41 10 A 9:54:16.

10:57:46 11 Q Okay. Mr. Porter, we are starting to watch
10:59:38 12 this now -- we have watched it from what you said,
10:59:40 13 9:54:16, and now we are at 9:55:51. Are you seeing a
10:59:47 14 lot of movement under that tent, people running around,
10:59:49 15 standing up; anything like that?

10:59:53 16 A No.

11:00:15 17 Q I've stopped it at 9:56:12. If you would for
11:00:25 18 me, Mr. Porter, do you mind looking at that -- watching
11:00:29 19 the tent, kind of the top area -- you know, you can --
11:00:32 20 like you said, you can kind of see some figures. Can
11:00:37 21 you see kind of the bleachers, kind of above where it
11:00:42 22 appears, that there are people?

11:00:44 23 A Yes, the area above where the people are
11:00:46 24 sitting, you can see the bleacher material.

11:00:51 25 Q If you would watch that area for me and see if

11:00:55 1 you see any movement.

11:00:58 2 A Yes.

11:00:58 3 Stop.

11:01:03 4 Q Let me back that up. And as I go
11:01:06 5 frame-by-frame, do you actually -- if you don't mind,
11:01:08 6 point out to the jury what you are seeing and why you
11:01:12 7 told me to stop.

11:01:13 8 A You see someone enter the frame or field of
11:01:15 9 view of the camera from the left side of the image.

11:01:20 10 Q And do we see that movement?

11:01:23 11 A Yes.

11:01:24 12 Q Okay. So that's at -- now I am rewinding it
11:01:31 13 and we see the movement at the top, 9:56:14 -- well,
11:01:38 14 first off, let me start here. Is that -- as far as --
11:01:41 15 with the inconsistency of the timers, is that roughly
11:01:46 16 about the same time, real close from the timer
11:01:50 17 perspective, of when we saw the suspect exiting or going
11:01:56 18 to the right far end of the west video?

11:01:59 19 A Yes.

11:02:01 20 Q So does that match up the same time period as
11:02:05 21 we would expect him to enter the far left side of this
11:02:09 22 video?

11:02:09 23 A Yes.

11:02:10 24 Q Okay. And when we see that movement right
11:02:19 25 there at the top part of the bleachers, we are saying

11:02:24 1 9:56 -- I think you said 9:56:14 or 9:56:15, is that
11:02:32 2 roughly two minutes after the victim and the people he
11:02:35 3 was walking with entered that tent?

11:02:39 4 A Yes.

11:02:39 5 Q So two minutes, the victim being in the tent
11:02:43 6 prior to suspect -- at least movement that coincides
11:02:47 7 with the suspect arriving in the tent?

11:02:50 8 A Approximately, yes.

11:03:01 9 Q So that we can watch this without having to do
11:03:04 10 it again, the next relevant time in there, we start
11:03:12 11 looking at somewhere by the time of the ten o'clock
11:03:15 12 range. So, Mr. Porter, while we are watching this
11:03:22 13 video, is it worth it just to let this play so we can
11:03:28 14 see at least the movement underneath the tent and kind
11:03:30 15 of what's going on?

11:03:33 16 A I believe so, yes.

11:07:12 17 Q Mr. Porter, I am stopping it at -- we've gone
11:07:15 18 now from 9:56, roughly, 15 to ten o'clock. Have you
11:07:20 19 seen any -- anything indicative -- I mean, lots of
11:07:24 20 movement from underneath that tent, bystanders reacting
11:07:29 21 to something going on in that tent at any point so far?

11:07:33 22 A No.

11:07:39 23 Q In fact, we see multiple kids with backpacks
11:07:43 24 walking by in front without stopping, without turning
11:07:48 25 and looking up, just walking in front of the tent; is

11:07:52 1 that right?

11:07:52 2 A Yes, sir.

11:08:30 3 Q Now we are at ten o'clock -- or ten o'clock
11:08:33 4 with 41 seconds. Again, have you seen any quick
11:08:38 5 movement; any of those individuals, at least from what
11:08:41 6 we can tell, popping up, moving up, or running away, or
11:08:46 7 bystanders stopping and looking up like a noise affected
11:08:51 8 them?

11:08:52 9 A No.

11:09:04 10 Q At ten o'clock and 47 a.m., we've got what
11:09:07 11 looks -- what appears to be an individual just starting
11:09:10 12 to walk off from underneath that tent?

11:09:13 13 A Yes.

11:09:20 14 Q All right. Now I want to go back to ten
11:09:22 15 o'clock and 48 seconds and ask if this is, roughly, the
11:09:26 16 time that we see the first, what I would call, quick
11:09:31 17 movement underneath that tent? If you could, show the
11:09:35 18 jury where you are looking.

11:09:36 19 A The area right below the edge -- the bottom
11:09:39 20 edge of the tent.

11:09:41 21 Q Okay. Let me back it up frame-by-frame. What
11:09:52 22 is it that -- what is it that draws your attention right
11:09:56 23 then at 10 -- roughly 10:48?

11:09:59 24 A It appears that a lot of the persons under the
11:10:02 25 tent appears to push another person that's located under

11:10:04 1 the tent.

11:10:05 2 Q Does it look like it is movement to the right
11:10:09 3 and then movement right back to the left?

11:10:12 4 A Correct.

11:10:18 5 Q And then what do we see at the very top of the
11:10:21 6 tent?

11:10:21 7 A At 10:53, you see the person of interest or
11:10:25 8 the suspect leave the tent area and go upwards in the
11:10:29 9 bleacher area.

11:10:30 10 Q Okay. So now just so we are clear on relative
11:10:34 11 time here, you had mentioned, you know, we had -- we had
11:10:37 12 who I am identifying as the victim and some friends,
11:10:45 13 they got there about 9:54:15 on the timer; two minutes
11:10:49 14 later, at 9:56:14, 15, two minutes later, we believe we
11:10:53 15 see movement, a possible suspect. And then at 10,
11:10:59 16 roughly, 48 seconds, we see the movement back to the
11:11:05 17 right and then back to the left. Is that -- is it fair
11:11:09 18 to say that's about two minutes of all of them being
11:11:12 19 there, and then four and a half minutes later, we saw
11:11:15 20 the movement you just described?

11:11:17 21 A Correct.

11:11:18 22 Q So a total of four-and-a-half minutes where
11:11:20 23 both the suspect and victim could have been underneath
11:11:24 24 that tent?

11:11:25 25 A Yes.

Q All right. And if you would, show us the person of interest that you are focused on at this point in the video.

A He is in the area just above the tent top.

Q And I am going to do my best. One of the -- just to save the surprise for later, one of the things that you are able to do with your software, instead of having to manually move this zoom, like I am having to do to try to watch this in the first go-round, you actually created video where you can zoom in and track by a lot finer than what I am able to do?

A Yes, sir.

Q So with regards to -- we'll watch yours in a second so we don't have to watch it this way. But with regards to what we see in State's Exhibit-6, we saw a person come up, run down out of those bleachers. And State's Exhibit-1 --

MR. MITCHELL: -- if I may, Judge --

Q -- which direction from the bleachers, left or right, does the suspect run?

A In State's Exhibit-1, he appears to run towards the right.

Q And as we already discussed, running towards this way -- and we'll look at the camera view in a second -- but is it your understanding that this is the

11:13:39 1 entrance right here, the only way people are getting in
11:13:42 2 and out of that stadium? He runs this way towards
11:13:44 3 that -- where that entrance/exit is?

11:13:48 4 A Yes.

11:14:20 5 Q All right. I am going to show you what's been
11:14:25 6 marked State's Exhibit-7. It will take a second to
11:14:30 7 load.

11:15:21 8 All right. Looking at State's Exhibit-7, is
11:15:27 9 it fair to say this is a view from -- I guess to
11:15:31 10 orient -- if you would, do you see that building kind of
11:15:34 11 to the top right?

11:15:36 12 A Yes, sir. The top-right corner of the
11:15:39 13 exhibit.

11:15:40 14 Q Looking at State's Exhibit-1, does that appear
11:15:44 15 to be the building on the right side, kind of in the
11:15:46 16 middle -- kind of in the middle, so the camera angle is
11:15:53 17 coming in this way?

11:15:54 18 A Yes.

11:15:55 19 Q All right. I want to take your attention to
11:16:06 20 9:50:58 on the timer. That's as close as I can get.
11:16:53 21 And do we see -- if you don't mind, can you see the
11:17:15 22 individual is moving -- so the zoom is over here on the
11:17:19 23 kind of top-left corner of the parking lot. It looks
11:17:24 24 like to the left of the stadium. And then if you would,
11:17:26 25 point to where you start to see individuals moving.

11:17:30 1 A In the zoomed-in image, they are approximately
11:17:32 2 in front of the dark-colored vehicle, it looks like, on
11:17:37 3 the sidewalk.

11:17:50 4 Q And do we actually see kind of two groups of
11:17:53 5 individuals, one in the front and one kind of by the
11:17:55 6 tree?

11:17:56 7 A Yes.

11:18:32 8 Q Mr. Porter, does that appear to be our victim
11:18:34 9 and his twin brother walking from the middle school -- I
11:18:36 10 guess you don't know where the middle school is, do you?

11:18:39 11 A I do not.

11:18:40 12 Q At least the victim and his twin brother
11:18:43 13 walking into that stadium?

11:18:45 14 A Yes.

11:19:35 15 Q All right. I will pause that at 9:53:09 and
11:19:40 16 we have victim, brother and teammates or friends, they
11:19:44 17 are entering into the stadium?

11:19:47 18 A That's correct.

11:19:52 19 Q Now I am going to forward to 10:05:25, so
11:19:57 20 roughly, what is that, 12 minutes?

11:19:59 21 A Approximately, yes.

11:20:16 22 Q And looking at the left part -- the left far
11:20:19 23 part of this screen, I am going to ask if you see
11:20:23 24 something around that time.

11:20:25 25 Can you look at the top-left part? Does a

11:20:32 1 vehicle start to enter the screen at 10:05:25, kind
11:20:37 2 of --

11:20:37 3 A I am not understanding what you are --

11:20:40 4 MR. MITCHELL: May I approach, Judge?

11:20:42 5 THE COURT: You may.

11:20:42 6 Q I want you to look up here, Mr. Porter. So
11:20:46 7 now it is 10:05:26. But at 10:05:25, we have a white
11:20:54 8 vehicle entering the screen at that time?

11:20:59 9 A If you could back it up so I could watch the
11:21:03 10 motion.

11:21:19 11 Yes.

11:21:20 12 Q And I am more interested in the time than I
11:21:23 13 am, necessarily, the motion. You said we've got the --
11:21:26 14 well, can you tell from viewing that what kind of
11:21:34 15 vehicle that is?

11:21:36 16 A It appears to be a police vehicle.

11:21:38 17 Q So we've got a police vehicle entering -- we
11:21:41 18 talked about some of these times already, or we talked
11:21:44 19 about -- and again, these are -- these aren't exact; we
11:21:47 20 are not doing minute-by-minute on these because of that
11:21:50 21 issue with syncing up. But if we stay within a
11:21:54 22 timestamp within the software from this video, we had --
11:21:58 23 we had the victim and friends entering the stadium at
11:22:05 24 roughly, 9:52 -- I'm sorry, 9:53:09; and then 12 minutes
11:22:12 25 later, we've already got police vehicles, lights and

11:22:15 1 sirens hitting that stadium?

11:22:17 2 A Lights. You can't tell if there is a siren
11:22:20 3 because there is no audio.

11:22:22 4 Q Got you.

11:22:31 5 I want to show you what's been marked as
11:22:35 6 State's Exhibit Number 8.

11:23:36 7 All right. If we use the same anchor point --
11:23:41 8 if we use the same anchor point of this building you
11:23:46 9 identified kind of in the middle, on the right side of
11:23:49 10 State's Exhibit-1, do you see that same building in this
11:23:51 11 video?

11:23:51 12 A Yes.

11:23:52 13 Q Can you point to it for the jury?

11:23:54 14 A It is located in the upper left-hand portion
11:23:57 15 underneath some lettering in the image.

11:24:00 16 Q And, in fact, you can -- if this is a big old
11:24:03 17 press box, kind of the south end of that football field
11:24:08 18 with those bleachers, you can kind of see that above
11:24:11 19 that building; is that right?

11:24:13 20 A That's correct. It is directly above the
11:24:14 21 building. It is dark with the light front.

11:24:19 22 Q So we know we are -- our view is kind of from
11:24:23 23 the right side of this same entrance now looking towards
11:24:28 24 that entrance and that building?

11:24:31 25 A Yes.

11:24:50 1 Q I am going to start the video at 9:52:30.
11:25:00 2 And, you know, I think it is pretty clear
11:25:22 3 coming from the southwest -- what I am going to call the
11:25:25 4 southwest parking now to the northwest parking view to
11:25:28 5 the left of the zoomed-in portion, the far-left side, do
11:25:31 6 we start to see the victim and those same teammates and
11:25:35 7 friends, just from a different view walking in?
11:25:38 8 A Yes, the zoomed-in portion on the left edge
11:25:41 9 towards the bottom.
11:26:01 10 Q There is a big sign right there that they are
11:26:04 11 walking past. Do you have any idea what it says on that
11:26:09 12 sign?
11:26:09 13 A I do not.
11:26:27 14 Q Now we are pretty close to the time you gave
11:26:30 15 me on that other video, 9:53:10; is that correct?
11:26:32 16 A Yes.
11:26:32 17 Q With all of them entering that stadium?
11:26:36 18 A Yes.
11:26:39 19 Q And then just so that we can see it, when we
11:26:43 20 start trying to look onto the track or the bleachers on
11:26:47 21 this view, I mean, it is pretty good -- well blocked
11:26:51 22 with the trees; is that right?
11:26:54 23 A Correct.
11:27:19 24 Q If we go back to that ten o'clock 48 that we
11:27:25 25 had mentioned previously, where we try to put the zoom

11:27:33 1 over by the bleachers --

11:27:45 2 A Yeah, back it up.

11:27:48 3 Q I am going to try frame-by-frame back. Do you

11:27:51 4 see --

11:27:53 5 A The person, yes.

11:27:54 6 Q I am going to -- if you don't mind, can you

11:27:56 7 kind of pinpoint the area we're looking -- we need to be

11:28:00 8 paying attention to watching this part?

11:28:01 9 A It will first appear in the image just right

11:28:04 10 of the tree on the bleachers.

11:28:07 11 Q Okay. And again, a lot of that angle blocked

11:29:45 12 by the trees, except for kids starting to run in all

11:29:51 13 different directions?

11:29:52 14 A Correct.

11:30:33 15 Q And, Mr. Porter, I want to show you the last

11:30:37 16 original video from Fisd, State's Exhibit Number 9.

11:31:01 17 And where is that -- where is -- like what are

11:31:04 18 we looking at from that angle?

11:31:07 19 A State's Exhibit-9 is on the corner of the

11:31:09 20 building located on the north end of the football field

11:31:12 21 up by the entrance.

11:31:14 22 Q So we've watched two different angles of

11:31:16 23 victim and friends, teammates, walking into the stadium.

11:31:20 24 Is this right there at that corner where the actual

11:31:23 25 entrance is to that stadium?

11:31:26 1 A That's correct.

11:31:26 2 Q A similar time here, 9:52 -- around 9:52:50.

11:31:42 3 And is that the first image of the victim

11:31:47 4 walking into that stadium?

11:31:50 5 A Yes.

11:31:50 6 Q Again, if we zoom in, look at the footwear,

11:31:57 7 we've got him wearing those gray tennis shoes?

11:32:00 8 A Yes.

11:32:16 9 Q And then right behind him, a young man that
11:32:21 10 looks just like him, wearing tennis shoes that had some
11:32:29 11 color in them?

11:32:31 12 A That's correct.

11:32:35 13 Q Now, on this view, we have a little bit better
11:32:40 14 ability to zoom in and kind of -- again, not as good as
11:32:46 15 that east stadium camera, but we have a little bit of
11:32:50 16 ability to zoom in and kind of see the bleachers off in
11:32:54 17 the distance and the track and the sidewalk next to it?

11:32:57 18 A Yes.

11:33:11 19 Q And then in the distance you see that yellow
11:33:15 20 tent that was -- that we were watching in the west
11:33:21 21 stadium video?

11:33:23 22 A Yeah, it can be observed in what I would
11:33:25 23 consider the upper left-hand portion of the image.

11:33:37 24 Q So I am going to fast forward this, roughly,
11:33:42 25 six minutes later by the timer to 10 -- I guess if I go

11:34:03 1 to 10:00:55, that's really only seven minutes.

11:34:15 2 And I know it was quick, but did you see
11:34:26 3 movement kind of coming down the bleachers from around
11:34:29 4 that area right there at 10:00:55, 10:00:56?

11:34:33 5 A Can you back it up to 10:00:54 and allow it to
11:34:37 6 play?

11:34:38 7 Q Yes.

11:34:45 8 A Yes.

11:34:46 9 Q Okay. If you don't mind, can you -- I am
11:34:48 10 going to -- I am going to move it to where that
11:34:51 11 individual is kind of -- can you point out where you --

11:34:53 12 A Yes, he is just underneath the edge of the
11:34:59 13 tree; this location.

11:35:00 14 Q So I am going to back it up and then I
11:35:02 15 guess -- fair to say movement of the individual going
11:35:06 16 down the bleachers towards the track?

11:35:10 17 A Yes.

11:35:36 18 Q So does that individual appear to kind of --
11:35:41 19 well, let me go backwards. Show us where you see that
11:35:45 20 individual first, kind of --

11:35:47 21 A In this area; approximately center of the
11:35:50 22 image.

11:35:56 23 Q If I back up, I guess really do you see -- I
11:36:02 24 guess my question would be do you see changes in pace, I
11:36:10 25 guess what I --

11:36:12 1 A It appears to be, yes.

11:36:59 2 Q And does it appear like there is people
11:37:05 3 chasing behind him?

11:37:06 4 A Yes.

11:37:13 5 Q Okay. Now, and then roughly four minutes from
11:37:24 6 there, at 10:05:08, does it appear the same?

11:37:37 7 This is hard to see, but just to the right of
11:37:40 8 that tent, does it appear that that same individual and
11:37:43 9 then maybe somebody in darker clothes is starting to
11:37:48 10 walk around?

11:37:51 11 A Yes.

11:38:05 12 Q This time, that individual looks like they had
11:38:09 13 their hands in the air?

11:38:11 14 A Yes.

11:40:35 15 Q Is that that same individual being escorted by
11:40:41 16 police officers?

11:40:41 17 A Yes, sir.

11:40:42 18 Q Now, Mr. Porter, those are the original videos
11:40:45 19 and the original players. How many of -- well, after
11:40:50 20 viewing those, did you believe that there was anything
11:40:54 21 that you would be able to do with regards to any of
11:40:57 22 those videos that would help us, the Defense, the
11:41:00 23 potential jurors be able to take in that information?

11:41:04 24 A Yes.

11:41:05 25 Q Was it on all the videos or just some of the

11:41:08 1 videos?

11:41:08 2 A It was just some of them.

11:41:09 3 Q Which ones in particular did you think there
11:41:12 4 may be something that you and the software might be able
11:41:14 5 to help us with?

11:41:15 6 A The stadium east, the stadium west, and
11:41:18 7 northeast entrance.

11:41:20 8 Q Okay. So the one in the beginning where
11:41:22 9 someone is coming out of the entrance and going to the
11:41:26 10 right; the one where something happens under the tent,
11:41:30 11 the person, you know, pushed one way, pushed one way;
11:41:34 12 the person runs away; and then this last one that we
11:41:38 13 just watched from the entrance?

11:41:40 14 A Correct.

11:41:40 15 Q And what did you believe that you could do
11:41:43 16 with your software with regards to those images?

11:41:46 17 A I believe that we could use a magnification
11:41:49 18 filter on the images to basically zero in on the areas
11:41:55 19 of interest and people of interest and be able to track
11:41:57 20 them somewhat smoothly throughout the whole event. And
11:42:00 21 in addition to that, putting a spotlight filter, which
11:42:03 22 is basically an oval, which has an increased brightness
11:42:08 23 inside of it on that individual that I wanted to track
11:42:10 24 and pay attention to.

11:42:11 25 Q Okay. So let's break it up. What does the

11:42:14 1 magnification -- I mean, we tried to watch it zoomed and
11:42:19 2 you saw me trying to move that zoom box. What does your
11:42:24 3 software allow you with regards to magnification to do?

11:42:28 4 A My software is allowed -- it gives you a point
11:42:30 5 that you are interested in, basically a focal point for
11:42:34 6 your filter to be applied and it stays active when I am
11:42:38 7 doing the magnification filter application. So as the
11:42:42 8 person or the object moves, I can take that point of
11:42:45 9 interest and keep it on that person or that object. And
11:42:48 10 what you do -- it is called keyframing.

11:42:50 11 I tell the software my annotation is at this
11:42:56 12 position. I advance one to many frames and I want to
11:43:00 13 reestablish that annotation on top of the person or the
11:43:04 14 object of interest. I will move that over and put it
11:43:08 15 exactly where I want it, and then I will tell the
11:43:10 16 software I want you to keyframe. So that gives the
11:43:13 17 software a reference to move that annotation along with
11:43:17 18 it.

11:43:18 19 Q Now, when you do that, does that alter or
11:43:22 20 delete the original video?

11:43:24 21 A No, the software always uses a copy. It
11:43:27 22 leaves the original data alone. It will make a copy of
11:43:31 23 the data that I am requested to work on, and I work on
11:43:33 24 that in the software. We always leave the originals as
11:43:37 25 they are.

11:43:37 1 Q And you did that on just one of the videos or
11:43:58 2 for all three of the videos -- or, I guess, at least
11:44:01 3 some form of magnification on all three videos that we
11:44:04 4 are looking at and spotlighting. What is spotlighting?

11:44:07 5 A Spotlighting is basically just -- it is an
11:44:08 6 annotation that I place in the image to draw your
11:44:12 7 attention to that person or that object to track it as
11:44:15 8 they go throughout the image.

11:44:16 9 Q I guess instead of you having to laser point
11:44:18 10 it, that tracks the person throughout the video so that
11:44:23 11 you are not having to stop and having to orient the
11:44:26 12 jury, oh, no, follow this person?

11:44:28 13 A Correct.

11:44:28 14 Q And when you use the software to do that, does
11:44:32 15 that alter or delete the video?

11:44:37 16 A It does not.

11:44:38 17 MR. MITCHELL: May I approach, Judge?

11:44:39 18 THE COURT: You may.

11:44:39 19 Q Let me show you what's been marked as State's
11:44:42 20 Exhibits 10, 11, and 12 and ask you if you recognize
11:44:50 21 those.

11:44:52 22 A I do.

11:44:53 23 Q And what are those?

11:44:54 24 A Those are my work product that I provided to
11:44:57 25 the District Attorney's Office.

11:44:59 1 Q So these are the videos that you just
11:45:02 2 described for the jury, taking the original video and
11:45:05 3 that software, and pulling it out and magnifying it and
11:45:10 4 spotlighting it?

11:45:11 5 A Correct.

11:45:11 6 Q And how do you know what I am showing you is
11:45:14 7 actually, you know, the thumb drive? How do you know
11:45:16 8 that this is either what you have seen before or this is
11:45:22 9 what that is?

11:45:22 10 A Because I have my initials on each exhibit, as
11:45:25 11 well as the date of yesterday.

11:45:27 12 Q So you were able to view these and make your
11:45:30 13 mark?

11:45:30 14 A Yes.

11:45:33 15 MR. MITCHELL: We'll offer State's-10,
11:45:34 16 11, and 12.

11:45:36 17 MR. SHOOK: No objection.

11:45:37 18 THE COURT: State's-10, 11, and 12 are
11:45:39 19 all admitted.

11:45:40 20 MR. MITCHELL: Judge, I think we would
11:45:57 21 like to do this where we can pull the screen --

11:46:01 22 THE COURT: I would. It is 11:45. We
11:46:03 23 are going to go to lunch now. It is ready.

11:46:05 24 Ladies and gentlemen, we are about to go
11:46:07 25 to lunch. You are about to be together for the first

11:46:11 1 time after hearing evidence -- or I guess the second
11:46:12 2 time in a room after hearing evidence. I will instruct
11:46:14 3 you, like I did yesterday and like I will continue to do
11:46:16 4 throughout the entire trial, you are not allowed to
11:46:19 5 discuss this case with anyone, including amongst
11:46:21 6 yourselves, period. You are not to allow yourselves to
11:46:24 7 do any independent investigations with regard to the law
11:46:27 8 or the facts of this case or communicate anything that
11:46:29 9 you've learned today with anybody whatsoever.

11:46:30 10 Does everybody understand the
11:46:32 11 instructions?

11:46:32 12 Okay. Please follow the instructions of
11:46:34 13 the bailiffs. The jury is excused.

11:46:40 14 THE BAILIFF: All rise.
15 (Jury not present.)

11:46:41 16 THE COURT: Sir, you may step down from
11:46:45 17 the witness stand.

11:46:48 18 THE WITNESS: Thank you.

11:46:48 19 THE COURT: Let the record reflect the
11:47:06 20 jury has left the courtroom.

11:47:07 21 Anything on behalf of the State?

11:47:09 22 MR. MITCHELL: No, Your Honor.

11:47:09 23 THE COURT: The Defense?

11:47:10 24 MR. HOWARD: No, Your Honor.

11:47:11 25 THE COURT: We are going to say about 45

11:47:13 1 minutes.

11:47:13 2 Ladies and gentlemen in the audience, the
11:47:16 3 bailiffs are going to instruct you how to leave the
11:47:17 4 courtroom. Please follow their instructions.

11:47:19 5 We'll be in recess for 45 minutes.

6 (Recess in proceedings.)

12:39:22 7 THE BAILIFF: All rise.

12:39:23 8 THE COURT: Everyone be seated, please.

12:39:27 9 Bring in the witness, please.

12:39:38 10 MR. HOWARD: I don't think Wirskey is in
12:39:39 11 the room and I believe we need to put something on the
12:39:43 12 record.

12:39:44 13 THE COURT: We did, and I actually told
12:39:46 14 him that I would give him a minute and then I forgot.

12:43:12 15 All right. Hey, is the State ready?

12:43:35 16 MR. MITCHELL: The State is ready.

12:43:37 17 THE COURT: Is the Defense ready?

12:43:39 18 MR. HOWARD: Yes, Your Honor.

12:43:40 19 THE COURT: Bring in the jury, please.

12:44:20 20 MR. WIRSKYE: Can we put something on the
12:44:23 21 record real quick?

12:44:24 22 THE COURT: Oh, sure.

12:44:25 23 Hey, I am not ready. I'm not ready.

12:44:44 24 MR. WIRSKYE: Judge, I am here with
12:44:45 25 counsel for the Defense and we would both like to invoke

12:44:47 1 the Rule in this case.

12:44:48 2 MR. HOWARD: Agreed.

12:44:50 3 MR. WIRSKYE: I will represent to the
12:44:51 4 Court that myself and opposing counsel worked out an
12:44:54 5 agreement whereby respective sets of parents will be
12:44:59 6 exempt from the Rule, and we've agreed to allow those
12:45:02 7 four individuals to stay in the courtroom.

12:45:04 8 THE COURT: Okay. Mr. Howard, is that
12:45:05 9 your agreement?

12:45:06 10 MR. HOWARD: That is our agreement,
12:45:07 11 Judge.

12:45:07 12 THE COURT: Thank you. I will announce
12:45:09 13 that on the record.

12:45:09 14 MR. HOWARD: Thank you, Judge.

12:45:10 15 THE COURT: Ladies and gentlemen, the
12:45:10 16 Rule of Sequestration has been invoked. And that means
12:45:12 17 if you are going to be witnesses in this case, you
12:45:14 18 cannot be in the courtroom or be within the presence of
12:45:17 19 anyone discussing this case.

12:45:22 20 I am ready.

12:46:14 21 THE BAILIFF: All rise.

12:46:34 22 THE COURT: Remain standing until I tell
12:46:35 23 you to sit down, please.

24 (Jury present.)

12:46:49 25 THE COURT: Everyone be seated.

12:46:50 1 All right. I can't see part of y'all,
12:46:54 2 the way the set-up is. I apologize for that. We are
12:46:57 3 ready to continue the direct examination by the State of
12:47:00 4 this witness.

12:47:01 5 Mr. Mitchell.

12:47:02 6 MR. MITCHELL: And, Your Honor, may I
12:47:03 7 have permission to move my chair so I can see this?

12:47:07 8 THE COURT: And the Defense can, too,
12:47:08 9 yes.

12:47:09 10 MR. HOWARD: Thank you, Judge.

12:47:14 11 Q Mr. Porter, when we left off before lunch, I
12:47:16 12 think we were talking about the enhancement videos that
12:47:19 13 you created in this case.

12:47:21 14 A That's correct.

12:47:22 15 THE COURT: Okay. But you still have to
12:47:24 16 speak into the microphone even though you are at the
12:47:25 17 end.

12:47:27 18 Q And with regards to those videos, you were
12:47:33 19 given -- based on this case, you were given photos of
12:47:42 20 the suspect, Karmelo Anthony?

12:47:44 21 A Yes.

12:47:45 22 Q And photos of --

12:47:56 23 THE COURT: Thank you, Mr. Rollins.

12:48:13 24 Q You were given photos of the suspect, Karmelo
12:48:16 25 Anthony, and the victim and his twin brother, Austin and

12:48:20 1

[REDACTED]

12:48:21 2

A Correct.

12:48:22 3

Q And you told the jury you were able to magnify

12:48:27 4

and spotlight -- magnify in all of the videos and

12:48:32 5

spotlight in some of the videos during the relevant

12:48:34 6

portions; is that correct?

12:48:35 7

A Yes, sir.

12:48:36 8

Q So with your enhanced videos, did you try

12:48:38 9

to -- you had mentioned, you know, sometimes when we

12:48:42 10

zoom in too much, we start to lose clarity. Did you try

12:48:47 11

to find that happy medium?

12:48:49 12

A Yes, I did.

12:48:50 13

Q All right. I would like to start with State's

12:48:53 14

Exhibit-10. Kind of start where we started the first

12:48:56 15

time the jury got to see these videos on the west side

12:49:00 16

of the bleachers where we see Karmelo Anthony first walk

12:49:04 17

in from the entrance.

12:49:06 18

A Yes, but seated where I am, I cannot see the

12:49:09 19

display.

12:49:10 20

MR. MITCHELL: Judge, may the witness

12:49:11 21

stand up so he can --

12:49:12 22

THE COURT: He can stand up and he can

12:49:14 23

walk down, if he wants.

12:49:16 24

MR. MITCHELL: Okay. Thank you.

12:49:17 25

THE COURT: Just try not to turn your

12:49:26 1 back to the jury.

12:49:29 2 THE WITNESS: I don't want to stand in
12:49:30 3 front of them as well.

12:49:31 4 THE COURT: Stand over here and turn your
12:49:33 5 back towards me. There you go.

12:49:35 6 Q All right. Mr. Porter, I am showing you
12:49:38 7 what's been marked as State's Exhibit-10. If you would,
12:49:45 8 could you orient the jury to what we are looking at?

12:49:48 9 A State's Exhibit Number 10 is basically a
12:49:51 10 zoomed-in version of the west field camera.

12:49:54 11 THE WITNESS: Can you hear me okay?

12:50:04 12 THE COURT: No, we are going to get you a
12:50:04 13 microphone. Mr. Howard is handing it to you.

12:50:07 14 Thank you, Mr. Howard.

12:50:10 15 MR. HOWARD: Yes, sir.

12:50:25 16 THE COURT: Try it again.

12:50:26 17 THE WITNESS: Test, 1, 2.

12:50:27 18 THE COURT: Yes, sir.

12:50:28 19 Q And, Mr. Porter, I think the jury -- the jury
12:50:30 20 members, we actually watched two different segments of
12:50:34 21 Karmelo Anthony walking out. One walking out, kind of
12:50:38 22 looking around, and going back in. This one actually
12:50:40 23 starts on the second segment when he comes out; is that
12:50:45 24 correct?

12:50:46 25 A That's correct.

12:51:24 1 Q Now showing you what's been marked as State's
12:51:27 2 Exhibit-11. And what were you able to do with State's
12:51:35 3 Exhibit-11?

12:51:36 4 A State's Exhibit Number 11, I applied a
12:51:38 5 magnification filter. Not initially, but very soon into
12:51:43 6 the video; and I also applied, I believe, a spotlight
12:51:48 7 filter, as well as a magnification filter.

12:51:51 8 Q And when -- when the magnification filter
12:51:54 9 starts in State's Exhibit Number 11, just so that the
12:51:57 10 jury is oriented, when it changes focus, where are we
12:52:00 11 going with that magnification?

12:52:02 12 A The point of interest in the magnification
12:52:06 13 filter is it would be the upper left-hand portion of the
12:52:10 14 image, the approximate area of the yellow tent in the
12:52:14 15 bleachers.

12:52:14 16 Q Did you actually start with the victims
12:52:18 17 entering, magnified on this one?

12:52:21 18 A I don't believe so.

12:52:33 19 I misspoke. I did.

12:52:36 20 Q Trust me. I have watched it a bunch.

12:52:38 21 A Okay.

12:52:46 22 Q And again, the persons -- people of interest,
12:52:51 23 the ones we showed you photos of, Austin Metcalf and
12:52:55 24 [REDACTED] entering the stadium?

12:53:00 25 A That's correct.

12:53:00 1 Q Starting the video at 3:24 -- or actually
12:56:01 2 going back 10 seconds to 3:14. Right around that 3:24
12:56:05 3 mark, if you could see it -- right around that 3:24
12:56:08 4 mark, is that the first time -- I think you described to
12:56:10 5 the jury you see the movement from left to right, kind
12:56:13 6 of on those top two bleachers?

12:56:18 7 A Yes, sir.

12:56:20 8 Q Let me ask you that just to orient, because I
12:56:23 9 am going to try not to stop it too many times and let it
12:56:26 10 play.

12:56:27 11 A Yes, sir.

12:56:27 12 Q Underneath the tent, can you actually see two
12:56:30 13 rows of bleachers that appear like there is nobody
12:56:34 14 sitting in them, kind of above the heads of the people
12:56:38 15 in the tent?

12:56:38 16 A Yes.

12:56:40 17 Q And is that a fair --

12:56:42 18 MR. MITCHELL: May I?

12:56:43 19 THE COURT: You may, but you have to
12:56:44 20 speak really loud.

12:56:46 21 MR. MITCHELL: Yes, Judge.

12:56:47 22 Q I mean, we see the line. We see the -- does
12:56:49 23 it appear like -- I can't tell how -- can you tell how
12:56:52 24 many people are in there?

12:56:53 25 A I haven't attempted to count them.

12:56:55 1 Q Can you tell what those people are doing?

12:56:57 2 A They appear to be sitting down.

12:56:59 3 Q But do we also see -- I guess, comparing it,
12:57:04 4 we've got some empty bleachers towards the top of that
12:57:08 5 area?

12:57:09 6 A Correct.

12:57:09 7 Q And where are we going to see movement from
12:57:12 8 left to right here in a second underneath that tent?

