

REPORTER'S RECORD
VOLUME 6 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 6, 2026

On the 6th 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: Good morning. Everyone be seated, please.

We are back on the record in State versus Anthony for our third day of jury trial.

Is the State ready to proceed?

MR. WIRSKYE: The State is ready to go, Your Honor.

THE COURT: Is the Defense ready to go?

MR. HOWARD: Yes, Your Honor, but we have a matter to approach --

THE COURT: So you are not ready to go. You need to talk to me. Come on.

MR. HOWARD: Yes, Your Honor.

MR. WIRSKYE: The Defense just lied to you, Judge.

THE COURT: I know it. Already. It is too early to start that.

MR. WIRSKYE: Saturdays are weird.

THE COURT: Yeah, yeah.

MR. HOWARD: This is -- I just wanted to kind of make you aware. So we've had an issue with a witness who we --

THE COURT REPORTER: Do you want me to be on?

08:55:18 1 THE COURT: Do you want it on the record?

08:55:21 2 MR. HOWARD: No.

3 (Off-the-record discussion.)

08:56:39 4 THE COURT: Now is the Defense ready?

08:56:40 5 MR. HOWARD: Now we are ready.

08:56:42 6 THE COURT: Thanks, Mr. Howard.

08:56:45 7 okay. Let's bring in the jury, please.

8 (Jury present.)

08:58:25 9 THE COURT: All right. Everyone be

08:58:26 10 seated, please. Y'all are good; y'all are all right.

08:58:28 11 You finally put the short person in front? Y'all

08:58:31 12 figured that out?

08:58:32 13 Hey, good morning. Happy Saturday

08:58:34 14 morning. I can't tell you how much I appreciate y'all

08:58:36 15 being here on a Saturday. I really do. That means a

08:58:39 16 lot. Thank you.

08:58:39 17 We are ready to begin, back with the

08:58:43 18 state's case in chief.

08:58:44 19 Mr. Wirskeye, call your next witness.

08:58:44 20 MR. WIRSKYE: The State will call [REDACTED]

08:58:48 21 [REDACTED]

08:59:24 22 THE COURT: All right. Sir, come into

08:59:26 23 the courtroom. This way in front of me. You are going

08:59:29 24 to head to this black chair over here to my right.

08:59:31 25 That's the witness chair.

08:59:32 1 Before you sit down, turn to me and raise
08:59:34 2 your right hand.

3 (Witness sworn.)

08:59:36 4 THE COURT: Okay. Put your hand down and
08:59:45 5 be seated. Be sure you speak into the microphone so
08:59:48 6 everybody can hear you.

08:59:48 7 Mr. Wirskeye.

08:59:51 8 MR. WIRSKYE: Thank you, Your Honor.

9
10 having been first duly sworn, testified as follows:

11 DIRECT EXAMINATION

08:59:51 12 BY MR. WIRSKYE:

08:59:53 13 Q Over here. Can you turn to the members of the
08:59:57 14 jury and introduce yourself?

08:59:59 15 A Hello. I am [REDACTED]

09:00:02 16 Q Okay. And how old of a young man are you?

09:00:05 17 A I am 17.

09:00:07 18 Q Okay. And where do you go to high school?

09:00:10 19 A Memorial.

09:00:11 20 Q And when are you going to graduate?

09:00:13 21 A In 2027.

09:00:14 22 Q Okay. So you are class of '27, right?

09:00:17 23 A Yes, sir.

09:00:17 24 Q And you and I have met a couple of times, and
09:00:20 25 I think your mom has always been there; is that right?

09:00:22 1 A Yes, sir.

09:00:23 2 Q Is your mom in the courtroom today?

09:00:24 3 MR. WIRSKYE: Mom, can you raise your

09:00:28 4 hand?

09:00:28 5 Q There she is. Is that your mom?

09:00:30 6 A Yes, sir.

09:00:31 7 Q Okay. You play football?

09:00:37 8 A Yes, I do.

09:00:39 9 Q Are you good?

09:00:40 10 A Sure.

09:00:41 11 Q That may be the most honest answer we've had

09:00:44 12 so far. So wide receiver, right?

09:00:47 13 A Yes, sir.

09:00:47 14 Q Do you also participate in track?

09:00:50 15 A I do.

09:00:51 16 Q Okay. What events do you do in track?

09:00:52 17 A I do the 110 and 300-meter hurdles.

09:00:57 18 Q Okay. So you are fast?

09:00:58 19 A Somewhat, yeah.

09:00:59 20 Q Okay. You are the most honest one so far

09:01:02 21 talking about their athletic prowess, so you are doing

09:01:05 22 good.

09:01:05 23 Who is your track coach?

09:01:07 24 A Coach Starr.

09:01:09 25 Q Do you like him?

09:01:10 1 A Yeah, I like my coaches.

09:01:12 2 Q Does he like you?

09:01:14 3 A I am not sure, but I hope so.

09:01:18 4 Q The jury has met Coach Starr, so I think they

09:01:21 5 get what you are trying to communicate. So let me turn

09:01:24 6 your attention to the day of the district meet last

09:01:27 7 year, of 2025. Of course, you remember that track meet,

09:01:31 8 don't you?

09:01:32 9 A Yes, sir, I do.

09:01:33 10 Q Okay. How did you get to Kuykendall that day,

09:01:35 11 the stadium?

09:01:37 12 A Through the school bus.

09:01:39 13 Q Okay. You rode with your team?

09:01:40 14 A Yes, sir.

09:01:41 15 Q You have to keep your voice up just a little

09:01:43 16 bit, okay?

09:01:44 17 A Okay.

09:01:44 18 Q Do you remember, kind of, what was going on or

09:01:47 19 what was happening when y'all got to Kuykendall?

09:01:50 20 A As in, like, what way?

09:01:53 21 Q Like once you got off the bus, what did the

09:01:55 22 team do?

09:01:56 23 A We tried to find a spot in the bleachers for

09:01:59 24 our tent, to set it up.

09:02:00 25 Q And did you, in fact, set up the tent?

09:02:03 1 A I can't remember, but we had to get -- I am
09:02:07 2 pretty sure we did get searched before going in, and
09:02:11 3 then I was heading towards the bleachers. I really
09:02:18 4 wasn't with the team, because I was, like, a little bit
09:02:21 5 far behind.

09:02:22 6 Q Okay. But you know you are not supposed to
09:02:25 7 bring weapons to a track meet, right?

09:02:27 8 A Yes, sir.

09:02:28 9 Q And your Memorial team tent did get set up
09:02:31 10 that morning, right?

09:02:32 11 A Yes, sir.

09:02:32 12 Q Do you remember who set it up?

09:02:34 13 A No. I was behind the group; I was still
09:02:38 14 coming in.

09:02:39 15 Q Okay. So by the time you got there, the tent
09:02:41 16 was already up?

09:02:42 17 A Yes, sir.

09:02:42 18 Q All right. Was the weather bad that morning?

09:02:47 19 A Not at arrival, but later on.

09:02:49 20 Q Okay. Fair to say it was raining on and off
09:02:53 21 and sometimes light, sometimes heavy?

09:02:54 22 A Yes, sir.

09:02:55 23 Q Okay. Let me turn your attention to why we
09:03:01 24 are here. The murder case, okay? And that happened
09:03:04 25 about 10:00 in the morning. Where were you in the

09:03:08 1 minutes, say 10 minutes, before all of this happened?

09:03:10 2 A I was in the tent.

09:03:12 3 Q Okay. What were you doing in the tent?

09:03:15 4 A So -- well, I was sitting there. I wasn't on

09:03:20 5 my phone, but I was looking around trying to, like, find

09:03:25 6 someone to talk to.

09:03:25 7 Q Okay. Were other teammates under your tent?

09:03:27 8 A Yes, sir.

09:03:28 9 Q At least initially, were the only people under

09:03:30 10 your tent your teammates?

09:03:32 11 A Yes, sir.

09:03:33 12 Q You said you weren't on your phone, but were

09:03:35 13 other -- your teammates on their phones?

09:03:38 14 A Some of them, yes.

09:03:40 15 Q Okay. Just scrolling, looking at things?

09:03:42 16 A Yes, sir.

09:03:43 17 Q Okay. And at some point, what happens next?

09:03:50 18 A I am still looking around, and I looked back

09:03:54 19 and I see someone who I don't recognize as my teammate,

09:04:00 20 and I just asked my teammates a simple question about

09:04:08 21 the new guy.

09:04:10 22 Q Okay. Why did you ask that question?

09:04:12 23 A Initially, I didn't see any, like, school

09:04:14 24 gear, so it threw me off.

09:04:15 25 Q You wanted to make sure that he was at least

09:04:17 1 an athlete from another school, right?

09:04:20 2 A Yes.

09:04:21 3 Q Even if he had been an athlete from another
09:04:24 4 school, would it have been okay to have him under your
09:04:27 5 tent?

09:04:28 6 A I mean, usually, if you are like a student or
09:04:33 7 guest, you have to be on the other side of the
09:04:36 8 stadium --

09:04:37 9 Q Okay.

09:04:37 10 A -- so --

09:04:39 11 Q Is it unusual to have, at least for Memorial,
09:04:42 12 to have an athlete from another team come sit under your
09:04:46 13 tent?

09:04:47 14 A Not come sit down, but pass by, talk to the
09:04:51 15 athletes inside of the tent.

09:04:53 16 Q Did the man who came to your tent, did he --
09:04:55 17 the guy that wasn't wearing school gear, did he actually
09:04:58 18 come into your tent and sit down?

09:05:01 19 A Yes, sir.

09:05:02 20 Q And where was he in relation to the tent? Was
09:05:05 21 he closer to the front or closer to the back?

09:05:08 22 A Far back.

09:05:09 23 Q Okay. And you were sitting down during all of
09:05:11 24 this?

09:05:12 25 A As in --

09:05:14 1 Q You were sitting down on the bleachers?

09:05:17 2 A Yes, sir.

09:05:18 3 Q Were you worried that this person had come

09:05:20 4 under your team tent?

09:05:21 5 A I wasn't worried, but I wanted to at least

09:05:25 6 have -- like, identify him first.

09:05:27 7 Q Okay. And did any of your teammates know who

09:05:31 8 he was?

09:05:31 9 A All of them said no.

09:05:32 10 Q What happens next?

09:05:36 11 A So my event gets called, so I then move down

09:05:40 12 from the bleachers to, like, the base floor. So pretty

09:05:44 13 much like the last step there is, before I go into the

09:05:49 14 stadium -- or field. Sorry.

09:05:52 15 Q So you moved down front, you were looking for

09:05:54 16 [REDACTED] and [REDACTED] is that right?

09:05:56 17 A Yes, sir.

09:05:57 18 Q Why were you looking for them?

09:05:58 19 A They also do the same event as me, and we

09:06:00 20 usually all warm up together.

09:06:02 21 Q So it is [REDACTED] and [REDACTED]

09:06:05 22 A Yes, sir.

09:06:06 23 Q Okay. So at the time this all happened --

09:06:10 24 MR. WIRSKYE: May I approach as

09:06:10 25 necessary, Your Honor?

09:06:12 1 THE COURT: Yes, sir.

09:06:14 2 Q [REDACTED] let me show you -- I think you have
09:06:17 3 seen a copy of this before, but it is in evidence as
09:06:21 4 State's Exhibit Number 23. Do you see that?

09:06:26 5 A Yes, sir.

09:06:27 6 Q Okay. And the yellow box, you recognize that
09:06:30 7 represents, roughly, where the Memorial tent was,
09:06:32 8 correct?

09:06:33 9 A Yes, sir.

09:06:34 10 Q Okay. And you said the person that came into
09:06:38 11 the tent was up high?

09:06:40 12 A Yes, sir, like around far-to-middle right.

09:06:44 13 MR. WIRSKYE: Can the witness step up and
09:06:47 14 indicate for the members of the jury?

09:06:49 15 THE COURT: Yes, sir.

09:06:50 16 Q Can you just stand up real quick -- don't say
09:06:52 17 anything, because you are away from the microphone --
09:06:54 18 but show us where you are talking about, where this
09:06:57 19 person came.

09:06:58 20 A (Indicating.)

09:06:59 21 Q Okay. Right up towards the top of the tent is
09:07:01 22 where you are indicating.

09:07:02 23 And where were -- you mentioned you are
09:07:04 24 getting ready for your event so you get your stuff and
09:07:07 25 you move down, right? Can you speak up and just say

09:07:11 1 yes?

09:07:11 2 A Yes, sir.

09:07:12 3 Q Where were you right before the stabbing

09:07:14 4 happened? Show the members of the jury.

09:07:18 5 A (Indicating.)

09:07:18 6 Q Okay. And then at some point, you moved out

09:07:20 7 of the tent to get ready for your event?

09:07:23 8 A Yes, sir.

09:07:24 9 Q Where were you when the stabbing happened?

09:07:26 10 A (Indicating.)

09:07:28 11 Q You were down on the walkway, correct?

09:07:30 12 A Correct.

09:07:30 13 Q Were you actually facing back up towards the

09:07:32 14 tent or were you facing out on the field?

09:07:35 15 A I was looking back up at the tent.

09:07:38 16 Q So you would have been down here looking up,

09:07:40 17 correct?

09:07:41 18 A Yes.

09:07:41 19 Q So everything you are about to tell us, that

09:07:43 20 was your vantage or point of view, correct?

09:07:46 21 A Yes, sir.

09:07:46 22 Q You can have a seat.

09:07:48 23 So your event is getting called, you are

09:07:55 24 starting to get ready, you are looking for your

09:07:58 25 teammates, [REDACTED] and [REDACTED] looking back up towards

09:08:02 1 the tent, right?

09:08:03 2 A Yes, sir.

09:08:04 3 Q What do you see happening in the tent?

09:08:06 4 A So when I was scanning through the tent, I

09:08:11 5 started left to right, and then I was looking back up to

09:08:15 6 the top, because that's where I last saw one of my

09:08:19 7 teammates.

09:08:21 8 Q Okay.

09:08:21 9 A And then I see one of my teammates, Austin,

09:08:25 10 stand up, and I see other people -- or another person in

09:08:29 11 the back stand up and I see, in my peripheral, Austin

09:08:33 12 put his hand on his shoulder. And then I turned to my

09:08:40 13 left for a quick moment, because one of my teammates

09:08:45 14 were with me, and they were talking to me; and then I

09:08:48 15 turn around and I hear a bunch of yelling from both

09:08:54 16 Austin and [REDACTED]

09:08:55 17 Q And what are they yelling?

09:08:58 18 A One was yelling he stabbed me, and the other

09:09:00 19 is yelling he got stabbed.

09:09:02 20 Q Okay. And it was Austin that was yelling he

09:09:06 21 stabbed me?

09:09:07 22 A Yeah, yes.

09:09:08 23 Q And [REDACTED] was yelling he got stabbed?

09:09:10 24 A Yes, sir.

09:09:12 25 Q Did you actually see the stabbing?

09:09:15 1 A Like, I saw the motion of it. Like, because
09:09:18 2 of the bleachers, he is elevated, so I saw the -- like
09:09:22 3 pretty much up to his tricep to, like, his shoulder.

09:09:30 4 Q Did you think anything was going to happen?

09:09:34 5 A No, sir.

09:09:35 6 Q If you had, you wouldn't have looked away,
09:09:37 7 correct?

09:09:37 8 A Yes, sir.

09:09:38 9 Q Did you hear any back-and-forth before this
09:09:43 10 stabbing between either Austin, or any of your
09:09:47 11 teammates, and the person that had come into the tent?

09:09:50 12 A When I was walking down to the walkway, I
09:09:53 13 heard them pretty much -- not quite like arguing yet,
09:09:59 14 but something was going to build up. He was basically
09:10:02 15 asking him to leave.

09:10:04 16 Q Austin was asking this person to leave?

09:10:06 17 A Yes, sir.

09:10:06 18 Q What was his tone and demeanor like? Was he
09:10:10 19 angry or aggressive?

09:10:11 20 A I wouldn't say angry or aggressive.

09:10:15 21 Q Okay. When he asked this person to leave the
09:10:16 22 tent, did the other person respond?

09:10:24 23 A I don't quite remember. At that time, I was
09:10:27 24 getting farther away from the area.

09:10:30 25 Q Okay. Did the other -- and you know the other

09:10:33 1 person -- it is okay to -- the person that came in your
09:10:36 2 tent, you had never seen him before, had you?

09:10:39 3 A Only one instance at another track meet, but
09:10:46 4 it wasn't like -- he wasn't under the tent or anything.
09:10:49 5 I just so happened to walk past him.

09:10:50 6 Q Okay. And you know now his name is Karmelo
09:10:53 7 Anthony, right?

09:10:54 8 A Yes, sir.

09:10:55 9 Q Did you ever hear Karmelo Anthony say anything
09:10:58 10 to Austin Metcalf or in response to Austin Metcalf?

09:11:03 11 A A little bit. He was -- I couldn't really,
09:11:05 12 like, fully hear what he was saying; but he was, like --
09:11:09 13 he was responding and, like, I want to say -- it wasn't
09:11:16 14 aggressive yet, but it was, like, in a -- how do I put
09:11:25 15 this? It was, like -- it wasn't aggressive, but he was,
09:11:27 16 like, trying to make him come do something; like, shove
09:11:31 17 him to, like, move. Like, make him move.