12:57:18 9 THE WITNESS: Can I approach?

12:57:19 10 THE COURT: Yes.

12:57:20 11 A You will see the movement in the area
12:57:22 12 underneath the tent under the M logo. You will see the
12:57:26 13 bottom portion of a person walk from left to the right.

12:57:32 14 Q And based on the timing and the direction of
12:57:36 15 Karmelo Anthony from the -- from the west video, is it
12:57:43 16 your belief that that's Karmelo Anthony entering the
12:57:47 17 tent?

12:57:47 18 A It is.

12:58:07 19 Q And again, we're dealing with -- we're dealing
12:58:11 20 with colors -- I mean, like squares and not
12:58:19 21 individualized people, but does it appear that that
12:58:22 22 individual comes in and sits down and, still again, that
12:58:24 23 top part we can still see some open area behind him on
12:58:27 24 the bleachers?

12:58:30 25 A That's correct.

12:58:30 1 Q Mr. Porter, watching it, it appears at 5:09,
13:01:13 2 it looks like someone approaches the tent and stands
13:01:16 3 there; and then 5:48, we have someone leave the tent,
13:01:21 4 and now at 5:57 we've got someone in what looks to be
13:01:25 5 like a rain-slick or yellow jacket approaching the tent
13:01:29 6 from the -- from the bottom of the bleachers?

13:01:33 7 A Correct.

13:01:34 8 Q Anybody else coming and going, standing up,
13:01:36 9 jumping around that you have seen, other than regular
13:01:41 10 movement?

13:01:41 11 A No.

13:03:47 12 Q All right. I am going to take us back 10
13:03:50 13 seconds to 7 minutes and 49 seconds. We talked about
13:03:56 14 Karmelo entering the tent at 3:24 on this video. Now we
13:04:00 15 are at 7 minutes 49 seconds. Have you seen --

13:04:05 16 MR. MITCHELL: Well, first off, may I
13:04:09 17 approach, Judge?

13:04:10 18 THE COURT: You may.

13:04:11 19 Q Do we still see bleachers on top -- other than
13:04:16 20 maybe the top of the individual or an individual, we
13:04:20 21 still see that area empty?

13:04:22 22 A Yes, sir.

13:04:23 23 Q Have you in this -- in the time that we have
13:04:25 24 watched it, have you seen anybody leaving and move up on
13:04:29 25 top or movement going up, to where people are getting

13:04:33 1 behind the area or above those bleacher areas?

13:04:39 2 A I have not.

13:04:40 3 Q what about people coming from the outside;
13:04:41 4 coming from this area and coming down on top of these
13:04:45 5 bleachers?

13:04:45 6 A Coming from right to left?

13:04:47 7 Q From right to left.

13:04:48 8 A No, I did not.

13:04:49 9 Q what about -- we are about to see how tall
13:04:51 10 someone is when they get to those bleachers, but any
13:04:54 11 movement from left to right, such as we saw before or
13:04:58 12 from the top of the screen?

13:05:00 13 A No.

13:05:01 14 Q within the screen itself, we're starting to
13:05:04 15 see movement right there. But, you know, any movement
13:05:07 16 up, any rapid movement underneath this -- underneath
13:05:11 17 this tent during those minutes that we just watched in
13:05:15 18 some four-and-a-half minutes?

13:05:17 19 A No.

13:05:27 20 Q Any responses from people around that tent?
13:05:31 21 You know, a head being whipped around or people fleeing
13:05:36 22 that area quickly?

13:05:38 23 A Not that I can see.

13:05:43 24 Q In fact, it looks like casually, somebody is
13:05:45 25 leaving; so now we are at the 7:57 marker. And that's

13:05:52 1 when we have what you described to the jury?

13:05:55 2 A Yes.

13:05:56 3 Q Now, do you see a change in everybody's
13:05:59 4 movement starting from this point forward?

13:06:02 5 A Yes, they appear to be paying attention to
13:06:05 6 what's occurred.

13:06:06 7 Q And is this when we start to look above the
13:06:10 8 tent for movement?

13:06:11 9 A Yes.

13:06:16 10 Q Now, when we look above the tent for movement,
13:06:18 11 who -- based on your watching the video, who do we
13:06:23 12 believe that to be?

13:06:25 13 A Karmelo Anthony.

13:06:30 14 Q Now, I asked you, you know, well, do you see
13:06:34 15 people moving around, people moving up or out. Because
13:06:42 16 once -- once -- once that push back and forth happens,
13:06:46 17 you do see that, right? You can see even blurry people
13:06:51 18 moving in all different directions. So when I asked you
13:06:53 19 can -- can you see movement underneath the tent, once
13:06:57 20 that push goes back and forth, can you see movement
13:07:00 21 underneath the tent?

13:07:01 22 A Yes.

13:07:02 23 Q Do we know what it looks like when those
13:07:05 24 shapes move around, meaning people move around?

13:07:08 25 A Correct.

13:07:30 1 Q So we see people up, we see people moving left
13:07:34 2 and right; so that's what it looks like if we see people
13:07:37 3 moving around underneath that tent, we've got something
13:07:40 4 to compare it to?

13:07:41 5 A Yes.

13:07:42 6 Q So what is this -- now we've got I guess what
13:07:44 7 you are calling a spotlight.

13:07:47 8 A Spotlight, yes.

13:07:48 9 Q So from this point forward, what is the jury
13:07:51 10 going to see with regard to the spotlight?

13:07:54 11 A The spotlight will continue to follow Mr.
13:07:57 12 Anthony as he goes away from the scene and goes to other
13:08:01 13 parts of the stadium.

13:08:42 14 Q Does he appear to go from running to stopping
13:08:46 15 to at some point slowly walking when he starts getting
13:08:48 16 close to -- what's this? Taking us back, what's this
13:08:53 17 over here to the right side?

13:08:54 18 A The area on the right-side center image is the
13:08:58 19 entrance to the facility.

13:08:59 20 Q So does it appear like once he starts getting
13:09:02 21 towards a group of people, he changes pace?

13:09:05 22 A Yes.

13:09:06 23 Q And I want to back up just a second. Eight
13:09:25 24 minutes 13 on the timer, it looks like fast or slow
13:09:29 25 running?

13:09:30 1 A He appears to be running at this point, or
13:09:37 2 perhaps jogging.

13:09:38 3 Q And at this point, I've got you at 8:15. Do
13:09:41 4 you see an individual kind of following behind on the
13:09:46 5 left side of the video?

13:09:52 6 A Yes.

13:09:58 7 Q What does it appear that that individual is
13:10:00 8 doing?

13:10:00 9 A He is pointing in the direction of Mr.
13:10:02 10 Anthony.

13:10:05 11 MR. MITCHELL: Can I approach, Judge?

13:10:08 12 THE COURT: You may.

13:10:08 13 Q Mr. Porter, I am going to show you what's been
13:10:13 14 marked as State's Exhibits 13 through 19. Have you seen
13:10:20 15 those previously?

13:10:33 16 A Yes.

13:10:34 17 Q And are those actually stills from the video
13:10:40 18 you made just without the spotlight and then pointing
13:10:45 19 out Karmelo Anthony's position and individuals
13:10:49 20 following -- chasing and pointing at him?

13:10:52 21 A Yes.

13:10:52 22 MR. MITCHELL: We'll offer 13 through 19
13:10:55 23 at this time, Judge.

13:10:59 24 THE COURT: Mr. Shook?

13:11:01 25 MR. SHOOK: No objection.

13:11:16 1 THE COURT: Did you say no objection?

13:11:16 2 MR. SHOOK: No objection.

13:11:18 3 THE COURT: State's-13 through 19 are

13:11:21 4 admitted.

13:11:21 5 MR. MITCHELL: Permission to publish,

13:11:21 6 Judge?

13:11:23 7 THE COURT: Yes, sir.

13:11:39 8 Q So, Mr. Porter, looking at State's Exhibit-13,

13:11:43 9 that is a still-shot from the video that you created for

13:11:51 10 the jury in this case?

13:11:52 11 A Correct.

13:11:53 12 Q And if I -- what is displayed in the red

13:12:00 13 circle?

13:12:01 14 A It appears to be Mr. Anthony.

13:12:03 15 Q And what do we see in the yellow circle?

13:12:06 16 A An individual pointing in the direction of Mr.

13:12:08 17 Anthony.

13:12:09 18 Q Now, if I move to State's Exhibit-14, have

13:12:10 19 we -- have we moved further to the right in our image?

13:12:16 20 A Yes.

13:12:17 21 Q What appears to be in the red circle?

13:12:21 22 A That appears to be Mr. Anthony.

13:12:23 23 Q The first yellow circle?

13:12:25 24 A The individual pointing in his direction.

13:12:28 25 Q And the second yellow circle?

13:12:30 1 A Another individual pointing in that direction.

13:12:33 2 Q Using that -- I don't know -- that brown kind

13:12:34 3 of building as an anchor point, State's Exhibit Number

13:12:39 4 15, what do we see in the red circle there?

13:12:42 5 A It is Mr. Anthony, that's progressed closer to

13:12:45 6 the entrance.

13:12:46 7 Q So we are moving from left to right toward the

13:12:49 8 entrance, and then what do we have in the yellow circle?

13:12:54 9 A Another -- it may be the same individual, but

13:12:56 10 it is an individual pointing in his direction.

13:12:59 11 Q So in each one of these photos, we see Mr.

13:13:02 12 Anthony continuing to go right, and at separate points

13:13:05 13 in times, people following, pointing?

13:13:07 14 A Correct.

13:13:11 15 Q 16, red circle?

13:13:14 16 A Mr. Anthony.

13:13:15 17 Q And yellow circle?

13:13:16 18 A Person pointing in his direction.

13:13:18 19 Q All right. Using that -- I guess that first

13:13:21 20 tree on the right as an anchor point, looking at State's

13:13:27 21 Exhibit-17, now we've got -- that tree is on the left

13:13:31 22 and now we've got another tree. Have we advanced

13:13:33 23 further down that sidewalk?

13:13:35 24 A Yes.

13:13:36 25 Q What's in the red circle?

13:13:38 1 A Mr. Anthony.

13:13:39 2 Q And what's in the yellow circle?

13:13:41 3 A A person pointing in his direction.

13:13:44 4 Q I guess using -- do you see that field goal

13:13:49 5 post in the very right edge of the picture?

13:13:51 6 A Yes, sir.

13:13:53 7 Q Moving to State's Exhibit-18, what's in the

13:13:56 8 red circle?

13:13:57 9 A Mr. Anthony.

13:13:59 10 Q Okay. So as far as from State's-17, have we

13:14:03 11 moved further right towards the entrance?

13:14:05 12 A Yes.

13:14:05 13 Q what's in the yellow circle?

13:14:07 14 A A person pointing in his direction.

13:14:09 15 Q And the second yellow circle?

13:14:11 16 A It appears to be another person pointing in

13:14:13 17 his direction.

13:14:15 18 Q State's Exhibit Number 19, using the field

13:14:18 19 goal as a reference, have we advanced further right

13:14:22 20 towards that entrance? You can actually see the tent

13:14:25 21 that's set up by the entrance in State's-19?

13:14:29 22 A Yes.

13:14:30 23 Q what's in the red circle?

13:14:32 24 A It is Mr. Anthony, but he is partially

13:14:34 25 obscured by the goal post.

13:14:37 1 Q And what's in the yellow circle?

13:14:39 2 A The person pointing in his direction.

13:14:42 3 Q And State's Exhibit Number 20, has Mr. Anthony

13:14:47 4 moved even further, closer to that entrance now by that

13:14:50 5 tent?

13:14:50 6 A Yes.

13:14:51 7 Q And what's in the yellow circle?

13:14:55 8 A At least one person pointing in his direction.

13:15:11 9 Q Is it fair to say when Mr. Anthony was moving

13:15:16 10 away from those bleachers towards that entrance, there

13:15:19 11 were people following, chasing, pointing?

13:15:22 12 A Yes.

13:15:22 13 Q We don't know whether they are yelling or not;

13:15:24 14 because we don't -- we won't know that from the video?

13:15:27 15 A No.

13:16:51 16 Q And throughout this, is it fair to say with

13:16:53 17 all of the different angles, all of the different

13:16:56 18 videos, once we pass that right around ten o'clock 50

13:17:02 19 seconds on all the FISD videos, you just see kids

13:17:08 20 running from all directions trying to get out of that

13:17:10 21 stadium?

13:17:11 22 A Yes.

13:17:12 23 Q I'm going to back up to 11:04. We only have

13:18:31 24 four minutes left on this video.

13:18:33 25 Mr. Porter, you see where you have highlighted

13:18:36 1 Karmelo Anthony. And do you see that there is an
13:18:39 2 individual in black to his -- what I am going to say his
13:18:43 3 right?

13:18:44 4 A Yes.

13:18:48 5 Q Does it appear that person gets upset and
13:18:50 6 throws something onto the track?

13:18:51 7 A I really didn't pay any attention to that
13:18:53 8 action.

13:18:54 9 Q well, let me ask you. I want you to pay
13:19:02 10 attention to that person.

13:19:03 11 A Yes.

13:20:23 12 Q we talked about it earlier, but now, right
13:20:25 13 around 12:30, we've got a police officer who arrives and
13:20:30 14 starts escorting Karmelo out of the stadium?

13:20:34 15 A Correct.

13:21:06 16 Q And then he is escorted --

13:21:08 17 MR. MITCHELL: So the Court knows, I am
13:21:10 18 letting the video play. I am not stopping it.

13:21:12 19 Q But we see him being escorted. Again, is
13:21:16 20 that that same entrance where -- where he was running,
13:21:22 21 slow-walking, and being chased, that's again towards
13:21:26 22 that entrance area and now we are watching a police
13:21:29 23 officer actually take him outside of that entrance?

13:21:33 24 A Correct, yes.

13:23:01 25 Q And then finally, Mr. Porter, the last video,

13:23:07 1 State's Exhibit-12, where is this -- what is this angle
13:23:14 2 from?

13:23:16 3 A This is the northeast entrance camera that is
13:23:19 4 coming into the facility.

13:23:43 5 Q We see Austin Metcalf enter and then we see
13:23:45 6 his twin brother, [REDACTED] come behind him?

13:23:50 7 A Yes.

13:23:53 8 Q What just happened in the video?

13:23:54 9 A The magnification filter was applied at that
13:23:58 10 point.

13:24:11 11 Q So that's at 50 seconds into the video. I'm
13:24:15 12 going to -- do you keep the -- do you keep this
13:24:19 13 magnification going through this video, whether we can
13:24:25 14 see something or not on this video, just for
13:24:27 15 consistency?

13:24:30 16 A Yes.

13:24:31 17 Q Okay. Is there any useful part -- like once
13:24:33 18 we know the victim and his friends and teammates get to
13:24:36 19 the tent, we talk about Karmelo Anthony going from the
13:24:39 20 left side, is any of that captured on this or should
13:24:42 21 we -- I mean, as far as, like, usable information, fast
13:24:44 22 forward some?

13:24:45 23 A Yes. You are not going to be able to see any
13:24:47 24 of these actions from this viewpoint at that time.

13:29:15 25 Q All right. Right there at 8:05 on the marker,

13:29:19 1 do we see movement above the tent and the movement
13:29:23 2 coming out from under the tent --

13:29:25 3 THE COURT: I can't hear you.

13:29:26 4 MR. MITCHELL: I'm sorry.

13:29:26 5 Q Do we see the movement above the tent and then
13:29:32 6 the movement down the tent that matches Karmelo
13:29:37 7 Anthony's movements after the offense?

13:29:41 8 A Yes.

13:29:56 9 Q And at 8:17 we see the -- we see that
13:30:00 10 individual starting to hit the right side of the --

13:30:08 11 A Yes.

13:30:18 12 Q Jogging, into a slow walk, with individuals
13:30:21 13 chasing behind him --

13:30:23 14 A Yes.

13:30:23 15 Q -- pointing?

13:30:24 16 A Yes.

13:30:31 17 Q Now, the jury got to see this from that east
13:30:36 18 side view. Once he -- once he's intercepted by some
13:30:41 19 coaches, you can kind of see him there to the left of
13:30:45 20 the tent being walked, but with regards to being able to
13:30:49 21 follow Karmelo Anthony and see what goes on behind that
13:30:54 22 tent and towards that, I mean, is it fair to say we lose
13:30:59 23 him for quite a while on this clip?

13:31:02 24 A You do. He's behind -- because everything
13:31:03 25 occurs behind the tent so he is obscured by it.

13:31:05 1 Q So again, to get to the relevant portion, is
13:31:08 2 it worth fast-forwarding some to where he comes back on
13:31:12 3 the camera?

13:31:13 4 A Yes.

13:31:17 5 Q We start to see the exodus of all of the kids
13:31:19 6 from that stadium now that we're moving forward into the
13:31:25 7 video?

13:31:25 8 A Correct.

13:31:50 9 Q That is at 12:38 and we start to see the
13:31:54 10 officer and Karmelo rounding that right side underneath
13:31:57 11 the tree?

13:32:00 12 A Yes, sir.

13:32:00 13 Q Mr. Porter, when we look at this video and we
13:34:37 14 talk about this offense, this video starts with that
13:34:41 15 victim walking into that stadium, correct?

13:34:44 16 A Yes, sir.

13:34:45 17 Q And it ends with Karmelo Anthony arrested by
13:34:51 18 police and being walked out of that stadium?

13:34:54 19 A Yes.

13:34:54 20 Q How long is that video?

13:34:56 21 A Approximately eight minutes, I believe.

13:34:58 22 Q Right there on the bottom-left.

13:35:01 23 A Oh, I'm sorry. I misspoke. It is 15 minutes
13:35:05 24 20 seconds.

13:35:05 25 Q So 15 minutes, 20 seconds for Austin Metcalf

13:35:10 1 to enter that stadium, lose his life, and Karmelo
13:35:13 2 Anthony be in handcuffs?

13:35:15 3 A Yes, sir.

13:35:16 4 MR. MITCHELL: I will pass the witness.

13:35:17 5 THE COURT: Mr. Shook.

13:35:17 6 Do you need the video?

13:35:19 7 Sir, return to the witness stand, please.

13:35:25 8 MR. SHOOK: At the moment, yes, Judge.

13:35:28 9 THE COURT: So it is off the State's
13:35:29 10 computer, so if you want to show stuff, he is going to
13:35:35 11 have to help you.

13:35:36 12 MR. SHOOK: I would like to ask questions
13:35:37 13 from there.

13:35:38 14 THE COURT: Yeah, that's fine, but I need
13:35:40 15 you to speak up, okay?

13:35:45 16 MR. SHOOK: I will be sure to speak up.

13:35:46 17 THE COURT: Say that again.

13:35:47 18 MR. SHOOK: I will be sure to speak up.

13:35:47 19 THE COURT: Where are you going to ask
13:35:49 20 from?

13:35:51 21 MR. SHOOK: I can do it, I guess, from
13:35:52 22 where that chair was.

13:35:54 23 THE COURT: That's fine. Get over there
13:35:55 24 and do it.

13:36:15 25 would it be helpful if you had a

13:36:18 1 lavalier?

13:36:21 2 MR. SHOOK: It might.

13:36:21 3 THE COURT: I'm not sure if we can turn
13:36:24 4 them both on at the same time.

13:36:24 5 MR. MITCHELL: Judge, I have turned mine
13:36:26 6 off.

13:36:27 7 THE COURT: Okay. Fantastic. Thank you.

8 CROSS-EXAMINATION

13:36:28 9 BY MR. SHOOK:

13:36:54 10 Q Good afternoon, Mr. Porter.

13:36:56 11 A Good afternoon.

13:36:57 12 Q It has been a while since we have seen each
13:36:59 13 other.

13:37:00 14 A Yes, sir.

13:37:02 15 Q I just wanted to go over a few areas, getting
13:37:06 16 back to what you first testified to regarding the video,
13:37:14 17 what you do. Video, I believe that you explained to the
13:37:18 18 jury, is really just a bunch of single photographs taken
13:37:21 19 one after the other? That's what we see; is that right?

13:37:27 20 A Yes, sir.

13:37:28 21 Q And because it is just a series of
13:37:33 22 photographs, when we are looking at video, we often
13:37:38 23 assume we are seeing everything, but when you look at
13:37:41 24 video as an expert, you can tell us that there are some
13:37:45 25 frames that are missing, that we don't see a complete

13:37:49 1 movement; is that right?

13:37:49 2 A That can occur, yes.

13:37:52 3 Q It may be just something real quick, but that
13:37:55 4 could occur?

13:37:56 5 A Yes, sir.

13:37:57 6 Q All right. And then as far as pixels, that
13:38:02 7 sort of thing, as you have explained, when you have a
13:38:06 8 camera that's recording something far off, and as you
13:38:10 9 try to enhance that, you can't enhance it too much or
13:38:14 10 the pixels become too wide and it is just a complete
13:38:18 11 blur; is that right?

13:38:19 12 A Yeah, it degrades the image.

13:38:22 13 Q And even at its best, for instance, once you
13:38:24 14 enhanced it and what this jury has just seen, movement
13:38:28 15 under the tent, we really can't tell exact movement,
13:38:32 16 what's going on, with certainty; the way people are
13:38:36 17 moving, where they may have their hands in front of
13:38:39 18 their body?

13:38:40 19 A No, sir.

13:38:40 20 Q It looks like a bunch of -- primarily, if they
13:38:43 21 are in black, they can see bodies that are dressed in
13:38:47 22 black, and if we see them stand up, we can detect that,
13:38:51 23 correct?

13:38:51 24 A Yes, you will be able to see that.

13:38:53 25 Q When someone sits down, you can probably see

13:38:56 1 that?

13:38:56 2 A Yes.

13:38:57 3 Q If someone starts to move over to the right,
13:39:00 4 we can probably see that?

13:39:01 5 A Yes, sir.

13:39:01 6 Q But as far as -- if I am sitting down on that
13:39:04 7 video and just talking, we wouldn't necessarily see the
13:39:08 8 hands; or if I were moving my mouth, we can't see that,
13:39:11 9 can we?

13:39:13 10 A No, sir.

13:39:14 11 Q There was testimony from Mr. Mitchell -- or a
13:39:17 12 question from Mr. Mitchell that when prior to the
13:39:22 13 incident, you -- he asked you do we see any head
13:39:28 14 whipping around. When he said head whipping, I am
13:39:32 15 thinking something like that (indicating?)

13:39:34 16 A Yes. I took it as someone turning their head
13:39:37 17 to the side in a quick motion, yes.

13:39:41 18 Q Would you necessarily, at the distance we saw,
13:39:43 19 be able to pick up when someone moves their head like
13:39:46 20 that?

13:39:47 21 A It would depend on where they were, the image.
13:39:50 22 I believe you would be able to detect that at some
13:39:52 23 point.

13:39:53 24 Q You believe any time someone moved their head,
13:39:55 25 you would be able to detect that?

13:39:56 1 A Not any time; at specific times. I would have
13:40:00 2 to look at the video to determine that.

13:40:02 3 Q would it depend on how much they whipped their
13:40:04 4 head around?

13:40:05 5 A That's a possibility, yes.

13:40:07 6 Q If they simply just turned their head around
13:40:10 7 to look, you wouldn't necessarily be able to pick that
13:40:13 8 up?

13:40:14 9 A That's correct.

13:40:14 10 Q You have limitations; is that right?

13:40:16 11 A Yes, sir.

13:40:17 12 Q You couldn't identify anyone by facial
13:40:20 13 recognition from that -- images under that tent, could
13:40:24 14 you?

13:40:25 15 A No, sir.

13:40:25 16 Q All right. If someone were in an argument
13:40:30 17 under that tent, as they were sitting down with someone,
13:40:34 18 who also might be sitting down, you wouldn't be able to
13:40:37 19 detect that, if they are just arguing with one another,
13:40:39 20 could you?

13:40:40 21 A No.

13:40:41 22 Q There is no way when you can tell when an
13:40:44 23 argument starts or, necessarily, when it stops, could
13:40:46 24 you?

13:40:47 25 A No, sir.

13:40:48 1 Q You could detect, obviously, if someone moves
13:40:51 2 their head in and out, if they were talking to each
13:40:54 3 other; that type of thing?

13:40:56 4 A Once again, it would depend on how much motion
13:40:58 5 was involved.

13:40:59 6 MR. SHOOK: Okay. If you could bring up
13:41:18 7 State's Exhibit-12, please.

13:41:22 8 Q Okay. This is at the beginning, when you
13:42:12 9 testified that this showed when Austin Metcalf and his
13:42:17 10 brother, [REDACTED] had made their way into the
13:42:20 11 stadium?

13:42:21 12 THE WITNESS: Your Honor, could I step
13:42:23 13 down?

13:42:25 14 THE COURT: Yes, sir.

13:42:26 15 THE WITNESS: Do you want to attempt to
13:42:28 16 turn my lavalier on and see if we have feedback issues?

13:42:32 17 THE COURT: Let me see if we can do both.

13:42:33 18 THE WITNESS: Test, one, two?

13:42:35 19 THE COURT: Yeah.

13:42:35 20 A Can you repeat the question, sir?

13:42:44 21 Q What we are seeing here on screen is when --
13:42:46 22 is the entrance of the stadium when the Metcalf brothers
13:42:51 23 walk into the stadium; is that right?

13:42:53 24 A Yes.

13:42:54 25 Q Prior to when they go to sit down into the

13:42:57 1 stands under the tent?

13:42:58 2 A Yes.

13:43:05 3 MR. SHOOK: Can we move it forward to
13:43:13 4 4:29? If we can back it up some, right when that
13:43:23 5 becomes enhanced.

13:43:28 6 Q All right. Now playing at 2:18 --

13:43:30 7 MR. SHOOK: -- if we could hit play.

13:43:34 8 Q -- does it appear that the rain is coming down
13:43:38 9 at that time and has picked up?

13:43:41 10 A It does.

13:43:43 11 Q As you were watching these videos, could you
13:43:45 12 tell the rain would start up and then lighten up and
13:43:49 13 then start up again throughout the video?

13:43:51 14 A Yes.

13:43:52 15 Q And at this point in time, was it raining
13:43:56 16 heavier than it was at other times?

13:43:58 17 A It appears to be, yes.

13:43:59 18 Q You can see a bunch of people gathered under
13:44:01 19 that tent to get out of the rain?

13:44:04 20 A Yes.

13:44:04 21 Q We see someone walking along the track with an
13:44:08 22 umbrella?

13:44:10 23 A Yes.

13:44:10 24 Q And we see some folks coming -- walking this
13:44:12 25 way towards that tent, and it looks like they all had

13:44:15 1 umbrellas?

13:44:17 2 A Yes, sir.

13:44:18 3 Q All of that is evidence that the rain is
13:44:19 4 coming down a little bit harder?

13:44:21 5 A Yes.

13:44:23 6 Q We see a couple of people walking in with
13:44:27 7 umbrellas now?

13:44:29 8 A Yes.

13:44:48 9 Q And this is just prior to the Metcalfs as they
13:44:51 10 walked in and made their way up to the tent that was in
13:44:55 11 the bleachers; is that right?

13:44:56 12 A Yes, sir.

13:44:57 13 Q And they were -- once they made it past this
13:45:02 14 point and sat in the bleachers, did you say it was about
13:45:05 15 two minutes before Karmelo Anthony came and sat down
13:45:09 16 under that tent?

13:45:10 17 A Approximately, yes.

13:45:19 18 Q Fair to say that when they were getting under
13:45:21 19 the tent and Karmelo Anthony was making his way to the
13:45:25 20 tent, that it appeared to you that it was raining and
13:45:28 21 one of the heavier times, as you watched and reviewed
13:45:32 22 these videos?

13:45:33 23 A I didn't specifically pay attention to the
13:45:35 24 rainfall rate; but that is a possibility, yes.

13:45:44 25 MR. SHOOK: Now if we could go to

13:45:56 1 State's-11, please. And if we could forward to the
13:46:02 2 enhancement portion of -- under the -- under the tent.

13:46:15 3 If you could pause that.

13:46:23 4 All right. Your Honor, may I approach
13:46:27 5 the exhibit?

13:46:28 6 THE COURT: Yes.

13:46:29 7 Q There is some testimony about this seat that
13:46:36 8 extends along with no one sitting on it. Do you recall
13:46:39 9 that?

13:46:40 10 A Yes, sir.

13:46:40 11 Q We see the tent there, the Memorial tent with
13:46:43 12 the M on it?

13:46:44 13 A Yes.

13:46:45 14 Q You know, obviously, it is bleachers; they are
13:46:47 15 going up at an angle?

13:46:51 16 A Yes.

13:46:52 17 Q And that tent is cankered at that angle?

13:46:58 18 A Yes.

13:46:58 19 Q Okay. The questions that Mr. Mitchell put
13:46:59 20 forward to you is that this was a bench that was under
13:47:09 21 that tent. Did you do any analysis that showed or that
13:47:13 22 you could tell, from looking at the video at this angle,
13:47:13 23 that that tent was over that particular bleacher seat?

13:47:16 24 A I did not.

13:47:17 25 Q Were you asked to do that?

13:47:19 1

A No.

13:47:19 2

Q And you can't tell this jury that this

13:47:21 3

bleacher seat was under the tent, can you?

13:47:23 4

A Not with any certainty, no.

13:47:25 5

Q No. And, in fact, it could be just outside

13:47:28 6

the bleacher seats?

13:47:30 7

A That is a possibility, yes.

13:47:32 8

Q And if it were outside the bleacher seat, rain

13:47:35 9

would be coming down on him?

13:47:36 10

A Yes.

13:47:37 11

Q So one reason we may not see anyone on this

13:47:41 12

empty bleacher seat is because it is outside the tent?

13:47:46 13

A That's a valid reason, yes.

13:47:47 14

Q And that's why everyone else, where Mr.

13:47:50 15

Anthony sat, so they could get out of the rain? Is that

13:47:55 16

a reasonable deduction from the evidence, as we say?

13:48:00 17

A Yes, sir.

13:48:00 18

MR. SHOOK: All right. If we could

13:48:06 19

forward it to where the Metcalf brothers come up and get

13:48:17 20

under the tent, please.

13:49:13 21

Q Now, at this point, when they sat down, do you

13:49:16 22

recall how much time it was until you were able to pick

13:49:19 23

up Karmelo Anthony as he walked into view and then sat

13:49:23 24

down at the back of that tent?

13:49:25 25

A It was approximately two minutes.

13:49:28 1 Q while we are waiting on that, the jury saw the
13:49:31 2 other -- from the other side, I guess the other half, I
13:49:35 3 would say, on the other side of where that tent is, that
13:49:40 4 shows Mr. Anthony as he walked towards the Memorial
13:49:42 5 tent. There seems to be a gap or a blank space between
13:49:47 6 those two tents from the two cameras; is that right?

13:49:51 7 A I can't determine if the tents are touching or
13:49:54 8 in very close proximity because of the field of view. I
13:49:58 9 can't see both tents in both images to determine that.

13:50:01 10 Q But when Mr. Anthony walks to the right and
13:50:04 11 goes out of camera view, he is down on the walkway; is
13:50:07 12 that right?

13:50:09 13 A He is proceeding up at the point right before
13:50:10 14 he leaves the field of view of the camera.

13:50:12 15 Q When you say up, you mean --

13:50:14 16 A He goes up the bleachers.

13:50:16 17 Q But would that be on the other side of, I
13:50:19 18 believe, the Liberty tent?

13:50:22 19 A Yes.

13:50:22 20 Q Okay. But as far as what we are seeing now,
13:50:27 21 you can't see him as he goes up the bleachers or the
13:50:30 22 path he took? It was just seeing him appear as he comes
13:50:35 23 along the back side; is that right?

13:50:38 24 A That's correct.

13:50:49 25 Q Is that him coming into view now?

13:50:51 1 A It is.

13:50:52 2 MR. SHOOK: Could we pause it, please?

13:50:54 3 Q Does it appear that he is seated right in this

13:51:02 4 area?

13:51:03 5 A It does.

13:51:04 6 Q And the -- you call it a lighter-colored

13:51:10 7 garment, but if it is gray, that would qualify as a

13:51:14 8 lighter-colored garment; is that correct?

13:51:16 9 A Yes, sir.

13:51:17 10 Q And does it appear that he is sitting close to

13:51:22 11 someone? Can you point that out?

13:51:24 12 A Yes, it does. In this area.

13:51:28 13 Q would they virtually be, probably, sitting

13:51:29 14 next to each other?

13:51:30 15 A In very close proximity, yes.

13:51:32 16 Q Does it appear that he sat near one of the

13:51:36 17 Metcalf brothers that sat down in this area?

13:51:39 18 A You will have to --

13:51:41 19 Q If they sat at a bleacher lower, would he be

13:51:45 20 behind them, in other words?

13:51:46 21 A Yes.

13:51:48 22 Q If one of the other Metcalf brothers went to

13:51:51 23 this area, then they would be to his right, if he is

13:51:55 24 looking out at the field; is that right?

13:51:57 25 A Yes.

13:52:00 1 Q You can't tell us how many people are under
13:52:03 2 the Memorial tent, but there is a good group of people
13:52:06 3 there?

13:52:07 4 A Yes.

13:52:07 5 MR. SHOOK: All right. If we could
13:52:10 6 forward -- play that forward, please.

13:52:19 7 Q Keeping your eye on where Mr. Anthony was
13:52:22 8 seated, can it -- does it look as if his head is moving
13:52:28 9 at times, as if he might be talking to a person next to
13:52:33 10 him?

13:52:33 11 A I see that person moving around, yes.

13:52:35 12 Q Whether they are talking or not, obviously,
13:52:38 13 you can't tell us?

13:52:40 14 A No.

13:53:13 15 MR. SHOOK: Can we pause it, please?

13:53:16 16 Q We can see, as individuals are walking across
13:53:20 17 the field, that several of them have umbrellas out; is
13:53:24 18 that right?

13:53:24 19 A Yes, sir.

13:53:24 20 MR. SHOOK: Go forward, please.

13:53:37 21 If we could stop it at that point.

13:53:49 22 Q Do you recall the time on this particular
13:53:52 23 video of when we see the action of the incident, of
13:53:58 24 bodies going this way and back?

13:54:02 25 A Not immediately. I can't immediately recall

13:54:06 1 it, no.

13:54:06 2 MR. SHOOK: Could you give me the time?
13:54:07 3 Do you know the time, Mr. Mitchell?

13:54:09 4 (Off-the-record discussion.)

13:54:09 5 MR. SHOOK: And, I'm sorry, I didn't
13:54:18 6 catch this. If we could back it up, just a little bit.

13:54:20 7 Q Mr. Porter, if you will keep your eye -- does
13:54:22 8 it look like someone might move from this side and sit
13:54:26 9 down closer to Mr. Anthony, or people moving, maybe
13:54:29 10 switch spots?

13:54:30 11 A There is some movement under the tent, yes.

13:54:32 12 MR. SHOOK: If we could just look at that
13:54:37 13 again. If you could go back 20 seconds or so --

13:55:19 14 Q -- if you can see someone to see if they move
13:55:24 15 closer or switch places.

13:55:49 16 All right. I'll show you that on another
13:55:52 17 exhibit.

13:55:53 18 MR. SHOOK: If we could go forward just
13:55:56 19 before the 10-minute mark.

13:55:59 20 Q Now, this should be just prior to the movement
13:56:20 21 we talked about. Again, if an argument is going on
13:56:24 22 under that tent between individuals who are seated, you
13:56:29 23 wouldn't be able to tell the jury that's happening,
13:56:33 24 right?

13:56:34 25 A That's correct.

13:56:35 1 Q There could be yelling going on, there could
13:56:37 2 be people cussing each other out, there could be a
13:56:40 3 heated argument, there could be a not-so-heated
13:56:43 4 argument. But you wouldn't be able to tell the jury I
13:56:46 5 can tell from looking at this video that there's an
13:56:50 6 argument?

13:56:50 7 A That's correct.

13:56:51 8 Q What you can only tell is when you can see
13:56:52 9 enough people standing or movement -- more exaggerated
13:56:56 10 movement, rather than just people moving their mouths or
13:57:00 11 maybe turning their heads?

13:57:01 12 A Yes.

13:57:02 13 Q All right. The movement you see -- that we
13:57:06 14 see, and we are going to see again in a moment -- a
13:57:09 15 movement going one direction and then the other; is that
13:57:12 16 right?

13:57:13 17 A Yes.

13:57:14 18 Q And could you describe, again, the action that
13:57:17 19 you saw? And I know you have seen that video many
13:57:22 20 times, of what type of movement you see?

13:57:23 21 A It appears a push in the direction towards the
13:57:27 22 right and an immediate push back to the left.

13:57:29 23 Q And prior to that push, do you -- you see the
13:57:33 24 person, that if we are looking at this screen, the
13:57:37 25 person that's doing the pushing, are they on the left

13:57:40 1
13:57:40 2
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13:58:34 24
13:58:40 25

side?

A Yes.

Q And the person that's being pushed, is that a person in the gray hoodie?

A I can't determine on this, because of the color.

Q From the movements afterwards, do you believe that might be Mr. Karmelo Anthony?

A That is a possibility.

Q All right. Prior to that push, did you see the individual that did the pushing stand up and start moving?

A I saw him reposition.

Q And when you say reposition, what do you mean?

A I mean, it appears that he stood up and moved from what would be the -- what I would consider the center area underneath the tent up towards the top or in an upward movement or direction.

Q And when you say he stood up and moved, was he walking in that direction or moving in that direction?

A It appeared to me that he just stood up. I didn't see any, really, movement, that I could determine.

Q And so you believe he just stood up and then made a shove?

13:58:46 1 A I saw him reposition, yes. He may have taken
13:58:50 2 a step forward, but there was not a lot of forward or
13:58:52 3 backward movement when they did that.

13:58:53 4 Q Well, if there were people -- were just a
13:58:56 5 couple of spots from one another, would that account for
13:58:58 6 him moving closer?

13:58:59 7 A It can, yes.

13:59:00 8 MR. SHOOK: And if we could then -- hold
13:59:03 9 on.

13:59:03 10 Q As far as the shoving goes, the person -- you
13:59:13 11 saw them appear to stand up; is that right, before the
13:59:17 12 shove?

13:59:18 13 A Yes.

13:59:18 14 Q The person that was shoved, they did not stand
13:59:20 15 up, did they?

13:59:23 16 A I couldn't determine that. They appear to be
13:59:25 17 about the same height or of the same stature, should we
13:59:29 18 say they both be standing up.

13:59:32 19 Q Well, did you ever see that person then stand
13:59:34 20 up from where he was sitting?

13:59:36 21 A I did not.

13:59:37 22 Q So you have described it as reposition. You
13:59:40 23 saw the person that did the pushing reposition himself?

13:59:44 24 A Yes.

13:59:45 25 Q Okay. But the person that was pushed, you

13:59:48 1 didn't see that?

13:59:49 2 A No.

13:59:50 3 Q So if that person was sitting, they would

13:59:52 4 still be sitting when they were pushed; would they not?

13:59:57 5 A That is a possibility, yes.

14:00:00 6 Q Well, do you believe you would be able to pick

14:00:03 7 him up if they were sitting on that bleacher, and they

14:00:07 8 had been sitting under there for three or four minutes,

14:00:09 9 and then stood up and got pushed? Would you be able to

14:00:12 10 see that?

14:00:13 11 A I believe so, yes.

14:00:13 12 Q But you didn't see that?

14:00:15 13 A I saw -- when I saw the push occur, it

14:00:18 14 appeared to me that both parties were standing up.

14:00:21 15 Q Okay. So you believe that person was standing

14:00:24 16 the whole time, the person that got pushed?

14:00:27 17 A No.

14:00:28 18 Q When do you believe he stood up?

14:00:30 19 A I can't determine that.

14:00:34 20 Q So is that part of the video -- the

14:00:36 21 limitations you have from the distance and the pixels,

14:00:38 22 that maybe that happened and you just couldn't see it?

14:00:42 23 A Yes.

14:00:42 24 Q Okay. Could another explanation be that he

14:00:45 25 didn't stand up, the person that was pushed?

14:00:49 1 A The person that was pushed? Yes.

14:00:52 2 Q He could have been sitting down?

14:00:54 3 A He could have.

14:00:55 4 Q And would eyewitness testimony to that effect,

14:00:58 5 of how the people are positioned, obviously, in this

14:01:02 6 case maybe be -- would enlighten the jury as to how

14:01:07 7 those people were exactly positioned?

14:01:09 8 A Yes.

14:01:10 9 Q Okay. But let me ask you this. The shove, as

14:01:17 10 we are about to see, you cannot tell how the person that

14:01:21 11 was doing the shoving -- and for this hypothetical, I

14:01:26 12 would say that's Austin Metcalf, all right?

14:01:30 13 A Yes, sir.

14:01:30 14 Q Because we've been calling the other fellow

14:01:34 15 Karmelo Anthony.

14:01:34 16 A Okay.

14:01:37 17 Q All right. You can't tell how he has his

14:01:40 18 hands on Mr. Anthony, can you?

14:01:44 19 A I can't determine that, no.

14:01:44 20 Q You can just tell there is a shove; is that

14:01:46 21 right?

14:01:46 22 A Yes.

14:01:47 23 Q Or what appears to be a shove?

14:01:48 24 A Yes.

14:01:49 25 Q Could it have been a punch?

14:01:52 1 A That's a possibility, but it didn't appear
14:01:57 2 that he drew back. It appears that his arms were
14:02:00 3 forward.

14:02:00 4 Q It looked like something as -- could have
14:02:07 5 grabbed him in some way or pushed him in some way?

14:02:10 6 A Once again, because of the nature of the
14:02:12 7 video, it appeared that it was a -- just a straight
14:02:15 8 push. There was no drawback of his arms, or anything
14:02:18 9 like that.

14:02:18 10 Q So it wouldn't be a punch?

14:02:21 11 A No.

14:02:21 12 Q But just as a push, you can do it by you,
14:02:23 13 like, shoving me, or it could be if you grabbed hold and
14:02:29 14 then started to throw me and I could be moving that way?

14:02:31 15 A That's a possibility, yes.

14:02:33 16 Q You don't know how the hands were -- if they
14:02:34 17 were grabbing or just shoving?

14:02:38 18 A Correct.

14:02:41 19 Q Could you -- from just looking at it, did it
14:02:44 20 look like a forceful shove?

14:02:46 21 A Somewhat.

14:02:47 22 Q Because the body moves very quickly? Do they
14:02:51 23 both move very quickly to the left?

14:02:54 24 A Yes.

14:02:54 25 Q And then there is movement back to the right?

14:02:56 1 A Yes.

14:02:57 2 Q Does it appear the other person was shoving,
14:02:59 3 or can you tell?

14:03:00 4 A It appears that that person is also shoving.

14:03:03 5 Q So we see -- would you say it is a violent
14:03:09 6 movement this way?

14:03:09 7 A I wouldn't classify it as violent. It is just
14:03:12 8 a quick movement.

14:03:13 9 Q A quick movement?

14:03:13 10 A Yeah.

14:03:13 11 Q And that's movement that makes both of the
14:03:16 12 bodies go this way quickly?

14:03:18 13 A Yes.

14:03:18 14 Q And then you see movement back to the right?

14:03:21 15 A Yes, sir.

14:03:22 16 Q But exactly what was going on at the hands of
14:03:25 17 the person that was shoved or the person that was doing
14:03:27 18 the shoving initially, you can't tell us what is going
14:03:33 19 on with their hands, can you?

14:03:35 20 A No.

14:03:35 21 MR. SHOOK: If you could go ahead and
14:03:39 22 play the video.

14:03:41 23 All right. If we could pause there.

14:04:15 24 Q We just saw the shoving motion to the right
14:04:20 25 and then bodies go back to the left. And then as soon

14:04:24 1 as Karmelo Anthony exited that tent, you were able to
14:04:28 2 put the highlight circle or oval on him; is that right?

14:04:32 3 A Yes, sir.

14:04:33 4 Q what's the term you use for it?

14:04:35 5 A spotlight.

14:04:36 6 Q spotlight. Could you do the spotlight while
14:04:39 7 they were under the tent?

14:04:41 8 A I could, but I was not a hundred percent sure
14:04:44 9 that I was going to maintain my accuracy on who I was
14:04:47 10 trying to identify, because they are underneath the tent
14:04:50 11 and it is dark under there. And I wanted to be sure
14:04:53 12 that I was identifying the correct person and the same
14:04:55 13 person throughout the video.

14:04:57 14 Q But as far as the actual shoving goes and that
14:05:00 15 movement, could you have put the spotlight on those two
14:05:05 16 individuals when that happened?

14:05:07 17 A Both at the same time?

14:05:09 18 Q Yes.

14:05:09 19 A I could have, yes.

14:05:10 20 Q Did you try to do that?

14:05:11 21 A I did not.

14:05:12 22 Q Did the DA's office or Mr. Mitchell or anyone
14:05:18 23 with the DA's office ask you to try to do that?

14:05:23 24 A No.

14:05:23 25 Q If you had, do you think we may have been able

14:05:25 1 to see better what was going on or would it be the same?

14:05:28 2 A It would be difficult to say, without actually

14:05:29 3 doing it, to see what the result would be.

14:05:37 4 Q We just don't know?

14:05:38 5 A Correct.

14:05:38 6 Q Oh, and when did you do the -- this work where

14:05:42 7 you did the enhancement or spotlight?

14:05:48 8 A When?

14:05:49 9 Q Yes.

14:05:49 10 A Approximately two, two-and-a-half weeks ago.

14:05:53 11 It was relatively recent.

14:05:55 12 Q Two-and-a-half weeks ago.

14:06:00 13 Did you make the decision as to what you were

14:06:02 14 going to spotlight?

14:06:04 15 A I was asked to follow a person of interest.

14:06:07 16 And once I located that person of interest, I went

14:06:11 17 through the video to make sure that I could follow that

14:06:14 18 person and then I went ahead and performed the work.

14:06:19 19 Q And that was -- the person of interest, at one

14:06:21 20 point, was Karmelo Anthony; is that right?

14:06:24 21 A Yes, sir.

14:06:24 22 Q And then also on the other video, it is Austin

14:06:28 23 Metcalf?

14:06:28 24 A Yes.

14:06:29 25 Q But as far as Karmelo Anthony goes, as far as

14:06:34 1 the tent, you just spotlighted him as he came out?

14:06:40 2 A Yes.

14:06:41 3 Q Okay. And no one asked you to spotlight the
14:06:49 4 shoving act?

14:06:50 5 A No.

14:06:51 6 MR. SHOOK: All right. If we could
14:06:59 7 continue forward after -- as Mr. Anthony starts to go
14:07:04 8 down that walkway.

14:07:05 9 Q Here he is running --

14:07:13 10 MR. SHOOK: If we could pause it, please.

14:07:15 11 Q And when he was running down the bleachers and
14:07:19 12 along that walkway, it appeared there were other
14:07:22 13 students or other people had been running behind him; is
14:07:26 14 that right?

14:07:26 15 A Yes, sir.

14:07:28 16 Q And as far as what is in a person's mind or
14:07:33 17 their intent, you, obviously, can't tell us that from
14:07:36 18 looking at the video, can you?

14:07:37 19 A No.

14:07:38 20 Q You can just tell us where they are going and
14:07:40 21 if they are running or walking and in what direction?

14:07:45 22 A All I can do is annotate their actions.

14:07:48 23 Q And we see the people pointing at him. You
14:07:51 24 pointed that out in the photographs and the video; is
14:07:51 25 that right?

14:07:54 1 A Yes, sir.

14:07:54 2 MR. SHOOK: And we can have it go forward
14:07:57 3 now.

14:08:07 4 Q Here he begins to slow down, and these people
14:08:09 5 are very close to him; are they not?

14:08:12 6 A Yes, sir.

14:08:12 7 Q And they are pointing at him?

14:08:14 8 A Yes.

14:08:14 9 Q Now, you can't tell us if they are yelling,
14:08:16 10 but from your life experience, when people are chasing
14:08:19 11 after and pointing at someone, are they usually yelling?

14:08:25 12 A Generally, yes.

14:08:27 13 Q So it doesn't appear he tried -- he takes a
14:08:28 14 right there --

14:08:28 15 MR. SHOOK: If we could pause it.

14:08:32 16 Q Where this tent was, or is, I believe is the
14:08:39 17 entrance -- or the entrance and exit is back this way;
14:08:43 18 is that right, if you are going to get out of the
14:08:46 19 stadium?

14:08:46 20 A It would actually be a little bit lower than
14:08:48 21 where you were pointing. That's the parking lot.

14:08:50 22 Q Okay.

14:08:50 23 A It would be adjacent or to the side of that
14:08:53 24 little tent right there.

14:08:55 25 Q But he would have gone this way?

14:08:57 1 A Yes.

14:09:01 2 Q And that would have been -- from what you have

14:09:03 3 seen in there, he was perfectly capable of continuing to

14:09:07 4 run and go out that way if he wanted to, correct?

14:09:10 5 A Yes, sir.

14:09:10 6 Q But it looks like he decided to turn direction

14:09:13 7 and began walking down on the track, or entered the

14:09:17 8 track; is that right?

14:09:18 9 A That's what I observed, yes.

14:09:19 10 MR. SHOOK: All right. If you could go

14:09:21 11 forward, please.

14:09:22 12 Q Does it appear someone is walking with him

14:09:26 13 here, or is he walking by himself?

14:09:30 14 A It appears someone is walking with him.

14:09:31 15 Q Okay. Do they have a hold of him in some way?

14:09:35 16 A At this point --

14:09:35 17 MR. SHOOK: Pause that, please.

14:09:37 18 okay. Maybe we can back that --

14:09:43 19 Q When he first came down, did it appear there

14:09:46 20 was someone walking with him?

14:09:48 21 A On the track?

14:09:49 22 Q Yes.

14:09:50 23 A Yes.

14:09:50 24 Q And that person --

14:09:51 25 MR. SHOOK: Thank you. That's perfect.

14:09:54 1 Q That appears they are walking together at this
14:09:57 2 point, which is 8:59; is that right?

14:10:02 3 A Yes, sir.

14:10:02 4 Q And does it appear they are walking in step,
14:10:05 5 perhaps they are talking to each other? You don't know,
14:10:08 6 but they are walking in step together?

14:10:10 7 A Yes.

14:10:11 8 Q Could the person in the darker colors possibly
14:10:14 9 have his arm around Karmelo?

14:10:16 10 A I would have to watch the video to determine
14:10:18 11 that.

14:10:19 12 MR. SHOOK: Okay. If we could go forward
14:10:21 13 with that.

14:10:22 14 If we could pause it there.

14:10:31 15 Q At 9:07, it appears that person peeled off and
14:10:39 16 then went over here, and then Karmelo and this -- made a
14:10:44 17 right and is kind of going toward the middle of the
14:10:48 18 track; is that right?

14:10:48 19 A Yes.

14:10:49 20 Q He didn't attempt to run away at that time,
14:10:53 21 did he?

14:10:53 22 A He did not.

14:10:53 23 Q He is free of -- if that person did have a
14:10:55 24 hold of him now, he was free to take off and run, if he
14:10:58 25 wanted to?

14:10:59 1 A Yes.

14:10:59 2 MR. SHOOK: Could we go forward again?

14:11:06 3 Q Now he turns around, now appears to be walking
14:11:09 4 back to the person he was walking with and now they are
14:11:17 5 walking together again. Do they appear to be embracing?

14:11:22 6 A The other person appears to have his arm
14:11:24 7 around him, yes.

14:11:25 8 Q Does he appear to have his arm around that
14:11:28 9 person?

14:11:28 10 A Yes.

14:11:28 11 Q They don't appear to be struggling, do they?

14:11:32 12 A No, sir.

14:11:32 13 Q Now, does it appear they are still walking and
14:12:06 14 turned around and going in the other direction?

14:12:08 15 A Yes.

14:12:08 16 Q Does it appear they are kind of holding on to
14:12:11 17 one another?

14:12:12 18 A They are in very close proximity. That's a
14:12:15 19 possibility, yes.

14:12:16 20 MR. SHOOK: Again, now, stopping here.

14:12:20 21 Q Now he appears to be walking free of anyone
14:12:24 22 holding on to him?

14:12:26 23 A Yes.

14:12:27 24 Q And now he is talking to someone?

14:12:30 25 A Correct.

14:12:30 1 Q Now it looks like he has gotten down on his
14:12:51 2 knees?
14:12:52 3 A Yes, sir. He may be squatting, yes.
14:12:55 4 Q Or squatting.
14:12:55 5 Does it appear that he is grabbing his head
14:13:16 6 with his hands at some point?
14:13:19 7 A Yes.
14:13:19 8 Q Does it appear that as he is walking with this
14:14:29 9 person here in all dark that at one point his hands are
14:14:34 10 up?
14:14:35 11 A Yes.
14:14:36 12 Q Did you ever see what is purported to be a
14:14:39 13 police officer, him ever resisting arrest, or anything
14:14:42 14 like that?
14:14:43 15 A No.
14:14:43 16 Q Never saw a struggle?
14:14:45 17 A No.
14:14:45 18 MR. SHOOK: Thank you. That's all.
14:15:22 19 THE COURT: Pass the witness?
14:15:23 20 MR. SHOOK: No, Judge, I will just need
14:15:25 21 to reposition.
14:15:25 22 THE COURT: Okay. Let's do that.
14:15:27 23 Can I have someone move the monitor,
14:15:28 24 please, if we are done with the monitor?
14:15:41 25 THE BAILIFF: Do you want IT to do it?

14:15:44 1 THE COURT: Yes, better them than the
14:15:46 2 lawyers.

14:15:47 3 All right. Let's go ahead and take a
14:15:49 4 break while we are waiting on IT to move everything. It
14:15:52 5 is now 2:15. We'll come back in at 2:30. Remember my
14:15:57 6 previous instructions to you. You are not allowed to
14:15:59 7 discuss this case with anybody, including amongst
14:16:04 8 yourselves. Please go with the bailiffs.

14:16:06 9 THE BAILIFF: All rise.

10 (Jury not present.)

14:16:07 11 THE COURT: Let the record reflect the
14:16:33 12 jury has left the courtroom. We'll be in recess for 15
14:16:37 13 minutes. Everybody listen to the security staff on the
14:16:40 14 progression of the recess.

15 (Recess in proceedings.)

14:37:17 16 THE COURT: Everyone be seated.

14:37:19 17 Hey, Shook, how much longer do you got
14:37:22 18 with this witness?

14:37:24 19 MR. SHOOK: Give me one second, Judge. I
14:37:25 20 may not have any.

14:37:36 21 MR. WIRSKYE: Can we approach?

22 (Off-the-record discussion.)

14:38:14 23 THE COURT: Mr. Shook, how long do you
14:38:20 24 need with this witness?

14:38:21 25 MR. SHOOK: That's all the questions I

14:38:22 1 have, Judge.

14:38:23 2 THE COURT: Okay. Then I need you to do
14:38:24 3 that in front of the jury so they understand what's
14:38:26 4 happened.

14:38:26 5 Let's bring in the jury, please.

14:38:30 6 MR. MITCHELL: Before we bring the jury
14:38:31 7 in, I misstated. What I showed the Defense was State's
14:38:35 8 Exhibit-3 through 20. I think on the record I said 3
14:38:38 9 through 19.

14:38:40 10 THE COURT: You did.

14:38:40 11 MR. MITCHELL: So I would like to
14:38:43 12 re-offer that as 3 through 20.

14:38:46 13 THE COURT: The objection to, basically,
14:38:48 14 20 now?

14:38:49 15 MR. SHOOK: No objection.

14:38:52 16 THE COURT: I think you said 13
14:38:52 17 through --

14:38:53 18 MR. MITCHELL: I said 19 and I meant 20.

14:38:56 19 THE COURT: So 13 through 20? So no
14:39:00 20 objection to 13 through 20?

14:39:03 21 MR. SHOOK: No objection.

14:39:03 22 THE COURT: They are all admitted.
14:39:03 23 Are we ready otherwise?

14:39:05 24 MR. MITCHELL: Yes, Your Honor.

14:39:06 25 THE COURT: Yeah, we are ready, Mr.

14:39:07 1 Rollins.

14:39:59 2 where are you going?

14:40:01 3 THE WITNESS: Sorry.

14:40:02 4 THE COURT: where are you going?

14:40:05 5 THE WITNESS: I want -- the location of

14:40:06 6 my laser pointer, I just want to verify that Dewey has

14:40:11 7 got it.

14:40:13 8 THE COURT: Head back over there.

14:40:16 9 THE WITNESS: Sorry, Your Honor.

14:40:32 10 THE BAILIFF: All rise.

11 (Jury present.)

14:41:05 12 THE COURT: Everyone be seated, please.

14:41:06 13 All right. Mr. Shook, you can continue.

14:41:11 14 MR. SHOOK: Your Honor, I pass the

14:41:12 15 witness.

14:41:13 16 THE COURT: what says the State, Mr.

14:41:14 17 Mitchell?

14:41:15 18 MR. MITCHELL: No further questions.

14:41:16 19 THE COURT: This witness excused by the

14:41:17 20 State?

14:41:18 21 MR. MITCHELL: By the State.

14:41:20 22 THE COURT: By the Defense?

14:41:21 23 MR. SHOOK: Yes, Your Honor.

14:41:22 24 THE COURT: Okay. You are excused, sir.

14:41:23 25 Thank you.

14:41:23 1 call your next witness.

14:41:25 2 MR. WIRSKYE: Your Honor, the State would

14:41:26 3 call Rob Starr.

14:41:28 4 THE COURT: Okay. Mr. Starr, come into

14:41:51 5 the courtroom, over this way, and walk up that little

14:41:54 6 ramp.

14:41:54 7 Before you sit down, turn to me and raise

14:41:57 8 your right hand.

9 (Witness sworn.)

14:42:06 10 THE COURT: All right. Put your hand

14:42:06 11 down and be seated, please.

14:42:09 12 who is it? Mr. Wirskeye?

14:42:13 13 Yes, sir.

14:42:15 14 MR. WIRSKYE: Thank you, Your Honor.

15 ROBERT STARR,

16 having been first duly sworn, testified as follows:

17 DIRECT EXAMINATION

14:42:15 18 BY MR. WIRSKYE:

14:42:16 19 Q Mr. Starr, can you look at the members of the

14:42:19 20 jury and tell them your full name?

14:42:21 21 A Robert Wayne Starr, Jr.

14:42:23 22 Q Okay. And how old a man are you?

14:42:26 23 A 41.

14:42:27 24 Q Okay. And what do you do for a living?

14:42:30 25 A I'm the head track coach at Frisco Memorial.

14:42:33 1 I am also assistant football coach, linebacker position
14:42:38 2 coach.

14:42:40 3 Q In your free time, if you have any, do you
14:42:42 4 also train professional athletes?

14:42:45 5 A Yes, I am an athletic trainer. I am a CSCS,
14:42:49 6 so specifically combat sport athletes, UFC, Division 1
14:42:54 7 wrestling. Pretty much anything, though. Anything
14:42:58 8 athletic, non-athletic, health and wellness.

14:43:02 9 Q And let me back up. What part of Texas or
14:43:05 10 what part of the country are you from?

14:43:08 11 A Originally, I am from Oklahoma. A small town,
14:43:11 12 Arcadia, Oklahoma. I moved down to Texas when I was --
14:43:15 13 I believe I was -- I can't recall, but I think I was --
14:43:20 14 I know it was first grade, and I have been down here
14:43:24 15 ever since. When I first came down here, I stayed in
14:43:27 16 Oak Cliff. I moved to Dallas, and then I moved to
14:43:30 17 Irving.

14:43:33 18 Q Okay. And did you coach at Irving?

14:43:34 19 A Yes, sir. So Irving was my first coaching
14:43:39 20 job. I started off at a middle school. I was actually
14:43:41 21 a life teacher, and my first coaching job with Special
14:43:45 22 Olympics, did that for a couple of years. And then I
14:43:49 23 became just a regular gym/ed coach at Lady Bird Johnson
14:43:54 24 middle school, seventh grade and eighth grade athletics.

14:43:56 25 Shortly after that, I was promoted to a

14:43:59 1 varsity position at the high school. I worked at Irving
14:44:02 2 High School for around four or five years. I wanted to
14:44:04 3 grow in my profession, so I moved to a school in South
14:44:12 4 Oak Cliff. It is called Molina High School. I worked
14:44:15 5 there for, I believe, a year and a half.

14:44:17 6 After working there, then I got a call from
14:44:19 7 Jeff Jackson at Memorial High School, went out there for
14:44:23 8 an interview and then started working at Memorial
14:44:24 9 shortly after.

14:44:27 10 Q Did you play sports at all coming up?

14:44:29 11 A Yeah, so in high school played football,
14:44:32 12 basketball, ran track; just about everything. Went off
14:44:36 13 to college, went to Virginia Tech for a little bit and
14:44:40 14 wanted to walk on to the football team. I was only
14:44:44 15 there for a semester, until I transferred to UNT. Went
14:44:48 16 out there and kind of got into the working force, but
14:44:53 17 joined the frat and those guys were really big into
14:44:56 18 rugby, so I started participating on the rugby team out
14:44:59 19 there for, I think, a couple of years. Either a year
14:45:02 20 and a half or a couple of years my last two years of
14:45:04 21 school.

14:45:04 22 Q And then got your degree from UNT and went
14:45:07 23 into teaching and coaching; is that right?

14:45:09 24 A Yes, sir.

14:45:09 25 Q I think you mentioned this, but you are

also -- you have a position on the football team at Memorial?

A Yeah, so I am several different things on the football team. So I am the strength and conditioning coordinator. I started off just specifically football, but now it is more all campus. I will work with all sports. I will consult, or if needed, I will just program their, either, off-season, in-season workouts; fitness, as far as Memorial. You know, the same thing with football, just assistant coach and head track coach.

Q And let me jump back a little bit into April of last year. You mentioned you were one of the head track coaches. Do you have other coaches at Memorial that were coaching the track team last year?

A Yeah. Yes, sir, so --

THE COURT: We're going to do this by question and answer, please.

Q Do you have other coaches --

THE COURT: He said yes, but now we need to ask another question.

MR. WIRSKYE: Okay.

Q Who are the other coaches?

A At that time, I had -- on the boys' side, we had three other coaches: a Coach Ruiz, a Coach Ballard,

14:46:17 1 and a Coach Bassham. On the girls' side, the head coach
14:46:21 2 was Coach Davis, and then you had two other coaches:
14:46:24 3 Coach Woods, and then we had an additional coach on the
14:46:29 4 girls' side. She is no longer with us, and I can't
14:46:31 5 recall her name at the time -- or right now.

14:46:35 6 Q And did -- last year did you -- or the last
14:46:38 7 few years, have you coached the linebackers at Memorial?

14:46:41 8 A Yeah, yes, sir. So obviously, this year and
14:46:44 9 in the previous year, I was the linebacker coach. I was
14:46:47 10 actually hired to coach linebackers. That's what was
14:46:53 11 told to me specifically during the interview.

14:46:55 12 Q And in your time there at Memorial, did you
14:46:58 13 come to know Austin and [REDACTED]

14:47:02 14 A Yeah, so I was their position coach so --

14:47:05 15 Q Did they both play linebacker there at
14:47:08 16 Memorial?

14:47:09 17 A Yes, sir. At that time, Austin was inside
14:47:11 18 linebacker; [REDACTED] was outside linebacker.

14:47:15 19 Q Okay. So fair to say you knew them for a few
14:47:19 20 years?

14:47:20 21 A Yeah, I would say maybe -- with Austin,
14:47:24 22 obviously, just one year; and then [REDACTED] two years
14:47:28 23 now.

14:47:29 24 MR. WIRSKYE: Okay. Your Honor, might I
14:47:32 25 approach as it may become necessary?

14:47:34 1 THE COURT: Yes, sir.

14:47:54 2 MR. WIRSKYE: Thank you.

14:47:54 3 Q Coach, let me show you two photographs on foam
14:47:58 4 boards marked for identification as State's Exhibit
14:48:02 5 Number 21 and State's Exhibit Number 22. Do you
14:48:10 6 recognize Austin Metcalf in the first photo and Austin
14:48:14 7 and [REDACTED] in the second photo?

14:48:16 8 A Yes, sir.

14:48:18 9 MR. WIRSKYE: Your Honor, at this time we
14:48:19 10 would offer State's-21 and 22.

14:48:32 11 MR. SHOOK: No objection, Your Honor.

14:48:33 12 THE COURT: State's-21 and 22 are
14:48:37 13 admitted.

14:48:38 14 MR. WIRSKYE: Permission to publish to
14:48:38 15 the members of the jury?

14:48:39 16 THE COURT: Granted.

14:48:39 17 Q Let me show you State's Exhibit-21. That's
14:48:42 18 Austin Metcalf; is that right?

14:48:43 19 A Yes, sir.

14:48:45 20 Q Is that how you remember him?

14:48:47 21 A Yeah.

14:48:54 22 Q And I also show you State's-22. Is that
14:48:57 23 Austin and [REDACTED]

14:48:58 24 A Yeah. Yes, sir.

14:48:59 25 Q Okay. They are, obviously, identical twins;

14:49:02 1 is that right?

14:49:04 2 A Yeah. Yes, sir.

14:49:05 3 Q All right. But you could tell them apart?

14:49:08 4 A Yeah.

14:49:11 5 Q Did you also know their parents?

14:49:14 6 A Yes, Megan and Jeff.

14:49:16 7 Q Okay. Do you happen to see Megan and Jeff in

14:49:20 8 the courtroom today?

14:49:21 9 A Yeah, I see Meg and I see Jeff, yes.

14:49:25 10 Q Is it fair to say you got pretty close to the

14:49:27 11 family based on your coaching duties there at Memorial?

14:49:31 12 A Yes, sir.

14:49:32 13 Q Now, let me ask you a little bit about track.

14:49:36 14 I got to know you probably, what, nine months ago?

14:49:39 15 A Yes, sir.

14:49:39 16 Q And you had to educate me a little bit on the

14:49:42 17 etiquette of the track meet, right?

14:49:45 18 A Yes, sir.

14:49:46 19 Q Tell the members of the jury the culture that

14:49:49 20 exists at any track meet with respect to the team tent

14:49:54 21 or the team area.

14:49:57 22 A Yeah, it just basically -- at a track meet

14:50:01 23 with a lot of kids, usually it is co-ed, so your boys

14:50:06 24 and your girls are kind of -- even though we have

14:50:09 25 separate coaching staffs, we want to operate together.

14:50:11 1 And with that said, everything is vertically aligned to
14:50:16 2 be -- for best practices, aligned with whatever the
14:50:19 3 district prescribes.

14:50:21 4 As far as the tents specifically, I don't want
14:50:26 5 to embellish, but it is like a million dollar industry
14:50:28 6 on track tents where, you know, as a track coach, every
14:50:33 7 year, either we have to refurbish a tent or we are
14:50:36 8 looking for -- basically, the tent marks your spot,
14:50:39 9 because track meets, there is usually one home meet,
14:50:43 10 right? But even at a home meet, you have spaces in
14:50:47 11 bleachers, underneath bleachers, where kids are going to
14:50:50 12 have food, you are going to have boys and girls. And
14:50:54 13 specifically, you are not going to have as many coaches
14:51:00 14 versus kids.

14:51:00 15 So in reference, a football staff, a varsity
14:51:03 16 football game, we may have maybe 40 kids. For those 40
14:51:08 17 kids, though, we have 12 coaches who service those kids.
14:51:11 18 Our track team, our boys' team specifically has 40 kids.
14:51:15 19 I mentioned earlier, I think we only had four coaches.
14:51:18 20 One of those coaches is a volunteer coach, and that's
14:51:21 21 Coach Bass. He volunteers for the boys. On the girls'
14:51:25 22 side, you may have 30, 35 kids. Overall, you may show
14:51:29 23 up to a track meet between 60, 65 kids, between boys and
14:51:33 24 the girls, and you are going to service them with maybe
14:51:36 25 six or seven coaches.

14:51:37 1 And with that said, with the backpacks and the
14:51:40 2 food and just a lot of hormones and not a lot of eyes,
14:51:45 3 the one thing that we try to do is at least designate
14:51:48 4 certain spots. Sometimes the designation is done
14:51:52 5 preemptively by the people who are running the meet, but
14:51:55 6 a lot of times you have to do it yourself. And a really
14:51:58 7 easy way to do it is to have a customized tent. Most
14:52:02 8 high schools have them. And it is just a tent, usually
14:52:05 9 has your logo, your school colors on it.

14:52:07 10 what the tent represents, if I can put it into
14:52:11 11 context, it is kind of like your bench. So think about
14:52:15 12 a basketball game or a football game. You have your
14:52:20 13 bench and you have the opponent's bench. That space is
14:52:24 14 a safe area for your team, specifically. Now, usually,
14:52:28 15 in track, even with that said, as a precaution, you
14:52:33 16 usually have a coach there that hangs back underneath
14:52:36 17 the tent at all times.

14:52:38 18 Q Coach, I am going to stop you right there.

14:52:39 19 A Yes, sir.

14:52:39 20 Q You mentioned a term to me: proximity
14:52:41 21 control.

14:52:42 22 A Uh-huh.

14:52:42 23 Q You have to say yes-or-no.

14:52:44 24 A Oh, yes, sir.

14:52:45 25 Q Okay. And it sounds like that's what you were

14:52:47 1 about to describe; is that correct?

14:52:49 2 A Yes, sir.

14:52:49 3 Q When it comes to tents and proximity control,
14:52:52 4 tell the members of the jury what proximity control is.

14:52:56 5 A So proximity control is just keeping a coach
14:52:59 6 close to the tent at all times. Going back to what I
14:53:03 7 said earlier, you are going to have kids with valuables.
14:53:05 8 You know, in track, the culture is, man, we are going to
14:53:08 9 be there all day. So kids are going to bring backpacks;
14:53:11 10 you are going to have phones. These are student
14:53:14 11 athletes, so sometimes there is laptops; just valuable
14:53:17 12 things.

14:53:17 13 On top of that, you are going to have food,
14:53:20 14 snacks; just about anything. And then, you know, last
14:53:25 15 but not least, like I said, it is co-ed, so you are
14:53:27 16 going to have boys and girls in the tent. So you want
14:53:30 17 to have an adult close by at all times, if available.