09:11:34 18 Q Okay. You know the word "provoke"?

09:11:38 19 A Yes, sir.

09:11:38 20 Q Was it your impression that Karmelo Anthony
09:11:40 21 was trying to provoke Austin Metcalf?

09:11:44 22 A Yes.

09:11:45 23 Q And was Austin responding to being provoked at
09:11:49 24 that point?

09:11:50 25 A Yes.

09:11:51 1 Q what did he do?

09:11:53 2 A He put his hand on his shoulder.

09:11:55 3 Q Okay. Did -- the jury has heard from a lot of

09:11:58 4 people that were out there and everybody kind of uses

09:12:02 5 different words in different ways. So when you said put

09:12:04 6 his hand on his shoulder, pick the word that best

09:12:10 7 describes what you remember. Like a push, a shove, a

09:12:14 8 grab? How would you describe it, [REDACTED]

09:12:16 9 A From the distance I was at, I couldn't really,

09:12:19 10 like, determine; but I have to say, most likely firm.

09:12:28 11 Q Did you see motion; motion from Austin towards

09:12:31 12 Karmelo or motion back?

09:12:33 13 A I saw both.

09:12:35 14 Q which came first?

09:12:37 15 A Austin.

09:12:38 16 Q So you saw a motion from Austin to Karmelo and

09:12:40 17 then Karmelo respond?

09:12:42 18 A Yes, sir.

09:12:43 19 Q Okay. As you see this, do you have -- at this

09:12:46 20 point -- before you hear Austin and [REDACTED] at this

09:12:49 21 point, do you have any idea that a stabbing has just

09:12:52 22 occurred?

09:12:52 23 A No, sir.

09:12:54 24 Q You weren't aware of the stabbing until --

09:12:56 25 until you heard [REDACTED] and Austin, right?

09:13:01 1 A Yes, sir.

09:13:05 2 Q Did it surprise you?

09:13:08 3 A Yes.

09:13:08 4 Q why?

09:13:10 5 A You don't expect someone to get stabbed at a

09:13:14 6 track meet or a school event.

09:13:18 7 Q Did Austin seem angry, based on what you saw?

09:13:22 8 A Austin?

09:13:23 9 Q Yes.

09:13:25 10 A I am not sure.

09:13:26 11 Q Okay. Did Karmelo Anthony seem angry or

09:13:30 12 intimidating?

09:13:34 13 A I wouldn't say angry or intimidating, but it

09:13:38 14 was suspicious.

09:13:40 15 Q why do you say suspicious?

09:13:42 16 A Because the fact where he didn't have school

09:13:46 17 gear on and he had his hoodie on and hands in the

09:13:50 18 pocket.

09:13:53 19 Q Okay. And you told me before, but it is your

09:13:58 20 recollection, once you pieced together that this, what

09:14:03 21 you saw, was a stabbing, you assumed the knife came from

09:14:06 22 the pocket of his hoodie, right?

09:14:08 23 A Yes, sir.

09:14:08 24 Q Did you ever see him with a backpack?

09:14:10 25 A Not that I remember, but it could have been

09:14:14 1 in-between his legs.

09:14:16 2 Q Okay. Once this stabbing happens and you
09:14:21 3 become aware Austin just got stabbed, what does Karmelo
09:14:27 4 Anthony do?

09:14:27 5 A He runs off the bleachers and tries to run out
09:14:32 6 of the stadium.

09:14:33 7 Q You say tries to run out of the stadium. Tell
09:14:36 8 me what you saw. Describe to the members of the jury
09:14:38 9 what you are looking at.

09:14:39 10 A well, first I see him run up and I see [REDACTED]
09:14:43 11 try to get him, but he only goes up, like, two or three
09:14:48 12 bleachers, and then comes back down to Austin. And I
09:14:52 13 see Karmelo run to the right side of the stadium, but by
09:14:57 14 that time, I am in, like, a state of panic, and I run
09:15:02 15 to the -- or the opposite direction.

09:15:05 16 Q why are you in a state of panic?

09:15:07 17 A Because when Austin got stabbed, he was
09:15:15 18 removing from his clothing, and I saw the cut on his
09:15:18 19 chest, and I didn't know if he still had the knife or
09:15:21 20 not.

09:15:21 21 Q Did you think he might have stabbed -- there
09:15:23 22 is potential he might stab other people?

09:15:27 23 A Yes.

09:15:27 24 Q So you ran the other way?

09:15:29 25 A Yes, sir.

09:15:29 1 Q Did you run with any of your teammates, male
09:15:31 2 or female?
09:15:32 3 A Yes.
09:15:33 4 Q Who was that?
09:15:34 5 A My teammate: [REDACTED] (phonetic).
09:15:36 6 Q Okay. Y'all ran together?
09:15:38 7 A Yes, sir.
09:15:38 8 Q You were scared?
09:15:40 9 A Yes, sir.
09:15:40 10 Q Was she scared?
09:15:42 11 A Yes, sir.
09:15:43 12 Q And as you go off to the left in the opposite
09:15:47 13 direction, do you and your female teammate run into a
09:15:50 14 police officer?
09:15:50 15 A Yes, sir.
09:15:51 16 Q Who was that police officer?
09:15:52 17 A I don't know his name.
09:15:55 18 Q Okay. Do you know where he works?
09:15:57 19 A Staley -- or he is stationed at Staley.
09:16:01 20 Q Okay. You know him, the Staley SRO?
09:16:03 21 A Yes, sir.
09:16:04 22 Q Do you tell him, very quickly, what just
09:16:06 23 happened?
09:16:07 24 A Yes, sir.
09:16:08 25 Q Okay. And then do you -- do you and her keep

09:16:12 1 running?

09:16:13 2 A No.

09:16:14 3 Q what do y'all do?

09:16:16 4 A we stayed behind the police officer and --

09:16:21 5 Q You felt safe because the police officer was

09:16:23 6 around?

09:16:23 7 A Yes, sir.

09:16:24 8 Q Okay. well, let me back up just a little bit.

09:16:26 9 You said as Karmelo Anthony went up out of the tent,

09:16:30 10 initially [REDACTED] chased him -- looked like he was going

09:16:33 11 to chase him for a few bleachers?

09:16:36 12 A Yes, sir.

09:16:36 13 Q But then [REDACTED] turned around and went to his

09:16:39 14 brother?

09:16:39 15 A Yes, sir.

09:16:39 16 Q why was that? Do you have any reason why

09:16:44 17 [REDACTED] would turn around and go to his brother?

09:16:46 18 A well, yeah. He saw his brother get stabbed

09:16:49 19 and he was in need.

09:16:51 20 Q Okay. Based on what you saw, did [REDACTED]

09:16:54 21 [REDACTED] play any role at all in this kind of

09:16:59 22 back-and-forth between Austin and Karmelo?

09:17:02 23 A I didn't hear [REDACTED] speak, so I am not sure.

09:17:06 24 Q Was [REDACTED] close to Austin and Karmelo or was

09:17:09 25 he at a different part of the tent?

09:17:11 1 A He was sitting right next to Austin.

09:17:13 2 Q Okay. Before the stabbing, did anybody from

09:17:17 3 Memorial stand up and surround or crowd Karmelo Anthony?

09:17:22 4 A No.

09:17:22 5 Q Were most of your teammates sitting down when

09:17:25 6 the stabbing happened?

09:17:26 7 A Yeah, yes.

09:17:28 8 Q Did anyone think that even a fight was going

09:17:31 9 to break out?

09:17:32 10 A No, sir.

09:17:35 11 Q At some point, the police officer leaves and

09:17:37 12 runs towards the stabbing, correct?

09:17:41 13 A Yes, sir.

09:17:41 14 Q what do you and your female teammate do?

09:17:44 15 A We actually -- we are on the other side of the

09:17:48 16 stadium, so we go down those bleachers and see the scene

09:17:54 17 from afar, to see if, like, the officer is there.

09:17:57 18 Q How would you describe the scene from afar?

09:18:02 19 A Everyone scattered. The middle section of the

09:18:05 20 stadium, where the tent was, was empty. There was just

09:18:10 21 backpacks. Everyone ran away.

09:18:12 22 Q what is the next thing you remember doing or

09:18:15 23 seeing?

09:18:19 24 A I don't remember much after that.

09:18:23 25 Q It was tough to see that, right?

09:18:26 1 A Yes, sir.

09:18:27 2 Q It is still tough for you to talk about?

09:18:30 3 A Yes, sir.

09:18:30 4 Q I have talked to your mom. You've been in

09:18:34 5 some counseling?

09:18:35 6 A Not much; some.

09:18:38 7 Q Okay. Well, you have done a good job.

09:18:40 8 Was there any reason at all, based on what you

09:18:46 9 saw, for Karmelo Anthony to stab Austin Metcalf?

09:18:50 10 A No, not at all.

09:18:52 11 Q And you told us, in fact, Karmelo Anthony was

09:18:55 12 the one that provoked Austin Metcalf into touching him

09:19:00 13 first, correct?

09:19:01 14 A Yes, sir.

09:19:06 15 Q As best you understand self-defense, was

09:19:10 16 Karmelo Anthony acting in self-defense?

09:19:14 17 A No. That's lethal force against non-lethal.

09:19:20 18 MR. WIRSKYE: That's a fair statement.

09:19:21 19 I will pass the witness.

09:19:24 20 THE COURT: Mr. Shook?

09:19:25 21 MR. SHOOK: Thank you.

22 CROSS-EXAMINATION

09:19:25 23 BY MR. SHOOK:

09:19:26 24 Q I have just a few questions for you. If you

09:19:30 25 don't understand the question, I can rephrase it and ask

09:19:34 1 it again, okay?

09:19:34 2 A Yes, sir.

09:19:35 3 Q All right. Now, you did an interview with the

09:19:40 4 detective after the incident; is that right?

09:19:43 5 A Yes, sir.

09:19:45 6 Q And that was -- you may not remember the name,

09:19:49 7 but a Detective Anderson. Was he in plain clothes or

09:19:55 8 not in uniform when you interviewed with him?

09:19:58 9 A Repeat that. Sorry.

09:19:59 10 Q Was the detective not in an officers' uniform

09:20:05 11 that you would see on the street? Was he more in plain

09:20:08 12 clothes?

09:20:09 13 A No, he was in uniform.

09:20:10 14 Q He was in uniform. Okay. And where did that

09:20:14 15 interview take place?

09:20:16 16 A I am not sure what it is called, but it was

09:20:19 17 the center right next to the stadium.

09:20:22 18 Q After the incident, did you go directly to

09:20:25 19 that building for the interview or did y'all first get

09:20:28 20 on the team bus?

09:20:30 21 A We had to be on the bus first.

09:20:32 22 Q Okay. So everyone got on the bus, and then

09:20:35 23 did a police officer or someone come ask if anyone had

09:20:39 24 seen anything, and you and some of your teammates got

09:20:44 25 off the bus?

09:20:45 1 A Yes, sir.

09:20:45 2 Q And for sometime, though, y'all are waiting on

09:20:48 3 the bus, until that officer came?

09:20:50 4 A Yes, sir.

09:20:51 5 Q Do you remember how long?

09:20:53 6 A I couldn't tell you.

09:20:55 7 Q Okay. Obviously, you guys were discussing

09:20:58 8 what happened, and that type of thing? What y'all had

09:21:02 9 just seen, shocking to you, correct?

09:21:05 10 A Yes, sir.

09:21:05 11 Q And then they get some of you -- you and some

09:21:08 12 of your teammates off, and did they just walk you over

09:21:11 13 to the other building?

09:21:12 14 A Yes, sir.

09:21:13 15 Q And that's when you did the interview.

09:21:15 16 Have you reviewed that video interview?

09:21:19 17 A Yes, sir.

09:21:22 18 Q And you also -- they had you make a

09:21:24 19 handwritten statement; is that right?

09:21:25 20 A Yes, sir.

09:21:26 21 Q All right. So you said that you were getting

09:21:34 22 ready for an event and you were sitting kind of in the

09:21:38 23 upper part of the bleachers under the tent, and that's

09:21:43 24 when you saw Karmelo come under the tent. Did you

09:21:46 25 actually see him when he arrived?

09:21:48 1 A No, sir.

09:21:49 2 Q So you don't know how long he was there before

09:21:51 3 you spotted him?

09:21:52 4 A Yes, sir.

09:21:52 5 Q Okay. And when you saw him, that's when you

09:21:57 6 said, well, who is this guy, because he wasn't dressed

09:22:00 7 in the Memorial gear; is that right?

09:22:05 8 A Yes, sir.

09:22:05 9 Q But you also said that -- and you told the

09:22:08 10 detective that, that you later said, well, you did

09:22:11 11 remember seeing him at some other track meets?

09:22:17 12 A Track meet, yes.

09:22:18 13 Q Okay. Do you remember -- do you remember

09:22:26 14 telling the detective he has gone in our tent before?

09:22:30 15 A Like passed by.

09:22:32 16 Q Do you remember saying the words "he has gone

09:22:34 17 in our tent before"?

09:22:38 18 A I don't remember. It was a year ago.

09:22:41 19 Q Sure. I have got a transcript. If I could

09:22:44 20 have you read that, do you think that might refresh your

09:22:48 21 memory?

09:22:49 22 A Sure, yes.

09:23:07 23 MR. SHOOK: May I approach?

09:23:08 24 THE COURT: Yes, sir.

09:23:22 25 Q I don't want you to read this out loud, okay?

09:23:24 1 Just starting right here, just read down and let me know
09:23:29 2 when you are finished, okay?

09:23:30 3 A It is cut off right there.

09:23:44 4 Q It is a conversation, so sometimes it is --
09:23:48 5 does that refresh your memory?

09:24:00 6 A Yes, sir.

09:24:00 7 Q Okay. Did you, in fact, say you had seen him
09:24:03 8 in your tent?

09:24:04 9 A Yes, as in, like, the bottom of the tent, like
09:24:08 10 saying hi to someone.

09:24:10 11 Q But you used the word "in," correct?

09:24:12 12 A Yes, sir.

09:24:12 13 Q He was talking to somebody?

09:24:15 14 A Yes, but, like, greeted someone.

09:24:17 15 Q And you said, I think two other track meets;
09:24:21 16 is that right?

09:24:21 17 A Yes, I think.

09:24:23 18 Q Okay. So you think you may have seen him more
09:24:25 19 than once in your tent?

09:24:29 20 A Possibly. It is not something that just -- I
09:24:33 21 don't -- like, I don't really process seeing him.

09:24:37 22 Q It wasn't an event you were thinking about all
09:24:40 23 the time, right?

09:24:41 24 A Yes, sir.

09:24:42 25 Q But once the officer asked you, you said,

09:24:44 1 yeah, I think he has been in our tent before?

09:24:48 2 A Yes.

09:24:49 3 Q And you think maybe two other meets, or

09:24:55 4 possibly, right?

09:24:57 5 A Yeah, I am not sure what --

09:24:58 6 THE COURT: Asked and answered. Move on.

09:25:12 7 Q And when you saw him in your tent, you said he

09:25:16 8 was talking to an athlete?

09:25:20 9 A well, trying to; but, yes.

09:25:24 10 Q well, were you standing there listening to him

09:25:26 11 or --

09:25:27 12 A I wasn't listening to their conversation,

09:25:29 13 but -- it really wasn't a conversation. They weren't

09:25:34 14 engaged.

09:25:35 15 Q were they just standing there looking at each

09:25:38 16 other?

09:25:38 17 A No, they're -- he was trying to start

09:25:39 18 conversation, but it wasn't working.

09:25:44 19 Q So how close were you?

09:25:46 20 A I was the bleacher below him.

09:25:48 21 Q And when you say it wasn't working, do you

09:25:52 22 remember who he was talking to?

09:25:58 23 A It was either [REDACTED] or [REDACTED]

09:26:02 24 Q Okay. [REDACTED] or [REDACTED] -- what's [REDACTED]

09:26:04 25 last name?

09:26:06 1 A I don't remember his last name.

09:26:08 2 Q But when you said [REDACTED] are we talking about

09:26:11 3 [REDACTED]

09:26:13 4 A Yes, sir.

09:26:14 5 Q And you said he was trying to have a

09:26:15 6 conversation, but it wasn't working?

09:26:17 7 A Yeah -- well, when I saw the conversation,

09:26:19 8 [REDACTED] was just shaking his head; he wasn't really

09:26:23 9 looking -- he wasn't even looking his way.

09:26:29 10 Q He wasn't looking at him?

09:26:30 11 A No. He was looking straight, forward.

09:26:33 12 Q When he was shaking his head, demonstrate to

09:26:35 13 the jury how he was shaking his head.

09:26:36 14 A He was, like (demonstrating.)

09:26:39 15 Q Like nodding it?

09:26:40 16 A Yeah, like a nod.

09:26:41 17 Q And you saw Karmelo just -- did you hear what

09:26:44 18 Karmelo was saying to him?

09:26:46 19 A No. He said, like, three words to him.

09:26:49 20 Q That's all?

09:26:50 21 A Yes, sir.

09:26:51 22 Q The other time you may have seen him in the

09:26:53 23 tent, was he talking to [REDACTED] again?

09:27:00 24 A I didn't see him talking. I think he was

09:27:01 25 just, like, walking past. He might have said hi to

09:27:06 1 someone; I just didn't see who.