14:53:35 18 Q Okay. That's just standard practice at these
14:53:38 19 track meets; is that correct?

14:53:39 20 A Yes, sir.

14:53:40 21 Q Okay. And that's kind of the general
14:53:44 22 expectation, that members of other teams shouldn't be
14:53:48 23 under another team's tent; is that right?

14:53:51 24 A Well, I could speak specifically to Frisco
14:53:54 25 ISD. Yes, sir, that is the expectation.

14:53:57 1 Q Okay.

14:53:57 2 A Now, previous -- in previous school districts
14:54:01 3 that I was at, it was very similar. So when I was in
14:54:04 4 Dallas ISD at Molina High School, we had a track tent
14:54:08 5 that was specifically meant for the boys and girls at
14:54:11 6 Molina High School. When I was at Irving High School,
14:54:14 7 we had a track tent that had our logo on there
14:54:17 8 specifically meant for the boys and girls at Irving High
14:54:20 9 School.

14:54:20 10 At all three of those track programs, two
14:54:23 11 which I was the head coach of, Irving High School and
14:54:26 12 Memorial High School, it was a big deal to keep people
14:54:31 13 out from underneath your tent. Obviously, there are
14:54:33 14 valuables, there is snacks; and then, like I said, it is
14:54:38 15 a lot of kids, a lot of hormones. You just want to keep
14:54:42 16 everybody separated, the best you can.

14:54:44 17 Q Okay. And that's something that's important
14:54:46 18 to you -- in addition to being school district policy,
14:54:48 19 it is something that's important to you as that head
14:54:51 20 track coach?

14:54:52 21 A Yes. So not only is it important to me, it is
14:54:55 22 important to our campus athletic director. So these are
14:54:59 23 things that are prescribed by him and we are vertically
14:55:01 24 aligned for the things he prescribes for us. And so
14:55:06 25 when it is co-ed, we have got to police our own kids,

14:55:09 1 but you are definitely going to police kids who are
14:55:11 2 trying to come in and out of your tent. And I am not
14:55:14 3 saying that that's something that is uncommon, but in
14:55:16 4 track culture, you know that you just don't go into
14:55:20 5 somebody else's tent uninvited, I guess, or even if
14:55:24 6 invited. That's why we will have a coach in close
14:55:28 7 proximity, to regulate those things.

14:55:32 8 Q Let me also ask you about this. It sounds
14:55:34 9 like you have worked in DISD, Irving ISD, and Frisco
14:55:37 10 ISD. Do all of the school districts have a policy on
14:55:41 11 bringing weapons onto school property or at school
14:55:44 12 events?

14:55:44 13 A Yes, sir.

14:55:44 14 Q what is that policy?

14:55:46 15 A That weapons are not allowed in any shape,
14:55:48 16 form, or fashion.

14:55:49 17 Q Is that something you worried about maybe at
14:55:51 18 Dallas ISD and Irving ISD but maybe worried a little bit
14:55:55 19 less about it in Frisco ISD?

14:55:58 20 A Just a little bit. A little bit in Irving
14:56:00 21 ISD, depending on which track meet that you went to. A
14:56:05 22 little bit more in Dallas ISD. And not to, you know,
14:56:10 23 insinuate anything, but just the teams that we were
14:56:12 24 playing, it was a thing. And it was not, you know, my
14:56:16 25 personal feelings. But in Dallas ISD, you would have

14:56:20 1 metal detectors, and things like that, like things that
14:56:22 2 I didn't necessarily see at every track meet when we
14:56:26 3 were in Irving ISD.

14:56:27 4 Frisco ISD was a little bit different. I am
14:56:30 5 not saying that it should have been, but it was just
14:56:33 6 something that, you know, wouldn't cross your mind twice
14:56:37 7 that somebody would bring a weapon to a track meet,
14:56:39 8 especially after not experiencing that in maybe more
14:56:45 9 inner city districts. You know, you wouldn't expect
14:56:48 10 that at a Frisco ISD track meet, especially at a home
14:56:53 11 district meet, no, sir.

14:56:54 12 Q Okay. And do the students know this as well?
14:56:58 13 Is it publicized?

14:57:00 14 A Yes.

14:57:01 15 Q Do they have to sign a code of conduct to
14:57:02 16 promise not to bring weapons onto a school campus or
14:57:05 17 school events?

14:57:07 18 A Yes.

14:57:11 19 Q Let me kind of turn your attention a little
14:57:13 20 bit towards the day -- that day: Wednesday, April 2nd.
14:57:19 21 That was a district meet; is that right?

14:57:21 22 A Yes, sir.

14:57:22 23 Q What is a district meet?

14:57:25 24 A A district meet is like your track
14:57:30 25 championship between the teams who all are in that

14:57:34 1 district, right? And so I believe our track district is
14:57:37 2 seven teams. You participate at the district meet to
14:57:40 3 get into the -- I guess you would call them track
14:57:43 4 playoffs, right? So you have got two different leagues
14:57:48 5 and we have got state. So you start off at your
14:57:51 6 district meet, usually the top four advance to your area
14:57:54 7 meet. From there, the top four placers in whatever
14:57:58 8 event will advance to your regional meet; and then from
14:58:01 9 there, the top two will advance to your state meet.

14:58:05 10 Q And specifically, back in 2025, Austin and
14:58:10 11 [REDACTED] they were throwers, right?

14:58:12 12 A Yes, sir.

14:58:13 13 Q What does it mean to be a thrower in the track
14:58:15 14 context?

14:58:16 15 A In track context, that is exactly what it is.
14:58:20 16 Those guys, they throw stuff. So Austin threw shot and
14:58:23 17 disc; [REDACTED] threw shot and disc.

14:58:26 18 Q And going back to that district meet that day,
14:58:29 19 was Memorial High School the host school?

14:58:32 20 A Yes, sir.

14:58:33 21 Q What does that mean?

14:58:35 22 A So if you are the host school, that means you
14:58:37 23 are responsible for running the meet. It is a pretty
14:58:40 24 big deal, especially for a head track coach. But it
14:58:45 25 also requires a lot of responsibility and a lot of

14:58:48 1 moving parts, because you are basically responsible on
14:58:50 2 how the meet runs, logistics, the catering. Everything
14:58:55 3 from the top down. I believe last year, it was
14:59:00 4 Memorial. We had a helper school, I believe, and it may
14:59:03 5 have been Frisco High; but yeah, that's all I can recall
14:59:08 6 at the time about that.

14:59:09 7 Q Is the practical effect of your school being a
14:59:13 8 host, does that place extra burdens on the coaches of
14:59:17 9 that school?

14:59:18 10 A Yes, sir. And so to kind of go back to what I
14:59:22 11 was saying earlier, at most meets, you know, there is a
14:59:25 12 laid-out plan logistically, specifically with the
14:59:29 13 proximity control and where your coaches are at. At the
14:59:34 14 district meet, since we were the host, you are going to
14:59:36 15 be down certain coaches due to, number one, the
14:59:40 16 staggered starts of events and then due to the
14:59:43 17 responsibilities of the two head coaches.

14:59:45 18 Usually I can be close to the tent while I am
14:59:49 19 doing things for my other athletes, or I can come back
14:59:53 20 and forth and check on athletes or I can have my other
14:59:57 21 head coach on the girls' side, she can do so as well.
15:00:01 22 But since we are running the meet, it is a little bit
15:00:04 23 different. Now we are walking around with
15:00:06 24 walkie-talkies and then we are handling logistics and
15:00:08 25 doing things that you normally don't do at a track meet.

15:00:11 1 Specifically, you know, I am dealing with
15:00:13 2 catering. And, you know, that's something I don't do;
15:00:14 3 or you are dealing with concessions, and different
15:00:17 4 things like that, versus the normal, everyday duties
15:00:21 5 that you do for every other track meet.

15:00:24 6 Q And that's the position you found yourself in
15:00:26 7 that morning, April 2nd, hosting that district meet,
15:00:29 8 correct?

15:00:29 9 A Yes, sir.

15:00:32 10 Q Okay. Were you able to anticipate that you
15:00:35 11 were going to be pulled in a hundred different
15:00:38 12 directions that morning?

15:00:39 13 A Yes, sir. My A-D, he previously, at his
15:00:44 14 previous school, was in charge of hosting a track meet
15:00:49 15 before he became a head football coach and kind of gave
15:00:53 16 me the skinny, or kind of gave me a rundown on what it
15:00:56 17 would be. And he told me, he said, I am going to have
15:00:58 18 to delegate a lot of things in order to make sure that
15:01:00 19 the track meet runs smoothly.

15:01:02 20 Q Did you enlist several of the young men on the
15:01:05 21 team to kind of step up that day and be leaders out
15:01:08 22 there?

15:01:09 23 A Yeah. Yes, sir. Specifically, our throwers,
15:01:13 24 right? And usually, the throwers are typically leaders
15:01:16 25 on the team, especially your upper classmen. Those guys

15:01:21 1 are responsible for getting the tents off the bus,
15:01:23 2 carrying heavy stuff, any type of snacks, or anything.
15:01:27 3 They assist with the -- we usually take two buses, so
15:01:29 4 one bus has the boys, the second bus has the girls. Any
15:01:34 5 equipment that is on the girls' bus, our throwers will
15:01:38 6 go and also help the ladies out and get the equipment
15:01:42 7 off of their bus and put it in our designated area.

15:01:45 8 Our throwers, specifically, are responsible
15:01:47 9 for putting up the tent, as well as their own equipment.
15:01:51 10 And with that said, it was easy to entrust those guys
15:01:54 11 with, hey, I am going to be moving around a little bit.
15:01:57 12 Those guys are super reliable to ask them, hey, anything
15:02:02 13 under the tent or anything, you know, that I need to be
15:02:05 14 done, I need you guys to step up and make sure that we
15:02:09 15 are still aligned with Memorial High School and then our
15:02:13 16 values.

15:02:14 17 Q Okay. In fact, you sent a text early that
15:02:16 18 morning to Austin Metcalf and another young man saying,
15:02:19 19 hey, I need y'all to step up and be leaders today; is
15:02:23 20 that correct?

15:02:23 21 A Yes, sir. I told them that there was a lot of
15:02:26 22 moving parts and I will be pulled in many different
15:02:28 23 directions, so yes, sir.

15:02:29 24 Q Okay. And as the morning went on -- the
15:02:33 25 forecast was for on-and-off rain all day, correct?

15:02:37 1 A Yes, sir.

15:02:37 2 Q Let me take your attention to about -- I don't
15:02:39 3 know -- 9:30, 10 o'clock. Was there ever a rain delay
15:02:43 4 in the district meet that morning?

15:02:46 5 A No, sir, there was no official rain delay in
15:02:50 6 the district meet that morning. There was some
15:02:52 7 confusion, but since we were in charge of hosting the
15:02:57 8 meet, we were walking around with walkie-talkies, our
15:03:01 9 district A-D told us that there was no rain delay and
15:03:04 10 the track meet should go on as planned or as scheduled.

15:03:09 11 Q So your athletes at Memorial, because you are
15:03:12 12 on the walkie-talkie, you are hosting, you get the word
15:03:15 13 from the A-D, they know there is no delay, be at the
15:03:19 14 tent; if they are calling your event, get on the field
15:03:21 15 to warm up, correct?

15:03:23 16 A Yes, sir. And specifically, out of all of our
15:03:26 17 athletes who are under the tent, only two athletes left
15:03:31 18 and transitioned back to the bus, as they seen just
15:03:36 19 numerous kids kind of going to the bus, as it seemed
15:03:39 20 like it was about to rain. But for the most part, most
15:03:43 21 of our athletes stayed underneath the tent.

15:03:45 22 Q But some of the other teams, the other
15:03:47 23 schools, the other athletes went to the buses; is that
15:03:50 24 right?

15:03:50 25 A Yeah, so the other athletes followed their

15:03:52 1 coaches out to the bus. And typically, you know, it
15:03:56 2 looked ominous. There was black clouds rolling in. And
15:04:00 3 at any other track meet, you know, it probably would
15:04:03 4 have been a rain delay coming soon, so those coaches and
15:04:06 5 student athletes anticipated that. At this specific
15:04:11 6 track meet, especially since we were hosting, we got a
15:04:13 7 call, hey, where is everybody going, the track meet is
15:04:15 8 still running, where is everybody going, the track meet
15:04:17 9 is still running as usual, everybody needs to stay in
15:04:20 10 the bleachers.

15:04:21 11 Q At about 10 o'clock -- you mentioned you
15:04:24 12 weren't used to working with caterers or concessions --
15:04:25 13 did you have to do something with a Crock-Pot?

15:04:30 14 A Yes.

15:04:31 15 Q Tell us about that.

15:04:33 16 A And so I guess, you know, since we are hosting
15:04:37 17 the meet, it is our concessions. And they never -- you
15:04:41 18 know, our boosters are really good. They never really
15:04:45 19 miss out on anything. But I guess in this particular
15:04:48 20 meet, we were missing a Crock-Pot. I didn't think it
15:04:50 21 was a big deal; but apparently, it was a big deal. And
15:04:54 22 so we had a teacher -- I think it was a coach; I think
15:04:58 23 it was our soccer coach, if I recall correctly -- go
15:05:01 24 back to the school, get a Crock-Pot, come back and drop
15:05:05 25 it off. I had to leave the actual inside of the -- of

15:05:10 1 Kuykendall, step outside into the parking lot and get a
15:05:16 2 Crock-Pot from this coach.

15:05:17 3 Q So about 10 o'clock, you left the area where
15:05:20 4 the tent was and your athletes and go retrieve that
15:05:25 5 Crock-Pot, correct?

15:05:25 6 A Yes, sir.

15:05:25 7 Q And the jury has seen a lot of video and
15:05:28 8 they've seen some aerials. I want to show it to you.
15:05:31 9 It is entered as State's Number 1. Is that Kuykendall
15:05:33 10 Stadium?

15:05:34 11 A Yes, sir.

15:05:35 12 Q Okay. And the jury has heard that y'all's
15:05:38 13 tent was set up on the visitor or the north bleachers;
15:05:42 14 is that correct?

15:05:43 15 A Yes, sir.

15:05:43 16 Q Kind of generally where my finger is here?

15:05:45 17 A Yes, sir.

15:05:46 18 Q And where did you have to go and --

15:05:48 19 MR. WIRSKYE: May he stand up?

15:05:50 20 THE COURT: Yes, sir.

15:05:51 21 Q Can you stand up and kind of show the members
15:05:53 22 of the jury where you had to go with the Crock-Pot.

15:05:56 23 A So here's the concessions right here.

15:05:59 24 Q Can you try to stay in the microphone? You
15:06:01 25 can stand up. The microphone lifts up. There you go.

15:06:06 1 MR. SHOOK: Your Honor, may I move?

15:06:08 2 THE COURT: Yes.

15:06:08 3 Q Go ahead.

15:06:09 4 A Here are the concessions right here. And so
15:06:11 5 basically, I had to come out here, in front of the
15:06:16 6 parking lot, and make my way back inside the gate and
15:06:19 7 then walk on the outside up this little -- you can't see
15:06:24 8 it, but it is kind of a steep hill right here, walk up
15:06:27 9 here until I got to the sidewalk; and then kind of going
15:06:29 10 to make your way over here to the concessions right
15:06:32 11 here.

15:06:33 12 Q Okay. And that's where you went about 10
15:06:35 13 o'clock; is that right?

15:06:37 14 A Yes, sir.

15:06:38 15 Q And at some point, did you make your way back
15:06:42 16 and come down the hill?

15:06:44 17 A Yes, sir. So I was coming up with the
15:06:48 18 Crock-Pot and I -- you know, I got to about right here,
15:06:52 19 and I hear a -- or not hear. I look back and I see some
15:06:58 20 type of commotion. I see, like, people running. And so
15:07:02 21 I started to kind of walk back over here to where my
15:07:05 22 vantage point -- I can see where our tent was.

15:07:08 23 It seemed like everybody was kind of running
15:07:11 24 from our tent, so I started to kind of hustle down. You
15:07:15 25 know, I am rushing, so I don't want to go down the

15:07:18 1 sidewalk and try to cut corners. The grass is kind of
15:07:21 2 slick, so I have to kind of take my time until I get to
15:07:24 3 the concrete.

15:07:25 4 There are little bitty openings in each one of
15:07:28 5 these gates. So everybody is running, and I guess I
15:07:33 6 keep -- either the openings are closed or maybe I am
15:07:35 7 just not seeing the openings. But it seems like I
15:07:37 8 cannot find a space to get inside of the actual track.
15:07:42 9 So I start to jog around here. I drop the Crock-Pot
15:07:49 10 somewhere in this area, and I continue to make my way up
15:07:54 11 through here. I think I finally jump a fence and still
15:07:59 12 stay on the sidewalk and I am just running, kind of up
15:08:03 13 here.

15:08:03 14 Q You are trying get back to your team's tent,
15:08:05 15 correct?

15:08:06 16 A Yeah. Yes, sir.

15:08:07 17 Q When you see this what you described as
15:08:09 18 commotion, what's going through your head?

15:08:12 19 A Well, I am thinking, like, man, there are no
15:08:15 20 coaches by my tent and maybe some kids are fighting. So
15:08:18 21 I am trying to hurry up and get over there and see what
15:08:21 22 is going on.

15:08:23 23 Q And when you get over there, what do you find?

15:08:32 24 A I come over there -- and my memory is kind of
15:08:39 25 shaky, but what I do see is I see Austin on the ground,

15:08:42 1 and his face is purple and he has a big hole in his
15:08:48 2 chest.

15:08:50 3 Q And, obviously, you cared about that young
15:08:53 4 man?

15:08:53 5 A Yeah. Yes.

15:08:57 6 Q What happens when you see that?

15:09:00 7 A It is just a lot of commotion and I can't
15:09:02 8 really make stuff out. Everybody is screaming my name,
15:09:06 9 though. Like, I see him, and then somebody tells me,
15:09:16 10 you know, I need to go help another student out; a
15:09:19 11 student whose name is [REDACTED]

15:09:22 12 Q That's [REDACTED]

15:09:23 13 A Yes.

15:09:24 14 Q The jury has heard his name. Go ahead.

15:09:26 15 A I have to step over where Austin is, and I
15:09:28 16 have to go over there and I have to help out [REDACTED]
15:09:33 17 because he is kind of -- you know, he is losing his
15:09:35 18 composure. He is really hysterical. And I am having a
15:09:40 19 hard time recalling all of those events, but after
15:09:44 20 helping him out, for -- it didn't seem like a very long
15:09:50 21 time, making my way back to Austin, I see our trainers
15:09:55 22 working on him. And then I hear [REDACTED] and I look over,
15:09:59 23 and I can't tell you who was holding him, but I see him
15:10:06 24 telling me to do something. He is, like, Coach Starr,
15:10:09 25 do something. And I just remember saying, like, who?

15:10:14 1 where is he? And he pointed out Karmelo. Karmelo was
15:10:18 2 on the track; he was walking. And when he said --

15:10:22 3 Q Let me stop you right there. The jury just
15:10:24 4 saw some video. Do you end up approaching Karmelo
15:10:28 5 Anthony that day?

15:10:29 6 A Yes, sir.

15:10:32 7 Q And I don't know if you remember this, but you
15:10:34 8 were dressed in all black; is that right?

15:10:36 9 A Yes, sir.

15:10:37 10 Q That's kind of your thing, isn't it?

15:10:39 11 A Yeah. Yes, sir.

15:10:40 12 Q We see it today?

15:10:41 13 A Yes, sir.

15:10:42 14 Q Did you go over to where Karmelo Anthony was?

15:10:45 15 A Yes, sir. I hopped over the gate, and I
15:10:51 16 approached him; I jogged up. I believe he was walking
15:10:55 17 with two other coaches. Specifically, I think they were
15:10:59 18 two coaches from his school. I jog up, and these guys
15:11:05 19 are, like, just casually walking out. I don't think
15:11:09 20 those guys knew what had happened. And I just stopped
15:11:12 21 them and, you know -- you -- you know, you run through
15:11:17 22 these events, you know, with your own kids, or just --
15:11:20 23 maybe not to this extent, but you tell yourself what you
15:11:24 24 would do.

15:11:24 25 But when I stopped him, it was just -- you

15:11:27 1 know, it is surreal. And it wasn't even -- it wasn't
15:11:31 2 violent, it wasn't -- I just put a hand up and told him
15:11:34 3 he wasn't going anywhere, and I asked him what did he
15:11:38 4 do.

15:11:38 5 Q what did he say?

15:11:39 6 A He said he put his hands on me, and he was
15:11:42 7 hysterical. I remember after that --

15:11:46 8 Q You say hysterical. Was Karmelo Anthony
15:11:49 9 hysterical?

15:11:50 10 A Yes.

15:11:53 11 Q Was he hysterical when you first walked up on
15:11:56 12 him?

15:11:56 13 A No.

15:11:57 14 Q Tell the members of the jury about that.

15:11:58 15 A He was walking very calmly with his coaches
15:12:00 16 until I approached him and asked him what did he do.
15:12:05 17 You know, I can't remember my verbiage, but it was
15:12:09 18 something, like, you know, what the hell did you do, or
15:12:11 19 something like that. After he said he put his hands on
15:12:14 20 me, I got really upset, and I maybe walked away two or
15:12:19 21 three steps. I had a hat on. I always wear my, just
15:12:22 22 really dusty, Memorial hat I just like to wear; and I
15:12:26 23 just remember throwing it on the ground.
15:12:28 24 And I put my hands on my hips and I turned
15:12:31 25 around; and, you know, his coaches told me that I needed

15:12:34 1 to leave. But later on, they told me they didn't
15:12:37 2 realize that I was a Memorial coach because I am
15:12:41 3 always --

15:12:41 4 Q Was it --

15:12:41 5 A Go ahead.

15:12:41 6 Q Was it apparent to you they wanted you to
15:12:43 7 leave because they were worried about your emotional and
15:12:45 8 mental state?

15:12:48 9 A Maybe. You know, I threw my hat. I'm an
15:12:52 10 adult, so, you know, maybe they thought, you know, I was
15:12:55 11 going to do something that I shouldn't do.

15:12:57 12 Q But you didn't?

15:12:58 13 A No. I just threw my hat.

15:13:01 14 Q And the members of the jury have just seen
15:13:04 15 that video. After you have the conversation with
15:13:07 16 Karmelo Anthony, you walk off and throw your hat?

15:13:09 17 A Yes.

15:13:09 18 Q You kind of walk in a few circles, and it
15:13:12 19 looks like you put your hands on your head, like, just
15:13:14 20 in disbelief, exasperated; is that true?

15:13:18 21 A Yes, sir.

15:13:19 22 Q And you and I have watched that video, haven't
15:13:22 23 we?

15:13:23 24 A Yes.

15:13:24 25 Q At some point after that, do you go back and

15:13:26 1 help [REDACTED]

15:13:28 2 A Yes. So after that, I go back, I jump the
15:13:35 3 fence, and I am back with Austin. And I kneel down and,
15:13:41 4 man, I put, like, my hand on his leg because there are,
15:13:43 5 like, people working on him. And you have all of these
15:13:47 6 coaches, and they start praying. And that's just one of
15:13:53 7 those -- everybody is praying. And then, you know, I'm
15:13:57 8 out there with Coach Whiteaker, Tiffany, but somebody
15:14:00 9 said that I need to go help [REDACTED]

15:14:02 10 And at this time, [REDACTED] was on the other side
15:14:06 11 of the gate; he was down on the track. And so I jumped
15:14:11 12 the gate and went to [REDACTED] and, you know, he was a
15:14:16 13 little hysterical. And, you know, I just knelt down and
15:14:21 14 I just prayed with him. And, you know, I just remember
15:14:24 15 while we were praying -- it hadn't really rained all
15:14:28 16 day; it was like drizzle. But it rained hard, for like,
15:14:33 17 a minute; and so in my mind, I was, like -- I just knew
15:14:46 18 Austin was gone.

15:14:50 19 Q And you cared a lot about that young man?

15:14:54 20 A Yes, sir.

15:14:58 21 Q Did you help [REDACTED] that day the best you
15:15:01 22 could, until his parents got there?

15:15:03 23 A Yes. Yes, I did.

15:15:09 24 Q You looked over once and mentioned Karmelo
15:15:12 25 Anthony. Do you see Karmelo Anthony in the courtroom

15:15:15 1 today?

15:15:16 2 A Yes, sir. He's right there.

15:15:17 3 Q Could you point to him and describe an article
15:15:19 4 of clothing he is wearing?

15:15:22 5 A Yeah, he has on a gray suit.

15:15:24 6 MR. WIRSKYE: Okay. Let the record
15:15:26 7 reflect, Your Honor, this witness has identified the
15:15:29 8 Defendant in open Court.

15:15:30 9 THE COURT: The record shall so reflect.

15:15:32 10 Q Does he look a little bit different today than
15:15:34 11 he did back on that day?

15:15:36 12 A Yes, sir. He is clean-cut today.

15:15:39 13 Q Let me show you a photograph that's marked for
15:15:42 14 identification -- I didn't bring my glasses, Coach.
15:15:44 15 Could you help me? Is that 85?

15:15:47 16 A Yes.

15:15:48 17 Q Okay. Do you recognize this as a picture of
15:15:51 18 Karmelo Anthony, the one that you saw the day of the
15:15:54 19 stabbing?

15:15:55 20 A Yes, sir.

15:15:55 21 MR. WIRSKYE: Your Honor, at this time,
15:15:58 22 we would offer State's 85.

15:16:03 23 MR. SHOOK: No objection.

15:16:05 24 THE COURT: It is admitted.

15:16:05 25 MR. WIRSKYE: Would you put 85 up so the

members of the jury can see it.?

MR. MITCHELL: Permission to publish,
Your Honor?

THE COURT: Yes, sir.

Q That's the Karmelo Anthony you saw that day of
the stabbing; is that correct?

A Yes, sir.

Q Had you ever met this person before?

A No, sir.

Q Never known him from football or track or any
other Frisco ISD activities?

A No, sir.

Q And at some point in the days after the
stabbing, you went down to the Frisco Police Department
and told them what had happened that morning; is that
right?

A Yes, sir.

Q And without going into detail, is it fair to
say that you are still a part of [REDACTED] life?

A Absolutely. Yes, sir.

Q You coached him last year in football?

A Yes, sir.

Q Let me ask you this. The track meet before
the district meet, were you a little disappointed in
Austin?

15:17:46 1 A Yes, sir.

15:17:47 2 Q Tell the members of the jury why.

15:17:50 3 A Well, specifically, you know, as we get closer
15:17:55 4 to the district meet, you want everybody to stay and
15:17:58 5 support all of their teammates. Austin and the throwers
15:18:03 6 went out -- you know, the field events happen earlier in
15:18:06 7 the day before the running events happen. Austin and
15:18:10 8 the other throwers went out and they threw, and it is my
15:18:15 9 understanding they left early, but they left early to go
15:18:18 10 fishing.

15:18:20 11 Q You weren't happy about that, were you?

15:18:22 12 A No, I was not.

15:18:23 13 Q And I have gotten to know you these last few
15:18:26 14 months and you are kind of a no-slack type of coach; is
15:18:30 15 that right?

15:18:31 16 A Yes, sir.

15:18:31 17 Q I have talked to a lot of the athletes you
15:18:34 18 have coached. It made you angry, didn't it?

15:18:37 19 A Yes, sir.

15:18:37 20 Q You threatened to kick him off the track team?

15:18:40 21 A Yes, sir.

15:18:40 22 Q Did you?

15:18:41 23 A Yes.

15:18:42 24 Q Why was he at the district meet?

15:18:46 25 A Because we talked to him and let him back on

15:18:48 1 the team. I did not need him for the district meet
15:18:56 2 because he had had a really crappy throwing season, but
15:19:00 3 he is the captain of the football team and he knows what
15:19:04 4 that means. And so we had a talk and he wanted to --
15:19:08 5 specifically, he told me he wanted to come out and
15:19:11 6 support his teammates, so I let him back on the team. I
15:19:17 7 was going to let him back on the team anyway. It is
15:19:20 8 just a lesson to be learned, and that was that.

15:19:23 9 Q And you trusted him enough in a leadership
15:19:25 10 role to send him the text that morning you told us
15:19:28 11 about, correct?

15:19:29 12 A Yes.

15:19:31 13 Q Let me next show you a series of text messages
15:19:34 14 that I believe are from your phone to Austin and some
15:19:40 15 other coaches marked for identification as State's
15:19:43 16 Exhibit Number 27. Do you recognize those?

15:19:53 17 A Yes, sir.

15:19:54 18 Q Okay. And you and I talked. These are the
15:19:56 19 series of text messages, including the ones that were
15:19:59 20 sent the previous track meet and then the morning of the
15:20:05 21 district meet, correct?

15:20:06 22 A Yes, sir.

15:20:07 23 MR. WIRSKYE: Your Honor, at this time,
15:20:07 24 we would offer State's-27.

15:20:42 25 MR. SHOOK: No objection.

15:20:43 1 THE COURT: 27 is admitted.

15:20:45 2 Q I will come back to that in just a second.
15:20:49 3 There is some legal requirements that I need to meet,
15:20:52 4 and I need to show you a photograph. And that
15:20:58 5 photograph is marked for identification as State's
15:21:01 6 Exhibit Number 79. I would ask you to look at that
15:21:05 7 photograph and see if you recognize Austin Metcalf.

15:21:09 8 A Yes, sir.

15:21:10 9 Q Is there a number at the bottom of that
15:21:12 10 photograph?

15:21:12 11 A Yes, sir.

15:21:14 12 Q Is the number 25-01590?

15:21:19 13 A Yes, sir.

15:21:20 14 Q Is that a photograph of Austin Metcalf after
15:21:24 15 he was deceased?

15:21:26 16 A Yes, sir.

15:21:28 17 THE COURT: Any objection?

15:21:29 18 MR. SHOOK: No objection.

15:21:30 19 THE COURT: It is admitted.

15:21:31 20 MR. WIRSKYE: I am offering for record
15:21:32 21 only.

15:21:33 22 THE COURT: Yes, sir, record only.

15:21:37 23 MR. WIRSKYE: And can we pull that
15:21:40 24 previous exhibit up, Mr. Mitchell? I believe it is
15:21:42 25 State's-27.

15:21:56 1 Q And it should come up on your screen, Coach.

15:21:56 2 MR. WIRSKYE: Can you make it larger so
15:21:58 3 members of the jury can see?

15:22:03 4 Q Can you just kind of walk us through these
15:22:05 5 text messages? Who were you? You are obviously in the
15:22:08 6 blue, right?

15:22:09 7 A Yes, sir. And in the gray is the throwers'
15:22:13 8 coach: Coach Bass.

15:22:15 9 Q Okay. This is you being upset about that
15:22:17 10 previous track meet; is that right?

15:22:19 11 A Yes. And as you can see, like, the day
15:22:22 12 started off, like, not being aligned with what we do.
15:22:28 13 So, like, Austin had on some freaking khaki shorts, and
15:22:33 14 I was, like, you know, can you please tell him to put on
15:22:36 15 his black shorts. And then afterwards, finding out that
15:22:39 16 they left early, I asked him could he send this to the
15:22:43 17 throwers.

15:22:44 18 Q And going fishing was not a good excuse for
15:22:47 19 him to leave early, in your estimation, correct?

15:22:49 20 A No, sir.

15:22:51 21 Q So that coach sends it out to the warrior
15:22:55 22 throwers text thread; is that right?

15:22:57 23 A Yes, sir.

15:22:57 24 MR. WIRSKYE: Okay. And I think scroll
15:22:59 25 down, Dewey, to the next exhibit.

15:23:07 1 Q And this is your assistant coach sending it
15:23:10 2 out to that text thread, "warrior throwers;" is that
15:23:17 3 correct?

15:23:17 4 A Yes.

15:23:17 5 Q And Austin is on this text thread; is that
15:23:20 6 correct?

15:23:20 7 A Yes, sir.

15:23:20 8 Q Is [REDACTED] on this text thread?

15:23:23 9 A Yes, sir.

15:23:23 10 Q He's a thrower as well, right?

15:23:23 11 A Yes, sir.

15:23:23 12 MR. WIRSKYE: Okay. Let's see the next
15:23:30 13 slide. Yeah.

15:23:30 14 Q And just the same thing, correct?

15:23:33 15 A Yes, sir.

15:23:34 16 Q Some of these are duplicates. And you
15:23:36 17 provided these to the police department; did you not?

15:23:38 18 A Yes, sir.

15:23:42 19 Q And at the very bottom, this is where you
15:23:46 20 kicked him off the team, correct?

15:23:47 21 A Yeah. Yes, sir.

15:23:48 22 MR. WIRSKYE: And the next one, please.

15:23:52 23 Q Okay. Now, we see the early morning, 7:58
15:23:57 24 a.m. of the day in question, Wednesday, April 2nd. Can
15:24:01 25 you read that text from you in the blue?

15:24:04 1 A Yes. It says you and [REDACTED] are on early bus,
15:24:07 2 get tent and whatever else we need. Set examples of how
15:24:10 3 to conduct yourself today. Be a leader. I need you and
15:24:13 4 [REDACTED] to hold us down. I will be helping with hosting
15:24:15 5 the meet, so I'm going to lean on my older guys.

15:24:19 6 Q And does Austin respond to you?

15:24:21 7 A Yes, sir.

15:24:22 8 Q Almost immediately, right?

15:24:24 9 A Yes, sir.

15:24:24 10 Q And, he says, for sure, Coach; got you, right?

15:24:28 11 A Yes, sir.

15:24:29 12 Q All right. And I believe the jury has got a
15:24:32 13 pretty good idea about how you feel about Austin Metcalf
15:24:36 14 or how you felt about him, so I hate to do this to you,
15:24:40 15 but what is that last text?

15:24:44 16 That's the day after the stabbing?

15:24:46 17 A Yes, sir.

15:24:47 18 Q What is that?

15:24:49 19 A It says, love you, man; sorry I didn't say it
15:24:53 20 enough. Because you -- when you coach, you just get
15:24:59 21 caught in wearing the hats that these guys need you to
15:25:03 22 wear in order for them to be who they need to be, so you
15:25:08 23 don't always get to say stuff like that.

15:25:12 24 Q Just so the jury is clear, that's a text you
15:25:15 25 sent to Austin Metcalf after he was already dead; is

15:25:17 1 that correct?

15:25:18 2 A Yes.

15:25:20 3 Q And that text was important for you?

15:25:23 4 A Yes, very.

15:25:26 5 MR. WIRSKYE: Just a moment.

15:25:35 6 All right. Thank you, Coach.

15:25:36 7 I'll pass the witness, Judge.

15:25:38 8 THE COURT: Thank you, Mr. Wirskeye.

15:25:39 9 Mr. Shook.

10 CROSS-EXAMINATION

15:25:40 11 BY MR. SHOOK:

15:25:40 12 Q Coach Starr, my name is Toby Shook. I have a
15:25:43 13 few questions for you.

15:25:44 14 A Yes, sir.

15:25:45 15 Q You went and interviewed down at the Frisco
15:25:47 16 Police Department with Detective Adams on April 16th of
15:25:52 17 2025?

15:25:53 18 A Yes, sir, I believe so.

15:25:56 19 Q About two weeks after this track meet?

15:25:59 20 A Yes, sir.

15:25:59 21 Q Did they ask you to come down?

15:26:01 22 A No, sir.

15:26:02 23 Q Did you call them up and said you wanted to
15:26:05 24 come?

15:26:05 25 A Yes, sir.

15:26:07 1 Q You wanted to share some information with
15:26:08 2 them?

15:26:09 3 A Yes, sir.

15:26:10 4 Q All right. And one of the things you told
15:26:14 5 them that day is that Karmelo Anthony shouldn't have
15:26:19 6 been under the tent because it wasn't raining. Do you
15:26:21 7 recall that?

15:26:24 8 A I don't necessarily recall, but I may have
15:26:30 9 said it.

15:26:32 10 Q At the time he was under the tent, do you
15:26:35 11 recall telling them that the rain had stopped and it
15:26:37 12 wasn't raining, so there was no reason for him to be
15:26:40 13 under the tent? Do you recall saying that? Do you
15:26:43 14 recall you saying that to Detective Adams?

15:26:47 15 A I am sure I said something similar to that; so
15:26:50 16 yes, I am going to say yes to that. Yes, sir.

15:26:52 17 Q And obviously, you were very upset over these
15:26:55 18 events?

15:26:56 19 A At the time, yes.

15:27:00 20 Q But are -- so you are here today saying it
15:27:03 21 wasn't raining when Karmelo Anthony was under the tent?
15:27:05 22 It wasn't raining at the stadium at that time?

15:27:10 23 A No, sir, it was not raining; it was maybe a
15:27:13 24 light drizzle. The only time that I recall it being,
15:27:17 25 you know, a real, like, pour was when I was down with

15:27:22 1 [REDACTED] and we were praying.

15:27:24 2 Q Okay. Do you not recall that it would rain
15:27:29 3 heavier, then lighten up; but be drizzling sometimes and
15:27:33 4 then get a little heavier at times?

15:27:37 5 A I guess what I would say to that is for the
15:27:39 6 heavier, I would -- you know, I think that's subjective.
15:27:42 7 So I guess for me, being a country boy, it was, like, a
15:27:47 8 drizzle; so it wasn't -- like, I didn't leave and I
15:27:50 9 wasn't really soaking wet; and so I didn't figure it to
15:27:53 10 be heavy. And then having the call from the A-D that
15:27:58 11 the events were continuing as usual, I perceived it as
15:28:02 12 not a heavy rain at all; just on and off, like, really
15:28:06 13 light drizzle.

15:28:08 14 Q Do you recall seeing people with umbrellas
15:28:11 15 walking around that day?

15:28:14 16 A I can't recall because I was moving around so
15:28:16 17 much. I wouldn't -- you know, I don't want to speak to
15:28:21 18 it but, you know, I wouldn't know about the umbrellas
15:28:25 19 because of the -- if people are getting in and out of
15:28:29 20 the rain, I don't -- you know, I don't see -- I just
15:28:34 21 don't -- I would just say I don't recall, as far as the
15:28:37 22 umbrellas. I was moving around.

15:28:39 23 Q Fair enough. Fair enough. You've talked
15:28:43 24 about -- now, you are a coach. You coach track, you
15:28:46 25 coach football, you have coached other types of

15:28:50 1 training?

15:28:50 2 A Yes, sir.

15:28:52 3 Q And different sports have different rules,

15:28:56 4 they have different etiquette; is that true?

15:29:00 5 A Yes, sir.

15:29:00 6 Q Now, you said that in track -- now, track

15:29:02 7 meets are different from football games, for instance?

15:29:05 8 A Yes, sir.

15:29:06 9 Q Correct?

15:29:06 10 For one thing, football is a set time; you

15:29:10 11 know when kickoff is?

15:29:12 12 A Yes, sir.

15:29:12 13 Q You've got one team on one side, one team on

15:29:15 14 the other?

15:29:16 15 A Yes, sir.

15:29:17 16 Q They are hitting each other?

15:29:18 17 A Yeah.

15:29:19 18 Q And there is halftime, they go to their locker

15:29:23 19 room, the other team goes to theirs?

15:29:26 20 A Uh-huh.

15:29:26 21 Q They don't walk around, there is no downtime;

15:29:29 22 that type of thing?

15:29:30 23 A Yes, sir.

15:29:30 24 Q Okay. Track meets are different; they are

15:29:33 25 very long events?

15:29:34 1 A Yes, sir.

15:29:35 2 Q They are not timed, other than here's what
15:29:37 3 time we are going to do this? But they take a long
15:29:42 4 time; it could be seven, eight hours sometimes?

15:29:44 5 A Yes, sir. But there is still specifics in
15:29:47 6 track; especially a district track meet. So you are
15:29:49 7 going to have -- specifically at the district track
15:29:53 8 meet. But you are correct about most track meets. At
15:29:57 9 your district track meet, though, everything starts at a
15:30:00 10 specific time, yes, sir.

15:30:02 11 Q I guess I am getting at this. An athlete may
15:30:07 12 have a race at 10:00 a.m and then his next race may not
15:30:10 13 be until 3:00 p.m.?

15:30:12 14 A Yes, sir, you are correct.

15:30:13 15 Q So there is a lot of downtime between events,
15:30:16 16 at times?

15:30:18 17 A Yes, sir.

15:30:18 18 Q And athletes aren't required to stay under
15:30:21 19 their tent at that time; they can sometimes walk around,
15:30:23 20 look at other races, or walk in the bleachers? They can
15:30:28 21 move around?

15:30:29 22 A Yes, sir.

15:30:30 23 Q No rules forbidding them from doing that?

15:30:33 24 A Well, there is notes preventing athletes from
15:30:36 25 going wherever they want to go, but specifically,

15:30:40 1 speaking back to us talking about the tents, in track
15:30:44 2 culture, like, people do not go up under other people's
15:30:49 3 tents.

15:30:49 4 Q Okay. And I am going to ask you some
15:30:51 5 questions about that in a minute.

15:30:53 6 A Yes, sir.

15:30:54 7 Q But people, during the downtime, they can walk
15:30:58 8 around and they will be talking with other athletes from
15:31:01 9 other schools, won't they?

15:31:02 10 A Yes, sir.

15:31:02 11 Q And they often have friends from other
15:31:04 12 schools, don't they?

15:31:05 13 A Yes, sir.

15:31:05 14 Q And it is not the same intense type of
15:31:09 15 atmosphere when they are talking to other athletes
15:31:14 16 between races, and that type of thing?

15:31:16 17 A Yes, sir. Absolutely.

15:31:17 18 Q As opposed to a football game, if a player
15:31:21 19 from the other team came over in the middle of the game
15:31:24 20 and went and sat down on your bench, that would cause a
15:31:27 21 huge problem?

15:31:27 22 A Yes, sir.

15:31:27 23 Q There would be no reason for him to come
15:31:29 24 around and sit down on your bench?

15:31:31 25 A Absolutely.

15:31:32 1 Q So that would be an act of provocation?

15:31:34 2 A Yes, sir.

15:31:35 3 Q Now, you do have -- and you say it is the

15:31:36 4 track culture, from your experience, correct?

15:31:39 5 A Yes, sir.

15:31:41 6 Q That team tent is kind of your home base,

15:31:44 7 correct?

15:31:45 8 A Yes, sir.

15:31:45 9 Q That's where people can leave their backpacks,

15:31:47 10 if they want to?

15:31:49 11 A Yes, sir.

15:31:49 12 Q They have food and drinks, they can leave it

15:31:52 13 there in the backpack?

15:31:53 14 A Yes, sir, on top of the food and the drinks

15:31:55 15 that we provide at the track club. It is all going to

15:31:59 16 be located in close proximity or under the tent.

15:32:02 17 Q And I believe you said that it was Frisco ISD

15:32:06 18 policy that other students couldn't come to other teams'

15:32:11 19 tents?

15:32:13 20 A I don't recall that. You would have to remind

15:32:15 21 me, specifically.

15:32:17 22 Q Are you -- did you testify earlier that in

15:32:20 23 April of 2025, that spring of 2025 track season, that

15:32:25 24 there was a written Frisco ISD policy, or for that

15:32:30 25 district, that students from other schools could not go

15:32:33 1 and visit or sit under tents visiting with other
15:32:38 2 students?

15:32:39 3 A I don't recall saying anything about a written
15:32:41 4 policy, no.

15:32:44 5 Q I just wanted to make that clear. I thought
15:32:47 6 that's what you might have been saying. You are talking
15:32:50 7 more that's about track culture, from your experience;
15:32:53 8 is that right?

15:32:54 9 A Yes, sir. So from my experience -- and, you
15:32:55 10 know, I just want to make it clear -- and I've been -- I
15:32:59 11 think I've been coaching track maybe -- gosh, maybe
15:33:03 12 seven or eight years, the reason that the track tent
15:33:07 13 industry is so lucrative is because that is how you mark
15:33:11 14 your home base, right, or your bench, is through those
15:33:16 15 tents.

15:33:16 16 Now, the student athletes who are familiar
15:33:20 17 with track, you know that your home base is your tent.
15:33:25 18 If you are going to go to somebody's else's tent, I
15:33:29 19 guess maybe if you are invited, or something like that,
15:33:32 20 then what I referenced was usually, you know, we --
15:33:35 21 especially at Memorial, you know, that's not a thing,
15:33:39 22 because of the co-ed and all of the stuff that's under
15:33:42 23 there.

15:33:43 24 You usually have a coach there in close
15:33:45 25 proximity to kind of regulate that. If one of our kids

15:33:50 1 would -- and I am not saying kids don't ever invite
15:33:53 2 other kids under their tent. But in that case, usually
15:33:57 3 you have a coach there to kind of help, you know,
15:33:59 4 regulate that and say, hey, you guys don't need to be
15:34:02 5 under here.

15:34:03 6 Q But it is not unheard of for a student athlete
15:34:07 7 from one school to go, if he has got some downtime, to
15:34:11 8 visit a student athlete in another tent?

15:34:14 9 A It is not the norm, is what I am saying.

15:34:17 10 Q But if I know someone -- say I'm there many,
15:34:20 11 many years ago and I am a track athlete and I see my
15:34:24 12 buddy at another school, but I have known him for
15:34:28 13 sometime and we are friends, I could go over there and
15:34:30 14 talk to him, sit down for a few minutes, talk about
15:34:34 15 things and then get up and leave, correct?

15:34:37 16 A Now, if you personally want to do that, sure,
15:34:39 17 you can make that decision; but my job as a coach is to
15:34:42 18 make sure that our student athletes, as well as our
15:34:46 19 coaches, know that that's not acceptable.

15:34:47 20 Q Okay.

15:34:47 21 A It's -- sorry, go ahead.

15:34:49 22 Q And that's your policy; there is other coaches
15:34:52 23 that may be fine if, hey, if you have got a friend that
15:34:54 24 wants to come over for a couple of minutes and say hi,
15:34:58 25 that's fine, and can sit there, but not all day?

15:35:01 1 A From my experience at Frisco ISD, that does
15:35:05 2 not fly; with the coaches that I talked to, the track
15:35:09 3 and field coaches. That's why we all have coaches in
15:35:13 4 close proximity to the tent. And I am not specifically
15:35:16 5 just speaking to knowing people who are there; I am
15:35:19 6 going back to the valuables, the co-ed. You know,
15:35:22 7 it's -- if I am being blunt, most track athletes, you
15:35:27 8 know, maybe exclude young freshman who are coming in,
15:35:31 9 these guys are well in shape, the stuff that we wear is
15:35:36 10 aerodynamic, really small and tight.

15:35:39 11 You have got young kids, not enough coaches, a
15:35:42 12 ton of kids, not enough eyes; so you are trying to
15:35:44 13 control all of those. The valuables, the snacks;
15:35:48 14 anybody could just walk by just grab snacks, if you
15:35:52 15 don't have a coach there; or just the intermingling
15:35:55 16 between boys and girls at the track meet.

15:35:59 17 Q And -- but depending on the coach or depending
15:36:03 18 on the students, you do see students, either briefly or
15:36:08 19 in a few minutes, talking to their friends in other
15:36:11 20 tents, don't you?

15:36:12 21 A Yes, sir.

15:36:12 22 Q That happens?

15:36:13 23 A Yes, sir.

15:36:13 24 Q Your personal preference yourself is you don't
15:36:15 25 want any other students under your tent?

15:36:18 1 A Yes, as been described to me by my A-D, yes,
15:36:21 2 sir.

15:36:22 3 Q And I am just talking about your own personal
15:36:24 4 belief.

15:36:25 5 A I don't --

15:36:26 6 Q That's your opinion, correct? That's what you
15:36:28 7 testified?

15:36:28 8 A It is not an opinion; I just do what is told
15:36:31 9 to me. So I just want to follow the rules and be
15:36:35 10 verbally in line with our athletic director.

15:36:37 11 Q So that was your athletic director's position
15:36:40 12 and what he told you?

15:36:41 13 A Yes.

15:36:43 14 Q And you said that you have got co-ed, girls
15:36:47 15 and boys under that tent; is that right?

15:36:49 16 A Yes, sir.

15:36:50 17 Q Did you have girls under that tent on that
15:36:52 18 day?

15:36:52 19 A Yes, sir.

15:36:53 20 Q Okay. And you want to have a coach around to
15:36:58 21 kind of regulate that, right?

15:37:00 22 A Yes, sir.

15:37:01 23 Q And sometimes boys act different in front of
15:37:03 24 girls, don't they?

15:37:04 25 A Yes, sir.

15:37:05 1 Q They like to talk to girls?

15:37:07 2 A Sure. Yes, sir.

15:37:08 3 Q And sometimes if they get in arguments, they

15:37:11 4 don't like to be embarrassed in front of girls, do they?

15:37:14 5 A Yes, sir. Absolutely.

15:37:16 6 Q Okay. Now, did you know that Centennial

15:37:21 7 didn't have a tent that day?

15:37:22 8 A No, sir, I did not know that.

15:37:24 9 Q All right. You told the jury about the

15:37:45 10 previous track meet. I believe that was at Lobo

15:37:47 11 Stadium; is that right?

15:37:49 12 A Yes, sir.

15:37:49 13 Q Is that the stadium in wylie?

15:37:52 14 A Lobo is Little Elm.

15:37:54 15 Q Little Elm?

15:37:55 16 A Yes, sir.

15:37:56 17 Q And that was the track meet on March 22nd of

15:37:59 18 that year; is that right?

15:38:00 19 A I believe so, if it was the previous meet.

15:38:04 20 Q That's the meet where Austin and [REDACTED] and

15:38:07 21 some others -- other throwers had left early after their

15:38:10 22 event; is that right?

15:38:11 23 A Yes, sir.

15:38:12 24 Q That didn't sit well with you as a coach?

15:38:15 25 A No, sir.

Q Because even though like the throwers may have their events in the morning, they may be over, you want them to stay and support the jumpers and the sprinters, and that type of thing?

A Yes, sir. And specifically to that, throughout the track season, different kids were allowed to leave early.

Q But I am just asking questions about why you were angry that day, not what happened at other ones.

A Okay. I'm sorry.

Q Okay. But that's why you sent that text to [REDACTED] and to Austin Metcalf and some others; is that right?

A That's why I had Coach Bass text the throwers, because he is the head coach.

MR. SHOOK: Okay. May I see State's-27, please?

Q Now, you said that you are upset that that happened and so you kicked him off the team; is that right?

A Yes, sir.

Q Do you recall telling Detective Adams on April 16th that what you were really doing was pretending to kick him off the team?

A Yes, sir.

15:39:38 1 Q So you really didn't have a -- an intent to
15:39:42 2 permanently kick him off the team; it was I am going to
15:39:44 3 tell him this, and it is a way to get their attention?

15:39:47 4 A Yes, sir.

15:39:49 5 Q It was going to be a teaching point for you?

15:39:51 6 A Yes, sir. Absolutely.

15:39:52 7 Q And that's the kind of things coaches do,
15:39:56 8 right?

15:39:56 9 A Yes, sir.

15:39:57 10 Q You want to motivate the athletes?

15:39:59 11 A Yes, sir.

15:39:59 12 Q And sometimes if you think the athlete is
15:40:01 13 messing up, you want to get his attention?

15:40:03 14 A Yes, sir.

15:40:04 15 Q And in this case, what you did is had an
15:40:08 16 assistant coach send a text, let him know you were angry
15:40:12 17 and that they were going to be kicked off the team and
15:40:15 18 not going to district; is that right?

15:40:16 19 A Yes, sir.

15:40:17 20 Q And your intent there was to get their
15:40:20 21 attention, knowing that as an athlete, you have got a
15:40:24 22 lot of pride, don't you?

15:40:28 23 A I will need clarification for that.

15:40:30 24 Q Well, you were an athlete, correct?

15:40:32 25 A Yes, sir.

15:40:32 1 Q You took great pride when you played on teams,
15:40:35 2 so your abilities and your team's abilities, right?

15:40:39 3 A Well, yes, but I don't -- pride had nothing to
15:40:41 4 do with that text. The text was about not being
15:40:45 5 vertically aligned with what we were doing.

15:40:47 6 Q I didn't ask you that either, Coach. I am
15:40:50 7 just trying to keep my questions really simple.

15:40:53 8 A Okay.

15:40:53 9 Q You were trying to motivate Austin and [REDACTED]
15:40:55 10 and some other athletes, correct?

15:40:58 11 A I don't know if "motivate" is the word I would
15:41:00 12 use, but I think you hit the nail on the head when you
15:41:03 13 said teach them a lesson, yes.

15:41:04 14 Q Get their attention and teach them a lesson?

15:41:08 15 A Yes.

15:41:09 16 Q And when an athlete, who you would -- you
15:41:13 17 would say Austin was a team leader on the track team;
15:41:17 18 would you not?

15:41:18 19 A Austin is the football captain, and so he is
15:41:21 20 just a leader. You know, he -- I guess I need
15:41:25 21 clarification. You say a "team leader." He is just a
15:41:28 22 leader overall, just in our program.

15:41:30 23 Q Well, let me -- you brought up football. You
15:41:33 24 are a linebacker coach, correct?

15:41:35 25 A Yes, sir.

15:41:35 1 Q He is a captain on the football team?

15:41:37 2 A Yes, sir.

15:41:38 3 Q And obviously, he is a leader of the football

15:41:40 4 team?

15:41:41 5 A Yes, sir.

15:41:43 6 Q And getting to that, Austin was a good

15:41:48 7 linebacker?

15:41:49 8 A Yes, sir.

15:41:50 9 Q [REDACTED] was a good linebacker?

15:41:53 10 A Yes, sir. Absolutely.

15:41:54 11 Q And as linebackers -- what position did you

15:41:56 12 play in football?

15:41:58 13 A I was a receiver.

15:41:59 14 Q Okay. Linebackers are big?

15:42:02 15 A Yes, sir.

15:42:02 16 Q I know this is common sense stuff. But how

15:42:04 17 much do you think Austin weighed back in April of 2025?

15:42:10 18 A I couldn't tell you.

15:42:12 19 Q Over 200?

15:42:15 20 A Like, I don't know his weight, so I can't tell

15:42:19 21 you, specifically. But I think that we were -- I know

15:42:26 22 he played the season at 195 and I know he wanted to get

15:42:31 23 to 220. That was really a lot of weight. I know we

15:42:34 24 were trying to put on weight. Now, he did gain weight.

15:42:38 25 we may have approached 220, but I can't tell you

15:42:43 1 specifically how much he weighed. But if you want to
15:42:45 2 say over 200, yes, sir, absolutely.

15:42:48 3 Q Strong?

15:42:49 4 A Yeah. Yes, sir.

15:42:51 5 Q A lot of muscle?

15:42:52 6 A Yes.

15:42:53 7 Q And to be a good linebacker, you have to be
15:42:56 8 strong?

15:42:56 9 A Yes, sir.

15:42:56 10 Q You have to be fast?

15:42:57 11 A Yes, sir.

15:42:58 12 Q And you have to be able to make contact;
15:43:00 13 that's what football is all about?

15:43:02 14 A Yes, sir. Absolutely.

15:43:04 15 Q And he was a passionate football player?

15:43:07 16 A Yes, sir.

15:43:07 17 Q would you say the same thing about [REDACTED]

15:43:10 18 A Yes, sir. Absolutely.

15:43:11 19 Q All right. Athletes generally don't like to
15:43:16 20 disappoint their coaches?

15:43:18 21 A Yes, sir. Absolutely.

15:43:19 22 Q And do you feel that Austin -- did he feel
15:43:25 23 like he disappointed you when he received that text?

15:43:28 24 A Yes, sir. We had a talk and, yes, he was
15:43:31 25 disappointed in himself, yes, sir.

15:43:33 1 Q All right. And we've gone over that text, the
15:43:45 2 text you sent that morning. You said you and [REDACTED]
15:43:55 3 who is [REDACTED]

15:43:55 4 A [REDACTED] is our other varsity thrower. His name
15:43:59 5 is [REDACTED] He is the son of the throwers'
15:44:03 6 coach -- I mean, he is the son of the -- yeah, the
15:44:05 7 thrower's coach.

15:44:06 8 Q You said get the tent, whatever else we need,
15:44:09 9 set examples of how to conduct yourself today, be a
15:44:13 10 leader, I need you and [REDACTED] to hold this down.

15:44:17 11 "Hold this down", was that -- that's all the
15:44:20 12 direction you gave them, correct?

15:44:22 13 A Yes, sir.

15:44:33 14 Q But this comes on the tail of the previous
15:44:34 15 track meet when you are disappointed with Austin, so you
15:44:38 16 were going to give him this opportunity to be a leader
15:44:41 17 and hold things down?

15:44:41 18 A Yes, sir, and he had time. I think there was
15:44:44 19 a couple of weeks between those track meets.

15:45:06 20 Q Now, you said you were short a coach, I think;
15:45:08 21 is that right?

15:45:09 22 A Yes, sir.

15:45:10 23 Q There are a lot of other coaches walking
15:45:12 24 around, though, at track meets? I mean, you do have
15:45:16 25 adults there; you have coaches from other teams walking

15:45:18 1 around?

15:45:19 2 A Yes, sir.

15:45:21 3 Q Generally, as you say, someone usually likes
15:45:24 4 to stay in the proximity of a tent or their team; that
15:45:29 5 type of thing?

15:45:30 6 A I need you to be just a little bit more
15:45:32 7 specific.

15:45:33 8 Q Usually you want a coach to stay near where
15:45:35 9 everyone is hanging out in the tent; that type of thing?

15:45:40 10 A Yes, generally, you are going to want one of
15:45:40 11 your coaches to be in close proximity.

15:45:43 12 Q But there is also going to be coaches from
15:45:45 13 other teams that are going to be near your tent or near
15:45:46 14 your athletes all during the meet, correct?

15:45:49 15 A Yes, sir.

15:45:50 16 Q Okay. You certainly didn't tell Austin that
15:45:58 17 you wanted him, if any other athletes, student athletes
15:46:01 18 came from other schools, to forcefully throw them out of
15:46:05 19 the tent, did you?

15:46:06 20 A No, sir, not at all.

15:46:08 21 Q You would never want one of your athletes to
15:46:11 22 use physical force on someone else?

15:46:12 23 A That does not vertically align with what we
15:46:16 24 do, no, sir.

15:46:17 25 Q And if there was a problem under the tent,

15:46:18 1 there would be coaches there that someone could go get,
15:46:21 2 get their attention, that might could handle the
15:46:25 3 situation or interject themselves in the situation?

15:46:28 4 A Yes, sir.

15:46:28 5 Q All right. So you weren't under the tent,
15:46:40 6 obviously, when this happened?

15:46:42 7 A No, sir.

15:46:42 8 Q But there were -- a lot of your athletes were
15:46:44 9 there?

15:46:45 10 A Yes, sir.

15:46:46 11 Q More than 15, would you say?

15:46:48 12 A Yeah, I believe so. As I recall, I think when
15:46:50 13 it started to look like it was going to rain, I believe
15:46:56 14 only two of our athletes went back to the bus before --
15:47:01 15 before everybody started to transition back, but most of
15:47:05 16 the team stayed.

15:47:07 17 Q All right. How many are on the team?

15:47:14 18 A I couldn't recall, but I know that year, we
15:47:16 19 cleared 40 on the boys' side. I know we cleared 30 on
15:47:21 20 the girls' side. I can't gave you the specific number
15:47:24 21 right now. I would have to go back and look.

15:47:27 22 Q Did you have other athletes coming in the
15:47:29 23 other bus later on?

15:47:31 24 A Yes, sir.

15:47:31 25 Q But you know you probably at least had about

15:47:33 1 20 athletes there in the morning?

15:47:40 2 A I can't recall.

15:47:42 3 Q All right. You told the jury earlier that,

15:47:51 4 obviously, you like to have a coach around because these

15:47:57 5 are young people, they have got hormones?

15:47:59 6 A Yes, sir. Absolutely.

15:48:00 7 Q We have already talked about co-eds, girls and

15:48:03 8 boys, obviously. You want to keep an eye on that?

15:48:06 9 A Yes, sir.

15:48:07 10 Q You also have got young, strong athletes that

15:48:13 11 have got a lot of testosterone, when it comes to boys,

15:48:16 12 correct?

15:48:16 13 A I think that's subjective. It is just boys

15:48:18 14 and girls, yes, sir.

15:48:20 15 Q Okay. But boys can -- if they get into

15:48:24 16 arguments, things like that, when they are in front of

15:48:26 17 their friends, can bow up on each other, can't they?

15:48:30 18 A I think anybody, boys or girls, can bow up.

15:48:32 19 Being a track coach for so long, I have seen ladies

15:48:35 20 argue over boys at a track meet; so I think that's not

15:48:40 21 exclusive to anyone, I think.

15:48:43 22 Q It is just a -- it is a thing we see in

15:48:46 23 teenagers, correct?

15:48:48 24 A Teenagers with wide ranges of emotions, yes,

15:48:50 25 sir.

15:48:54 1 Q I am going to ask you some questions about
15:48:56 2 after you had seen that something was going on, you ran
15:49:00 3 to the tent and then ran out on the field and
15:49:04 4 encountered Karmelo Anthony.

15:49:06 5 A Yes, it wasn't necessarily on the field.

15:49:08 6 Q I haven't asked a question yet. I was just
15:49:11 7 giving you an idea of where I was going.

15:49:13 8 A Sorry. Sorry.

15:49:14 9 Q You said on direct that Karmelo looked
15:49:21 10 different. You said he was cleaned up?

15:49:24 11 A I said he was clean-cut today.

15:49:26 12 Q Meaning he got a haircut?

15:49:27 13 A Yes, sir.

15:49:27 14 Q The haircut you saw in the photograph was a
15:49:31 15 normal haircut that some students wear, correct?

15:49:34 16 A Yes, sir.

15:49:35 17 Q Okay. And when you saw Karmelo Anthony, he
15:49:45 18 was on the track. Was he walking around the track with
15:49:48 19 some other coaches?

15:49:49 20 A Yeah, he had one coach, I believe, to his
15:49:51 21 left, and one coach to his right.

15:49:53 22 Q Okay. You don't know how long he had been
15:49:55 23 talking to those coaches, do you?

15:49:57 24 A No, sir.

15:49:58 25 Q You don't know what was said when they

15:50:02 1 interacted with each other, correct?

15:50:05 2 A No, sir.

15:50:05 3 Q Was one of those coaches Coach Hooper?

15:50:10 4 A I can't recall that at all.

15:50:12 5 Q Do you know Coach Hooper?

15:50:13 6 A I mean, it would be hard for me to recall
15:50:15 7 that. If I -- if you are talking about -- if I'm not
15:50:20 8 mistaken, I believe that Coach Hooper is the coach for
15:50:23 9 Heritage.

15:50:24 10 Q Okay.

15:50:25 11 A And so when I seen Karmelo walking, I don't
15:50:28 12 know if I seen Coach Hooper. I know specifically,
15:50:32 13 though, the coach who told me to leave was a coach from
15:50:37 14 Centennial because that coach came back and apologized.
15:50:40 15 He said he didn't know that I was the coach at Memorial.
15:50:43 16 But the second coach, I can't recall who that was but --

15:50:48 17 Q But there were two coaches?

15:50:50 18 A Yeah. Yes, sir.

15:50:53 19 Q And you, obviously, didn't know what his
15:50:55 20 emotional state was when he had talked to those coaches
15:50:58 21 before you arrived?

15:50:59 22 A No. No, sir.

15:51:05 23 Q Do you remember telling Detective Adams back
15:51:07 24 on April 16th of '25, when describing that encounter,
15:51:11 25 you said he looked like he was about to cry, talking

15:51:15 1 about Karmelo?

15:51:16 2 A Yeah. So after I said the "what did you do,"
15:51:19 3 he just kind of looked hysterical; and that's when he
15:51:22 4 said, he put his hands on me.

15:51:25 5 Q And you also said he looked like he was about
15:51:28 6 to cry?

15:51:29 7 A I can't recall, but if it is in there, then it
15:51:32 8 is what I said.

15:51:46 9 MR. SHOOK: All right. Can I have one
15:51:47 10 moment, Judge?

15:51:47 11 THE COURT: Yes, sir.

15:51:48 12 MR. SHOOK: Thank you, sir.

15:51:49 13 I'll pass the witness.

15:51:49 14 THE COURT: Redirect?

15:51:49 15 MR. WIRSKYE: Nothing further, Your
15:51:50 16 Honor.

15:51:50 17 THE COURT: Is this witness excused and
15:51:51 18 released by the State?

15:51:52 19 MR. WIRSKYE: No objection from the
15:51:53 20 State.

15:51:54 21 THE COURT: By the Defense?

15:51:56 22 MR. HOWARD: No objection, Judge.

15:51:56 23 THE COURT: Sir, you are free to leave.
15:51:57 24 Thank you.

15:51:57 25 Call your next witness.

15:51:58 1 MS. SKIPPER: At this time, the State
15:52:07 2 calls Tiffany Whiteaker.

15:52:11 3 THE COURT: Ms. Whiteaker, please.

15:52:31 4 Ms. Whiteaker, if you will walk across
15:52:33 5 the courtroom and head to this black chair over here to
15:52:35 6 my right.

15:52:37 7 Before you sit down, turn to me and raise
15:52:43 8 your right hand.

9 (Witness sworn.)

15:52:46 10 THE COURT: Put your hand down and be
15:52:47 11 seated.

15:52:48 12 I can tell you are a little soft-spoken,
15:52:50 13 so please speak into the microphone so everybody can
15:52:53 14 hear you.

15:52:53 15 MS. SKIPPER: May I proceed, Your Honor?

15:52:56 16 THE COURT: Yes, ma'am. Ms. Skipper.

17 TIFFANY WHITEAKER,
18 having been first duly sworn, testified as follows:

19 DIRECT EXAMINATION

15:52:57 20 BY MS. SKIPPER:

15:52:57 21 Q Ms. Whiteaker, would you turn to the members
15:53:00 22 of the jury and introduce yourself, and spell your last
15:53:01 23 name for the court reporter?

15:53:02 24 A Hi, I am Tiffany Whiteaker. I am one of the
15:53:04 25 athletic trainers at Memorial High School. Last name

15:53:07 1 W-H-I-T-E-A-K-E-R.

15:53:11 2 Q And, Ms. Whiteaker, how long have you been an
15:53:14 3 athletic trainer for Memorial High School?

15:53:16 4 A Just completed my eighth year.

15:53:19 5 Q And did you start at Memorial High School or
15:53:22 6 did you have another school that you were also a
15:53:26 7 trainer?

15:53:26 8 A I worked at Hebron High School, previously.

15:53:28 9 Q Okay. Let's go back. Let's talk about your
15:53:29 10 background a little bit. Where are you from?

15:53:31 11 A The Colony.

15:53:31 12 Q Did you grow up there?

15:53:33 13 A Yes.

15:53:33 14 Q And did you end up graduating high school
15:53:35 15 there?

15:53:35 16 A I did.

15:53:36 17 Q And then where was your next step? Where did
15:53:39 18 you go to college?

15:53:39 19 A I spent a year at McMurry University in
15:53:41 20 Abilene and then transferred to TCU.

15:53:44 21 Q And did you get your degree at TCU?

15:53:46 22 A I did.

15:53:47 23 Q And what did you get your degree in?

15:53:49 24 A A Bachelor of Science in athletic training.

15:53:52 25 Q And what sort of certifications do you have,

15:53:54 1 what sort of training to be an athletic trainer? what
15:53:57 2 do you do?

15:53:57 3 A I am board certified nationally and then
15:54:00 4 licensed in the State of Texas.

15:54:02 5 Q And what is your role and responsibilities as
15:54:04 6 an athletic trainer?

15:54:05 7 A The care, prevention of athletic injuries.

15:54:10 8 Q And when you said that you started with
15:54:12 9 Memorial High School, you have mentioned to me
15:54:14 10 previously that you opened Memorial High School?

15:54:18 11 A Yes, in 2018.

15:54:19 12 Q Can you explain to the jurors what that means,
15:54:21 13 "you opened the high school"?

15:54:23 14 A So Frisco Memorial started -- like, was built,
15:54:29 15 and I opened the school; so we had to order supplies,
15:54:33 16 furniture, set up policies, procedures, starting a whole
15:54:37 17 new program.

15:54:39 18 Q And is there another athletic trainer that you
15:54:43 19 worked with at Memorial?

15:54:44 20 A Yes, Lou Scala.

15:54:46 21 Q Lou Scala. Okay. And have you worked with
15:54:46 22 him since 2018?

15:54:48 23 A I have.

15:54:49 24 Q Do you spend a lot of time with the athletes?

15:54:52 25 A Yes.

15:54:52 1 Q And could you explain to the jury in what
15:54:55 2 capacity? What does that mean? Do you go to events, do
15:54:59 3 you go to their practices? How often do you see these
15:55:01 4 athletes?

15:55:02 5 A Every morning, every day, every evening. So
15:55:05 6 we are there before school with morning practices. We
15:55:08 7 are there during the school day during athletic periods,
15:55:12 8 and then we are also there after school for practices
15:55:15 9 and events.

15:55:16 10 Q And what sporting events do you go to?

15:55:18 11 A All of them.

15:55:19 12 Q So there is a lot of different, I guess,
15:55:21 13 sporting teams at the high school, so do you have
15:55:24 14 designations of which ones that you go to?

15:55:27 15 A No, we split coverage. So home games, if it
15:55:31 16 is football, both athletic trainers are with football
15:55:35 17 all the time; and then we'll just cover home games
15:55:40 18 during district play. And then post-season play, we
15:55:43 19 have to travel with the team.

15:55:44 20 Q And do you have -- is it important to do
15:55:46 21 medical training?

15:55:47 22 A Yes.

15:55:47 23 Q And what sort of medical training do you have
15:55:50 24 to protect these athletes?

15:55:53 25 A So we are all CPR, first-aid certified, in

15:55:56 1 addition to all of our training in college.

15:55:58 2 Q And did you know Austin Metcalf?

15:56:00 3 A Yes.