09:27:08 2 Q So [REDACTED] wasn't really -- you distinctly
09:27:11 3 remember [REDACTED] wasn't talking back; he was just nodding
09:27:14 4 his head?

09:27:15 5 A Yeah, I didn't see a conversation really going
09:27:17 6 on.

09:27:18 7 Q Okay. Do you remember which meet that was?

09:27:20 8 A No, no.

09:27:24 9 Q Was it that season, though?

09:27:27 10 A Most likely.

09:27:28 11 Q Okay. Had y'all had a meet about 10 days
09:27:31 12 before at -- I think they call it Lobo Stadium?

09:27:35 13 A Yes, sir.

09:27:36 14 Q Would it have been that meet?

09:27:39 15 A Most likely.

09:27:40 16 Q Okay. And you tell Detective Anderson that
09:28:04 17 you thought he went to Centennial. Did you think that
09:28:08 18 because you remember that from the -- when you had seen
09:28:11 19 him before in the tent at the other track meet?

09:28:15 20 A No, it was just I assumed -- I just assumed.
09:28:18 21 I said two schools. I said either -- at least I was
09:28:22 22 just trying to guess which one. I said either Emerson
09:28:27 23 or Centennial.

09:28:28 24 Q Okay. Do you remember being on the bus -- was
09:28:31 25 someone able to pull up and find an Instagram photo of

09:28:35 1 Karmelo?

09:28:36 2 A Yes, sir.

09:28:36 3 Q Was that while y'all were on the bus?

09:28:39 4 A Yes, sir.

09:28:39 5 Q And he was in that Essentials gray hoodie in

09:28:44 6 the photo that was found?

09:28:45 7 A I don't remember what he was wearing, but I do

09:28:47 8 remember, like, the stance that he was doing.

09:28:49 9 Q Okay. And everyone kind of passed the phone

09:28:54 10 around or saw the photo?

09:28:56 11 A Yes, sir.

09:29:11 12 Q So you walked down, and when you first heard

09:29:15 13 Austin say something to him, was that before you walked

09:29:20 14 down to the bottom part of the bleachers?

09:29:22 15 A It was on the way down.

09:29:24 16 Q As you were walking down?

09:29:24 17 A Yes, sir.

09:29:25 18 Q Were you looking at him or was that just what

09:29:28 19 you were hearing?

09:29:28 20 A It was just what I was hearing.

09:29:31 21 Q Okay. And then you got down the bleachers and

09:29:34 22 looked up; is that right?

09:29:35 23 A Yes, sir.

09:29:41 24 Q I think you testified on direct that [REDACTED]

09:29:44 25 was sitting next to Austin; is that right?

09:29:47 1 A Yes, sir.

09:29:48 2 Q And you don't remember [REDACTED] also arguing?

09:29:54 3 A I don't remember what [REDACTED] said.

09:29:57 4 Q Do you remember [REDACTED] saying something but --

09:30:01 5 something to Karmelo?

09:30:06 6 A I -- no.

09:30:09 7 Q I know it has been a year, so it has been a

09:30:13 8 while.

09:30:13 9 I want to ask you about one other statement

09:30:24 10 you made. Do you remember telling Detective Anderson,

09:30:26 11 yeah, they were arguing, so then his brother popped in;

09:30:29 12 [REDACTED] and Austin's twin, was also, like, defending

09:30:34 13 Austin, saying, like, yeah -- he was just defending him

09:30:36 14 in the argument. Do you remember saying that?

09:30:39 15 A Yes.

09:30:40 16 Q So you remember [REDACTED] popped in, as you say,

09:30:44 17 to defend Austin, but you don't remember exactly what he

09:30:48 18 said?

09:30:48 19 A No, sir.

09:30:56 20 Q Then when you were down, you said you saw

09:30:58 21 Austin stand up. And did he walk towards Karmelo?

09:31:04 22 A I didn't see him step forward, no.

09:31:09 23 Q Okay. And go over that part again, then.

09:31:11 24 when you walked up and saw Austin, was he already

09:31:14 25 standing next to Karmelo?

09:31:16 1 A Next to him, no; but he was still the bleacher
09:31:18 2 below him looking up to him.

09:31:22 3 Q Okay. So the interaction you saw, then he
09:31:24 4 never moved from where he was?

09:31:26 5 A No, sir.

09:31:27 6 Q All right. Do you remember in your written
09:31:30 7 statement you said that you -- I see Austin put his hand
09:31:39 8 on his shoulder to intimidate -- to intimidate him. Do
09:31:44 9 you remember writing that?

09:31:45 10 A Yes, sir.

09:31:46 11 Q And that's when you saw him put the hand on
09:31:49 12 his shoulder?

09:31:50 13 A Yes, sir.

09:31:50 14 Q That was your perception of what -- why he was
09:31:52 15 doing that?

09:31:53 16 A More of a warning, as in, like, actions speak
09:31:58 17 louder than words.

09:31:59 18 Q But you chose to use the word "intimidate"?

09:32:03 19 A It was just in the moment. I just let it out.

09:32:09 20 Q And you wrote that at the same time you made
09:32:11 21 the -- you were in the interview, or shortly after the
09:32:14 22 interview with the detective?

09:32:16 23 A Yes, sir.

09:32:16 24 Q But you didn't see the actual stabbing; is
09:32:19 25 that right?

09:32:19 1 A Not the actual, like, knife entering, no.

09:32:22 2 Q You never saw that.

09:32:24 3 Austin was much larger than Karmelo, wasn't

09:32:29 4 he?

09:32:31 5 A As in --

09:32:32 6 Q Size.

09:32:33 7 A Size?

09:32:34 8 Q Yes.

09:32:35 9 A Sure, I mean, but --

09:32:37 10 Q He was taller than him?

09:32:38 11 A I -- you can't really tell when he is a

09:32:41 12 bleacher above him, but I -- I am not sure.

09:32:47 13 Q Bigger build, would you say?

09:32:50 14 A Yeah. More broad, yeah.

09:32:52 15 Q I mean, Austin -- do you play football as

09:32:55 16 well?

09:32:55 17 A Yes, sir.

09:32:56 18 Q What position do you play?

09:32:57 19 A Receiver.

09:32:58 20 Q All right. Austin plays linebacker, correct?

09:33:02 21 A Yes, sir.

09:33:02 22 Q And linebackers are generally bigger than

09:33:05 23 receivers?

09:33:06 24 A It depends. Yeah, they are.

09:33:09 25 Q I mean, and because of their position, they

09:33:11 1 have to do a lot of tackling of running backs and
09:33:14 2 receivers; that type of thing?

09:33:17 3 A Yes, sir.

09:33:17 4 Q And Austin was pretty broad-shouldered?

09:33:21 5 A Yes, sir.

09:33:21 6 Q He could look intimidating, just by his size,
09:33:24 7 by someone that didn't really know him, correct?

09:33:27 8 A Sure. Yeah.

09:33:29 9 Q All right. Do you remember telling Detective
09:33:59 10 Anderson Austin was, like, done warning him to move, and
09:34:09 11 that's when he grabbed him by the shoulder?

09:34:10 12 A Do I remember telling him that?

09:34:12 13 Q Yes.

09:34:13 14 A I am not sure.

09:34:16 15 Q You don't remember any obscenities being
09:34:20 16 exchanged between the two of them? Did you hear any
09:34:24 17 cussing, or anything like that?

09:34:28 18 A I don't really remember.

09:34:30 19 MR. SHOOK: Okay. Thank you. That's all
09:34:33 20 the questions I have, Judge.

09:34:33 21 THE COURT: Mr. Wirskeye?

09:34:36 22 MR. WIRSKYE: Nothing further, Your
09:34:36 23 Honor.

09:34:37 24 THE COURT: Is the witness excused and
09:34:38 25 released by the State?

09:34:43 1 MR. WIRSKYE: No objection.

09:34:45 2 THE COURT: By the Defense?

09:34:45 3 MR. SHOOK: Subject to recall.

09:34:46 4 THE COURT: You are subject to recall.

09:34:46 5 Somebody will explain that to you, but for now, you can

09:34:49 6 step down, okay?

09:34:49 7 THE WITNESS: Thank you.

09:34:49 8 THE COURT: Mr. Wirskey, call your next

09:34:51 9 witness, please.

09:34:52 10 MR. WIRSKYE: The State will call [REDACTED]

09:34:54 11 [REDACTED]

09:35:20 12 THE COURT: Sir, walk across the

09:35:22 13 courtroom and head to this black chair to my right,

09:35:26 14 okay?

09:35:26 15 Before you sit down, turn to me and raise

09:35:35 16 your right hand.

17 (Witness sworn.)

09:35:37 18 THE COURT: Put your hand down and be

09:35:39 19 seated. Speak into the microphone so we can hear you,

09:35:40 20 all right?

09:35:40 21 Mr. Wirskey.

09:35:44 22 MR. WIRSKYE: Thank you, Your Honor.

23 [REDACTED]

24 having been first duly sworn, testified as follows:

25 DIRECT EXAMINATION

09:35:44 1 BY MR. WIRSKYE:

09:35:45 2 Q Can you turn to the members of the jury and

09:35:48 3 introduce yourself?

09:35:50 4 A My name is [REDACTED]

09:35:53 5 Q Okay. Your name is [REDACTED] Do your friends

09:35:55 6 call you [REDACTED]

09:35:56 7 A Yes, sir.

09:35:57 8 Q Can I call you [REDACTED]

09:35:58 9 A Yes, sir.

09:35:59 10 Q Okay. Just making sure.

09:36:01 11 You and I have met a couple of times before;

09:36:03 12 is that right?

09:36:03 13 A Yes, sir.

09:36:04 14 Q And when we've met, your parents have

09:36:07 15 always -- one or the other, or both, have always been in

09:36:11 16 the room; is that right?

09:36:12 17 A Yes.

09:36:12 18 Q And your dad is down here with you today?

09:36:14 19 A Yes, sir.

09:36:14 20 Q Do you see him in the back of the courtroom?

09:36:17 21 MR. WIRSKYE: Dad, you can stand up?

09:36:18 22 Q You see, that's your dad, right?

09:36:21 23 A Yes, sir.

09:36:22 24 Q Okay. How old of a young man are you?

09:36:25 25 A I'm sorry, repeat that.

09:36:27 1 Q How old of a young man are you?

09:36:28 2 A I'm 16 years old.

09:36:30 3 Q Okay. And I know it is summertime now, but

09:36:34 4 what grade are you going to be in next fall?

09:36:36 5 A My junior year.

09:36:38 6 Q So you're class of '28?

09:36:40 7 A Yes, sir.

09:36:41 8 Q All right. Are you doing good in school?

09:36:44 9 A Pretty good, yeah.

09:36:46 10 Q Okay. Are you doing good in sports?

09:36:48 11 A Yes, sir.

09:36:49 12 Q what sports do you play?

09:36:52 13 A Football and track.

09:36:53 14 Q Okay. what position do you play in football?

09:36:56 15 A Running back and linebacker.

09:36:58 16 Q And what events do you do in track?

09:37:01 17 A 100-meter and 200-meter.

09:37:03 18 Q Okay. So you are fast?

09:37:05 19 A Pretty fast.

09:37:06 20 Q Okay. Good enough.

09:37:07 21 And you were on the track team last year,

09:37:12 22 right? That would have been your freshman year?

09:37:14 23 A Yes, sir.

09:37:15 24 Q And you know Austin Metcalf?

09:37:19 25 A Yes, sir.

09:37:19 1 Q How did you know him?

09:37:22 2 A He was my upper classman. He was a junior.

09:37:25 3 We were on the same football team and -- yeah.

09:37:29 4 Q Okay. He played linebacker, too?

09:37:31 5 A Yes, sir.

09:37:32 6 Q Were you pretty close to him?

09:37:34 7 A I would say so, yeah.

09:37:37 8 Q Would you call him, like, a big brother?

09:37:39 9 A Yes, sir.

09:37:43 10 Q Did you know [REDACTED] [REDACTED]

09:37:44 11 A Yes, sir.

09:37:45 12 Q And they were both there the day of the

09:37:48 13 district meet; is that right?

09:37:49 14 A Yes, sir.

09:37:50 15 Q Okay. Let's get to it. Do you remember that

09:37:53 16 day: Wednesday, April 2nd, 2025?

09:37:55 17 A Yes, sir.

09:37:57 18 Q How did you get out to Kuykendall Stadium?

09:38:00 19 A We came from the bus from Memorial High School

09:38:03 20 and we traveled from the bus from Memorial to Kuykendall

09:38:09 21 Stadium.

09:38:10 22 Q Okay. And what's the first thing you

09:38:12 23 remember, once you got to the stadium?

09:38:14 24 A I remember us unloading from the bus, getting

09:38:17 25 our tent and our coolers; and I remember going to our

09:38:21 1 spot in the stadium.

09:38:23 2 Q Did you help with the tent and coolers?

09:38:26 3 A Yes, sir.

09:38:26 4 Q Who else was helping you?

09:38:28 5 A Mostly like the big guys, like me, [REDACTED]

09:38:32 6 [REDACTED] Austin, [REDACTED]

09:38:35 7 Q Okay. So y'all got the tent up on the
09:38:37 8 visitor's side bleachers?

09:38:40 9 A Yes, sir.

09:38:40 10 Q Did it look like you were going to especially
09:38:43 11 need a tent that morning because of the weather?

09:38:45 12 A Yes, sir.

09:38:45 13 Q Okay. How would you describe the weather that
09:38:48 14 morning?

09:38:48 15 A It was cloudy that morning, so it looked like
09:38:52 16 it was going to rain.

09:38:53 17 Q And did it, in fact, rain on and off
09:38:56 18 throughout the morning?

09:38:57 19 A Yes, sir.

09:38:57 20 Q Up to the point -- the track meet was never
09:39:01 21 delayed because of rain, right?

09:39:03 22 A No, sir.

09:39:04 23 Q Once you get the tent and the coolers with the
09:39:06 24 drinks and the snacks in, what do you do next?

09:39:11 25 A We just walk around, see where the shotput

09:39:15 1 ring was at, and the discus ring.

09:39:18 2 Q Okay. And who are you walking around with?

09:39:20 3 A I was walking around with Austin and [REDACTED]

09:39:22 4 Q Okay. And y'all were just kind of locating

09:39:27 5 where your -- where their events were going to be, I

09:39:30 6 guess?

09:39:31 7 A Yes, sir.

09:39:31 8 Q And after you do that, where do you go?

09:39:34 9 A And then after we did that, we went back to

09:39:37 10 the bleachers, and we just chilled at our tent.

09:39:40 11 Q Okay. And when you say you -- y'all just

09:39:43 12 chill, what were you doing?

09:39:45 13 A Just talking to each other; not doing

09:39:48 14 anything, really.

09:39:49 15 Q Okay. Standing up, sitting down?

09:39:51 16 A Yes.

09:39:52 17 Q Looking at your phones?

09:39:54 18 A Yes, sir.

09:39:55 19 Q Is Coach Starr around?

09:39:58 20 A I don't recall.

09:39:58 21 Q Okay. Coach Starr was one of your -- your

09:40:01 22 head track coach that year, right?

09:40:03 23 A Yes, sir.

09:40:05 24 Q Are there a lot of people under the tent?

09:40:09 25 A Yes, sir.

09:40:10 1 Q Males and females?

09:40:11 2 A Yes.

09:40:11 3 Q And do the boys kind of stay up top and the
09:40:15 4 girls down below?

09:40:16 5 A Yes, sir.

09:40:17 6 Q At some point, did some of your teammates
09:40:20 7 leave the tent to start getting ready for their events?

09:40:23 8 A Yes, sir.

09:40:24 9 Q Okay. When that starts happening, do you
09:40:27 10 remember anything unusual that happened next?

09:40:31 11 A I remember -- I don't recall, actually.

09:40:41 12 Q Okay. Did anyone ever come into your tent
09:40:44 13 that wasn't one of your teammates?

09:40:46 14 A Yes, sir.

09:40:46 15 Q Tell us about that.

09:40:48 16 A He was a kid from Centennial High School,
09:40:49 17 because he had a Centennial logo on his backpack. And
09:40:54 18 since it wasn't raining anymore, we told him to leave,
09:40:59 19 like, multiple times, and he wouldn't leave.

09:41:02 20 Q You said "we told him." Who all told him to
09:41:05 21 leave?

09:41:06 22 A Everybody in that group; like me, [REDACTED]
09:41:11 23 Austin, [REDACTED] and that's about all I remember.

09:41:17 24 Q Okay. And you said since it had stopped
09:41:19 25 raining, you didn't see any reason for him to be under

09:41:22 1 there?

09:41:23 2 A Yes, sir.

09:41:23 3 Q Is that the expectation of Coach Starr and
09:41:27 4 Memorial that --

09:41:28 5 A Yes, sir.

09:41:28 6 Q -- other teams stay out of your tent?

09:41:30 7 A Yes, sir.

09:41:31 8 Q Do you know why that is?

09:41:33 9 A Because each team has, like, their own
09:41:37 10 boundaries, and each team has to, like, stay separated
09:41:40 11 from each other.

09:41:42 12 Q Okay. So it is you, Austin, [REDACTED] You
09:41:46 13 mentioned the name [REDACTED] is that [REDACTED]

09:41:49 14 A Yes, sir.