15:56:01 4 Q And did you know his twin brother, [REDACTED]

15:56:04 5 [REDACTED]?

15:56:04 6 A Yes.

15:56:07 7 Q Do you know a little bit about track culture?

15:56:10 8 A Yes.

15:56:10 9 Q And track culture -- this jury has already
15:56:15 10 heard from Coach Starr and they have heard about what
15:56:17 11 track culture is. What is -- if you could explain, in
15:56:21 12 your words, an unspoken rule about the tent, a school's
15:56:25 13 tent.

15:56:27 14 A It is like a locker room. So for, let's say,
15:56:31 15 a football game, there is a home locker room and a
15:56:34 16 visitor's locker room. And you are supposed to stay in
15:56:37 17 your locker room. The visiting team doesn't go to the
15:56:40 18 home team. It is kind of the same with track, except
15:56:42 19 there is a lot more than just two teams. So everyone
15:56:46 20 has their own individual spaces.

15:56:49 21 Q And what about students that know each other?
15:56:51 22 Because I'm sure in Frisco, a lot of these athletes,
15:56:54 23 they grow up together, so they may move from one tent to
15:57:00 24 the other to give pleasantries. Is that normal; is that
15:57:01 25 acceptable?

15:57:02 1 A It is normal, for the most part. They just
15:57:05 2 don't keep their belongings under that tent, and it is
15:57:07 3 kind of, like, a brief, with friends, you say hi, and
15:57:10 4 then you move on to your event.

15:57:13 5 Q what about if you are by yourself? Do you --
15:57:15 6 is it acceptable to park yourself by yourself under
15:57:19 7 another school's tent?

15:57:20 8 A Not to my knowledge.

15:57:20 9 Q So that wouldn't be normal?

15:57:22 10 A No.

15:57:24 11 Q All right. I want to move on to April 2nd of
15:57:26 12 last year, of 2025. Were you working the district meet
15:57:30 13 at Kuykendall Stadium?

15:57:31 14 A Yes.

15:57:32 15 Q When did you arrive at the stadium?

15:57:34 16 A Between 7:30 and 7:45 in the morning.

15:57:37 17 Q And there has been talk about the weather.

15:57:39 18 There was some confusion about a weather delay or not a
15:57:44 19 weather delay. Can you explain that a little bit?

15:57:46 20 A Yes. So it was really cloudy and windy. And
15:57:51 21 as the athletic trainer, we monitor the weather in case
15:57:54 22 of lightening, because then we have to bring everybody
15:57:57 23 into a secure location. And we had noticed through our
15:58:00 24 video weather app, Perry Weather, that there were storms
15:58:04 25 that were moving towards our direction. And then at one

15:58:07 1 point, our athletic director came and said, hey, the
15:58:11 2 plan, if we get hit with lightening, the kids have to go
15:58:16 3 to the buses and they shelter in the bus. And, he said,
15:58:19 4 but that's when that happens.

15:58:21 5 There was some drizzle that happened, and for
15:58:25 6 some reason on the scoreboard, it signified a weather
15:58:30 7 delay, even though no one called a weather delay. There
15:58:33 8 was no lightening, yet, in the area. So there was a bit
15:58:36 9 of confusion as to why the event wasn't starting, like,
15:58:40 10 on time.

15:58:41 11 Q Were there athletes on the field that were
15:58:47 12 actually warming up?

15:58:48 13 A Yes.

15:58:48 14 Q And were there other athletes that had left to
15:58:51 15 go to the bus?

15:58:52 16 A Yes.

15:58:53 17 Q And were there other athletes who were moving
15:58:55 18 to go underneath their tents?

15:58:57 19 A Yes.

15:58:57 20 Q So it is fair to say there was confusion, when
15:58:59 21 you see a scoreboard that says there is a weather delay,
15:59:02 22 but yet there is athletes out on the actual track
15:59:04 23 itself?

15:59:05 24 A Yes.

15:59:05 25 Q So where were you when -- we know this

15:59:09 1 incident, the stabbing, happened around 10 o'clock. Do
15:59:13 2 you know where you were? You said you arrived at 7:45.
15:59:15 3 what did you do between that time? What was your
15:59:18 4 responsibility?

15:59:18 5 A So we set up all of our equipment where the
15:59:23 6 Andrews building is, so our old Frisco ISD athletic
15:59:28 7 office's building. We kind of put all of our tables and
15:59:33 8 trunks and med kits by where the locker room is. And we
15:59:39 9 kind of just post up there at a central location; so
15:59:42 10 when athletes get hurt or they need one of us, they know
15:59:45 11 where to go. So I was over there. And it is off the
15:59:49 12 track behind the flag pole.

15:59:51 13 Q And did you see Austin Metcalf that morning?

15:59:54 14 A I did.

15:59:55 15 Q And how did he seem to you?

15:59:57 16 A Normal. They came jokingly; there was a big
16:00:00 17 group of them, and said hi, gave me a hug, and went
16:00:03 18 about their day.

16:00:05 19 Q Do you remember approximately what time you
16:00:06 20 saw him?

16:00:08 21 A I want to say it was around 9:30 --

16:00:11 22 Q So could it be --

16:00:12 23 A -- roughly.

16:00:13 24 Q -- roughly, estimation, maybe 30 minutes
16:00:15 25 before the stabbing?

16:00:16 1 A Yes.

16:00:16 2 MS. SKIPPER: May the witness please
16:00:19 3 either stand up, Judge -- I would like to approach using
16:00:25 4 State's Exhibit-1.

16:00:25 5 THE COURT: Yes, ma'am.

16:00:29 6 Q Ms. Whiteaker, I am going to hold this up. If
16:00:31 7 you could explain to the members of the jury -- I want
16:00:32 8 to give them some orientation, kind of where you were.
16:00:37 9 So where was your medical tent set up?

16:00:40 10 A So right here.

16:00:41 11 Q And you are going to have to speak up.

16:00:43 12 A Sorry.

16:00:43 13 Q No, you are okay.

16:00:43 14 A Right here. It is like a little awning; the
16:00:46 15 building kind of comes out and we were standing
16:00:50 16 underneath.

16:00:50 17 Q Okay. So is this where all of the medical
16:00:52 18 equipment, the med bags are all set up here?

16:00:54 19 A Yes.

16:00:55 20 Q So you said the boys -- did both [REDACTED] and
16:00:59 21 Austin come by about 9:30?

16:01:01 22 A Yes.

16:01:02 23 Q And then they left?

16:01:03 24 A Yes.

16:01:03 25 Q Where did you go? What did you do?

16:01:04 1 A I stayed right in here.

16:01:05 2 Q So is this where you would be staying for the

16:01:07 3 entire track meet, so to speak?

16:01:09 4 A For the most part. If one of our athletes

16:01:12 5 needed us, we would go to wherever they were.

16:01:15 6 Q So when did you first know that something had

16:01:17 7 happened?

16:01:19 8 A We saw commotion in the stands and heard

16:01:23 9 screaming, and then one of our student athletic trainers

16:01:28 10 from Frisco High had started running.

16:01:30 11 Q And who was that?

16:01:30 12 A His name is [REDACTED] I don't know his last name.

16:01:35 13 Q And was he standing over here with you?

16:01:37 14 A Yes.

16:01:37 15 Q So he took off running towards the track,

16:01:39 16 toward the bleachers?

16:01:40 17 A He started running this way, toward the

16:01:43 18 bleachers. Me and my partner, Lou Scala, ran onto the

16:01:46 19 track.

16:01:47 20 Q Was there a lot of screaming, a lot of chaos

16:01:50 21 going on?

16:01:52 22 A Yes, that's why we decided to stay on the

16:01:54 23 track, away from all of the kids, and we began in that

16:01:59 24 direction.

16:01:59 25 Q Okay. So if you are moving this direction,

16:02:01 1 now you are going -- the orientation, going north, going
16:02:04 2 this way -- north?

16:02:05 3 A Yes.

16:02:05 4 Q And then what happened?

16:02:06 5 A I am looking into the crowd trying to figure
16:02:10 6 out what is going on, and I see one of my student
16:02:12 7 athletes, a familiar face --

16:02:15 8 THE COURT REPORTER: I'm sorry, I'm
16:02:21 9 having trouble --

16:02:21 10 MS. SKIPPER: I will ask the question
16:02:24 11 again.

16:02:24 12 THE COURT REPORTER: Please.

16:02:24 13 Q So when you went north, you see a crowd of
16:02:28 14 people, kids?

16:02:29 15 A Yes, kids.

16:02:30 16 Q And are you looking for a friendly face,
16:02:32 17 somebody that you recognize?

16:02:33 18 A Yes.

16:02:34 19 Q And do you recognize [REDACTED] in that
16:02:36 20 group, who is a Memorial athlete?

16:02:40 21 A Yes.

16:02:40 22 Q And then what happened when you see [REDACTED]
16:02:40 23 About where were you about when you see him?

16:02:43 24 A I am approximately around this area, and I see
16:02:46 25 him and I yell, [REDACTED] what's going on?

16:02:49 1 Q And what does he say?

16:02:51 2 A He said, him, he stabbed him. And then --

16:02:54 3 Q You lifted up your arm and you were pointing.

16:02:56 4 Is that what he was doing?

16:02:58 5 A That's what he was doing. He was pointing

16:03:00 6 towards me. And at that time, a student ran onto the

16:03:05 7 track here, kind of where I was, and I pointed to him,

16:03:09 8 and he said, yes, he stabbed him and threw the knife in

16:03:14 9 the stands.

16:03:15 10 Q So [REDACTED] is indicating to you "he" --

16:03:19 11 A He pointed him out.

16:03:20 12 Q He pointed out the student that did the

16:03:22 13 stabbing?

16:03:23 14 A Correct.

16:03:23 15 Q And he also indicated that he, the person who

16:03:26 16 did the stabbing, threw the knife?

16:03:28 17 A Yes.

16:03:28 18 Q Okay. And he indicated he threw it in the

16:03:30 19 stands?

16:03:31 20 A Yes.

16:03:31 21 Q All right. So then what happened?

16:03:33 22 A So I am kind of standing right around this

16:03:36 23 area, and we are walking in that direction; and there is

16:03:39 24 a large man in front of me by the name of Coach Hooper,

16:03:42 25 who works at Heritage High School. I get his attention.

16:03:46 1 I said, Hooper, I need you to take him. He stabbed
16:03:50 2 someone; he is not free to leave.

16:03:54 3 Q So let's back up just a minute.

16:03:56 4 A Sorry.

16:03:56 5 Q No, you are good.

16:03:56 6 So when you get the information from [REDACTED]
16:03:58 7 do you see who was later identified as Karmelo Anthony?

16:04:02 8 A Yes.

16:04:02 9 Q Do you stop him?

16:04:03 10 A I kind of, like, get in front of him.

16:04:06 11 Q Okay. So by doing this, you have got your
16:04:08 12 arms out?

16:04:08 13 A Yes.

16:04:08 14 Q Almost like you were going to stop him or
16:04:10 15 corral him; you know, detain him, I guess, so to speak?

16:04:15 16 A Yes.

16:04:15 17 Q So you stop him and you are looking right at
16:04:18 18 him. And do you say anything to him?

16:04:19 19 A No, I went directly to Hooper. Like, we were
16:04:24 20 walking. It was a very fluid motion. Nobody was ever
16:04:28 21 stopped in one spot. We were just kind of moving. And
16:04:30 22 that's when I stopped to get Hooper's attention.

16:04:35 23 Q And was Coach Hooper, who you indicated was a
16:04:38 24 Heritage coach, was he walking towards the bleachers?
16:04:41 25 was his back to you?

16:04:42 1 A His back was to me.

16:04:43 2 Q So did you call out to him to have him turn
16:04:45 3 around?

16:04:46 4 A Yes.

16:04:46 5 Q And then what happened?

16:04:47 6 A He turns around after I said he stabbed
16:04:50 7 somebody. He goes, you stabbed somebody, son? And
16:04:53 8 that's when I kind of went -- once I noticed that he was
16:05:00 9 going to take care of him, I could go on to perform
16:05:04 10 medical aid.

16:05:06 11 Q So is it fair to say you passed him off to
16:05:09 12 Coach Hooper?

16:05:10 13 A Yes.

16:05:11 14 Q Once you passed him off to Coach Hooper, where
16:05:13 15 did you go?

16:05:15 16 A I went towards the stands. I tried to get up
16:05:17 17 here, and noticed everyone was coming out that way. So
16:05:20 18 I came over this way and got into the stands.

16:05:24 19 Q Did you have to climb the fence to get over
16:05:25 20 into the --

16:05:26 21 A Yes.

16:05:26 22 Q And it is kind of a double, I would say, two
16:05:28 23 fences, almost?

16:05:30 24 A Yes, it is like a fence and then the fence
16:05:33 25 that's connected to the stands.

16:05:35 1 Q So when you got up there, then where do you go
16:05:38 2 once you got in the stands?

16:05:39 3 A I was here and then I went to -- at this time,
16:05:44 4 I did not know what was happening.

16:05:47 5 Q Okay. You can take a seat.

16:06:02 6 Ms. Whiteaker, when you got into the stands,
16:06:04 7 you got over those two fences and you went to the
16:06:07 8 bleachers, you had no idea who had been stabbed?

16:06:10 9 A No.

16:06:10 10 Q So what happened when you got there?

16:06:12 11 A I saw [REDACTED] the student trainer, and he
16:06:16 12 indicated to me a time. He thought he was having a
16:06:21 13 seizure, and so he was trying to signify, oh, the time,
16:06:25 14 it has been, you know, a few minutes. And then I look
16:06:29 15 and I see it is Austin and I see there is a Liberty
16:06:34 16 coach with him, our athletic director, and my partner,
16:06:38 17 Lou Scala. So I go around to Austin's head area, and I
16:06:46 18 help with evaluating him.

16:06:52 19 Q Okay. So once -- and it was easy for you to
16:06:55 20 recognize Austin?

16:06:56 21 A Yes.

16:06:57 22 Q Because you know Austin; you've spent a lot
16:06:58 23 time with him?

16:06:59 24 A Yes.

16:07:00 25 Q So when you go to help evaluate, what's

16:07:02 1 happening? What's going on? Can you explain to the
16:07:05 2 jury what you're observing?

16:07:06 3 A Yes. Coach Burtch has his fingers on his neck
16:07:12 4 trying to take a pulse. He's saying he can feel a
16:07:17 5 slight pulse. I am watching. I grab his wrist to try
16:07:23 6 and find a pulse here. I notice that he was blue in
16:07:27 7 color, wasn't breathing; and that's when I said we need
16:07:31 8 to -- I am going to start rescue breaths, get ready for
16:07:34 9 compressions.

16:07:35 10 Q And so do you start doing that?

16:07:37 11 A Yes.

16:07:38 12 Q And how long are you giving chest
16:07:40 13 compressions?

16:07:41 14 A I never gave the chest compressions; that was
16:07:44 15 Coach Rebmann, from Liberty, and Lou Scala.

16:07:47 16 Q Okay.

16:07:48 17 A We -- I gave -- we did that a couple of rounds
16:07:52 18 until an AED arrived; and then we put the AED pads on
16:07:57 19 him.

16:07:57 20 Q And did that help?

16:07:59 21 A No. It said analyzing rhythm, no shock
16:08:04 22 advice, continue CPR; and we continued CPR until
16:08:07 23 paramedics.

16:08:09 24 Q What's going through your mind when this is
16:08:11 25 happening?

16:08:12 1 A I am kind of in autopilot. It is just -- you
16:08:15 2 know, you stick with your training and you try to -- you
16:08:18 3 just keep going until further help arrives.

16:08:21 4 Q Did you have hope in your mind?

16:08:24 5 A Once the paramedics got there and delivered
16:08:29 6 medication and administered blood and he started -- his
16:08:36 7 color came back, I had hope; but I knew just from seeing
16:08:40 8 the wound that it was -- it wasn't as hopeful as I had
16:08:45 9 thought.

16:08:46 10 Q So did you stop your treatment once the
16:08:49 11 paramedics got there?

16:08:50 12 A Yes.

16:08:50 13 Q And then what happened after that?

16:08:53 14 A I helped the paramedics start a patient chart
16:08:58 15 on him, giving his name, his date of birth, address,
16:09:02 16 parents' names, and any type of allergies.

16:09:08 17 Q And then did the paramedics transport him to
16:09:11 18 the hospital?

16:09:12 19 A Yes.

16:09:12 20 Q And what was your role, if any -- did you have
16:09:14 21 after that?

16:09:15 22 A Hang around and wait.

16:09:16 23 MS. SKIPPER: At this time, we'll pass
16:09:27 24 the witness.

16:09:28 25 THE COURT: Mr. Shook?

CROSS-EXAMINATION

BY MR. SHOOK:

Q MS. Whiteaker, you interviewed, I believe, after this incident, with the police officer or detective while you were still at the location; is that right?

A Yes.

Q And that was a short interview with an Officer Falk, or Folk, I mean?

A Yes, sir.

Q And have you had a chance to review that interview?

A I have.

Q So as I understand it, you were -- you had gotten down onto the track; is that right?

A Yes.

Q And when you spotted Karmelo Anthony, he was coming down the track; is that right?

A He was coming onto the track.

Q Where you were; coming towards you?

A Yes, through the fence.

Q And you -- that's when you saw [REDACTED] and asked him what was going on?

A [REDACTED] was behind him, yes.

Q And when you saw Karmelo Anthony coming onto

16:10:27 1 the track, your observation was he was running from some
16:10:30 2 students that were -- or some people that were chasing
16:10:32 3 him?

16:10:32 4 A That was my assumption.

16:10:34 5 Q From just everything you observed?

16:10:36 6 A Yes.

16:10:36 7 Q He was running and people were chasing him; is
16:10:40 8 that correct?

16:10:41 9 A Yes.

16:10:41 10 Q Okay. And when you -- [REDACTED] said he
16:10:46 11 stabbed someone, you reached out and actually -- you
16:10:49 12 told the jury you put your hands out, but do you recall
16:10:51 13 telling Detective Folk that you actually stopped him and
16:10:55 14 grabbed hold of him?

16:10:56 15 A I don't believe I actually put my hands on
16:10:59 16 him. I think it was more of a signal.

16:11:02 17 Q And he stopped?

16:11:04 18 A Yeah.

16:11:05 19 Q He stopped right when you put your hands out?

16:11:07 20 A Yeah, we were -- it was -- like I said
16:11:09 21 earlier, it was more of a fluid motion. We just kind of
16:11:13 22 kept moving.

16:11:14 23 Q He didn't try to run away from you, did he?

16:11:17 24 A No.

16:11:18 25 Q Did he stay with you the brief time you were

16:11:20 1 with him?

16:11:20 2 A Yes.

16:11:21 3 Q And you -- is it fair to say that was a very
16:11:24 4 brief interaction?

16:11:27 5 A Yeah. I would say about 30 seconds.

16:11:28 6 Q And you described him to the detective as
16:11:31 7 about five-seven?

16:11:32 8 A Yes.

16:11:34 9 Q Not a large guy, was he?

16:11:35 10 A No.

16:11:36 11 Q More of what you see at track meets of one of
16:11:39 12 the sprinters; something like that?

16:11:42 13 A Yeah.

16:11:42 14 Q As opposed to a thrower like Austin or [REDACTED]
16:11:46 15 [REDACTED] who are much larger guys that throw shotputs,
16:11:50 16 and things like that?

16:11:50 17 A He was smaller, yes.

16:11:52 18 Q Considerably smaller than Austin Metcalf?

16:11:55 19 A I wouldn't say considerably, just because I
16:11:58 20 deal with a lot of different-sized athletes.

16:12:01 21 Q well, if they were a 60, 70-pound weight
16:12:04 22 difference, that would be considered to be smaller;
16:12:06 23 would it not?

16:12:08 24 A I believe that's fair.

16:12:10 25 Q Okay. So Karmelo stopped when you told him to

16:12:19 1 stop, he didn't run from you, and he heard -- or he was
16:12:24 2 close to you enough -- do you think he could have heard
16:12:27 3 what [REDACTED] told you?
16:12:30 4 A Potentially.
16:12:31 5 Q Were y'all in close proximity when [REDACTED]
16:12:34 6 told you that?
16:12:35 7 A Yes.
16:12:35 8 Q Okay. That didn't cause him to try to run
16:12:38 9 away across the field, the track field, or anything like
16:12:40 10 that?
16:12:41 11 A No, he did not run away from me.
16:12:43 12 Q And then you immediately saw Coach Hooper?
16:12:46 13 A Yes.
16:12:47 14 Q And got his attention?
16:12:48 15 A Yes.
16:12:49 16 Q And you said he stabbed a boy, keep a hold of
16:12:55 17 him and keep your eyes on him?
16:12:57 18 A Yes.
16:12:58 19 Q And did you see Coach Hooper actually grab him
16:12:59 20 or did he stand with him?
16:13:00 21 A Yes.
16:13:01 22 Q And Karmelo didn't try to run from Coach
16:13:04 23 Hooper?
16:13:05 24 A No, not to my knowledge.
16:13:07 25 Q Did you see them walk off together?

16:13:11 1 A Not right away, because I went straight from
16:13:14 2 the area to the stands. But I remember looking, and
16:13:17 3 they were together --

16:13:18 4 Q Okay.

16:13:18 5 A -- later on.

16:13:19 6 Q Did you see Coach Hooper hug Karmelo?

16:13:24 7 A I believe at one point.

16:13:26 8 Q Did they appear to be hugging each other?

16:13:31 9 A I don't know.

16:13:32 10 Q Could you tell if Karmelo was emotional with
16:13:35 11 Coach Hooper?

16:13:37 12 A Yes.

16:13:38 13 Q Did he appear to be crying and upset?

16:13:40 14 A Yes.

16:13:56 15 Q You talked a little bit about track culture or
16:13:59 16 track etiquette, I guess, and that teams aren't supposed
16:14:05 17 to come into other track teams' tents and sit; is that
16:14:10 18 right?

16:14:11 19 A Yes.

16:14:12 20 Q But you do see -- and you have seen student
16:14:17 21 athletes who have friends in other tents come up and say
16:14:21 22 hello?

16:14:21 23 A Yes.

16:14:22 24 Q And they can have conversations with them; can
16:14:24 25 they not?

16:14:25 1 A Correct.

16:14:25 2 Q They can even sit down and talk to them for a

16:14:27 3 minute, couldn't they?

16:14:28 4 A Yes.

16:14:29 5 Q Nothing wrong with that?

16:14:30 6 A No.

16:14:31 7 Q Track meets are a little bit more laid-back

16:14:33 8 than football games or basketball games, correct?

16:14:36 9 Between the athletes?

16:14:39 10 A It depends on the school.

16:14:40 11 Q well, in a football game you don't have teams

16:14:43 12 going over to the sidelines, each other's sidelines

16:14:45 13 during the game?

16:14:46 14 A Yeah.

16:14:48 15 Q Track meets are long and drawn out, where

16:14:49 16 athletes have one event and may have two or three or

16:14:54 17 four hours before they have another event?

16:14:57 18 A Correct.

16:14:57 19 Q So they walk around a lot?

16:15:00 20 A Yes.

16:15:01 21 Q They -- they listen to music, they talk to

16:15:05 22 their friends?

16:15:06 23 A Yes.

16:15:06 24 Q Is that right?

16:15:07 25 A Uh-huh.

16:15:08 1 Q And also, if they have friends at other
16:15:10 2 schools, talk to them?
16:15:11 3 A Correct.
16:15:11 4 Q They may walk around with them and there is
16:15:14 5 nothing wrong with them having conversations and walking
16:15:18 6 with student athletes from other schools, is there?
16:15:22 7 A Right.
16:15:23 8 Q And as we said, or as you testified earlier,
16:15:25 9 there is nothing wrong with, if you know someone, to sit
16:15:27 10 down and talk to them for a while, correct?
16:15:30 11 A Correct.
16:15:31 12 Q Okay. And this morning around 10:00 or 9:30
16:15:37 13 in the morning, it was raining off and on, kind of a
16:15:42 14 drizzle, correct?
16:15:46 15 A Correct.
16:15:46 16 Q Were you aware that Centennial didn't have a
16:15:48 17 tent up that morning?
16:15:50 18 A No.
16:15:50 19 Q Would it make sense that students, if they
16:15:54 20 didn't have a tent up, would want to try to get out of
16:15:56 21 the drizzle, the rain?
16:15:57 22 MS. SKIPPER: Objection, speculation.
16:15:59 23 THE COURT: Overruled.
16:16:02 24 Q Would that make sense?
16:16:03 25 A Yes.

16:16:20 1 Q Did -- and this was a co-ed track meet where
16:16:24 2 you had girls and boys under the same tents?

16:16:26 3 A Yes.

16:16:27 4 Q And was that true with Memorial?

16:16:29 5 A Yes, we had male and female athletes.

16:16:42 6 Q Austin Metcalf was a very good football
16:16:44 7 player?

16:16:45 8 A Yes.

16:16:45 9 Q His brother [REDACTED] was a very good football
16:16:48 10 player?

16:16:49 11 A Yes.

16:16:49 12 Q They were both linebackers?

16:16:51 13 A Yes.

16:16:52 14 Q They were big guys, Austin was a strong young
16:16:55 15 man; is that correct?

16:16:59 16 A I mean, compared to, like, a D1 football
16:17:04 17 player or a Memorial athlete?

16:17:07 18 Q A Memorial athlete.

16:17:09 19 A He was on the average-to-bigger size.

16:17:14 20 Q And as a linebacker, you have got to be pretty
16:17:16 21 big, don't you?

16:17:17 22 A Yes, but you have defensive and offensive
16:17:19 23 linemen that are bigger.

16:17:21 24 Q A linebacker is a lot bigger than a defensive
16:17:24 25 back?

16:17:24 1 A Yes.

16:17:25 2 Q Okay. Linebackers have to hit people because
16:17:30 3 they have to stop running backs; they also have to stop
16:17:35 4 receivers, too?

16:17:35 5 A Correct.

16:17:36 6 Q He's a passionate player?

16:17:46 7 A Yes.

16:17:47 8 Q Have you been around a lot of -- how many
16:17:49 9 years have you been doing the training, did you say?

16:17:51 10 A I graduated from college in 2011, so since
16:17:55 11 then.

16:17:56 12 Q Okay. 16, 17-year-old boys, they obviously
16:18:03 13 are very competitive with each other; are they not?

16:18:07 14 A Correct.

16:18:08 15 Q If an argument breaks out between two
16:18:10 16 different boys from another school, that can get heated
16:18:15 17 pretty quickly sometimes?

16:18:17 18 A Sometimes.

16:18:17 19 Q Can they get -- they don't want to back down,
16:18:21 20 sometimes, when they get into an argument?

16:18:23 21 A Sometimes.

16:18:24 22 Q Is that especially true when their friends are
16:18:26 23 around or there is other athletes around, in front of
16:18:30 24 them?

16:18:31 25 A I mean, every athlete is different.

16:18:34 1 Q They don't like to get embarrassed in front of
16:18:38 2 their friends, I guess you would say?
16:18:40 3 A Yes.
16:18:41 4 Q Or people in general; that's just kind of
16:18:43 5 human nature?
16:18:44 6 A Correct.
16:18:44 7 MR. SHOOK: I will pass the witness, Your
16:18:54 8 Honor?
16:18:54 9 THE COURT: Redirect?
16:18:55 10 MS. SKIPPER: Nothing further.
16:18:57 11 THE COURT: Is this witness excused by
16:18:59 12 the State?
16:18:59 13 MS. SKIPPER: Yes.
16:19:00 14 THE COURT: By the Defense?
16:19:01 15 MR. SHOOK: Subject to recall, Your
16:19:02 16 Honor.
16:19:03 17 THE COURT: Okay. You are subject to
16:19:04 18 recall. Somebody will explain that to you, okay? Thank
16:19:07 19 you.
16:19:07 20 call your next witness.
16:19:10 21 MR. WIRSKYE: The State will call coach
16:19:12 22 Vincent Hooper.
16:19:13 23 THE COURT: Okay. While we were waiting
16:19:14 24 for Mr. Hooper, can you approach, please, Counsel?
16:19:18 25 (Off-the-record discussion.)

16:19:18 1 THE COURT: Sir, come across the
16:19:49 2 courtroom and head to this black chair to my right.
16:19:52 3 That's the witness chair.
16:19:54 4 THE WITNESS: Yes, sir.
16:19:55 5 THE COURT: Before you sit down, please
16:19:57 6 turn to me and raise your right hand.
7 (Witness sworn.)
16:20:05 8 THE COURT: Okay. Put your hand down and
16:20:06 9 be seated, please.
16:20:07 10 Mr. Wirskeye.
16:20:12 11 MR. WIRSKYE: Thank you, Judge.
12 VINCENT HOOPER,
13 having been first duly sworn, testified as follows:
14 DIRECT EXAMINATION
16:20:12 15 BY MR. WIRSKYE:
16:20:13 16 Q Good morning, Coach. How are you?
16:20:15 17 A I am all right. How are you?
16:20:16 18 Q Good morning -- good afternoon, sorry.
16:20:17 19 MR. WIRSKYE: It has been a long day,
16:20:19 20 members of the jury.
16:20:20 21 Q Good afternoon, Coach.
16:20:21 22 A Good afternoon.
16:20:22 23 Q All right. Could you introduce yourself and
16:20:26 24 tell the members of the jury your full name?
16:20:27 25 A Vincent Hooper.

16:20:29 1 Q Okay. And you are currently the head football
16:20:33 2 coach at Heritage, right?

16:20:35 3 A Yes, sir.

16:20:35 4 Q And that permanent title is relatively recent;
16:20:39 5 is that right?

16:20:40 6 A Yes, sir.

16:20:40 7 Q All right. Well, congratulations.

16:20:42 8 A Thank you.

16:20:43 9 Q All right. Are y'all going to have a good
16:20:44 10 team next year?

16:20:44 11 A We're working on it.

16:20:46 12 Q Okay. Fair enough. Fair enough.

16:20:48 13 Could you tell the members of the jury a
16:20:50 14 little bit about your background? I think you might
16:20:53 15 have been born in deep East Texas?

16:20:56 16 A I was actually born in Dallas, Texas, but I
16:20:58 17 grew up in Grapeland, Texas and graduated high school in
16:21:02 18 Hawkins, Texas.

16:21:03 19 Q And you and I have talked, but you played
16:21:06 20 football coming up; is that right?

16:21:06 21 A Yes, sir -- well, in high school, football,
16:21:09 22 basketball, track.

16:21:10 23 Q And did you go on to college?

16:21:12 24 A Yes, I played at a small university up in
16:21:16 25 Minnesota called Bethel University.

16:21:18 1 Q what position did you play?

16:21:20 2 A Receiver.

16:21:21 3 Q And did you maybe have a cup of coffee in the

16:21:23 4 NFL?

16:21:25 5 A Just a little bit, yes, sir.

16:21:26 6 Q Tell the members of the jury about your NFL

16:21:28 7 experience.

16:21:29 8 A I was invited to be a free agent with the

16:21:31 9 Minnesota Vikings, lasted maybe mini-camp; and after

16:21:35 10 that, they were only bringing in 10 receivers, and I was

16:21:38 11 number 11 because I played Division 3 football and they

16:21:41 12 wanted me to --

16:21:41 13 THE COURT: Hang on just a second. Let

16:21:41 14 me explain something to you. She is taking down

16:21:43 15 everything you are saying.

16:21:44 16 THE WITNESS: Oh, am I going too fast?

16:21:49 17 THE COURT: Yes, sir, you are going too

16:21:49 18 fast.

16:21:49 19 THE WITNESS: I lived in Minnesota too

16:21:49 20 long.

16:21:49 21 THE COURT: I just need you to slow down

16:21:50 22 because it has been a long day, especially for her. So

16:21:53 23 just slow down.

16:21:54 24 A I was invited to be a free agent with the

16:21:56 25 Minnesota Vikings. They were only bringing 10 guys in.

16:21:59 1 I was number 11. I played Division 3 football. They
16:22:03 2 said they needed a little bit more experience, so they
16:22:04 3 were going to bring me back in the --

16:22:08 4 THE COURT: Slow down.

16:22:09 5 THE WITNESS: Still fast?

16:22:13 6 Q Is it fair to say you never caught on with the
16:22:15 7 vikings?

16:22:16 8 A That's fair to say.

16:22:17 9 Q Okay. Fair enough. I think this is going to
16:22:22 10 be relevant, and I don't want to embarrass you, but you
16:22:24 11 are kind of a big guy. What's your height and weight?

16:22:27 12 A I am six-two-and-a-half, 240.

16:22:30 13 Q And after college, after the vikings, how did
16:22:34 14 you find yourself as an educator and a coach?

16:22:37 15 A Well, I always knew I would be an educator and
16:22:40 16 a coach. My older brother, who played at SMU, was
16:22:42 17 coaching; so I knew I would follow in his footsteps. So
16:22:46 18 as soon as I got let go by the vikings, I went straight
16:22:50 19 into coaching. I became a head girls' basketball coach,
16:22:52 20 a head girls' track coach, and a head football coach in
16:22:55 21 Minneapolis.

16:22:56 22 Q Okay. So that was up in Minnesota where you
16:22:58 23 had gone to school?

16:23:00 24 A Yes, sir.

16:23:00 25 Q Fair to say it was a tough neighborhood up

16:23:02 1 there in Minneapolis?

16:23:03 2 A The neighborhood I lived in in north
16:23:05 3 Minneapolis, I still remember the address: 3446 James
16:23:09 4 Avenue North. I taught at a middle school right off of
16:23:11 5 Broadway, which was a pretty rough area of north
16:23:18 6 Minneapolis, a lot of gang activity.

16:23:20 7 Q Okay. A little bit different than Grapeland?

16:23:23 8 A Yes, sir.

16:23:23 9 Q And at some point, did you find yourself in
16:23:26 10 Texas?

16:23:28 11 A Yes, sir. My wife and I lost our second son,
16:23:32 12 umbilical cord, at about eight months, and she knew I
16:23:36 13 wanted to get my boys back to Texas. And after we lost
16:23:39 14 him and went through a little bit of grieving, she
16:23:41 15 finally looked at me and said, hey, we can go back to
16:23:43 16 Texas. And I jumped on that and we moved back here in
16:23:47 17 2002.

16:23:47 18 Q Do you still miss your son every day?

16:23:49 19 A It is harder on her than me. We actually have
16:23:52 20 four children besides him, so my youngest son just
16:23:55 21 graduated from Heritage this year.

16:23:57 22 Q Okay. Congratulations. And over in Fort
16:23:59 23 Worth, I believe you coached in the Stop Six
16:24:02 24 neighborhood?

16:24:03 25 A Yes, I was head track coach and assistant

16:24:06 1 football coach at North Crowley High School.

16:24:10 2 Q And is it fair to say if the members of the
16:24:11 3 jury aren't familiar, Stop Six is also kind of like
16:24:14 4 Minneapolis? It is a tough neighborhood?

16:24:16 5 A Yes.

16:24:17 6 Q How did you find yourself in Frisco?

16:24:19 7 A The head football coach, athletic coordinator
16:24:23 8 at Heritage at the time, Shay Hendricks, he and I got to
16:24:27 9 meet at a coaches' --

16:24:28 10 THE COURT: Sir, sir, hang on. I hope
16:24:30 11 you run as fast as you talk.

16:24:33 12 MR. WIRSKYE: He was a wide receiver,
16:24:34 13 Judge.

16:24:36 14 THE COURT: Hey, hey, look at me. You
16:24:37 15 need to slow down, okay?

16:24:38 16 THE WITNESS: Yes, sir.

16:24:38 17 A Coach Hendricks, who was at Heritage at the
16:24:43 18 time, he was the head football coach, athletic
16:24:47 19 coordinator, saw me at a manager's retreat and, he said,
16:24:49 20 I have a middle school job open, I don't have a high
16:24:53 21 school; if you want to come, we would like you to come
16:24:56 22 over. And at the time, my daughter, who is a sophomore,
16:24:58 23 will be a junior this next year, was getting ready to
16:25:02 24 start kindergarten. And I talked to my wife about it
16:25:04 25 and, she says, yes, I want my daughter in a better

16:25:07 1 school district. And so we moved over here in 2015.

16:25:10 2 Q So it was a good decision for your family to
16:25:12 3 get your kids in a little bit better school district?

16:25:15 4 A Yes, sir.

16:25:16 5 Q Okay. Understood. And how did you find
16:25:19 6 yourself at Heritage High School?

16:25:21 7 A Well, that first year, my son, who is a
16:25:26 8 Chinook pilot now with the National Guard, he was a
16:25:29 9 junior. His senior year, a coach left, like in June,
16:25:33 10 and Coach Hendricks called me up and said, hey, I have a
16:25:37 11 position open; if you want it, it is yours. And, I
16:25:39 12 said, yes, sir, I want it, because I wanted to get back
16:25:41 13 to the high school and be with my son his senior year.

16:25:44 14 Q Okay. So it seems like your transition to
16:25:46 15 Heritage has worked out really well for you and your
16:25:49 16 family?

16:25:49 17 A Yes, sir.

16:25:49 18 Q And you finally made -- you were interim head
16:25:52 19 coach at the end of last year and finally made permanent
16:25:55 20 head coach?

16:25:56 21 A Yes, sir.

16:25:56 22 Q Have you filled out your staff yet?

16:25:58 23 A I am still in the process of doing that.

16:26:00 24 Q Understood. I know you're primarily, sounds
16:26:05 25 like, focused on football. But it sounds like you have

16:26:08 1 done a little of everything; basketball. Specifically I
16:26:10 2 want to talk to you about track. What was your role in
16:26:13 3 the track program at Heritage?

16:26:15 4 A Well, in 2018, I became the head track coach
16:26:19 5 at Heritage, and I was in that role up until this year.

16:26:24 6 Q Okay. And in that role, were you head track
16:26:26 7 coach back in April of '25, when this stabbing happened?

16:26:31 8 A Yes, sir.

16:26:32 9 Q And let me just ask you generally. It has
16:26:35 10 been called track culture or track etiquette, but how
16:26:38 11 should the members of the jury think about a track
16:26:41 12 team's tent at a track meet?

16:26:43 13 A For us, and I speak for Heritage and every
16:26:47 14 place I have been a head track coach, you usually only
16:26:49 15 want your kids in your camp. You know, kids like to
16:26:54 16 mingle and they like to talk and enjoy one another; you
16:26:58 17 still just want your kids in your camp.

16:27:00 18 Q And that's pretty well-known in the track meet
16:27:03 19 world, especially in Frisco, it sounds like?

16:27:06 20 A Yes, sir.

16:27:06 21 Q Let me talk to you about that day: April 2nd,
16:27:09 22 Wednesday. What time did you get to the district meet?

16:27:12 23 A We got there around 8:00-ish. I don't
16:27:16 24 remember the exact time, off the top of my head, but we
16:27:19 25 got there around 8:00-ish, because the field events were

16:27:21 1 starting. And you have to implement weigh-in --

16:27:24 2 THE WITNESS: I have got to slow down.

16:27:25 3 A -- implement weigh-in, and so I would drive
16:27:33 4 them over in my vehicle, drop them off to whoever was
16:27:34 5 doing the implement weigh-in, and get our kids there so
16:27:37 6 they could get weighed in for pole vault. So we were
16:27:41 7 there around eight o'clock, with the events starting at
16:27:43 8 9:00 or 10:00.

16:27:44 9 Q And there was rain in the forecast, correct?

16:27:45 10 A Yes, sir.

16:27:46 11 Q What do you remember about the rain that
16:27:47 12 morning? Was it your understanding that the track meet
16:27:52 13 was ever delayed?

16:27:55 14 A I don't -- it might have been delayed a little
16:27:56 15 bit. I just -- I don't remember.

16:27:58 16 Q Let me jump ahead to about 10:00 a.m., right
16:28:02 17 around the time this stabbing happened. It sounded like
16:28:05 18 you had left and gone to get some batons?

16:28:07 19 A So I -- so how it was set up, varsity was
16:28:13 20 doing field events in the morning; and then when varsity
16:28:16 21 was doing field events, JV would do the running. So I
16:28:20 22 was going to my -- I went to my car to grab the batons
16:28:23 23 so I could work on relay hand-offs with our JV.

16:28:27 24 Q You go to your car, get the batons; you are
16:28:30 25 making your way back into that main gate at Kuykendall.

16:28:34 1 Did something unusual happen? Did you see something out
16:28:36 2 of the ordinary?

16:28:38 3 A Well, as I am walking up the ramp toward the
16:28:40 4 track, I see our kids all just -- they are just
16:28:43 5 scattered. And I am yelling at them calm down, go sit
16:28:47 6 down, cut all of that out. And one of our athletes
16:28:53 7 says, Coach, Coach, he stabbed him. And I am not
16:28:55 8 comprehending what she is saying and I am, like, what?
16:28:58 9 Y'all go sit down. She says, no, Coach. And when I
16:29:02 10 look to my left, I see other kids from other schools
16:29:05 11 running; and by this time, a coach handed off Karmelo to
16:29:11 12 me, and said, don't let him leave.

16:29:13 13 Q And that's Coach Tiffany Whiteaker, a trainer
16:29:14 14 for Memorial?

16:29:16 15 A Yes, sir.

16:29:16 16 Q And what's going through your mind? Coach
16:29:20 17 Tiffany says, hey -- you heard there was a stabbing, she
16:29:24 18 says stay with this kid, what is going through your
16:29:26 19 mind?

16:29:27 20 A Well, it still doesn't ring a bell, because at
16:29:30 21 that time I am, like -- I am getting ready to do
16:29:31 22 hand-offs with folks on what we are going to do on the
16:29:34 23 track, and Karmelo is there, so I put my arm around him,
16:29:37 24 and him and I start walking. And, I said, what did you
16:29:40 25 do? And, he said, he put his hands on me. But then at

16:29:44 1 this time, somebody is saying something to me from the
16:29:47 2 fence, so I leave Karmelo and I walk toward the fence.
16:29:50 3 And I can't remember who I was talking to, but I went
16:29:51 4 back to him, and I put my hand on him again, and we are
16:29:54 5 walking down the track, back to where almost everything
16:29:57 6 had happened.

16:29:58 7 Q Did you know what was going on?

16:29:59 8 A I did not.

16:29:59 9 Q You had heard "stabbing," but it still didn't
16:30:03 10 register?

16:30:03 11 A No.

16:30:04 12 Q When you say you put your hands around him, on
16:30:06 13 him, hugged him, how would you describe it?

16:30:08 14 A Well, I just put my hands around his shoulder
16:30:11 15 and him and I, we were walking down the track and, I
16:30:14 16 said -- we started talking and, I said, what did you do?
16:30:16 17 And, he goes, he put his hands on me and I stabbed him.
16:30:19 18 And I made a statement of, well, you know if he dies,
16:30:22 19 you just changed your life for the rest of your life.
16:30:24 20 And, he says to me, he is not going to die. And, I go,
16:30:27 21 but if he dies, you changed your life for the rest of
16:30:30 22 your life.

16:30:30 23 And at that time, I think it -- I don't know
16:30:32 24 if it registered with him, but he starts crying, and we
16:30:35 25 embrace. And so I am holding him; and then at that

16:30:37 1 time, I am feeling -- I don't know him, so I call for a
16:30:41 2 Centennial coach.

16:30:43 3 Q Okay. What was your goal in embracing him; to
16:30:45 4 comfort him, calm him down, keep him from leaving, or
16:30:49 5 all of the above?

16:30:50 6 A To comfort him more. He was pretty calm.

16:30:53 7 Q Okay. And why did you want to hand him off to
16:30:57 8 a Centennial coach?

16:30:58 9 A Because I wanted somebody who had a
16:31:00 10 relationship with him to be able to communicate and talk
16:31:02 11 with him. I thought that would be the best thing. I
16:31:05 12 know if that was one of my athletes, I would want to be
16:31:08 13 there to support them in some way, shape, or form.

16:31:10 14 Q So you see a Centennial coach; I believe it is
16:31:13 15 a white male, a white guy from Centennial, right?

16:31:16 16 A Yes.

16:31:16 17 Q And you hand Karmelo Anthony off to him?

16:31:19 18 A Yes, sir.

16:31:19 19 Q What do you do after that?

16:31:21 20 A It kind of starts ringing a bell when I see
16:31:27 21 the twin brother. One of our coaches was holding him up
16:31:29 22 against the fence, and then I see another young man -- I
16:31:33 23 don't know his name -- from Memorial, African-American
16:31:36 24 kid, who is trying to run to go after Karmelo --

16:31:39 25 Q What is that African-American kid telling you?

16:31:42 1 A He is going to get him, and so I grab him.
16:31:45 2 And I am holding him and he is fighting, fighting
16:31:48 3 fighting. So I pick him up and I am walking him away
16:31:51 4 from where Karmelo and the coach of Centennial are. And
16:31:54 5 we end up on the ground and I am holding him -- trying
16:31:58 6 to hold him until one of their coaches came, and they
16:32:00 7 took him from me.

16:32:01 8 Q Okay. The African-American kid that you hold
16:32:05 9 back, did he ever tell you, he stabbed my brother?

16:32:07 10 A Yes.

16:32:08 11 Q Did that make sense to you?

16:32:11 12 A It did, because I didn't know the brother that
16:32:16 13 was -- had been stabbed, laying on the ground. I didn't
16:32:19 14 know his brother was a twin brother until after the
16:32:22 15 fact, and then this kid was saying, well, they are all
16:32:27 16 football players and we're all family. And so, yes, he
16:32:30 17 said that you stabbed my -- he stabbed my brother, I am
16:32:32 18 going to get him. And, I said, you can't do that,
16:32:34 19 because we can't have two accidents in one meet.

16:32:37 20 Q After the fact, you realized the kid you were
16:32:40 21 holding back wasn't his actual brother?

16:32:42 22 A Yes, sir.

16:32:42 23 Q The kid you were holding back was black; the
16:32:44 24 kid that got stabbed was white?

16:32:46 25 A Yes, sir.

16:32:47 1 Q Now, you mentioned it earlier. I wanted to
16:32:48 2 take you back through it. As you are walking on the
16:32:51 3 track with Karmelo Anthony, you kind of walked back over
16:32:54 4 towards the Memorial tent?

16:32:56 5 A Yes, sir.

16:32:57 6 Q Is there any particular reason, or are you
16:33:00 7 still not registering what had happened?

16:33:02 8 A I still hadn't registered what had happened.
16:33:04 9 I just -- they said, don't let him leave, so I was just
16:33:07 10 walking him down the track, like we were going to walk
16:33:09 11 the track.

16:33:10 12 Q And you and I watched the video and this jury
16:33:12 13 has probably seen enough video for today, so I won't put
16:33:15 14 it on, but when you are walking Karmelo Anthony up to
16:33:19 15 that Memorial tent, it kind of registers, and you make a
16:33:21 16 U-turn?

16:33:23 17 A Yes, sir.

16:33:23 18 Q And then you hand him off to the Centennial
16:33:26 19 coach; is that right?

16:33:26 20 A Yes. Yes, sir.

16:33:31 21 Q You said you were trying to comfort him. Did
16:33:34 22 his emotions seem genuine to you, or did you know?

16:33:38 23 A They seemed genuine. I mean, he was quiet.

16:33:42 24 Q Do you know his heart?

16:33:43 25 A I don't know his heart.

16:33:45 1 Q And he started crying when you said you better
16:33:49 2 hope he didn't die, because if he does, you just changed
16:33:53 3 your life?

16:33:54 4 A Yes, sir.

16:33:56 5 Q And he told you that young man is not going to
16:33:59 6 die?

16:33:59 7 A Yes, sir.

16:33:59 8 Q The young man you held back that you have
16:34:08 9 talked to us about, the African-American, I think the
16:34:13 10 jury has heard his name: [REDACTED] I have

16:34:16 11 identified to you, it looks like a young man named [REDACTED]
16:34:19 12 [REDACTED] the African-American that you were holding back.

16:34:22 13 A Yes.

16:34:26 14 Q And at some point, after you hand off [REDACTED]
16:34:29 15 [REDACTED] to a Memorial coach, what do you do?

16:34:33 16 A I walk over and I look at the young man that
16:34:35 17 was laying on the walkway.

16:34:39 18 Q And what do you see when you look over, Coach?

16:34:42 19 A He was pale white and I saw a puddle of blood.

16:34:47 20 Q Did it start to register then what had
16:34:49 21 happened?

16:34:49 22 A The severity of it, yes.

16:34:52 23 Q But up to that point, you really didn't know?

16:34:54 24 A No, sir.

16:34:56 25 Q And at some point later that day, did you meet

16:35:00 1 and have a short visit with members of the Frisco Police
16:35:02 2 Department?

16:35:04 3 A Yes, sir, I did.

16:35:05 4 Q Okay. And did you tell them what happened
16:35:08 5 that morning, what you just told the jury?

16:35:10 6 A Yes, sir.

16:35:10 7 MR. WIRSKYE: We'll pass this witness.

16:35:18 8 THE COURT: Mr. Shook?

9 CROSS-EXAMINATION

16:35:20 10 BY MR. SHOOK:

16:35:22 11 Q Just a few questions for you, okay?

16:35:24 12 A Yes, sir.

16:35:25 13 Q All right. You -- you have told the jury, and
16:35:29 14 when Mr. Wirskey asked you, you said that you felt
16:35:32 15 Karmelo Anthony's emotions were genuine, correct?

16:35:35 16 A Yes, sir.

16:35:36 17 Q You based that on your life experiences as a
16:35:38 18 coach, correct?

16:35:39 19 A Yes, sir.

16:35:41 20 Q When he was crying, when he was upset, he
16:35:43 21 looked genuine and you felt he was genuinely upset?

16:35:47 22 A Yes, sir.

16:35:47 23 Q When he said he is not going to die, did you
16:35:50 24 really believe he didn't want Austin Metcalf to die?

16:35:54 25 A I don't think he thought he would die because

16:35:56 1 I -- when he said it -- because he said he stabbed him,
16:36:01 2 I didn't think he thought he stabbed him in the spot
16:36:03 3 that he stabbed him in, maybe he didn't think he would
16:36:06 4 die.

16:36:07 5 Q All right. But he was genuinely upset?

16:36:10 6 A Yes.

16:36:11 7 Q When the other person got your attention, was
16:36:16 8 Karmelo Anthony running at that time, or had he stopped
16:36:19 9 running?

16:36:19 10 A I honestly don't know if he was running,
16:36:21 11 because like if the fence was here, I am talking to one
16:36:25 12 of our female track runners. And as I just looked to my
16:36:29 13 left, coach is there and Karmelo is standing right there
16:36:34 14 next to me. And she just said don't let him leave, so I
16:36:38 15 put my arm around him. So he -- it was just -- I don't
16:36:40 16 know if it was -- God intended that to happen, but just
16:36:44 17 when I looked to the left, he was standing there; she
16:36:46 18 was right behind him.

16:36:48 19 Q Okay. He didn't try to run from you?

16:36:49 20 A He did not try to run from me.

16:36:51 21 Q You put your arm around him?

16:36:53 22 A Yes.

16:36:54 23 Q We have seen video of you walking along the
16:36:56 24 track with him.

16:36:57 25 A Yes, sir.

16:36:58 1 Q At some point, he turns, and it looks like
16:37:00 2 y'all stop and you hug each other?

16:37:01 3 A Yeah, that's when I think it registered, the
16:37:04 4 severity of the situation, how bad it could be.

16:37:07 5 Q It looks like when you make your U-turn and
16:37:10 6 walk back, you -- well, before that, you did stop,
16:37:13 7 because someone, I think you said, called your
16:37:15 8 attention?

16:37:16 9 A Yes, sir.

16:37:16 10 Q And you left him and he was still standing on
16:37:19 11 the track?

16:37:20 12 A Yes, sir.

16:37:20 13 Q You went over to the fence to talk to them?

16:37:23 14 A Yes, sir.

16:37:23 15 Q You turned around and he was still standing
16:37:25 16 there looking at you?

16:37:26 17 A Yes, sir.

16:37:27 18 Q And you walked back to him?

16:37:29 19 A Yes, sir.

16:37:29 20 Q Put your arm around him again?

16:37:31 21 A Yes, sir.

16:37:31 22 Q He didn't try to run, obviously, when you left
16:37:34 23 him and went over?

16:37:35 24 A No, sir.

16:37:36 25 Q Okay. Do you remember him getting down or --

getting down on his knees at one point in time?

A Not with me, because we were standing up; and then when we embraced, that's when someone else came and grabbed him. So him and I, we were always standing up.

Q All right. That's after the Centennial coach came over and you handed him off and then went to deal with the other situation?

A Yes, sir.

Q Okay. You -- you said on the track culture, you liked to have your students and athletes stay in the tent and that's their tent, and you don't want other people in the tent, necessarily?

A Yes, sir.

Q But kids do like to mingle?

A They do like to mingle.

Q A lot of them know each other and are friends?

A Yes, a lot of them went to school together, so I know like for Heritage and Memorial, we share a middle school called Moss. So kids from Moss go to both Heritage and Memorial. Like my son, who just graduated, he has a lot of friends that he went to sixth grade, eighth grade with, that go to Memorial.

Q Okay. So at a track meet -- and track meets are all-day events, usually; is that right?

A Yes, sir.

16:38:53 1 Q You've got a lot of downtime between events?

16:38:55 2 A Yes, sir.

16:38:55 3 Q You've got student athletes walking around?

16:38:59 4 A Yes.

16:38:59 5 Q And they will go over and see their friends?

16:39:01 6 A Yes, sir.

16:39:02 7 Q And they will mingle with them?

16:39:03 8 A Yes, sir.

16:39:04 9 Q Talk to them for a little while?

16:39:05 10 A Yes, sir.

16:39:06 11 Q Sometimes sit down under their tent and talk

16:39:07 12 to them for a few minutes?

16:39:09 13 A They will do that, but we try to prevent that

16:39:12 14 from happening. I know for us, we usually try to have a

16:39:15 15 coach in our tent, kind of to keep that from happening.

16:39:18 16 Q But it is not unusual for a student athlete,

16:39:21 17 if he knows someone from another tent, to go over and

16:39:25 18 talk to them for a little while?

16:39:26 19 A No, it is not.

16:39:26 20 Q Did you know that Centennial didn't have a

16:39:28 21 tent that day?

16:39:29 22 A I did not.

16:39:31 23 Q It was raining off and on that morning,

16:39:32 24 correct?

16:39:33 25 A Yes, sir.

16:39:34 1 Q And students were getting out of the rain; is
16:39:36 2 that right?

16:39:37 3 A Yes, sir.

16:39:37 4 Q Okay. You, obviously, as a coach and mentor,
16:39:47 5 help young men often; is that right?

16:39:49 6 A Yes, sir, I do my best.

16:39:51 7 Q And on that day, you didn't know what
16:39:54 8 happened, but you put your arm around Karmelo Anthony?
16:39:56 9 You did your best to comfort him?

16:39:59 10 A Yes, sir. I believe -- I've been coaching
16:40:01 11 since 1994, and it doesn't matter if you are an opponent
16:40:05 12 or you are one of my athletes, I believe we are all the
16:40:10 13 same, I love you all. So I try to make sure that all
16:40:12 14 kids have an opportunity to be successful, and that's
16:40:14 15 been my belief my entire coaching career.

16:40:17 16 Q Well, thank you for doing that that day for
16:40:19 17 Karmelo.

16:40:20 18 MR. SHOOK: Pass the witness, Your Honor.

16:40:21 19 THE COURT: Mr. Wirskey?

16:40:22 20 MR. WIRSKYE: Good luck next season,
16:40:23 21 Coach.

16:40:23 22 Nothing further.

16:40:24 23 THE COURT: Is the witness excused?

16:40:26 24 MR. WIRSKYE: No objection from the
16:40:27 25 State.

16:40:27 1 MR. SHOOK: No objection.

16:40:28 2 THE COURT: You are excused, sir. Thank
16:40:29 3 you.

16:40:31 4 It is 4:40. Ladies and gentlemen, I keep
16:40:40 5 telling you that we are having a 15-minute break, but it
16:40:45 6 doesn't ever seem to work out that way. So we are just
16:40:46 7 going to move it to 20 minutes from now on and set an
16:40:49 8 expectation for everybody. I will try to do better of
16:40:52 9 getting everybody in the courtroom so we can get going.
16:40:55 10 So we will be in recess until 5:00 o'clock.

16:40:56 11 Ladies and gentlemen, you are to continue
16:40:59 12 to follow all of the instructions I have given you --
16:41:00 13 sit down. You are not allowed to discuss this case with
16:41:03 14 anyone, including amongst yourselves, during the break.

16:41:06 15 Thank you.

16:41:09 16 THE BAILIFF: All rise.

17 (Jury not present.)

16:41:37 18 THE COURT: Let the record reflect the
16:41:37 19 jury has left the courtroom. We'll be in recess.

16:41:40 20 Ladies and gentlemen, please follow the instructions of
16:41:42 21 the Court staff.

16:41:45 22 (Recess in proceedings.)

16:41:48 23 THE COURT: Everyone be seated, please.

17:00:29 24 Is the State ready?

17:00:29 25 MR. WIRSKYE: The State is ready.

17:00:34 1 THE COURT: Is the Defense ready?

17:00:34 2 MR. HOWARD: The Defense is ready.

17:01:45 3 THE BAILIFF: All rise.

4 (Jury present.)

17:02:11 5 THE COURT: Everyone be seated, please.

17:02:14 6 The State, call your next witness.

17:02:15 7 MR. WIRSKYE: The State will call Coach

17:02:18 8 Joshua Rebmann.

17:02:19 9 THE COURT: Sir, come across the

17:02:39 10 courtroom and head to this black chair to my right.

17:02:41 11 That's the witness chair.

17:02:41 12 Before you sit down, turn to me and raise

17:02:45 13 your right hand.

14 (Witness sworn.)

17:02:48 15 THE COURT: Put your hand down and be

17:02:49 16 seated, please.

17:02:50 17 You may proceed.

17:02:53 18 MR. WIRSKYE: Thank you, Your Honor.

17:02:53 19 THE COURT: Yes, sir.

20 JOSHUA REBMANN,

21 having been first duly sworn, testified as follows:

22 DIRECT EXAMINATION

17:02:54 23 BY MR. WIRSKYE:

17:02:55 24 Q Coach, could you turn to the members of the

17:02:58 25 jury and tell them your full name and introduce

17:03:00 1 yourself?

17:03:01 2 A My name is Joshua Rebmann.

17:03:03 3 Q Okay. And you are currently a coach at
17:03:06 4 Liberty, right?

17:03:07 5 A Yes, sir.

17:03:08 6 Q What do you coach there at Liberty?

17:03:09 7 A Currently, I am the defensive coordinator for
17:03:12 8 the football team.

17:03:13 9 Q And let me just -- before we get to why we are
17:03:19 10 here, let's give the members of the jury a little idea
17:03:23 11 of your biography. Were you born down around Houston?

17:03:25 12 A Yes, sir.

17:03:26 13 Q Tell us about that; coming up in Houston and
17:03:27 14 your childhood.

17:03:30 15 A I was born in Houston, lived in the Alief
17:03:32 16 area, kind of a bad area, in the nineties. And after
17:03:36 17 that, my mom decided to move us out of the Houston area;
17:03:40 18 moved to a small town called Navasota, just outside of
17:03:44 19 College Station, where I went to high school. Graduated
17:03:47 20 from high school there. From there, I went to Blinn
17:03:49 21 Junior College, did some time there before I realized
17:03:55 22 college just wasn't for me at the time, and I ended up
17:03:59 23 joining the military instead.

17:04:00 24 Q Okay. The jury may have guessed, but you
17:04:02 25 played some football in high school and Blinn?

17:04:06 1 A Yes.

17:04:06 2 Q Tell us a little bit about that.

17:04:07 3 A I didn't play at Blinn. I walked on, but my

17:04:11 4 knee didn't last; so I didn't play at Blinn. But I did

17:04:14 5 play high school football all four years, and some other

17:04:17 6 sports: basketball, baseball, track; stuff like that.

17:04:20 7 Q And you told the members of the jury college

17:04:23 8 really wasn't for you, or I guess it wasn't what you

17:04:26 9 needed at that point in your life?

17:04:28 10 A Yes, sir. At that time, it wasn't my life

17:04:30 11 trajectory at that moment.

17:04:32 12 Q what did you need at that point in your life?

17:04:35 13 A Honestly, I needed a drill sergeant to set me

17:04:38 14 straight.

17:04:39 15 Q Okay. You joined the Army?

17:04:40 16 A Yes, sir.

17:04:41 17 Q Tell us about your experience in the Army.

17:04:43 18 A When I -- I joined the Army in 2005. I was in

17:04:47 19 the Army infantry. I spent almost 14 years in there

17:04:51 20 before I was medically retired. I am a hundred percent

17:04:54 21 disabled veteran. I deployed three times; twice to

17:04:57 22 Iraq, once to Afghanistan. I was blown up three times

17:05:02 23 and served two years as a drill sergeant while I was

17:05:05 24 stationed in Fort Benning, Georgia.

17:05:08 25 Q You are kind of a humble man. Did I hear you

17:05:10 1 say you have been blown up three times?

17:05:12 2 A Yes, sir. Twice in a humvee; once in a house.

17:05:15 3 Q Is it fair to say that some of those injuries

17:05:18 4 are why you are fully medically retired from the Army?

17:05:21 5 A Yes, sir, they are.

17:05:22 6 Q And just to lay the groundwork for what comes

17:05:26 7 next, have you been in combat?

17:05:28 8 A Yes, sir, I have; three times.

17:05:30 9 Q Have you led men in combat?

17:05:32 10 A Yes, sir, I have.

17:05:33 11 Q Have you lost men in combat?

17:05:35 12 A Yes, sir, I have.

17:05:39 13 Q And before you left the Army, you said what

17:05:41 14 you needed was a drill instructor?

17:05:43 15 A Yes, sir.

17:05:43 16 Q Did things come full circle for you?

17:05:46 17 A Yes, sir. Once I got straightened out, I

17:05:49 18 ended up going back to college, while I was still in the

17:05:52 19 military, and getting my degree while I was in the

17:05:55 20 military. Like I said, before the Army, GPA was not

17:05:58 21 that good. Got straightened out, graduated with honors

17:06:01 22 with my degree; and when I got out of the Army, once I

17:06:05 23 retired, I went back to school to get my teaching

17:06:08 24 certification down in San Antonio.

17:06:08 25 Q When you left the Army, you, yourself, were a

drill instructor, correct?

A I had just finished up my time as a drill instructor and then I went to Hawaii for a couple of years, yes.

Q Was that good preparation for you to get into teaching and coaching?

A I -- actually, that is when I discovered I actually enjoyed teaching. Once I learned that, you know, I enjoyed teaching new material to kids -- obviously, I guess, the material was different and the way you deliver, the instruction was different; but the main idea was still teaching new things.

Q And you had some teaching/coaching jobs before you got to Frisco, correct?

A Yes, sir. I was a teacher and coach down in Medina Valley, just outside of San Antonio, and then I moved up to Bastrop, just outside of Austin, where I taught for a year there before coming up here to Frisco.

Q Okay. And how did you get up to Frisco and Frisco ISD?

A Honestly, I was at a crossroads. I kind of -- I thought I was going to get out of teaching, based on the school I was at in Bastrop. It wasn't a good experience for me. I didn't like the school system for my kids, and -- but I didn't want that to be my last

17:07:15 1 spot, so I decided I would give it one more shot. Got a
17:07:19 2 job in Frisco, and I have loved it ever since, and I've
17:07:22 3 been at Liberty for the last three years, going on four
17:07:24 4 years, and I don't have any plans leaving.

17:07:26 5 Q And you have got kids in the system?

17:07:28 6 A Yes, sir. My daughter is graduating next year
17:07:30 7 from there.

17:07:31 8 Q And you are happy to be in Frisco and part of
17:07:33 9 Frisco ISD?

17:07:34 10 A I am very happy, yes, sir.

17:07:36 11 Q And again, your exact responsibilities there
17:07:39 12 at Liberty, with respect to football and track, could
17:07:42 13 you run us through those?

17:07:44 14 A In the past, I was -- last year, I was a
17:07:48 15 defensive coordinator and the associate head coach, as
17:07:52 16 well as the throwing coach for track. This year, I am
17:07:55 17 just the defensive coordinator and the associate head
17:07:58 18 football coach.

17:07:59 19 Q Okay. And the jury has heard from some other
17:08:02 20 coaches already, heard a lot about track and track
17:08:06 21 etiquette. You and I have talked in the past. Is part
17:08:09 22 of your job as a coach at a track meet to stop kids from
17:08:13 23 getting in trouble and doing things they shouldn't do?

17:08:16 24 A Yes, sir.

17:08:17 25 Q How do you accomplish that?

17:08:18 1 A So whenever the throwing events happen, which
17:08:22 2 usually happen the first thing, early in the morning,
17:08:24 3 those field events, I would take care of the -- with my
17:08:26 4 athletes during the field events. As soon as that's
17:08:28 5 over with, the field events are over with, or my
17:08:32 6 throwing events are over with, I go back to where our
17:08:35 7 team tent is and I -- usually, I hang around and
17:08:38 8 intermingle with the athletes, staying around them,
17:08:41 9 making sure everything is running smoothly in there.

17:08:44 10 Q Is it -- do you feel like it is part of your
17:08:46 11 job duty, or something you just want to do to stay in
17:08:50 12 close proximity to your team tent?

17:08:53 13 A A little bit of both. I mean, I'm a firm
17:08:55 14 believer that you have got to keep an eye, just to be --
17:08:57 15 you know, make sure things are going smooth. But I
17:09:00 16 also -- you know, the tent where our team is, and that's
17:09:07 17 where we hang out, I figure if I am going to go and just
17:09:10 18 relax somewhere, it might as well be where my athletes
17:09:14 19 are at.

17:09:14 20 Q Okay. Without embarrassing you, you cut kind
17:09:16 21 of an intimidating figure. What's your height and
17:09:18 22 weight?

17:09:18 23 A I'm six-four, 260.

17:09:21 24 Q Okay. And let me turn your attention to why
17:09:24 25 we are all here. Wednesday morning, April 2nd of last

17:09:29 1 year at the district meet, what was your job out there
17:09:32 2 that day with your athletes?

17:09:35 3 A Like I said, I was the throwing coach, so we
17:09:37 4 were waiting for the field events to start. However,
17:09:40 5 the weather wasn't agreeing with us at the time, and so
17:09:44 6 we were just sitting at the bleachers waiting for the
17:09:48 7 field events to actually kick off and start going.

17:09:50 8 Q Did your team have tents up?

17:09:53 9 A We did. We had two tents up.

17:09:54 10 Q Did you have a boys' and a girls' tent?

17:09:56 11 A Yes, sir, we did.

17:09:57 12 Q why do you separate them out that way?

17:10:00 13 A Honestly, the two teams -- because sometimes
17:10:02 14 we may end up going to different track meet events, or
17:10:06 15 things like that. Sometimes it is just to keep, you
17:10:08 16 know, the boys separated from the girls, to try to avoid
17:10:11 17 any issues. Just certain things like that.

17:10:14 18 MR. WIRSKYE: Okay. May I approach this
17:10:15 19 witness as it may become necessary?

17:10:18 20 THE COURT: Yes, sir.

17:10:19 21 Q And the jury has seen some video already.
17:10:21 22 They are going to see some more photographs later. And
17:10:25 23 let me show you this. This is State's Exhibit Number 1.
17:10:29 24 Do you recognize this as an aerial photograph of
17:10:31 25 Kuykendall Stadium?

17:10:32 1 A Yes, sir.

17:10:33 2 Q Okay. And if I represent to you -- you and I
17:10:36 3 have gone over photos before. The Memorial tent was in
17:10:39 4 this area?

17:10:40 5 A Uh-huh.

17:10:41 6 Q And you had two Liberty tents in this area,
17:10:44 7 correct?

17:10:44 8 A Yes, sir.

17:10:45 9 Q When you weren't busy with your throwers, did
17:10:47 10 you try to post up by those tents, just to keep an eye
17:10:51 11 out?

17:10:52 12 A Yes, sir. Any time I wasn't with the throwers
17:10:55 13 for those events, I was typically going to be found near
17:10:59 14 our tents.

17:11:00 15 Q And let me talk to you a little bit about the
17:11:01 16 weather that day. That's kind of become a bone of
17:11:04 17 contention about was it raining, was it not raining, was
17:11:07 18 it drizzling, was it raining hard, was there a rain
17:11:10 19 delay. What do you remember about the weather that
17:11:13 20 morning and if there was a delay?

17:11:15 21 A I remember it was -- it was kind of drizzly
17:11:18 22 out. I wouldn't say it was a hard rain, because we had
17:11:21 23 just started with the long distance running, if I
17:11:23 24 remember correctly. And so it wasn't bad enough to
17:11:26 25 where we couldn't start any of the distance events, but,

17:11:29 1 I mean, there was enough -- if I remember right -- well,
17:11:33 2 I know I did. I had my rain jacket on. So I knew --
17:11:37 3 and I am pretty sure I had my hood up as well, so I am
17:11:41 4 pretty sure it was at least a light drizzle, or
17:11:43 5 something.

17:11:43 6 Q But there were athletes on the field warming
17:11:46 7 up and getting ready for the next event?

17:11:50 8 A Yes, sir.

17:11:50 9 Q And the kids were coming and going, some with
17:11:55 10 umbrellas, some without?

17:11:56 11 A Yes, sir.

17:11:56 12 Q And at about 10:00 a.m., right before -- we
17:11:59 13 now know -- you now know it was a stabbing that
17:12:00 14 happened. Where were you posted up?

17:12:02 15 A I was posted on the walkway in the visitor's
17:12:05 16 side bleacher, right in front of the Liberty tents.

17:12:08 17 Q Okay. So you could kind of keep your tents in
17:12:11 18 earshot and eyeshot?

17:12:13 19 A Yes, sir.

17:12:13 20 Q But you're close enough to the Memorial tent,
17:12:16 21 do you have a good line of sight from there?

17:12:18 22 A Yes, sir. I was maybe 20 feet, if I had to
17:12:21 23 guess, from the Memorial tent.