09:41:49 15 Q The jury hasn't met him yet. But y'all are
09:41:52 16 telling him, hey, just leave?

09:41:54 17 A Yes, sir.

09:41:55 18 Q Is it angry?

09:41:56 19 A No, sir.

09:41:58 20 Q Okay. And when you are telling him to leave,
09:42:00 21 what does he do?

09:42:02 22 A He doesn't leave.

09:42:04 23 Q Does he get angry?

09:42:06 24 A He gets irritated.

09:42:08 25 Q When you say he gets irritated, describe what

09:42:10 1 you mean. What are you seeing that makes you think
09:42:14 2 that?

09:42:14 3 A He tries to provoke us, by saying, like, make
09:42:18 4 me get out.

09:42:18 5 Q What else is he saying?

09:42:20 6 A And he reached in his backpack and said touch
09:42:23 7 me and see what happens.

09:42:25 8 Q And who is he saying that to at this point?

09:42:28 9 A Austin.

09:42:29 10 Q Did Austin kind of assume a leadership role at
09:42:32 11 some point in trying to get him to leave the tent?

09:42:36 12 A Yes, sir.

09:42:38 13 Q Were there bad words going? Any bad words
09:42:42 14 said?

09:42:43 15 A I don't recall.

09:42:43 16 Q Okay. I know you have a hard time saying
09:42:46 17 them, but do you recall any cursing or bad language?
09:42:52 18 You don't have to say it. You can just answer
09:42:56 19 yes-or-no.

09:42:56 20 A No, sir. I don't recall.

09:42:58 21 Q Okay. Fair enough.

09:42:58 22 How long does this go on?

09:43:02 23 A For about five minutes.

09:43:05 24 Q Okay. And as this goes on for five minutes,
09:43:09 25 do things escalate; is either Austin or Karmelo

09:43:14 1 instigating?

09:43:16 2 A Yes, sir.

09:43:17 3 Q who is instigating?

09:43:19 4 A Karmelo.

09:43:21 5 Q Okay. And you just kind of nodded your head.

09:43:24 6 You didn't know who he was that day, right?

09:43:27 7 A No, sir.

09:43:28 8 Q But you know his name was Karmelo Anthony?

09:43:31 9 A Yes, sir.

09:43:31 10 Q Do you see him in the courtroom?

09:43:33 11 A Yes, sir.

09:43:33 12 Q He was the one that was instigating?

09:43:36 13 A Yes, sir.

09:43:37 14 Q And being stubborn and refusing to leave?

09:43:42 15 A Yes, sir.

09:43:42 16 Q Okay. what happens next?

09:43:47 17 A Then Austin tries to force him out, because he

09:43:50 18 wouldn't leave, so we had no other choice. And then

09:43:53 19 after Austin puts hands on him, then Austin gets

09:43:58 20 stabbed.

09:43:58 21 Q Okay. Let's go back and talk about that in a

09:44:02 22 little more detail. You said "force out," right?

09:44:05 23 A Yes, sir.

09:44:06 24 Q what do you mean by that?

09:44:08 25 A By, like, just pushing him out, because he

09:44:10 1 doesn't belong there in the tent; because after multiple
09:44:13 2 times, we told him to leave, he still wouldn't leave.

09:44:16 3 Q Was Austin angry?

09:44:18 4 A No, sir.

09:44:19 5 Q Was Karmelo Anthony angry?

09:44:28 6 A I don't recall.

09:44:28 7 Q Okay. While all of this is going on, did
09:44:30 8 Karmelo Anthony have his hand in his backpack?

09:44:33 9 A Yes, sir.

09:44:33 10 Q What did you think about that?

09:44:34 11 A I thought he was bluffing. I didn't know he
09:44:36 12 actually had something in his backpack.

09:44:38 13 Q Why did you think he was bluffing?

09:44:40 14 A Because it is a high school track meet and you
09:44:42 15 are not supposed to bring anything.

09:44:44 16 Q Were you worried about his hand being in the
09:44:46 17 backpack?

09:44:48 18 A A little bit, yes.

09:44:53 19 Q You said Austin went to force or push him out,
09:44:55 20 right?

09:44:55 21 A Yes, sir.

09:44:59 22 Q Describe the push for me. Like how hard was
09:45:01 23 it?

09:45:02 24 A Not too hard. Like a little shove; that's it.

09:45:05 25 Q Okay. Austin could have shoved harder; you

09:45:08 1 knew Austin as a linebacker?

09:45:11 2 A Yes, sir.

09:45:11 3 Q How would you describe Austin's mood or
09:45:15 4 demeanor when he pushes or shoves?

09:45:18 5 A I would say he was annoyed by the fact that
09:45:21 6 Karmelo wouldn't leave.

09:45:23 7 Q And he had been asked multiple times by you
09:45:27 8 guys, and then towards the end Austin, right?

09:45:30 9 A Yes, sir.

09:45:30 10 Q So Austin gets frustrated, goes to move him
09:45:34 11 out or shove him out of the tent. What happens next?

09:45:37 12 A He then -- Karmelo then stabs Austin in the
09:45:41 13 chest.

09:45:42 14 Q Do you see that?

09:45:43 15 A No, sir.

09:45:43 16 Q Were you looking away?

09:45:45 17 A Yes, sir.

09:45:47 18 Q Do you remember what you were looking at when
09:45:49 19 the stabbing happened?

09:45:50 20 A I was looking towards the field.

09:45:52 21 Q Okay. Would you have been looking towards the
09:45:55 22 field if you thought anything serious was going to
09:45:58 23 happen between Austin Metcalf and Karmelo Anthony?

09:46:02 24 A No, sir.

09:46:02 25 Q So you thought it is weird, suspicious, Austin

09:46:06 1 is frustrated, this guy is instigating, being stubborn,
09:46:10 2 but you didn't think anything was going to -- bad was
09:46:13 3 going to happen, right?

09:46:15 4 A Yes, sir.

09:46:15 5 Q Even a fistfight, right?

09:46:17 6 A Yes, sir.

09:46:17 7 Q So you looked away?

09:46:18 8 A Yes, sir.

09:46:19 9 Q And then you looked back. What do you see?

09:46:24 10 A I see Austin with, like, a -- with blood on
09:46:27 11 his chest, and I see him falling down the bleachers.

09:46:32 12 Q Is Austin saying anything?

09:46:34 13 A He said, he stabbed me, he stabbed me.

09:46:37 14 Q What's going through your mind?

09:46:40 15 A I was just in shock at the moment. I didn't
09:46:42 16 really know what to do, except that [REDACTED] had said that
09:46:45 17 he had a knife and told everyone to run, and that's when
09:46:49 18 I kind of, like, snapped back into it.

09:46:51 19 Q Once you snapped back into it, what did you do
09:46:55 20 next?

09:46:55 21 A I tried to help, but the teachers, like --
09:46:57 22 they were telling me to, like, get out of the area and
09:47:02 23 go to the buses.

09:47:03 24 Q Okay. Did you follow their direction and go
09:47:06 25 to the buses?

09:47:07 1 A Yes, sir.

09:47:08 2 Q Let me circle back. You said [REDACTED] told you

09:47:13 3 that Austin had been stabbed with a knife, get out of

09:47:16 4 here, right?

09:47:16 5 A Yes, sir.

09:47:17 6 Q Was [REDACTED] a part of all of this or was it

09:47:19 7 Austin? Like -- well, let me ask it this way. Where

09:47:23 8 was [REDACTED] when all of this was going on?

09:47:25 9 A [REDACTED] was right next to me, which was in

09:47:28 10 front of the incident.

09:47:29 11 Q Okay. Was he involved in the incident?

09:47:31 12 A No, sir.

09:47:33 13 Q Okay. Why do you say that?

09:47:36 14 A Because it was more like a one-on-one

09:47:39 15 confrontation between Austin and Karmelo.

09:47:42 16 Q And you know [REDACTED] [REDACTED]

09:47:45 17 A Yes, sir.

09:47:48 18 Q How was [REDACTED] after the stabbing?

09:47:51 19 A I'm sorry, say that again.

09:47:53 20 Q How was [REDACTED] after his brother got stabbed?

09:47:57 21 A He went to his brother immediately and he

09:47:59 22 tried to help them save him.

09:48:02 23 Q Do you remember what, if anything, [REDACTED] was

09:48:04 24 saying?

09:48:05 25 A No, sir. I don't remember.

09:48:10 1 Q what happened when you got to the bus?

09:48:15 2 A Everybody was just crying in the bus because

09:48:20 3 we couldn't believe what happened. So everybody was

09:48:22 4 really sad and in shock.

09:48:25 5 Q At some point, do y'all figure out who Karmelo

09:48:29 6 Anthony was?

09:48:30 7 A Yes, sir.

09:48:30 8 Q How do you do that?

09:48:33 9 A We asked -- one of my friends, his name is

09:48:36 10 [REDACTED] we asked -- I asked him, because I remember him

09:48:41 11 calling Karmelo "Melo." So I asked him who he was, and

09:48:46 12 that's how I learned.

09:48:48 13 Q So [REDACTED] was on the bus with you guys?

09:48:51 14 A Yes, sir.

09:48:51 15 Q And you remember before the stabbing [REDACTED]

09:48:54 16 [REDACTED] referring to Karmelo Anthony as "Melo"?

09:48:57 17 A Yes, sir.

09:48:58 18 Q So you knew they knew one another?

09:49:01 19 A Yes, sir.

09:49:02 20 Q But you had never seen or heard of Karmelo

09:49:05 21 Anthony before that day, right?

09:49:06 22 A No, sir.

09:49:07 23 Q Had you seen him earlier that day, before the

09:49:09 24 stabbing?

09:49:10 25 A I don't recall. No, sir.

09:49:12 1 Q Okay. So you figure out that it is Karmelo
09:49:17 2 Anthony that did it, right?

09:49:19 3 A Yes, sir.

09:49:20 4 Q At some point, do you end up talking to the
09:49:23 5 police?

09:49:23 6 A Yes, sir.

09:49:25 7 Q Okay. And they interviewed you, there is a
09:49:30 8 videotape. You and I have watched it, right?

09:49:35 9 A Yes, sir.

09:49:35 10 Q Of what you said to the police?

09:49:37 11 A Yes, sir.

09:49:38 12 Q And it looks like you also wrote a short,
09:49:41 13 one-page statement; is that right?

09:49:43 14 A Yes, sir.

09:49:44 15 Q And we have reviewed that?

09:49:45 16 A Yes, sir.

09:49:45 17 Q The other side may have some questions for you
09:49:48 18 about those.

09:49:49 19 Austin Metcalf meant a lot to you?

09:49:53 20 A Yes, sir.

09:49:54 21 Q Have you had trouble this last-year-plus
09:49:58 22 processing all of this?

09:49:59 23 A Yes, sir.

09:50:00 24 Q Have you been in counseling?

09:50:01 25 A Yes, sir.

09:50:03 1 Q Okay. Based on what you saw, knowing Austin
09:50:09 2 Metcalf like you did, did Austin want to fight that
09:50:12 3 morning?

09:50:13 4 A No, sir.

09:50:14 5 Q He was just frustrated?

09:50:16 6 A Yes, sir.

09:50:16 7 Q But it was Karmelo Anthony who was being
09:50:20 8 stubborn?

09:50:21 9 A Yes, sir.

09:50:21 10 Q Instigating?

09:50:23 11 A Yes, sir.

09:50:24 12 Q Provoking?

09:50:25 13 A Yes, sir.

09:50:30 14 Q You saw all of this, right?

09:50:32 15 A Yes, sir.

09:50:32 16 Q And I know you are not a lawyer, but as best
09:50:36 17 you understand murder versus self-defense, was this
09:50:39 18 self-defense or did Karmelo Anthony commit murder?

09:50:43 19 A He committed murder.

09:50:45 20 MR. WIRSKYE: I'll pass the witness.

09:50:46 21 THE COURT: Mr. Shook.

22 CROSS-EXAMINATION

09:50:47 23 BY MR. SHOOK:

09:50:49 24 Q Good morning. I am Mr. Shook.

09:50:52 25 A Good morning.

09:50:53 1 Q How are you?

09:50:53 2 A I am good. How are you?

09:50:54 3 Q Good. I have just got a few questions for

09:50:57 4 you, okay?

09:50:58 5 A Yes, sir.

09:51:02 6 Q When you were answering questions from -- that

09:51:06 7 Mr. Wirskey asked you, talking about when Karmelo was

09:51:11 8 asked to leave the tent, you said since it wasn't

09:51:18 9 raining anymore, we told him he had to leave. Do you

09:51:21 10 remember saying that?

09:51:22 11 A Yes, sir.

09:51:22 12 Q So when it was raining, it was okay for him to

09:51:26 13 at least get out of the rain?

09:51:28 14 A Yes, sir, because it was raining, and they

09:51:30 15 didn't have a tarp; they didn't have a tent.

09:51:33 16 Q All right. And once it stopped, that's when

09:51:36 17 he had to leave?

09:51:37 18 A Yes, sir.

09:51:38 19 Q Do you remember how long he had been in the

09:51:39 20 tent before he was asked to leave?

09:51:42 21 A About seven minutes.

09:51:44 22 Q Okay. And when he got -- when he came under

09:51:47 23 the tarp, was it raining?

09:51:52 24 A I don't recall.

09:51:52 25 Q Okay. But before he was asked to leave, it

09:51:56 1 was raining; and so once that stopped, that's when he
09:51:59 2 was asked to leave?

09:52:01 3 A Yes, sir.

09:52:01 4 Q Do you remember who he was sitting next to?

09:52:05 5 A I don't recall, no.

09:52:06 6 Q Okay. But he was behind you; is that right?

09:52:09 7 A Yes, sir.

09:52:12 8 Q How far behind you was he?

09:52:13 9 A Just one row.

09:52:13 10 Q Was he sitting directly behind you or to the
09:52:17 11 side?

09:52:17 12 A To the side.

09:52:18 13 Q Okay. Do you remember how far down was he,
09:52:20 14 spaces?

09:52:22 15 A He was toward the edge of the row, so to my
09:52:26 16 left.

09:52:26 17 Q Your left. Okay.

09:52:30 18 MR. SHOOK: May I approach?

09:52:31 19 THE COURT: Yes, sir.

09:52:41 20 Q This is called Exhibit-23; State's Exhibit-23.
09:52:46 21 Do you see this yellow rectangle?

09:52:49 22 A Yes, sir.

09:52:50 23 Q Okay. This is the area where the tent was.

09:52:51 24 Can you show me where -- the area you were sitting in,
09:52:56 25 the best you recall?

09:53:01 1 A Right here (indicating).

09:53:01 2 Q All right. And to your left, you think
09:53:03 3 Karmelo was up in this area?

09:53:06 4 A Yes, sir.

09:53:07 5 Q All right. All right. And where was Austin
09:53:11 6 and [REDACTED]

09:53:13 7 A I don't remember where Austin was, but I am
09:53:15 8 pretty sure [REDACTED] was right next to me, like right in
09:53:20 9 there.

09:53:21 10 Q Okay. And I believe you said that once the
09:53:47 11 rain had stopped, it was you, Austin, [REDACTED] -- as
09:53:50 12 I recall, you said [REDACTED] and Austin all asked him to
09:53:58 13 leave?

09:53:59 14 A Yes, sir.

09:53:59 15 Q So [REDACTED] did ask him to leave?

09:53:59 16 A Yes, sir.

09:53:59 17 Q And then after a while, it just became Austin
09:54:02 18 and him going back and forth?

09:54:04 19 A Yes, sir.

09:54:05 20 Q And how long do you think that went on?

09:54:08 21 A Three minutes.

09:54:09 22 Q Okay. And you remember that he had a
09:54:19 23 backpack?

09:54:20 24 A Yes, sir.

09:54:20 25 Q And had put his hand down in the backpack?

09:54:23 1 A Yes, sir.

09:54:23 2 Q And was there talk? Did he talk about what
09:54:26 3 was in the backpack, or did anyone confront him about
09:54:29 4 what's in the backpack?

09:54:30 5 A He was talking about what he had in the
09:54:32 6 backpack.

09:54:32 7 Q Did he say what it was or just said there was
09:54:35 8 something?

09:54:36 9 A He just said there was something.

09:54:37 10 Q Did Austin ask him or make any statements
09:54:40 11 about the backpack, that you are aware of?

09:54:42 12 A He said that he was lying and that he doesn't
09:54:44 13 have one.

09:54:45 14 Q Okay. Then when Austin decided to try to push
09:54:57 15 him out, do you remember how Austin got over to Karmelo?

09:55:02 16 A He walked over to him.

09:55:03 17 Q Okay. Do you remember how far away he was
09:55:05 18 from him?

09:55:07 19 A Not too far from him.

09:55:08 20 Q Okay. Was Karmelo still sitting down?

09:55:17 21 A I think so, yes, sir.

09:55:18 22 Q All right. And you told the detective that it
09:55:24 23 took about 10 times of talking and then Austin decided
09:55:27 24 to go?

09:55:28 25 A Yes, sir.

09:55:29 1 Q when you say "go," you mean push him out?

09:55:31 2 A Yes, sir.

09:55:32 3 Q And when -- were you watching when Austin
09:55:35 4 actually put hands on him to push him out?

09:55:38 5 A I only saw a glimpse of it; but yes, sir, I
09:55:41 6 saw.

09:55:41 7 Q Okay. Do you remember if he grabbed him or
09:55:42 8 did he just push him?

09:55:45 9 A He just pushed him.

09:55:46 10 Q And do you remember where he pushed him, where
09:55:48 11 his hands were on Karmelo's body?

09:55:51 12 A Like his shoulder area.

09:55:52 13 Q Okay. Was it both hands?

09:55:54 14 A Yes, sir.

09:55:55 15 Q Okay. And did you see the actual push, when
09:55:58 16 it happened?

09:56:00 17 A Yes, sir.

09:56:01 18 Q How much did Karmelo move?

09:56:04 19 A Not a lot.

09:56:05 20 Q Not a lot?

09:56:06 21 A No, sir.

09:56:07 22 Q Did he -- which direction did he get moved?
09:56:12 23 Did he go backwards, did he go to the side?

09:56:15 24 A To the side.

09:56:16 25 Q All right. Did he come out of his seat?

09:56:19 1 A I don't recall.

09:56:22 2 Q Okay. And it is after that, you turned around

09:56:24 3 and looked at something on the field?

09:56:27 4 A Yes, sir.

09:56:29 5 Q Did you see Karmelo make any motion at all?

09:56:32 6 A No, sir.

09:56:32 7 Q All right. And you play linebacker, the same

09:56:43 8 position as Austin, right?

09:56:44 9 A Yes, sir.

09:56:45 10 Q You -- when do you first get to know Austin?

09:56:48 11 was it this past season?

09:56:50 12 A During my freshman year.

09:56:53 13 Q Okay. And in 2025, when this happened, were

09:56:55 14 you a sophomore or freshman?

09:56:58 15 A I was a freshman.

09:56:58 16 Q Okay. So you had just met him that previous

09:57:01 17 fall?

09:57:02 18 A Yes, sir.

09:57:03 19 Q And you watched him play football?

09:57:06 20 A Yes, sir.

09:57:06 21 Q He was a starter, right?

09:57:11 22 A Yes, sir.

09:57:24 23 Q Do you remember telling Detective Anderson,

09:57:26 24 when he asked you how you knew Austin, saying that he

09:57:30 25 was a really good athlete, I remember him playing inside

09:57:34 1 linebacker then, I remember seeing him play and I was
09:57:37 2 scared of him? Is that because of how intensely he
09:57:41 3 played?

09:57:41 4 A Yes, sir.

09:57:42 5 Q He could tackle very well?

09:57:44 6 A Yes, sir.

09:57:45 7 Q He was a good linebacker?

09:57:46 8 A Yes, sir.

09:57:47 9 Q And you didn't know him then, but it scared
09:57:49 10 you to watch him play?

09:57:51 11 A It was intimidating.

09:57:52 12 Q Yeah. And after that, y'all became friends?

09:57:56 13 A Yes, sir.

09:57:57 14 Q Y'all liked to do the same things?

09:58:00 15 A Yes, sir.

09:58:01 16 Q You -- you dedicated yourself to getting
09:58:04 17 stronger?

09:58:05 18 A Yes, sir.

09:58:06 19 Q Lifted weights with Austin?

09:58:08 20 A Yes, sir.

09:58:09 21 Q And tried to become a better linebacker
09:58:12 22 yourself?

09:58:13 23 A Yes, sir.

09:58:30 24 Q You said that [REDACTED] -- you heard [REDACTED] call
09:58:35 25 Karmelo "Melo;" is that right?

09:58:37 1 A Yes, sir.

09:58:38 2 Q when did you hear him say that?

09:58:41 3 A I think it was under the tent.

09:58:44 4 Q Did you -- did he say it to another teammate?

09:58:49 5 A No, sir.

09:58:51 6 Q was he talking to Karmelo when he said it?

09:58:54 7 A Yes, sir.

09:58:54 8 Q were they sitting next to each other?

09:58:57 9 A No, sir.

09:58:58 10 Q How far away were they from each other?

09:59:01 11 A I believe [REDACTED] was a row behind him.

09:59:04 12 Q Okay. How do you remember it coming up that

09:59:07 13 [REDACTED] said Melo?

09:59:11 14 A I think they just greeted each other and he

09:59:15 15 just said, what's up, Melo.

09:59:18 16 Q So did you talk about that with [REDACTED]

09:59:20 17 afterwards, after this happened, when y'all were on the

09:59:23 18 bus?

09:59:24 19 A Yes, sir.

09:59:24 20 Q what did you ask him?

09:59:26 21 A I asked him, who is Melo.

09:59:28 22 Q what did he tell you?

09:59:30 23 A He said that he's a friend.

09:59:34 24 Q So he said he's a friend. Did he tell you

09:59:38 25 anything else about Melo?

09:59:40 1 A No, sir.

09:59:41 2 Q Did you see a photo of Melo that someone found

09:59:44 3 on Instagram?

09:59:47 4 A Later that day, yes.

09:59:48 5 Q Not while you were on the bus?

09:59:50 6 A No, sir.

09:59:57 7 MR. SHOOK: All right. I will pass the

09:59:57 8 witness, Your Honor.

09:59:58 9 THE COURT: All right. Mr. Wirskeye?

09:59:59 10 MR. WIRSKYE: Nothing further, Your

10:00:00 11 Honor.

10:00:00 12 THE COURT: Is this witness excused and

10:00:02 13 released by the State?

10:00:03 14 MR. WIRSKYE: By the State.

10:00:05 15 THE COURT: By the Defense?

10:00:06 16 MR. SHOOK: Subject to recall.

10:00:07 17 THE COURT: You are subject to recall.

10:00:08 18 Somebody will explain that to you, but you can step down

10:00:10 19 for now. Thank you.

10:00:12 20 Mr. Wirskeye, call your next witness,

10:00:14 21 please.

10:00:14 22 MR. WIRSKYE: The State will call [REDACTED]

10:00:15 23 [REDACTED]

10:00:23 24 THE COURT: Okay. All right. Come

10:00:37 25 through the courtroom. You are heading to this black

10:00:40 1 chair to my right.

10:00:42 2 Before you sit down, turn to me and raise

10:00:45 3 your right hand.

4 (Witness sworn.)

10:00:46 5 THE COURT: Put your hand down and be

10:00:57 6 seated, please. All right. You are good.

10:00:58 7 Mr. Wirskye.

10:00:59 8 MR. WIRSKYE: Thank you, Your Honor.

9 [REDACTED]

10 having been first duly sworn, testified as follows:

11 DIRECT EXAMINATION

10:01:00 12 BY MR. WIRSKYE:

10:01:00 13 Q [REDACTED] could you turn to the members of the

10:01:03 14 jury and introduce yourself? Tell them your full name.

10:01:06 15 A well, I am [REDACTED]

10:01:10 16 Q And just for the court reporter, who needs to

10:01:12 17 know your spelling, you have a neat spelling of your

10:01:15 18 first name, don't you?

10:01:16 19 A [REDACTED].

10:01:17 20 Q Okay. How old of a young man are you?

10:01:21 21 A 16.

10:01:22 22 Q Okay. what -- I know it is summer, but what

10:01:25 23 grade are you going to be in next year?

10:01:27 24 A Senior.

10:01:28 25 Q Okay. Are you looking forward to that?

10:01:30 1 A Yeah.

10:01:31 2 Q Okay. Understood.

10:01:31 3 Are you a good student?

10:01:35 4 A Yeah, you could say so.

10:01:36 5 Q Okay. Are you a good athlete?

10:01:40 6 A Yeah.

10:01:40 7 Q Okay. And you and I have met before several

10:01:42 8 times, right?

10:01:43 9 A Uh-huh.

10:01:44 10 Q You have to say yes-or-no.

10:01:45 11 A Yes, sir.

10:01:46 12 Q Okay. And I believe your mom has been there

10:01:48 13 every time, right?

10:01:50 14 A Yes, sir.

10:01:50 15 Q And you know your mom -- I don't know if you

10:01:52 16 saw her, but she is in the back of the courtroom.

10:01:54 17 MR. WIRSKYE: Mom, if you could raise

10:01:55 18 your hand.

10:01:56 19 Q That's your mom back there, right?

10:01:58 20 A Yes, sir.

10:02:01 21 Q Okay. Back in last year, it would have been

10:02:03 22 your sophomore year -- or this past year is your junior

10:02:07 23 year. The year before that would have been your

10:02:09 24 sophomore year?

10:02:10 25 A Yes, sir.

10:02:10 1 Q Were you on the track team?

10:02:13 2 A Not at the beginning. I joined, like, the
10:02:15 3 last track meet.

10:02:16 4 Q Okay. So you had just come onto the Memorial
10:02:20 5 track meet (sic) right before the district meet, right?

10:02:23 6 A Yes, sir.

10:02:24 7 Q Did you know many of the young men and young
10:02:28 8 women on that team?

10:02:30 9 A Not really.

10:02:31 10 Q Okay. You were -- you went to Memorial, but
10:02:35 11 most the people that were on the team were kind of
10:02:39 12 strangers to you or not your friends?

10:02:41 13 A Yeah, because I play soccer.

10:02:43 14 Q Okay. Soccer is your sport, right?

10:02:44 15 A Yeah.

10:02:45 16 Q Are you good at soccer?

10:02:46 17 A Uh-huh, yes, sir.

10:02:47 18 Q Okay. Are you excited about the world cup?

10:02:49 19 A Yes, sir.

10:02:50 20 Q You got tickets?

10:02:51 21 A Yeah, Japan against Sweden.

10:02:54 22 Q Okay. Who are you rooting for?

10:02:56 23 A Portugal.

10:02:57 24 Q Okay. Fair enough.

10:02:57 25 I know you had just joined the track meet

10:03:04 1 (sic) before the district meet in April of 2025, but did
10:03:08 2 you know Austin Metcalf?

10:03:10 3 A Yes, sir, from middle school.

10:03:12 4 Q From middle school?

10:03:13 5 A Uh-huh.

10:03:14 6 Q Did y'all get along?

10:03:16 7 A I just, like, kind of knew him.

10:03:18 8 Q Okay. You weren't friends with him?

10:03:19 9 A No.

10:03:20 10 Q Did you know his twin brother [REDACTED]

10:03:22 11 A Yes, sir.

10:03:22 12 Q And they were both on the track team that day,
10:03:25 13 right?

10:03:26 14 A Yes, sir.

10:03:27 15 Q What event were you going to do? You had just
10:03:29 16 joined the track team right before the district meet.

10:03:32 17 What event were you going to do that day?

10:03:34 18 A I was going to do the 800 and 1600.

10:03:37 19 Q Okay. You were kind of a distance guy?

10:03:39 20 A Yes, sir.

10:03:39 21 Q All of that soccer?

10:03:40 22 A Yes, sir.

10:03:43 23 Q Okay. Good.

10:03:44 24 Okay. Let's talk about that day. It was
10:03:45 25 Wednesday, April 2nd. Do you take the team bus?

10:03:48 1 A Yes, sir.

10:03:49 2 Q Everything seems normal?

10:03:51 3 A Yes, sir.

10:03:52 4 Q what happens once you get to Kuykendall

10:03:54 5 stadium?

10:03:55 6 A We get off the bus and then we go to the

10:03:59 7 bleachers and then we set up a tent.

10:04:01 8 Q Okay. Did you help with all of that?

10:04:03 9 A Yes, sir.

10:04:04 10 Q And once the tent was set up, what did you do?

10:04:07 11 A I was just watching TikTok in there.

10:04:11 12 Q watching TikTok?

10:04:12 13 A Yeah.

10:04:12 14 Q Okay. Sitting down, scrolling through -- what

10:04:15 15 do y'all call them: reels?

10:04:17 16 A Yeah.

10:04:17 17 Q Okay. Is that the right word? I can't tell

10:04:20 18 if you are laughing with me or at me.

10:04:21 19 A Yeah, that's the right word.

10:04:24 20 Q Okay. Is it raining?

10:04:29 21 A Not at that time. It started raining, like,

10:04:31 22 later, at 9:30.

10:04:34 23 Q You mean later, after the stabbing?

10:04:35 24 A No, no, no; before the stabbing.

10:04:37 25 Q Okay. So you set up the tent, you are going

10:04:39 1 through TikTok, the rain starts, right?

10:04:44 2 A Yeah.

10:04:44 3 Q Does the track meet ever get delayed?

10:04:48 4 A I believe so.

10:04:49 5 Q Okay. But do you know for sure?

10:04:51 6 A No, sir.

10:04:52 7 Q Okay. You didn't get word one way or another?

10:04:56 8 A No, sir.

10:04:57 9 Q Okay. And are your events, these distance

10:05:02 10 events, are they early in the morning or are they later

10:05:04 11 in the day?

10:05:05 12 A Later in the day.

10:05:05 13 Q So you had a lot of time to kill, that

10:05:07 14 morning, under the tent?

10:05:08 15 A Yeah.

10:05:09 16 Q Okay. Are you talking much with your new

10:05:11 17 teammates, or are you kind of keeping to yourself on

10:05:13 18 TikTok?

10:05:16 19 A Can you repeat that?

10:05:17 20 Q Are you talking to a lot of your new teammates

10:05:20 21 under the tent or are you just kind of staying to

10:05:23 22 yourself, killing time?

10:05:25 23 A I am not staying to myself -- well, yeah,

10:05:27 24 staying to myself.

10:05:27 25 Q Okay. Did you have any friends on the track

10:05:30 1 team?

10:05:30 2 A I knew [REDACTED]

10:05:32 3 Q Okay. You and [REDACTED] were friends?

10:05:34 4 A Uh-huh.

10:05:35 5 Q You have to say yes-or-no.

10:05:36 6 A Yes, sir.

10:05:36 7 Q That's okay.

10:05:39 8 At some point -- I want to talk to you -- you

10:05:41 9 were there when the stabbing happened, right?

10:05:44 10 A Yes, sir.

10:05:44 11 Q Let's talk about 10 minutes before the

10:05:46 12 stabbing. What's going on under the tent?

10:05:50 13 A Not really nothing much, actually.

10:05:55 14 Q Did the rain pick up again right before the

10:05:57 15 stabbing?

10:05:59 16 A No, it slowed down.

10:06:02 17 Q It slowed down right before the stabbing. At

10:06:03 18 some point, did you become aware that somebody was under

10:06:07 19 your tent that wasn't on the team?

10:06:09 20 A Yes, sir. He sat next to me.

10:06:11 21 Q Okay. And you say "he." You know now, we all

10:06:16 22 know, his name is Karmelo Anthony, right?

10:06:19 23 A Yes, sir.

10:06:19 24 Q And tell us what you remember about him coming

10:06:22 25 in and sitting next to you.

10:06:23 1 A well, he just sat next to me. He said, like,
10:06:31 2 what crazy weather; and, I said, yeah.

10:06:33 3 Q Did you know who he was?

10:06:34 4 A Not at the moment.

10:06:35 5 Q Was he wearing any school gear?

10:06:37 6 A No.

10:06:37 7 Q Okay. Did this worry you, bother you, or seem
10:06:40 8 kind of normal? I mean, you are kind of new to track.
10:06:43 9 How did it strike you?

10:06:45 10 A I mean, it was, like, kind of strange,
10:06:46 11 because, like, every team was, like, supposed to have,
10:06:48 12 like, their own tent; so I was just, like, why is he,
10:06:51 13 like, here.

10:06:52 14 Q Okay. So even being new to the track team,
10:06:55 15 you kind of knew what the expectation was?

10:06:58 16 A Yes, sir.

10:06:59 17 Q And most of the kids did, right?

10:07:01 18 A Yes, sir.

10:07:01 19 Q Once he sits down next to you and y'all talk
10:07:03 20 that little, brief period about the weather, what
10:07:07 21 happens next?

10:07:08 22 A I just started watching TikTok, and then
10:07:10 23 [REDACTED] like, turns around to talk, to, like, say
10:07:13 24 something to me, and then he sees Karmelo and then,
10:07:15 25 like, he recognizes him because he is, like, friends

10:07:18 1 with his, like, girlfriend; and then, like, starts,
10:07:22 2 like, talking to Karmelo for, like, a little bit.

10:07:26 3 Q Okay. You said they talked for a little bit,
10:07:28 4 right?

10:07:28 5 A Yeah.

10:07:32 6 Q And do you remember about -- I know estimating
10:07:33 7 times is really difficult, but was it a little or a lot?
10:07:37 8 How much did they talk?

10:07:37 9 A Possibly two minutes, max.

10:07:38 10 Q Okay. So it wasn't a long conversation?

10:07:40 11 A No.

10:07:41 12 Q And you mentioned it was your understanding
10:07:42 13 that [REDACTED] knew Karmelo Anthony's girlfriend?

10:07:46 14 A Yeah.

10:07:48 15 Q Did that make you feel better or worse about
10:07:50 16 him being under your tent, that he knew [REDACTED]

10:07:56 17 A I don't know.

10:07:58 18 Q Okay. It just -- it wasn't a thing for you
10:08:01 19 right then, right?

10:08:02 20 A Yeah.

10:08:03 21 Q Is anyone else in the tent, at some point,
10:08:05 22 talking to Karmelo Anthony?

10:08:09 23 A When [REDACTED] came, because he forgot his cleat
10:08:13 24 spikes, and then, he said, like, who is that? He
10:08:16 25 pointed out Karmelo, and then everybody turned around.