17:12:22 24 Q So if anything was going on in the Memorial
17:12:23 25 tent, from where you were posted up, you would have seen

17:12:26 1 it?

17:12:27 2 A Yes, sir.

17:12:27 3 Q In fact, you had your back to the field
17:12:29 4 looking at your tents and in the direction of the
17:12:32 5 Memorial tent?

17:12:34 6 A Yes, sir.

17:12:37 7 Q Did you hear anything --

17:12:38 8 A No.

17:12:38 9 Q -- coming out of the Memorial tent?

17:12:40 10 A No, sir. I was talking to another coach at
17:12:43 11 the time, and I didn't hear anything. There was no loud
17:12:47 12 noises, there was no anything happening; and then all of
17:12:50 13 a sudden, it was just kind of kids running and
17:12:54 14 scattering, kind of instantaneously. And my first
17:12:58 15 initial thought was maybe like a bee or something
17:13:03 16 happened, because, you know, it is just calm; and then
17:13:04 17 all of a sudden, they are just panicked and scattered.
17:13:07 18 And that was my first initial thought, but it didn't
17:13:09 19 make sense because the weather was kind of drizzly, so I
17:13:13 20 didn't think, you know, that would have been it.

17:13:16 21 Q Okay. But before you saw the kids scatter,
17:13:18 22 you didn't see or hear anything in the direction of the
17:13:20 23 Memorial tent?

17:13:22 24 A No, sir, nothing that would draw my attention
17:13:23 25 to it.

17:13:24 1 Q And you've been around fights with teenagers,
17:13:25 2 I guess, at school events? The things kind of spin up,
17:13:32 3 don't they?

17:13:32 4 A Yes, sir, I have had to break up quite a few
17:13:35 5 fights.

17:13:35 6 Q So you are on the lookout for that?

17:13:39 7 A Yes, sir.

17:13:39 8 Q And it usually has a little bit of a fuse,
17:13:41 9 doesn't it?

17:13:42 10 A Yes. There is usually a buildup, and
17:13:43 11 honestly, as a teacher, you kind of see that stuff
17:13:45 12 building up because you start seeing students starting
17:13:48 13 to gather towards a certain area when that does happen.

17:13:51 14 Q But you didn't see that in the Memorial tent
17:13:55 15 that morning?

17:13:55 16 A No, sir.

17:13:57 17 Q So let's go back to the commotion.

17:14:00 18 Describe -- you are standing there, everything is
17:14:02 19 normal, and then out of nowhere, there is a commotion
17:14:04 20 under the Memorial tent?

17:14:06 21 A So once I do hear the scattering -- when
17:14:10 22 people are running down the metal stands, it is a pretty
17:14:12 23 loud noise.

17:14:14 24 Q Those are those aluminum bleachers?

17:14:16 25 A Aluminum bleachers, yes, sir. And once I

17:14:20 1 heard that, I turn around to look, and I'm staring -- I
17:14:22 2 see everybody running, and then I start making my way
17:14:26 3 that direction to figure out what was going on. Because
17:14:29 4 once I do hear that loud noise, I went to go
17:14:31 5 investigate, to see what was happening. And then as I
17:14:33 6 made my way over there, that's when I came up on Austin,
17:14:38 7 with his back up against the fence.

17:14:40 8 Q Again, you say you were, roughly, about 20
17:14:42 9 feet. So when you made your way over there, you didn't
17:14:44 10 have a far distance to travel?

17:14:47 11 A No, sir.

17:14:47 12 Q And we've seen the video and we'll watch a
17:14:49 13 tiny snippet of it again here in a few minutes. Once
17:14:53 14 you get over there, what are you finding?

17:14:58 15 A Once I got there, he was -- had his back to
17:15:01 16 the fence. I was trying to figure out what was
17:15:03 17 happening. And I don't -- I don't recall if it was him
17:15:06 18 or his brother, but saying he was stabbed. And then
17:15:10 19 once I realized that, I saw him holding his abdomen; and
17:15:13 20 as he was holding his abdomen, I started seeing blood.
17:15:16 21 And so then I immediately ripped off my jacket. He went
17:15:19 22 to the ground. As he is on the ground, I started
17:15:21 23 putting my jacket, trying to put pressure on the stab
17:15:24 24 wound.

17:15:25 25 Q Okay. And that's from your background and

17:15:27 1 training in the military?

17:15:28 2 A Yes, sir.

17:15:28 3 Q And are you able to get compression on the
17:15:30 4 wound?

17:15:31 5 A As soon as I got him on the ground and put the
17:15:33 6 jacket on it, I immediately put pressure on the wound.
17:15:36 7 And as soon as I did that, I started yelling for 9-1-1,
17:15:38 8 for somebody to call the paramedics.

17:15:40 9 Q And there was a coach in the proximity: Coach
17:15:43 10 Thayer, right?

17:15:44 11 A Yes, sir. Coach Thayer, he was the coach that
17:15:45 12 I was originally talking to before it all happened.

17:15:48 13 Q And at your direction, Coach Thayer called
17:15:50 14 9-1-1, and you heard the phone call between Coach Thayer
17:15:55 15 and 9-1-1 and indeed gave information to Coach Thayer?

17:15:59 16 A Yes, sir. I was relating to him what the
17:16:01 17 status of the victim was, and things like that.

17:16:04 18 Q Okay. And we are going to listen to that call
17:16:06 19 here in a minute. But going back to Austin, did -- what
17:16:12 20 were you seeing?

17:16:15 21 A At the time, it was just -- you know, it was a
17:16:17 22 pretty good-sized wound in his abdomen. I -- I had to
17:16:22 23 kind of push his brother off to the side, because his
17:16:25 24 brother was, you know, trying to hold on to him. And so
17:16:28 25 I was trying to push his brother off so I could

17:16:30 1 actually, you know, get him down and lay him flat so I
17:16:33 2 could get pressure on the wound.

17:16:34 3 And then as soon as we got to that, I start,
17:16:37 4 you know, looking around, trying to yell for 9-1-1 and
17:16:39 5 the paramedics. And at that point, you know, Coach
17:16:45 6 Thayer comes up behind me and he's, you know, trying to
17:16:48 7 get on the phone with 9-1-1.

17:16:49 8 Q Are there other coaches or trainers coming to
17:16:53 9 try to help you?

17:16:54 10 A About that time, shortly after I -- Coach
17:16:57 11 Thayer got on, or was trying to get on, I believe it was
17:17:01 12 Coach -- our current athletic director, Coach Burtch, he
17:17:07 13 comes -- he is on the track coming across, and he's on
17:17:08 14 the other side of the fence, and he asks what happened.
17:17:10 15 And, I say, he was stabbed. And he immediately jumped
17:17:12 16 over the fence to try to assist me.

17:17:14 17 Q How did you know Austin Metcalf was stabbed?

17:17:17 18 A Just by the wound and his brother, or whoever
17:17:19 19 it was, was telling me that he had been stabbed.

17:17:21 20 Q How was his brother's demeanor while you are
17:17:24 21 trying to aid Austin?

17:17:26 22 A He was -- he was kind of freaking out; kind
17:17:28 23 of -- I mean, that would be expected in that situation.

17:17:32 24 Q As you are administering first aid, at least
17:17:35 25 mentally, do you form an opinion as to how this is going

17:17:39 1 to turn out for Austin Metcalf?

17:17:41 2 A Yes, sir. Just based on the location of the
17:17:44 3 wound, and then the fact that the initial bleeding was
17:17:48 4 quite extensive but then it kind of -- instead of the
17:17:53 5 blood coming out of the body, it was staying more
17:17:56 6 internal, into the abdomen area, I kind of had an idea
17:17:59 7 of what was happening at that point.

17:18:03 8 Q Did you describe Austin's color at that point?

17:18:06 9 A So once I realized that the blood was staying
17:18:09 10 more into his abdomen, you could see the color in his
17:18:12 11 face start to drain out of his face. His eyes were kind
17:18:17 12 of rolling back and you could tell that, you know, it
17:18:19 13 wasn't -- it wasn't going to be good.

17:18:21 14 Q Okay. And that's about the point you stopped
17:18:25 15 seeing signs of life?

17:18:26 16 A Yes, sir. It eventually got to the point
17:18:29 17 where we realized there was no pulse; we had to start
17:18:32 18 doing CPR on him, which by that time, you know, Coach
17:18:35 19 Burtch was doing mouth breathing, another coach was
17:18:41 20 doing compressions, and as the blood was kind of
17:18:45 21 draining from his face.

17:18:47 22 Q At this point, is Austin breathing?

17:18:49 23 A So he wasn't necessarily breathing. We
17:18:51 24 couldn't -- he was doing agonal breathing, which is
17:18:55 25 basically just the brain, you know, trying to get

17:18:57 1 oxygen; sending, you know, signals; kind of gasping for
17:19:01 2 air. But it wasn't a real breath happening.

17:19:05 3 Q And when you say agonal breathing, is that
17:19:08 4 sometimes called the last breath?

17:19:10 5 A Yes, sir.

17:19:11 6 Q And you've heard that?

17:19:12 7 A Yes, sir, in the military.

17:19:13 8 Q And you knew what it meant?

17:19:15 9 A Yes, sir. It basically told me the brain was
17:19:18 10 starving for oxygen and the body was just -- the brain
17:19:22 11 wasn't getting enough oxygen to survive.

17:19:24 12 Q Did some of the other coaches, trainers that
17:19:26 13 were helping you, that maybe didn't have your
17:19:28 14 background, did they take some false hope when they
17:19:31 15 heard that breath?

17:19:32 16 A Unfortunately, they did, yes. Some of them
17:19:34 17 were kind of getting excited, because when they saw him
17:19:37 18 taking those gasps for breath, they were thinking he was
17:19:40 19 starting to breathe again.

17:19:41 20 Q But you knew what it meant?

17:19:42 21 A Yeah. I didn't say anything, just simply
17:19:45 22 because I wasn't -- we were working so hard with the
17:19:46 23 CPR -- the paramedics weren't there yet, so I didn't
17:19:51 24 want to, you know, kill any morale of them trying to --
17:19:54 25 trying to help him.

17:19:55 1 Q Okay. How long did it take for the paramedics
17:20:05 2 to arrive?

17:20:06 3 A I honestly don't know, exactly. It felt like
17:20:09 4 forever. But, I mean, maybe 10 minutes, I guess; but it
17:20:12 5 felt a lot longer than that.

17:20:14 6 Q And when the paramedics arrived, did you turn
17:20:17 7 over Austin's treatment to them?

17:20:19 8 A Yes, sir, I did.

17:20:20 9 Q But you, yourself, knew he was gone?

17:20:24 10 A Yes, sir.

17:20:25 11 Q And I think at some point you had to wash the
17:20:28 12 blood off of your hands?

17:20:29 13 A Yes, sir. Once the paramedics took over,
17:20:31 14 another coach grabbed me and took me to a locker room to
17:20:35 15 go wash the blood off.

17:20:36 16 Q And the jacket you used to try to staunch the
17:20:39 17 bleeding with compression, that was left there at the
17:20:42 18 scene; is that right?

17:20:43 19 A Yes, sir.

17:20:44 20 Q And it was covered in blood?

17:20:45 21 A Yes, sir.

17:20:46 22 Q Okay. And I have got it here. We'll show it
17:20:49 23 to the jury in a minute.

17:20:50 24 How did your day finish up?

17:20:54 25 A So after that, I stayed with all of our kids

17:21:00 1 that possibly witnessed something. I talked to the
17:21:05 2 detectives. And once we were released from the
17:21:08 3 detectives, I went back to the high school where I kind
17:21:12 4 of just sat around with some of the other coaches, the
17:21:16 5 principal, just kind of, you know, talk it out and, you
17:21:20 6 know, try to, you know, comprehend what happened.

17:21:26 7 Q It was hard for you to believe that a stabbing
17:21:27 8 had happened at a Frisco track meet?

17:21:29 9 A Yes, sir. It was very unexpected.

17:21:31 10 Q Are all of the kids -- is everyone in the ISD
17:21:34 11 aware there is a "no weapons policy"?

17:21:36 12 A Yes, sir, very much so.

17:21:38 13 Q So this was a surprise to all of you?

17:21:41 14 A Yes, sir.

17:21:45 15 Q Let's turn our attention now to this 9-1-1
17:21:48 16 tape. And you and I have listened to it the other day,
17:21:52 17 I believe; is that correct?

17:21:53 18 A Yes, sir.

17:21:55 19 Q And hopefully, you will take my word that this
17:22:00 20 is what we listened to. I will show you two thumb
17:22:03 21 drives, one marked State's Exhibit Number 74 and one
17:22:06 22 marked State's Exhibit-74A. This is the 9-1-1 call you
17:22:12 23 basically initiated with Coach Thayer; is that correct?

17:22:15 24 A Yes, sir.

17:22:16 25 MR. WIRSKYE: Judge, at this time, we

17:22:17 1 would offer State's-74 for the record and State's-74A
17:22:21 2 for all purposes.

17:22:23 3 THE COURT: 74 is admitted for record
17:22:25 4 purposes only.

17:22:26 5 MR. SHOOK: No objection.

17:22:26 6 THE COURT: 74A is admitted for all
17:22:28 7 purposes.

17:22:29 8 MR. WIRSKYE: Permission to publish that
17:22:30 9 9-1-1 call for the witness and the members of the jury?

17:22:33 10 THE COURT: Yes, sir.

17:22:34 11 (State's-74A played in open court.)

17:23:21 12 Q Coach Rebmann, do you recognize the voice of
17:23:23 13 Coach Thayer?

17:23:24 14 A Yes, that's Coach Thayer.

17:23:26 15 Q Okay. Sorry.

17:23:27 16 (74A continued.)

17:24:31 17 Q Let me stop it right there. Do you hear your
17:24:34 18 voice?

17:24:34 19 A Yes, sir.

17:24:34 20 Q which voice is yours?

17:24:36 21 A I was telling him to stay with me.

17:24:38 22 Q why are you doing that?

17:24:39 23 A Because I could already tell, just based on
17:24:41 24 the wound and how the blood was draining out; his eyes
17:24:44 25 were rolling back in his head.

17:24:47 1 Q Okay. I will continue.
17:24:48 2 (74A continued.)
17:26:21 3 Q Is that the agonal or last breath you
17:26:24 4 described earlier?
17:26:25 5 A Yes, sir.
17:26:25 6 (74A continued).
17:30:45 7 Q Coach, next I want to show you a couple of
17:30:48 8 photographs that just kind of show where the Liberty
17:30:51 9 tents were in proximity to the Memorial tents. I show
17:30:55 10 you two photographs marked for identification as
17:30:58 11 State's-36 and State's-37. Do those photographs -- are
17:31:03 12 they going to help give the jury an idea of how close
17:31:07 13 the Liberty tents were to the Memorial tent?
17:31:11 14 A Yes, sir.
17:31:11 15 MR. WIRSKYE: Your Honor, at this time,
17:31:11 16 we would offer State's-36 and 37.
17:31:15 17 MR. SHOOK: No objection.
17:31:25 18 THE COURT: 36 and 37 are admitted.
17:31:27 19 MR. WIRSKYE: Permission to publish on
17:31:28 20 the screen?
17:31:29 21 THE COURT: Yes, sir.
17:31:42 22 Q Can you see that, Coach?
17:31:43 23 A Yes, sir.
17:31:44 24 Q Now, I will represent to you in State's
17:31:46 25 Exhibit-36, the Memorial tent has been moved down. When

17:31:50 1 the rain picked up while they were treating Austin, they
17:31:55 2 moved the tent down to cover the treatment. But does
17:31:58 3 that show kind of the width or distance accurately
17:32:03 4 between the Liberty girls' tent and the Memorial track
17:32:06 5 tent?

17:32:07 6 A Yes, sir.

17:32:08 7 Q In fact, you can see in the photo -- you can
17:32:10 8 see where the Memorial bags were originally when the
17:32:14 9 tent covered them; is that right?

17:32:18 10 A Yes, sir.

17:32:18 11 MR. WIRSKYE: Now, would you show the
17:32:19 12 next photo, please.

17:32:20 13 Q Is this just another view, shot from the top
17:32:25 14 of those bleachers looking down?

17:32:27 15 A Yes, sir.

17:32:28 16 Q And on that walkway, you see the aluminum
17:32:31 17 bleachers running kind of down. Is that where you were
17:32:37 18 posted up?

17:32:38 19 A Yes, sir. That walkway at the bottom, yes.

17:32:41 20 Q And we are going to look at a snippet of video
17:32:44 21 here in a few minutes that would show exactly where you
17:32:46 22 were, but you said you were, roughly, about 20 feet from
17:32:49 23 the Memorial tent; is that correct?

17:32:52 24 A Yes, sir.

17:32:52 25 Q If anything at all had spun up or happened,

17:32:54 1 people getting to their feet, crowding around someone, a
17:32:59 2 fight about to spin up, loud noises, you would have
17:33:02 3 heard it and you would have seen it, right?

17:33:04 4 A Yes, sir.

17:33:05 5 Q Let me show you two more photographs marked
17:33:10 6 for identification as State's Number 28 and 29 and ask
17:33:14 7 you to look at those and see if they depict how Austin
17:33:19 8 Metcalf looked while you, in these photos, and the fire
17:33:27 9 department, are trying to treat him and save his life?

17:33:29 10 A Yes, sir.

17:33:29 11 Q And you see the color you described in Austin
17:33:32 12 Metcalf's face, or lack thereof?

17:33:35 13 A Yes, sir.

17:33:36 14 MR. WIRSKYE: Your Honor, at this time, I
17:33:36 15 would offer State's-28 and 29.

17:34:16 16 MR. SHOOK: Your Honor, we would object
17:34:17 17 to State's-28 and 29 under 403.

17:34:23 18 THE COURT: Let me see them.
17:34:24 19 Your response?

17:34:34 20 MR. WIRSKYE: Judge, they describe
17:34:35 21 exactly -- they depict exactly what this witness has
17:34:39 22 described when it comes --

17:34:40 23 THE COURT: That really doesn't respond
17:34:42 24 to 403. I don't disagree with that.

17:34:45 25 MR. WIRSKYE: Well, they are probative.

17:34:47 1 They are not prejudicial, and I am planning to publish
17:34:53 2 them old-school, because we do have family members in
17:34:59 3 court, so not to put them on the screen. But I think it
17:34:59 4 is important for the jury to see what Coach Rebmann
17:35:03 5 was -- what he just described.

17:35:08 6 THE COURT: Pick one.

17:35:10 7 MR. WIRSKYE: May I see them again?

17:35:11 8 How about 29, Your Honor.

17:35:17 9 THE COURT: 29 is admitted. Your
17:35:18 10 objection to 28 is sustained.

17:35:28 11 MR. WIRSKYE: Permission -- with the
17:35:28 12 family in the courtroom, permission to kind of publish
17:35:32 13 this old-school?

17:35:34 14 THE COURT: Yes, sir.

17:35:34 15 Q In State's-29, Coach, at this point, is the
17:35:39 16 fire department trying CPR and compressions?

17:35:44 17 A Uh-huh.

17:35:44 18 Q But is that how Austin Metcalf looked when you
17:35:48 19 kind of turned him over to the fire department?

17:35:50 20 A Yes, sir, that was it.

17:35:51 21 Q And how would you describe the coloring in his
17:35:53 22 face?

17:35:53 23 A He is pretty pale. There is no real color to
17:35:56 24 his face.

17:35:57 25 MR. WIRSKYE: Okay. I am going to start

down here, being mindful of people in the courtroom.

Q Let me show you a few photographs marked for identification as State's-56, 57, and 59, and ask you to look at those and see if those are accurate photos of the jacket you've described to the members of the jury, in which you used to try to use to staunch the bleeding of Austin Metcalf?

A Yes, sir, that was the jacket I was wearing.

MR. WIRSKYE: I'm sorry, 58 is in there, too, Your Honor. It is 56, 57, 58, and 59, and we would offer them at this time.

MR. SHOOK: No objection, Your Honor.

THE COURT: They are all admitted.

MR. WIRSKYE: Permission to publish those on the screen, Your Honor?

THE COURT: Yes, sir.

Q On State's-56, Coach, it looks like that's kind of the -- a triple XL jacket, it looks like?

A Yes, sir.

Q Was that originally your jacket?

A No, sir. So typically, when you teach high school athletics, once you move from one school to another, you typically, a lot of times, leave behind the old shirts, and stuff like that, that you pass on to incoming coaches, because you are not going to wear them

17:38:18 1 at your new schools. So I found that jacket in one of
17:38:20 2 the lockers, leftover from a previous coach, and I took
17:38:24 3 it because of the weather that day.

17:38:26 4 Q So you took it -- you inherited it from
17:38:28 5 whoever Coach Bandy was?

17:38:31 6 A Yes, sir.

17:38:32 7 MR. WIRSKYE: Okay. Next photo, please,
17:38:32 8 State's-57.

17:38:33 9 Q This is just the outside of that jacket?

17:38:36 10 A Yes, sir.

17:38:37 11 Q And 58 and 59, the back, and that's the
17:38:40 12 inside, and we see some blood in that photo; do we not?

17:38:44 13 A Yes, sir.

17:38:45 14 Q Okay. Next, let me show you the actual
17:38:48 15 jacket. And this may take a few minutes, mainly because
17:38:55 16 I am not good at putting these on.

17:39:32 17 Now let me show you what's been marked for
17:39:35 18 identification as State's Exhibit-26, and ask you, is
17:39:39 19 this the actual jacket we've been discussing?

17:39:42 20 A Yes, sir.

17:39:42 21 Q And again, you left it at the scene, correct?

17:39:45 22 A Yes, sir.

17:39:46 23 MR. WIRSKYE: Okay. Your Honor, we would
17:39:48 24 offer State's-26.

17:39:57 25 MR. SHOOK: No objection.

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THE COURT: It is admitted.

MR. WIRSKYE: Permission to publish?

THE COURT: Yes, sir.

Q How much blood was there, externally, on Austin Metcalf?

A Initially, there was quite a bit; you know, quite a bit externally, until after we started putting pressure on it, and then he just started bleeding internally.

Q Okay. That's what you described earlier?

A Yes, sir.

Q But you did everything you could to save his life, didn't you?

A Yes, sir, I tried.

Q There was nothing you could do?

A No, sir.

Q And you got there in a matter of seconds?

A I did.

Q Next I would like to show the jury the video from the west side of Kuykendall, the State's Exhibit Number 5, I am being told. I don't want to play this whole video; I just want to give the jury a good idea of where you were posted up that day before the stabbing.

Can you see it there?

A Yes, sir.

17:41:03 1 Q Do you recognize yourself or the area in which
17:41:05 2 you were standing?
17:41:06 3 A Yes, sir.
17:41:07 4 Q Could you point to it on the monitor and I
17:41:09 5 will point to it for the jury in the courtroom?
17:41:12 6 A This general area here.
17:41:14 7 Q Okay. So around -- turn around, Coach. This
17:41:16 8 cluster of people?
17:41:18 9 A I believe so, yes.
17:41:19 10 Q And this camera doesn't quite catch the left
17:41:22 11 side of the Memorial tent, but you were pretty close?
17:41:25 12 A Yes, sir.
17:41:26 13 Q And did you have -- were you facing towards
17:41:29 14 the field or facing towards the tents?
17:41:31 15 A I was facing more towards our Liberty tents.
17:41:35 16 Q Okay. And if we could queue up that video.
17:41:39 17 On this software, the stabbing actually happens at about
17:41:45 18 10 minutes and 50-some seconds. Can you watch it and --
17:41:49 19 watch that video and then we'll talk about it for the
17:41:54 20 jury.
17:43:03 21 Is that you we see running?
17:43:05 22 A Yes, sir.
17:43:06 23 MR. WIRSKYE: And can we pick it up from
17:43:08 24 the east side about the same time, State's Exhibit
17:43:11 25 Number 6, please.

17:43:17 1 Q And the members of the jury saw that jacket.
17:43:20 2 It has a white lining, right?

17:43:22 3 A Yes, sir.

17:43:23 4 Q And you and I have watched this video. You
17:43:25 5 can actually see you take it off and go to work on
17:43:28 6 Austin, kind off distinguishable by that white lining,
17:43:31 7 correct?

17:43:31 8 A Yes, sir.

17:43:45 9 Q Is that you?

17:43:46 10 A Yes, sir, it is.

17:43:47 11 Q And you have got the red shirt on underneath?

17:43:49 12 A Yes, sir.

17:43:51 13 Q And you immediately go to work.

17:43:52 14 Are you by yourself there for a while?

17:44:05 15 A Yes, sir, I am.

17:44:05 16 MR. WIRSKYE: That's good.

17:44:14 17 Q Just a few final questions, I think. You and
17:44:26 18 I have watched another video; I don't want to show it
17:44:29 19 now to the members of the jury. But Karmelo Anthony
17:44:31 20 walked right past you a few minutes earlier, didn't he?

17:44:35 21 A Yes, sir.

17:44:35 22 Q Did you know him?

17:44:36 23 A I did not.

17:44:37 24 Q Did you know the Metcalf twins?

17:44:39 25 A I only knew them because of playing football

17:44:42 1 against Memorial High School.

17:44:43 2 Q You had no personal relationship?

17:44:45 3 A No, I did not.

17:44:48 4 Q If anything at all had spun up, any sort of
17:44:54 5 fuse, long or short, kids standing up yelling, you would
17:44:57 6 have seen it and heard it?

17:44:58 7 A Yes, sir.

17:44:59 8 Q You did everything you could to save Austin's
17:45:02 9 life?

17:45:03 10 A I believe so, yes, sir.

17:45:04 11 MR. WIRSKYE: I will pass the witness,
17:45:04 12 Your Honor.

17:45:05 13 THE COURT: Mr. Shook?

14 CROSS-EXAMINATION

17:45:07 15 BY MR. SHOOK:

17:45:07 16 Q Coach Rebmann, I just have a few questions for
17:45:10 17 you.

17:45:10 18 A Yes, sir.

17:45:10 19 Q We saw on the photographs, 36, 37, and then on
17:45:17 20 the video, you -- it looked like from the video there --
17:45:21 21 you said you were talking to another coach; is that
17:45:24 22 right?

17:45:24 23 A Yes, sir.

17:45:25 24 Q Who was that?

17:45:25 25 A Coach Thayer, the person that was also doing

17:45:28 1 the 9-1-1 call.

17:45:30 2 Q All right. And it looks like there was maybe
17:45:32 3 a third person standing near you?

17:45:34 4 A I believe that was another coach, Coach
17:45:36 5 Burnett, but he didn't stick around. We had him take
17:45:40 6 all of our athletes away from the area, and so he kind
17:45:45 7 of pushed all the kids away from the area.

17:45:48 8 Q But at the time of the incident, when you saw
17:45:52 9 all of the kids coming, just prior to that, were you
17:45:55 10 also -- was Coach Burnett also sitting there, talking
17:45:58 11 with you and Coach Thayer?

17:45:59 12 A I don't remember if he was talking to me or if
17:46:01 13 he was talking to somebody else. I can't honestly
17:46:03 14 remember that.

17:46:04 15 Q Okay. Were there some other coaches in the
17:46:07 16 same area, or just the three of you?

17:46:09 17 A I believe it was just the three of us. I'm
17:46:11 18 not -- I wasn't really paying attention to that.

17:46:14 19 Q Okay. But at the time that you noticed when
17:46:16 20 all of those kids started coming, that's when you were
17:46:19 21 talking to Coach Thayer?

17:46:21 22 A Yes, sir.

17:46:21 23 Q And when you -- you were looking up towards
17:46:25 24 the two Liberty tents, just kind of keeping your eye on
17:46:28 25 it, which was your normal routine?

17:46:30 1 A Yes, sir.

17:46:35 2 Q You didn't hear any yelling? You didn't hear
17:46:40 3 Austin Metcalf yell anything out?

17:46:42 4 A I did not, no, sir.

17:46:43 5 Q Nothing like that?

17:46:44 6 A No, sir.

17:46:45 7 Q All right. You said that you liked to stay
17:46:52 8 near the tents. After the throwers came and competed
17:46:56 9 that morning, they went back and you were going to stay
17:47:00 10 at -- around the Liberty tents?

17:47:02 11 A We hadn't thrown yet because of the weather,
17:47:05 12 so we were still kind of -- in kind of a delay a little
17:47:08 13 bit before -- just simply because the weather makes it
17:47:11 14 slippery and it is dangerous to throw, so we didn't --
17:47:14 15 we hadn't started it yet, so I was just staying with the
17:47:17 16 tent at the time.

17:47:18 17 Q Do athletes from other schools sometimes come
17:47:21 18 and talk to athletes they know in other tents?

17:47:23 19 A They will. They will come and talk. I mean,
17:47:25 20 in Frisco, a lot of the schools -- the middle school,
17:47:29 21 they will go to school with each other and then they
17:47:32 22 will end up splitting to different high schools. So it
17:47:35 23 is not uncommon for kids to interact with other kids
17:47:38 24 from the high school.

17:47:39 25 Q Go see their old friends --

17:47:41 1 A Yes, sir.

17:47:41 2 Q -- that they knew in middle school?

17:47:43 3 A Yes, sir.

17:47:43 4 Q And nothing wrong with them just talking to
17:47:45 5 them between events, that type of thing?

17:47:48 6 A As long as there is no -- you know, no
17:47:50 7 confrontations, we usually don't -- we just don't -- I
17:47:54 8 mean, there has never really been an issue to worry
17:47:57 9 about that.

17:47:58 10 Q Sure. The situation, until this day, was just
17:48:03 11 if they knew someone else, or on other occasions you
17:48:07 12 have seen it happen, they just go over and talk with
17:48:09 13 their friends, friendly conversation between events?

17:48:12 14 A Typically, but usually, it doesn't -- those
17:48:14 15 conversations, they are more of just a hey, what's up,
17:48:17 16 how are you doing; they are not prolonged conversation,
17:48:20 17 usually.

17:48:22 18 Q But if they want to have a longer talk, they
17:48:24 19 can, but it is something they are allowed to do?

17:48:26 20 A I guess that would be based school-to-school.
17:48:31 21 I can't speak for any other school.

17:48:33 22 Q But you have seen that happen with your
17:48:34 23 school?

17:48:35 24 A Typically, no. I don't usually have any other
17:48:38 25 kids hang out for that long. Typically, whenever an

17:48:43 1 athlete from another school comes by, they usually will
17:48:46 2 talk for a second, and then a lot times, they will leave
17:48:49 3 together and go warm up, or do something together.

17:48:51 4 Q Nothing wrong with that, correct?

17:48:53 5 A No.

17:48:53 6 Q In this case, it was raining off and on that
17:48:56 7 day?

17:48:56 8 A Yes.

17:48:57 9 Q That's why y'all hadn't thrown at that time?

17:49:00 10 A Yes, sir.

17:49:01 11 Q Were you aware that the Centennial team did
17:49:03 12 not have a tent up?

17:49:04 13 A I was not aware.

17:49:10 14 Q Athletes waiting on events to start might not
17:49:12 15 want to stand out in the rain and seek shelter
17:49:15 16 elsewhere?

17:49:16 17 A I couldn't speak on that.

17:49:17 18 Q Makes sense, though, doesn't it?

17:49:18 19 A I assume so.

17:49:41 20 MR. SHOOK: Thank you.

17:49:41 21 That's all I have, Judge.

17:49:43 22 THE COURT: Mr. Wirskye?

17:49:44 23 MR. WIRSKYE: I have nothing further.

17:49:44 24 Thank you, Coach.

17:49:46 25 THE COURT: Is this witness excused by

17:49:47 1 the State?

17:49:47 2 MR. WIRSKYE: Excused by the State.

17:49:49 3 THE COURT: By the Defense?

17:49:49 4 MR. SHOOK: Yes, Your Honor.

17:49:51 5 THE COURT: You are excused. Thank you
17:49:52 6 for your service. I appreciate it.

17:49:54 7 All right. Ladies and gentlemen, it is
17:50:03 8 5:50, so we are going to go home for the day; call it a
17:50:06 9 day. It has been a long day, and I really appreciate
17:50:09 10 your attention.

17:50:09 11 Everyone else sit down.

17:50:11 12 Ladies and gentlemen, it is really
17:50:13 13 critical that you listen to my instructions. You are
17:50:16 14 not allowed to discuss this case with anyone, including
17:50:18 15 amongst yourselves, or anybody at your house.
17:50:20 16 Obviously, you have never experienced anything like this
17:50:22 17 before, been in a trial like this, and so you may be
17:50:25 18 inclined to want to talk to somebody about it and kind
17:50:28 19 of get it off your chest and stuff. And I regret to
17:50:30 20 inform you, you cannot do that, okay? You have to keep
17:50:33 21 those comments to yourself until after you are excused
17:50:36 22 from your jury service in total, all right?

17:50:38 23 Do not do any independent research with
17:50:39 24 regard to the law, the facts of this case, and do not
17:50:43 25 read any newspaper articles, listen to any radio

17:50:46 1 broadcasts, surf the internet. If you run across any of
17:50:50 2 those things, you are to avoid them, whether that's in a
17:50:53 3 personal conversation or through the media or social
17:50:56 4 media.

17:50:56 5 Does everybody understand the Court's
17:50:57 6 instructions?

17:50:57 7 Okay. We are going to change your time
17:51:00 8 that you arrived this morning a little bit and get you
17:51:02 9 here a little bit later so you don't have to wake up as
17:51:05 10 early, now that we have kind of got through the first
17:51:06 11 day. So listen to the security staff on what to do
17:51:09 12 next, okay?

17:51:09 13 Y'all are excused. Goodnight.

17:51:13 14 THE BAILIFF: All rise.

15 (Jury not present.)

17:51:41 16 THE COURT: Let the record reflect the
17:51:43 17 jury has left the courtroom. Anything on behalf of the
17:51:45 18 State that I need to be prepared for, for tomorrow?

17:51:47 19 MR. WIRSKYE: Nothing that I can think
17:51:48 20 of, Your Honor.

17:51:49 21 THE COURT: The Defense?

17:51:49 22 MR. SHOOK: No, Your Honor.

17:51:50 23 THE COURT: Ladies and gentlemen, we are
17:51:51 24 going to excuse you in an orderly manner. Please listen
17:51:53 25 to the security staff as you leave the courthouse.

17:51:55 1 we'll start at nine o'clock tomorrow morning.

17:51:58 2 Thank you.

17:51:58 3 (Proceedings recessed.)

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1 STATE OF TEXAS

2 COUNTY OF COLLIN

3 I, Janet L. Dugger, Official Court Reporter in and
4 for the 296th District Court of Collin County, State of
5 Texas, do hereby certify that the above and foregoing
6 contains a true and correct transcription of all
7 portions of evidence and other proceedings requested in
8 writing by counsel for the parties to be included in
9 this volume of the Reporter's Record in the above-styled
10 and numbered cause, all of which occurred in open court
11 or in chambers and were reported by me.

12 I further certify that this Reporter's Record of
13 the proceedings truly and correctly reflects the
14 exhibits, if any, offered by the respective parties.

15 Certified to this 2nd day of July, 2026.

16
17 /s/ Janet L. Dugger

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