10:08:20 1 Q Okay. So a lot of the people under the tent
10:08:22 2 weren't even aware that he was there?
10:08:24 3 A Yeah.
10:08:25 4 Q Was he up top?
10:08:26 5 A Yeah.
10:08:28 6 Q Was he completely under the tent or kind of on
10:08:30 7 the edge?
10:08:31 8 A On the edge.
10:08:32 9 Q Now, and you mentioned [REDACTED] That's [REDACTED]
10:08:34 10 [REDACTED]
10:08:35 11 A I believe so.
10:08:35 12 Q Okay. The jury heard from him yesterday. So
10:08:37 13 [REDACTED] says, who is this guy, right?
10:08:39 14 You have to say yes-or-no.
10:08:42 15 A Yes, sir.
10:08:43 16 Q Everybody looks at him, right?
10:08:44 17 A Yes, sir.
10:08:46 18 Q What happens next?
10:08:47 19 A He says, I'm a nobody.
10:08:51 20 Q He what?
10:08:51 21 A He says, I'm a nobody.
10:08:55 22 Q I'm a nobody?
10:08:55 23 A Yeah.
10:08:55 24 Q How did you take that comment? That's kind of
10:08:57 25 a strange comment.

10:08:59 1 A Yes, sir.

10:08:59 2 Q what did you think when you heard that

10:09:01 3 comment, "I'm a nobody"?

10:09:04 4 A Like, disrespectful.

10:09:06 5 Q okay. why did you think it was disrespectful?

10:09:09 6 A Because he is just asking, like, a normal

10:09:10 7 question; like, who is that because he's --

10:09:13 8 Q You took a normal question and then he is

10:09:16 9 being disrespectful in response?

10:09:19 10 A Yes.

10:09:20 11 Q what happened next?

10:09:20 12 A Then [REDACTED] says, if you are a nobody, then just

10:09:24 13 get out of our tent.

10:09:26 14 Q And how does Karmelo Anthony respond?

10:09:30 15 A I am not leaving, fuck ya.

10:09:33 16 Q He said, I am not leaving, fuck you?

10:09:35 17 A Fuck ya, to all of us.

10:09:38 18 Q Okay. How did he appear when he said that?

10:09:41 19 Angry?

10:09:44 20 A Yeah.

10:09:46 21 Q was anybody at Memorial angry at him at that

10:09:49 22 point?

10:09:50 23 A No.

10:09:51 24 Q Once he says that to you guys, how do y'all

10:09:54 25 respond? who responds?

10:10:05 1 A I don't remember.

10:10:06 2 Q Okay. At some point when this happens, is

10:10:11 3 Austin Metcalf involved in this?

10:10:14 4 A Not at the beginning.

10:10:15 5 Q Okay. Is [REDACTED] [REDACTED] involved in this?

10:10:17 6 A No.

10:10:18 7 Q So it is [REDACTED] and a couple of others talking

10:10:20 8 to him?

10:10:21 9 A Yeah.

10:10:22 10 Q Do you remember who those others were?

10:10:24 11 A No, sir.

10:10:24 12 Q Okay. How does [REDACTED] respond to this?

10:10:30 13 A I don't remember.

10:10:31 14 Q Okay. What's the next thing you remember?

10:10:35 15 A He started getting, like, more aggressive as

10:10:37 16 people, like, starting, like, getting him to leave.

10:10:39 17 Q Okay. I am having a hard time hearing you,

10:10:44 18 but I thought the first thing you said was he was

10:10:48 19 starting to get more aggressive, right?

10:10:49 20 A Yes.

10:10:49 21 Q Karmelo Anthony?

10:10:50 22 A Uh-huh.

10:10:50 23 Q You have to say yes-or-no. Sorry, [REDACTED]

10:10:51 24 A Yes, sir.

10:10:52 25 Q So Karmelo Anthony is getting more aggressive,

10:10:55 1 and then what happens?

10:10:56 2 A And then people are, like -- start telling him

10:11:01 3 to leave.

10:11:02 4 Q Okay. And who are the people telling him to

10:11:05 5 leave; do you remember?

10:11:05 6 A No, sir.

10:11:05 7 Q Did you ever tell him to leave?

10:11:08 8 A No. I was just watching.

10:11:10 9 Q Okay. You didn't feel like it was your place

10:11:12 10 to say anything?

10:11:15 11 A Yes, sir.

10:11:15 12 Q Okay. You were new on the team, right?

10:11:18 13 A Yes, sir.

10:11:20 14 Q So he says this, you get a response, you just

10:11:22 15 need to leave, what do you remember next?

10:11:25 16 A He says, fuck ya, I am not going to leave,

10:11:31 17 again; you know, y'all are a bunch of pussies, y'all are

10:11:36 18 not going to do anything about it.

10:11:38 19 Q what did you think when you heard that?

10:11:46 20 A Nothing of it.

10:11:47 21 Q Were you worried?

10:11:48 22 A No.

10:11:49 23 Q why?

10:11:51 24 A Because I thought that was just like --

10:11:58 25 Q Tough talk?

10:12:01 1 A Yeah.

10:12:02 2 Q Okay. And I know it is hard to use bad

10:12:04 3 language in a courtroom, but the judge will allow it, if

10:12:07 4 you are telling what you heard. What was that statement

10:12:09 5 again?

10:12:10 6 A Fuck ya, I am not going to leave, y'all are a

10:12:16 7 bunch of pussies, I'm not going to -- y'all are not

10:12:18 8 going to do anything.

10:12:20 9 Q And once he says this, how did the people

10:12:22 10 under the tent respond?

10:12:23 11 A They just froze for a second.

10:12:26 12 Q At some point, does Austin kind of take the

10:12:30 13 lead?

10:12:30 14 A Yes.

10:12:31 15 Q Tell us about that.

10:12:32 16 A Well, he, like, stands up, and then, he says,

10:12:39 17 bro, just leave, we don't want you here. And then as

10:12:42 18 soon as he stands up, Karmelo, he has, like, his bag on,

10:12:45 19 and then he takes it off and puts it on his lap and

10:12:49 20 sticks his, like, hand in it. And then, he says, touch

10:12:52 21 me and see what happens, like five times. And then when

10:12:55 22 he said that, Austin is telling him I am not going to

10:12:58 23 fight you, like, five times.

10:13:01 24 Q Okay. Did it appear to you that Austin meant

10:13:04 25 what he said, that he wasn't going to fight this guy?

10:13:07 1 A Yeah, because he was in a, like, calm tone;
10:13:10 2 and Karmelo was in an aggressive tone.

10:13:13 3 Q And I think the jury is aware, but Austin
10:13:16 4 Metcalf, for a high-schooler, was pretty big?

10:13:21 5 A Yeah.

10:13:21 6 Q And he was bigger than Karmelo Anthony?

10:13:24 7 A Yes, sir.

10:13:25 8 Q But you said Austin, despite that, was calm
10:13:28 9 and said, I'm not going to fight?

10:13:28 10 A Yes, sir.

10:13:29 11 Q And you said this went on for, like, five
10:13:31 12 times, right?

10:13:31 13 A Yes, sir.

10:13:32 14 Q what happened next, [REDACTED]

10:13:33 15 A And then I can't remember if Austin touched
10:13:37 16 his bag or his shoulder, but when he did that, I, like,
10:13:45 17 blinked for a second, and I see, like, Austin, like, he
10:13:50 18 falls.

10:13:50 19 Q Okay. Did you know what had happened?

10:13:53 20 A No, sir. We only knew what happened when he
10:13:56 21 lifts up his shirt and then you see a big hole and all
10:14:00 22 the blood coming down his upper body.

10:14:03 23 Q Okay. And then, is it finally -- you realize
10:14:06 24 that Austin has been stabbed?

10:14:08 25 A Yeah, he says, he fucking stabbed me; and then

10:14:13 1 it takes, like, five seconds before he falls to the
10:14:16 2 ground.

10:14:16 3 Q And what happens when he falls to the ground?

10:14:21 4 A [REDACTED] and his friends rushed to help him.

10:14:25 5 Q what did Karmelo Anthony do? Did you see?

10:14:30 6 A No, because I, like, froze for a second.

10:14:33 7 Q Sure. You have never seen anything like this,
10:14:36 8 right?

10:14:37 9 A Yeah.

10:14:38 10 Q You weren't expecting to see anything like
10:14:40 11 this, right?

10:14:40 12 A No, sir.

10:14:41 13 Q You are at a -- is this your first track meet?

10:14:43 14 A Yes, sir.

10:14:44 15 Q Okay. At some point, did you kind of decide,
10:14:51 16 I guess, to unfreeze and do something?

10:14:55 17 A Yeah, because everybody started telling, like,
10:14:57 18 run; he has a fucking knife. And then we just went --
10:15:00 19 we went to, like, the left side of the football field.

10:15:06 20 Q Okay. When you say you went to the left side,
10:15:08 21 did you go at a different direction than Karmelo
10:15:11 22 Anthony?

10:15:12 23 A Yes, sir.

10:15:12 24 Q Because you were scared?

10:15:13 25 A Yes, sir.

10:15:13 1 Q Because of what you had just seen?

10:15:15 2 A Yes, sir.

10:15:16 3 Q You had never seen a stabbing before?

10:15:19 4 A No, sir.

10:15:21 5 Q When you run off to the left with the other

10:15:23 6 kids, what happens?

10:15:26 7 A We just gather in a group, and then I hear

10:15:29 8 [REDACTED] (phonetic) say Austin looks dead.

10:15:38 9 Q Is that kind of what you had seen, too?

10:15:42 10 A Yes, sir.

10:15:43 11 Q At some point, do you get back to the team bus

10:15:46 12 or hook up with some of your Memorial coaches?

10:15:49 13 A Yeah, they went to us and then they took us

10:15:55 14 through the back of the stadium.

10:15:56 15 Q Okay. And, I mean, I can see you are upset

10:15:58 16 today, but you were pretty upset back then, right?

10:16:03 17 A It took a second, like, to process, as well.

10:16:06 18 Q And you go to the back of the stadium. What

10:16:08 19 do you do next?

10:16:10 20 A There is a little walkway, so you can go to

10:16:12 21 the bus.

10:16:12 22 Q Did you go to the bus?

10:16:13 23 A Yeah.

10:16:14 24 Q And at some point, did you end up talking to

10:16:18 25 the police?

10:16:19 1 A Yeah. when they said did anybody witness what
10:16:21 2 happened, so we just raised our hand and, like, we went
10:16:25 3 in.

10:16:26 4 Q Okay. And you went in and talked to a
10:16:29 5 detective, right?

10:16:30 6 A Yes, sir.

10:16:31 7 Q And I believe they offered to ask you to write
10:16:36 8 a statement, right?

10:16:37 9 A Yes, sir.

10:16:37 10 Q You couldn't do that at that point, could you?

10:16:38 11 A No, sir.

10:16:41 12 Q Too painful?

10:16:43 13 A Yes, sir.

10:16:43 14 Q But you told the detective that day what
10:16:47 15 happened, right?

10:16:48 16 A Yes, sir.

10:16:49 17 Q You told this jury today what happened, right?

10:16:51 18 A Yes, sir.

10:16:53 19 Q You said Austin Metcalf was calm?

10:16:55 20 A Yes, sir.

10:16:56 21 Q Who was the aggressor?

10:16:58 22 A Karmelo.

10:17:02 23 Q Did Austin want to fight?

10:17:03 24 A No, sir.

10:17:03 25 Q Austin was unwilling to fight, right?

10:17:06 1 A Yes, sir.

10:17:08 2 Q Did Austin Metcalf do anything, based on what

10:17:10 3 you saw or heard, to deserve being stabbed in the chest?

10:17:14 4 A No, sir.

10:17:21 5 Q The jury has got to figure out whether Karmelo

10:17:24 6 Anthony acted in self-defense or whether Karmelo Anthony

10:17:26 7 murdered Austin Metcalf. You were there and you saw and

10:17:29 8 heard it. What's your opinion?

10:17:31 9 A My opinion?

10:17:32 10 Q Yes, sir.

10:17:32 11 A My opinion is that Austin didn't deserve what

10:17:39 12 happened.

10:17:42 13 Q It was murder, what you saw, wasn't it?

10:17:44 14 A Yes, sir.

10:17:48 15 MR. WIRSKYE: I will pass the witness.

10:17:49 16 THE COURT: Mr. Shook.

17 CROSS-EXAMINATION

10:17:50 18 BY MR. SHOOK:

10:17:52 19 Q I just have a few questions for you, okay?

10:17:54 20 Are you all right?

10:17:56 21 A Yes, sir.

10:17:56 22 Q Okay. You play soccer; is that right?

10:18:00 23 A Yes, sir.

10:18:00 24 Q And are you on the -- was [REDACTED] on the soccer

10:18:05 25 team with you?

10:18:07 1 A Not that team.

10:18:09 2 Q But had y'all played on the same soccer team

10:18:12 3 at the high school?

10:18:12 4 A Yeah.

10:18:13 5 Q Is that where you first knew [REDACTED] from; y'all

10:18:16 6 were teammates on the soccer team?

10:18:18 7 A Yeah.

10:18:19 8 Q How long had you known [REDACTED]

10:18:21 9 A I know [REDACTED] since 2020.

10:18:25 10 Q Since 2020?

10:18:26 11 A Yes.

10:18:26 12 Q Okay. So you have known him a while?

10:18:28 13 A Yeah.

10:18:28 14 Q Have y'all played soccer together for a while?

10:18:35 15 A He was new to the soccer team.

10:18:36 16 Q Okay. But this was your first track meet?

10:18:40 17 A Yes, sir.

10:18:40 18 Q So y'all were sitting down under the tent.

10:18:42 19 Was it -- were y'all under the tent because it was

10:18:44 20 raining or had been raining?

10:18:46 21 A Yeah.

10:18:47 22 Q And you were sitting next to [REDACTED] is

10:18:51 23 that right?

10:18:51 24 A No. I was sitting alone.

10:18:53 25 Q You were sitting alone?

10:18:54 1 A Yeah.

10:18:54 2 Q Where was [REDACTED] sitting?

10:18:58 3 A One seat down.

10:18:59 4 Q One seat down from you?

10:19:01 5 A Yes, sir.

10:19:02 6 Q So there was a space between y'all?

10:19:05 7 A Yeah.

10:19:05 8 Q Were you on the same row?

10:19:06 9 A No.

10:19:08 10 Q So you were all by yourself?

10:19:10 11 A Yeah.

10:19:11 12 Q How about [REDACTED] was he sitting over there by

10:19:14 13 y'all?

10:19:15 14 A He was sitting next to [REDACTED] and then one

10:19:17 15 more up, down.

10:19:20 16 Q Down from you?

10:19:22 17 A Yeah.

10:19:22 18 MR. SHOOK: May I approach, Your Honor?

10:19:34 19 THE COURT: You may.

10:19:34 20 Q I am going to show you what's been marked

10:19:42 21 state's Exhibit-23. Do you see this yellow rectangle?

10:19:46 22 A Yeah.

10:19:47 23 Q You are going to have to talk loud.

10:19:48 24 where do you remember sitting in the

10:19:51 25 rectangle?

10:19:52 1 A Over here (indicating).
10:19:53 2 Q Right here on the last row?
10:19:54 3 A Yeah.
10:19:55 4 Q And where was [REDACTED]
10:19:57 5 A Right here (indicating).
10:19:59 6 Q Kind of below you?
10:20:00 7 A Uh-huh.
10:20:01 8 Q Okay. But you were the last person -- the
10:20:04 9 only person on that row?
10:20:06 10 A I believe so.
10:20:07 11 Q Okay. Was that row under the tent?
10:20:25 12 A Yes, sir.
10:20:25 13 Q Okay. And then Karmelo came and sat down next
10:20:38 14 to you?
10:20:38 15 A Yes, sir.
10:20:39 16 Q Do you remember he asked you, is it okay if I
10:20:42 17 sit here?
10:20:42 18 A No, he just sat there.
10:20:44 19 Q He didn't say anything to you?
10:20:45 20 A Yeah, he just sat there.
10:20:48 21 Q He didn't say anything to you?
10:20:51 22 A Yeah, he did say something to me. He said,
10:20:51 23 what crazy weather, and he never said, can I sit there.
10:20:59 24 Q So, he said, what crazy weather this is?
10:21:00 25 A Yeah.

10:21:00 1 Q Did you say anything to him back?

10:21:02 2 A I said, yeah.

10:21:03 3 Q Did y'all talk a little bit more?

10:21:05 4 A No, I just went on my phone.

10:21:06 5 Q Okay. So that was the only exchange y'all

10:21:11 6 had?

10:21:12 7 A Yes, sir.

10:21:13 8 Q And then did you hear him speak to [REDACTED] or

10:21:17 9 did [REDACTED] speak to him?

10:21:18 10 A So then [REDACTED] turns around, like, to tell me

10:21:21 11 something; and then he saw Karmelo and then they

10:21:23 12 started, like, chatting it up.

10:21:27 13 Q Chatting with Karmelo?

10:21:29 14 A No, only him and [REDACTED] I went, like, one

10:21:30 15 more seat down, like, sitting next to [REDACTED]

10:21:35 16 THE COURT: I don't understand what you

10:21:36 17 just said.

10:21:37 18 Q Yeah, could you repeat that, please?

10:21:38 19 A So when [REDACTED] saw Karmelo, I went, like, to

10:21:43 20 sit, like, down next to [REDACTED] so [REDACTED] can, like, go up

10:21:47 21 and, like, sit next to Karmelo.

10:21:50 22 Q You switched seats?

10:21:52 23 A Yes, sir.

10:21:52 24 Q Okay. So then you went and sat next to --

10:21:55 25 A [REDACTED]

10:21:55 1 Q -- [REDACTED] and [REDACTED] moved up and sat next to
10:21:59 2 Karmelo?
10:21:59 3 A Yes, sir.
10:22:08 4 Q And were [REDACTED] and Karmelo talking to each
10:22:11 5 other?
10:22:12 6 A Yes, sir.
10:22:12 7 Q Do you remember what they were talking about?
10:22:15 8 A No, sir.
10:22:15 9 Q Was it just kind of a friendly conversation?
10:22:19 10 A I believe so.
10:22:19 11 Q They weren't arguing, or anything like that?
10:22:22 12 A No, sir.
10:22:24 13 Q Do you remember how long that conversation
10:22:24 14 went on before someone said, hey, who is this guy?
10:22:28 15 A Like, two minutes.
10:22:30 16 Q About two minutes. Okay. So he sat down and
10:22:35 17 said, what crazy weather and, you said, yes, and then
10:22:38 18 [REDACTED] turned around to say something and that's when he
10:22:41 19 saw Karmelo?
10:22:42 20 A Yes, sir.
10:22:42 21 Q And so y'all switched?
10:22:43 22 A Yes, sir.
10:22:44 23 Q And for the next two minutes, you are looking
10:22:48 24 at TikTok, and they are talking, and nothing bad
10:22:52 25 happened, right?

10:22:53 1 A Yes, sir.

10:22:54 2 Q Karmelo wasn't acting up or yelling at
10:22:58 3 anybody; anything like that?

10:22:59 4 A No.

10:23:00 5 Q The conversation that Karmelo and [REDACTED] were
10:23:04 6 having, were they just talking, like, normal, as you
10:23:06 7 would next to each other?

10:23:08 8 A Yes, sir.

10:23:09 9 Q Karmelo wasn't yelling, or anything like that?

10:23:11 10 A No, sir.

10:23:12 11 Q Okay. And you said he knew [REDACTED] -- knew
10:23:23 12 Karmelo through Karmelo's girlfriend?

10:23:25 13 A I believe so, yeah.

10:23:25 14 Q How did you know that?

10:23:27 15 A Because I know her, too.

10:23:28 16 Q You know her, too. Okay. So it is not --
10:23:30 17 [REDACTED] didn't tell you that; that's what you knew.

10:23:34 18 Did [REDACTED] tell you that that's how he knew
10:23:37 19 Karmelo, or how did you know that?

10:23:40 20 A Because my mom told me.

10:23:43 21 Q Your mom told you. When did she tell you
10:23:45 22 that?

10:23:46 23 A Because she is, like, friends with [REDACTED]
10:23:47 24 dad.

10:23:53 25 Q Did she tell you that recently or was that

10:23:56 1 after this happened?

10:23:58 2 A Like a few hours after the incident.

10:24:00 3 Q So you didn't know that on that day?

10:24:03 4 A Yeah.

10:24:03 5 Q When it happened, you didn't -- you weren't
10:24:05 6 aware of that?

10:24:06 7 A Yeah, I wasn't aware.

10:24:07 8 Q Okay. So when someone notices that he is
10:24:24 9 sitting there, they start asking him who he is and
10:24:27 10 telling him to leave; is that right?

10:24:29 11 A Yes, sir.

10:24:29 12 Q Did [REDACTED] say anything?

10:24:31 13 A No, sir.

10:24:31 14 Q He didn't say, hey, I know this guy? He
10:24:34 15 didn't say anything?

10:24:35 16 A No, sir.

10:24:36 17 Q He just stayed quiet?

10:24:38 18 A Yes, sir.

10:24:38 19 Q All right. And then you said that the first
10:24:44 20 thing, when they asked him who he was, he said, I'm a
10:24:48 21 nobody?

10:24:48 22 A Yes, sir.

10:24:49 23 Q Did he yell that out or just say that in a
10:24:51 24 regular tone of voice?

10:24:55 25 A I can't remember.

10:24:56 1 Q Do you remember who asked him that?

10:24:58 2 A [REDACTED]

10:24:58 3 Q Okay. And you thought that was disrespectful,

10:25:03 4 the way he said that?

10:25:05 5 A Yeah.

10:25:08 6 Q And then as things progressed, he started --

10:25:12 7 when he was asked to leave, you said he started cussing?

10:25:16 8 A Yes, sir.

10:25:17 9 Q And you -- you -- I know you don't like saying

10:25:20 10 this in the courtroom, but it is okay, when you are

10:25:25 11 repeating what you heard someone say, in the courtroom

10:25:29 12 as testimony, okay? But you said that he said F-U guys?

10:25:37 13 A Yes, sir.

10:25:38 14 Q Y'all are pussies?

10:25:39 15 A Yes, sir.

10:25:39 16 Q Y'all are not going to move me? Y'all are not

10:25:42 17 going to move me or --

10:25:43 18 A Y'all are not going to do anything.

10:25:45 19 Q Y'all are not going to do anything. Did he

10:25:48 20 say that more than once?

10:25:49 21 A I believe so.

10:25:50 22 Q Did he say that aloud?

10:25:52 23 A Yes, sir.

10:25:53 24 Q He was talking to the guys below him?

10:25:56 25 A Yes, sir.

10:25:57 1 Q Okay. So everyone would have been able to
10:25:59 2 hear that?

10:26:00 3 A Yes, sir.

10:26:01 4 Q Do you remember when you talked to the
10:26:03 5 detective, Ross, when they brought you off the bus and
10:26:08 6 interviewed with him?

10:26:09 7 A Yes, sir.

10:26:10 8 Q And I believe you said that you watched that
10:26:13 9 interview?

10:26:13 10 A Yes, sir.

10:26:14 11 Q Okay. You didn't tell Detective Ross or
10:26:19 12 Officer Ross those specific words on that day, did you?

10:26:25 13 A I don't remember.

10:26:26 14 Q Okay. So how long do you think this went on
10:26:37 15 back and forth, that they were arguing with each other?

10:26:41 16 A Like, three minutes.

10:26:43 17 Q Okay. And Austin, how far away was he from
10:26:48 18 Karmelo when he was telling him to leave?

10:26:51 19 A I know he was, like, a seat one more down.

10:27:02 20 Q A seat down?

10:27:03 21 A Yeah.

10:27:04 22 Q One of the bleacher seats below?

10:27:05 23 A Yeah.

10:27:06 24 Q Did he step up to get near Karmelo when he
10:27:09 25 touched him, pushed him?

10:27:11 1 A No.

10:27:12 2 Q He just did it from where he was standing?

10:27:14 3 A Yeah.

10:27:15 4 Q So he was having to reach up and push him, or

10:27:20 5 just was he just straight on? Was he just below

10:27:23 6 Karmelo?

10:27:26 7 A Can you rephrase that?

10:27:27 8 Q So -- yeah, I will. That was confusing, the

10:27:32 9 way I said that.

10:27:33 10 Austin was one seat below, one bleacher seat

10:27:37 11 below?

10:27:38 12 A Yeah.

10:27:38 13 Q Was he standing to the side of Karmelo or

10:27:40 14 directly in front of him?

10:27:42 15 A In front of him.

10:27:43 16 Q In front of him. And were you having to turn

10:27:47 17 your head to watch what was going on?

10:27:49 18 A Yeah.

10:27:50 19 Q Okay. And again, could you describe how

10:27:54 20 Austin pushed or touched Karmelo?

10:27:57 21 A No, sir.

10:27:57 22 Q Did see him put his hands on Karmelo?

10:28:02 23 A Like I said, I don't remember if he touched

10:28:05 24 the back or his shoulder.

10:28:06 25 Q Touched the back of his shoulder?

10:28:08 1 A No, touched his back or his shoulder.

10:28:12 2 Q You saw him do that?

10:28:14 3 A I don't remember.

10:28:15 4 Q Okay. Was Karmelo sitting down when that

10:28:20 5 happened?

10:28:21 6 A Yes, sir.

10:28:25 7 Q It all happened very quickly?

10:28:28 8 A Yes, sir.

10:29:05 9 Q The words you said you heard Karmelo say,

10:29:07 10 those curse words to the team, everyone else would have

10:29:10 11 heard that, wouldn't they?

10:29:12 12 A Yes, sir.

10:29:12 13 Q You heard them react to that? They were upset

10:29:16 14 by that?

10:29:18 15 A I don't know.

10:29:20 16 Q So he said it loud enough for them to hear?

10:29:24 17 A Yes, sir.

10:29:25 18 Q So when they testify, they would be able to

10:29:29 19 tell the jury they heard that?

10:29:30 20 A I believe so.

10:29:32 21 Q Because it certainly left an impression in

10:29:37 22 your mind; did it not?

10:29:39 23 A Yes, sir.

10:29:40 24 MR. SHOOK: I will pass the witness,

10:29:41 25 Judge.

10:29:42 1 THE COURT: Mr. Wirskeye?

10:29:43 2 MR. WIRSKYE: Nothing further, Your

10:29:43 3 Honor.

10:29:43 4 THE COURT: Is the witness excused and

10:29:44 5 released by the State?

10:29:45 6 MR. WIRSKYE: No objection.

10:29:46 7 THE COURT: By the Defense?

10:29:47 8 MR. SHOOK: Subject to recall.

10:29:48 9 THE COURT: Okay. You are subject to

10:29:49 10 recall. Somebody will explain to you what that means;

10:29:51 11 but for now, you can step down, okay? Thank you.

10:29:53 12 All right. Ladies and gentlemen, we are

10:30:02 13 going to take our morning break. It is 10:30 now.

10:30:04 14 Please be back and ready to go, everyone, at about

10:30:07 15 10:50; 10-5-0, okay?

10:30:12 16 Remember my previous instructions to you.

10:30:15 17 THE BAILIFF: All rise.

18 (Jury not present.)

10:30:16 19 THE COURT: Ladies and gentlemen of the

10:30:21 20 audience, if you are new here, you are to listen to the

10:30:23 21 instructions of the security staff. Do not move until

10:30:26 22 they instruct you to move.

23 (Recess in proceedings.)

10:50:53 24 THE COURT: Everyone be seated.

25 (Off-the-record discussion.)

10:58:32 1 MR. WIRSKYE: Can we approach again, real
10:58:35 2 quick?
3 (Off-the-record discussion.)
11:01:52 4 THE COURT: Let's go.
11:01:52 5 Do you need a minute, Mr. Howard?
11:04:52 6 MR. HOWARD: Thank you, Judge.
11:04:53 7 THE COURT: You are welcome.
11:04:53 8 Is the State ready to proceed?
11:04:56 9 MR. WIRSKYE: The State is ready.
11:04:58 10 THE COURT: Is the Defense ready?
11:04:58 11 MR. HOWARD: The Defense is ready.
11:05:02 12 THE COURT: Okay. Let's bring in the
11:05:04 13 jury, please.
11:05:59 14 THE BAILIFF: All rise.
15 (Jury present.)
11:06:33 16 THE COURT: Everyone be seated.
11:06:34 17 All right. Ladies and gentlemen, we went
11:06:35 18 a little over our break, but I want to let you know we
11:06:38 19 were doing court stuff. Ultimately, that court stuff
11:06:40 20 will allow us to go faster later, but y'all can't see
11:06:44 21 it. I just wanted you to know that that's what we were
11:06:47 22 doing, okay, to make it as efficient as possible.
11:06:53 23 Mr. Wirskeye, call your next witness,
11:06:53 24 please.
11:06:53 25 MR. WIRSKYE: The State would call [REDACTED]

11:06:58 1 or [REDACTED]

11:07:20 2 THE COURT: Sir, come into the courtroom,
11:07:20 3 towards this way. You are headed to this black chair to
11:07:24 4 my right. That's the witness chair.

11:07:27 5 Before you sit down, turn to me and raise
11:07:30 6 your right hand.

11:07:30 7 I can't hear you.

11:07:30 8 THE WITNESS: Yes, sir.

11:07:30 9 (Witness sworn.)

11:07:35 10 THE COURT: Put your hand down and be
11:07:41 11 seated, please. You are going to look right over there.
11:07:43 12 Mr. Wirskye.

11:07:44 13 MR. WIRSKYE: Thank you, Your Honor.
14 [REDACTED]

15 having been first duly sworn, testified as follows:

16 DIRECT EXAMINATION

11:07:45 17 BY MR. WIRSKYE:

11:07:47 18 Q Can you turn to the members of the jury and
11:07:50 19 introduce yourself, tell them your name?

11:07:52 20 A [REDACTED]

11:07:53 21 Q Okay. And most people call you [REDACTED] is that
11:07:55 22 right?

11:07:56 23 A Yes, sir.

11:07:57 24 Q Can I call you [REDACTED] this --

11:07:58 25 THE COURT: Speak into the microphone so

11:07:58 1 everybody can hear you. Scoot up.

11:08:00 2 Q Can I call you [REDACTED] this morning?

11:08:02 3 A Yes, sir.

11:08:02 4 Q Okay. And you just graduated a week or so ago

11:08:07 5 from Memorial High School; is that right?

11:08:09 6 A Yes, sir.

11:08:09 7 Q Okay. So you just finished your senior year;

11:08:12 8 is that right?

11:08:12 9 A Yes, sir.

11:08:13 10 Q And you and I have met -- I don't know -- two

11:08:15 11 or three times in the past few months, right?

11:08:17 12 A Yes, sir.

11:08:18 13 Q And every time we have met, your mom -- your

11:08:20 14 mom and your dad have been there, right?

11:08:22 15 A Yes, sir.

11:08:22 16 Q Is your mom here in the courtroom with you

11:08:24 17 today?

11:08:24 18 A Yes, sir.

11:08:25 19 Q She is hard to see, but -- and she is shy --

11:08:27 20 MR. WIRSKYE: -- but I am going to ask

11:08:29 21 mom to raise her hand.

11:08:30 22 Q She is back there, right?

11:08:32 23 A Yes, sir.

11:08:33 24 Q Okay. What are your plans, now that you have

11:08:39 25 graduated?

11:08:40 1 A I am going to Collin College for the mechanics
11:08:41 2 program.
11:08:44 3 Q Okay. Very good. And that starts in the
11:08:45 4 fall?
11:08:46 5 A Yes, sir.
11:08:46 6 Q Are you excited about it?
11:08:47 7 A Of course.
11:08:48 8 Q Okay. Of course. Let me turn your attention
11:08:52 9 back to the reason we are here, and obviously, that's
11:08:55 10 the district track meet in April of 2025. And, of
11:09:01 11 course, you remember that day, correct?
11:09:02 12 A Yes, sir.
11:09:03 13 Q Had you been on the track team -- was that
11:09:06 14 your first year or second year, third year?
11:09:09 15 A Third year, I think.
11:09:09 16 Q Okay. And what events did you do?
11:09:11 17 A I ran the 200, triple long jump, and then pole
11:09:14 18 vault.
11:09:16 19 Q Okay. And your coach back then was Coach
11:09:17 20 Starr, right?
11:09:18 21 A Yes, sir.
11:09:18 22 Q And you went to Memorial all the way through
11:09:21 23 high school?
11:09:22 24 A Yes, sir.
11:09:22 25 Q Okay. Did you know Austin Metcalf?

11:09:26 1 A I did.

11:09:27 2 Q Okay. Did you know his brother [REDACTED] too?

11:09:30 3 A Yes, sir.

11:09:30 4 Q And -- but you and Austin were close; is that

11:09:33 5 right?

11:09:33 6 A Yes, sir.

11:09:36 7 Q Like a brother to you?

11:09:38 8 A Yeah.

11:09:44 9 Q And you are kind of -- and the jury has heard

11:09:46 10 from a lot of witnesses, so far, under that Memorial

11:09:49 11 tent. And you are kind of unique because you are the

11:09:53 12 common denominator, I think, between Karmelo Anthony and

11:09:57 13 Memorial. You know that, right?

11:09:59 14 A Yes, sir.

11:10:00 15 Q And do you see Karmelo Anthony in the

11:10:02 16 courtroom today?

11:10:03 17 A Yes, sir.

11:10:04 18 Q Could you point to him and describe what he is

11:10:07 19 wearing?

11:10:07 20 A He is wearing a suit.

11:10:09 21 MR. WIRSKYE: Okay. Your Honor, let the

11:10:10 22 record reflect this witness has identified the

11:10:13 23 Defendant.

11:10:13 24 THE COURT: No, he said he is wearing a

11:10:15 25 suit.

11:10:15 1 Q well, okay. I guess there are three people
11:10:17 2 wearing suits.

11:10:17 3 A Right.

11:10:17 4 Q Can you be more descriptive? How about this?
11:10:19 5 what color of tie does he have on?

11:10:22 6 A It is, like, gray and white.

11:10:24 7 Q I think that's going to be good enough, but I
11:10:26 8 will check.

11:10:26 9 THE COURT: That's good enough. The
11:10:26 10 record shall so reflect.

11:10:28 11 MR. WIRSKYE: Thank you, Judge.

11:10:30 12 Q And tell the members of the jury how you know
11:10:33 13 Karmelo Anthony.

11:10:35 14 A Karmelo Anthony is the boyfriend, or
11:10:39 15 ex-boyfriend, of one of my family friends.

11:10:42 16 Q Okay. Your parents are friends with the
11:10:45 17 parents of the girl named [REDACTED] is that correct?

11:10:48 18 A Yes, sir.

11:10:49 19 Q And the jury just heard her name for the first
11:10:52 20 time through the last witness. And [REDACTED] as you
11:10:56 21 said, is either the girlfriend or ex-girlfriend of
11:10:59 22 Karmelo Anthony, right?

11:11:01 23 A Yes, sir.

11:11:02 24 Q Okay. So because y'all have that nexus, would
11:11:06 25 you consider, back then, in April of 2025, Karmelo

11:11:09 1 Anthony to be your friend?

11:11:12 2 A I wouldn't say friend, but I would say, like,
11:11:14 3 somebody I knew.

11:11:15 4 Q Somebody you knew. If you ran into him at a
11:11:19 5 school event, like a track meet, would you say hi and
11:11:22 6 exchange greetings?

11:11:24 7 A Yes, sir.

11:11:24 8 Q Okay. You might dap up?

11:11:26 9 A Yes, sir.

11:11:26 10 Q Okay. But he wasn't a close friend of yours?

11:11:30 11 A No, sir.

11:11:31 12 Q Okay. And Austin Metcalf was?

11:11:33 13 A Yes, sir.

11:11:33 14 Q Okay. Have you had an occasion to talk with
11:11:40 15 Karmelo Anthony since the murder?

11:11:42 16 A No, sir.

11:11:45 17 Q Fair enough.

11:11:45 18 All right. Let's talk about the day of the
11:11:49 19 district meet. Did you take the bus with the rest of
11:11:51 20 the team?

11:11:52 21 A Yes, sir.

11:11:52 22 Q And what happened when y'all got to the
11:11:54 23 stadium?

11:11:56 24 A They told field events to just start warming
11:11:59 25 up, because they wanted to start a little bit early,

11:12:01 1 just in case the rain got bad.

11:12:04 2 Q Okay.

11:12:04 3 A And, yeah, we started warming up, the rain got
11:12:09 4 bad; of course, went back to the tent.

11:12:12 5 Q And when you got back to the tent, what did
11:12:14 6 you find?

11:12:15 7 A Well, I didn't notice him at first, but we
11:12:18 8 were just talking, he had said something; that's when we
11:12:22 9 noticed him, and I dapped him up.

11:12:25 10 Q Okay. So you are back to the tent, and at
11:12:28 11 some point, you become aware that Karmelo Anthony is
11:12:32 12 there?

11:12:32 13 A Yes, sir.

11:12:33 14 Q Okay. And where in relation -- was he towards
11:12:38 15 the front of the tent, towards the back of the tent?

11:12:41 16 A Back of the tent.

11:12:41 17 Q And where were you?

11:12:42 18 A Towards the back of the tent as well.

11:12:44 19 Q Okay. So you see him, it's somebody you know,
11:12:46 20 you are not friends, but you dap him up, right?

11:12:48 21 A Yes, sir.

11:12:49 22 Q Do y'all talk at all?

11:12:50 23 A Just said hi to each other. That's it.

11:12:53 24 Q Okay. Did you think anything was weird that
11:12:55 25 he was in your tent?

11:12:56 1 A I mean, yeah.

11:12:58 2 Q why?

11:12:59 3 A He wasn't from our school, and everybody else
11:13:01 4 was told to go back to their tent; their own tent.

11:13:05 5 Q who told everybody else to go back to their
11:13:07 6 own tent?

11:13:08 7 A well, us, it was our head coach, which is
11:13:11 8 Coach Starr.

11:13:11 9 Q Okay. You knew Coach Starr's expectation
11:13:14 10 about keeping other teams' team -- athletes out of the
11:13:20 11 Memorial tent?

11:13:21 12 A Yes, sir.

11:13:21 13 Q Did you ever tell Karmelo, hey, you need to
11:13:25 14 go?

11:13:26 15 A No.

11:13:28 16 Q And at some point, as you are having this
11:13:30 17 exchange with Karmelo early on, you call him Melo?

11:13:34 18 A Yes, sir.

11:13:34 19 Q And that was his nickname before the murder,
11:13:36 20 right?

11:13:37 21 A Yes, sir.

11:13:38 22 Q Okay. Do you talk to him long?

11:13:41 23 A No, sir.

11:13:43 24 Q After you stop talking to him, do any of your
11:13:46 25 other teammates engage with him or talk to him?

11:13:49 1 A Yeah, that's when Austin said to -- like, who
11:13:53 2 are you, why are you here.

11:13:54 3 Q And when Austin said that, how did Karmelo
11:13:56 4 respond?

11:13:59 5 A I really don't remember.

11:14:01 6 Q Are you even paying attention at this point?

11:14:03 7 A No, sir.

11:14:03 8 Q Why not?

11:14:04 9 A I was talking to the other jumpers.

11:14:07 10 Q Okay. And you thought it was weird, he
11:14:11 11 shouldn't be under the tent, but you didn't think it was
11:14:13 12 going to turn into anything, right?

11:14:15 13 A Yes, sir.

11:14:16 14 Q What's the next thing you remember?

11:14:17 15 A The next thing I remember was just Austin just
11:14:19 16 saying, like, oh, who are you, you have got to get out
11:14:23 17 of our tent.

11:14:24 18 Q Okay.

11:14:24 19 A Melo starts getting a little -- or Karmelo
11:14:27 20 starts getting a little -- I don't know -- maybe mad at
11:14:29 21 the fact that he was getting told to get out of the
11:14:32 22 tent. And from there, I guess they just started going
11:14:37 23 back and forth at each other. I don't really remember
11:14:40 24 what was said.

11:14:41 25 Q Okay. Let me stop you right there. You said

11:14:42 1 Karmelo started getting mad, right?

11:14:46 2 A Yeah.

11:14:46 3 Q Okay. How are you able to say that? what are
11:14:48 4 you seeing, what are you hearing, that allows you to
11:14:50 5 form the opinion Karmelo Anthony is getting mad?

11:14:53 6 A It is just, like, his tone and then the way he
11:14:54 7 was, like, trying to, like -- like, the way he was
11:14:57 8 talking was a little bit, like -- I don't know -- like,
11:14:59 9 just mad a little bit.

11:15:03 10 Q And again, you weren't friends with him, but
11:15:05 11 you are the only other person under the tent that knew
11:15:08 12 him, right?

11:15:09 13 A Yes, sir.

11:15:09 14 Q And you knew this time -- the times you had
11:15:11 15 seen him in the past, this wasn't how he normally
11:15:15 16 reacted? He was getting mad?

11:15:16 17 A Yes, sir.

11:15:17 18 Q Okay. Once he gets mad, what happens?

11:15:20 19 A Once he gets mad, he starts, like, saying, oh,
11:15:22 20 you have got to move me, you have got to move me, while
11:15:26 21 Austin is telling him to get out of the tent. At one
11:15:29 22 point, he goes, like, oh, like, you are not going to
11:15:31 23 move me; you are a bitch, or whatever.

11:15:34 24 Q And I know it is hard for a lot of the kids
11:15:37 25 that were there to mention profanity was used, but you

11:15:41 1 just said the word "bitch." Was there other profanity
11:15:45 2 used?

11:15:45 3 A Not that I remember.

11:15:47 4 Q Either by him or -- either by Karmelo Anthony
11:15:50 5 or Austin Metcalf?

11:15:52 6 A Austin also said the same thing.

11:15:55 7 Q Okay. Pretty soon, it becomes between -- the
11:15:58 8 verbal disagreement becomes between Karmelo Anthony and
11:16:02 9 Austin Metcalf, right?

11:16:04 10 A Yes, sir.

11:16:04 11 Q You said Karmelo Anthony is starting to get
11:16:06 12 mad. Was Austin starting to get mad?

11:16:09 13 A Yeah -- well, he was getting defensive at the
11:16:11 14 fact that there was somebody there we didn't know in the
11:16:15 15 tent.

11:16:15 16 Q Okay. So Austin kind of stepped up and took
11:16:17 17 the lead?

11:16:18 18 A Yes, sir.

11:16:18 19 Q Did that surprise you?

11:16:19 20 A No, sir.

11:16:20 21 Q Why not?

11:16:21 22 A Austin has always been the same way. You
11:16:23 23 know, he is always leading, he is always protecting us.

11:16:26 24 Q Okay. But you didn't think he was getting
11:16:29 25 mad?

11:16:30 1 A No, just defending us.

11:16:32 2 Q Okay. what happens next?

11:16:35 3 A After that, Karmelo says, once again, no, you

11:16:39 4 are going to have to move me, or whatever; and that's

11:16:41 5 when Austin gets up, and that's when he puts his hand in

11:16:44 6 his bag.

11:16:46 7 Q Okay. He had a backpack?

11:16:48 8 A Yes, sir.

11:16:48 9 Q And where was that?

11:16:50 10 A Right in-between his legs.

11:16:52 11 Q what's going through your mind when you see

11:16:54 12 Karmelo Anthony's hand go into that backpack?

11:16:57 13 A I just thought he was trying to be tough or

11:16:59 14 trying to act tough. I didn't really think there was

11:17:02 15 anything in there.

11:17:03 16 Q So you knew he was getting mad but you still

11:17:05 17 took it as a bluff?

11:17:06 18 A Yes, sir.

11:17:07 19 Q Okay. why?

11:17:08 20 A I just -- like I said, I didn't think there

11:17:10 21 was anything in his backpack. We are at a track meet.

11:17:15 22 I wouldn't expect anybody to have anything in his

11:17:18 23 backpack.

11:17:19 24 Q So once Karmelo Anthony puts his hand in the

11:17:22 25 backpack, what happens next?

11:17:24 1 A Austin starts to tell him, like, oh, you don't
11:17:27 2 have anything in there, you don't have anything in
11:17:28 3 there. And that's when Karmelo goes, like, touch me and
11:17:31 4 you will see or, like, touch me, then or --

11:17:33 5 Q Okay.

11:17:34 6 A He was trying to provoke him.

11:17:36 7 Q Okay. So he invited Austin to touch him; is
11:17:42 8 that right?

11:17:42 9 A Yes, sir.

11:17:44 10 Q Now, you use the word "provoke." Why did you
11:17:46 11 use that word?

11:17:47 12 A Just the way he was, like, talking to him;
11:17:50 13 like, just provoking Austin, saying, oh, you are going
11:17:53 14 to have to touch me, you are going to have to move me;
11:17:54 15 touch me, then. Stuff like that.

11:17:57 16 Q And you came up with that word on your own,
11:17:59 17 didn't you?

11:18:00 18 A Yes, sir.

11:18:00 19 Q Not a word I told you about or told you to
11:18:03 20 say, was it?

11:18:04 21 A No, sir.

11:18:04 22 Q That's how you described it?

11:18:06 23 A Yes, sir.

11:18:08 24 Q So once he says touch me, you will have to
11:18:11 25 move me, touch me, find out, what happens next?

11:18:15 1 A After that, at some point, he goes, again, and
11:18:18 2 says, like, you are going to have to move me, that's
11:18:22 3 when Austin, of course, puts his hand on him; and all I
11:18:25 4 see is Austin fall back, yell for help, pull up his
11:18:31 5 shirt. And that's when I saw the stab.

11:18:34 6 Q You actually saw the stabbing?

11:18:36 7 A Yes, sir.

11:18:37 8 Q Okay. Let's go back just a little bit. You
11:18:39 9 said Austin touched him or put his hands on him.

11:18:42 10 A Yes, sir.

11:18:43 11 Q That can mean different things to different
11:18:45 12 people. Can you give the members of the jury a sense of
11:18:49 13 what you are trying to describe when you said touch or
11:18:52 14 put hands on?

11:18:53 15 A It was just like him trying to, like, move him
11:18:55 16 off his seat.

11:18:56 17 Q Was it a push or a shove or --

11:18:59 18 A Like a small shove.

11:19:01 19 Q Okay. Soft or hard?

11:19:03 20 A Soft.

11:19:05 21 Q Okay. Aggressive?

11:19:06 22 A No, sir.

11:19:07 23 Q Frustrated?

11:19:08 24 A Yeah.

11:19:09 25 Q Exasperated?

11:19:11 1 A No.

11:19:12 2 Q Okay. So once you see Austin trying to move
11:19:20 3 him off the bleachers and out of the tent, you said you
11:19:23 4 saw the stabbing?

11:19:24 5 A Yes, sir. I just saw Austin kind of, like,
11:19:27 6 fall back into, like, the bottom of the bleachers, and
11:19:32 7 he just grabs his chest. And then he pulls his shirt up
11:19:35 8 and then I just see, like, the wound, the hole in his
11:19:37 9 chest.

11:19:39 10 Q Do you see blood?

11:19:40 11 A Yes, sir.

11:19:42 12 Q Okay. Does Austin say anything?

11:19:45 13 A He starts screaming for help.

11:19:50 14 Q Was [REDACTED] ever a part of this reaction
11:19:51 15 between Austin and Karmelo?

11:19:59 16 A No, sir.

11:20:00 17 MR. WIRSKYE: May I approach the witness,
11:20:00 18 Your Honor?

11:20:02 19 THE COURT: Yes, sir.

11:20:02 20 Q [REDACTED] do you have tissues up there?

11:20:05 21 A Yes, sir.

11:20:05 22 Q Okay. Feel free to use them, okay?
11:20:12 23 Are you good?

11:20:20 24 A Yes, sir.

11:20:20 25 Q Are you sure? Are you ready to go on?

11:20:22 1 A Yes, sir.

11:20:23 2 Q If you need us to stop, let us know.

11:20:28 3 In the lead-up to the stabbing, is [REDACTED]

11:20:31 4 [REDACTED] ever a part of this?

11:20:33 5 A Yes, sir.

11:20:34 6 Q Tell us about that.

11:20:36 7 A He was just backing up his brother, or Austin.

11:20:39 8 Q And when you say backing him up, again, that
11:20:41 9 could mean a lot of things to a lot of different people.

11:20:44 10 So describe in detail what you are talking about.

11:20:46 11 A while Austin and Karmelo were going back and
11:20:50 12 forth about him having his hand in his bag, when Austin
11:20:56 13 said, oh, like, you don't have anything in there, [REDACTED]
11:20:59 14 also said, oh, you have nothing in there, don't act like
11:21:03 15 you have something in there.

11:21:04 16 Q was that all of it -- was that the only role
11:21:05 17 [REDACTED] played?

11:21:06 18 A Also, just going back and forth as well up
11:21:09 19 there, when he said -- where Karmelo started, like, you
11:21:12 20 know, just going back and forth with Austin.

11:21:14 21 Q when this is going on, who is standing? who
11:21:19 22 is standing up?

11:21:20 23 A Like, before the stab?

11:21:22 24 Q Yes, sir.

11:21:23 25 A Before the stab, like, before Austin, like,

11:21:25 1 went and shoved Karmelo, he was the one standing.

11:21:30 2 Q Austin was standing?

11:21:31 3 A Yes, sir.

11:21:32 4 Q Was anybody else standing?

11:21:33 5 A Not that I remember.

11:21:34 6 Q Was [REDACTED] stabbing -- standing?

11:21:38 7 A No, sir.

11:21:39 8 Q At any point, did any kids from Memorial stand

11:21:41 9 up and surround or crowd, try to intimidate, try to gang

11:21:47 10 up on Karmelo Anthony?

11:21:50 11 A No, sir.

11:21:56 12 Q Were other kids jumping in besides -- we know

11:21:58 13 Austin was talking to him. [REDACTED] it sounds like, made

11:22:01 14 some comments. Were any of the other Memorial kids

11:22:04 15 saying anything at this point?

11:22:06 16 A No, sir.

11:22:06 17 Q So it was just Austin, with [REDACTED] making a

11:22:09 18 few comments?

11:22:10 19 A Yes, sir, we were all just watching, like, the

11:22:13 20 altercation happen.

11:22:14 21 Q But did you -- you said altercation. Did you

11:22:16 22 even think a fight was going to break out?

11:22:19 23 A I mean, no -- towards the end, maybe, yeah, a

11:22:22 24 little bit, but not while they were just, you know,

11:22:25 25 going back and -- that was before he had his hand in his

11:22:27 1 bag.

11:22:28 2 Q So before he had his hand in his bag, you just

11:22:30 3 thought it is just talk?

11:22:32 4 A Yeah, just trash talking to each other.

11:22:35 5 Q And it got a little more serious with the hand

11:22:37 6 in his bag?

11:22:38 7 A Yes, sir.

11:22:38 8 Q But you didn't think he had a weapon?

11:22:40 9 A I wasn't expecting anything in there.

11:22:43 10 Q And you are just expecting, I guess, at most,

11:22:45 11 a fistfight, right?

11:22:47 12 A Yes, sir.

11:22:47 13 Q Okay. And you know high school kids, young

11:22:48 14 people, if there is about to be a fight, they pull out

11:22:52 15 their phones and video it, right?

11:22:54 16 A Yes, sir.

11:22:55 17 Q Did you pull out your phone?

11:22:56 18 A I did, but I didn't record.

11:22:58 19 Q Okay. But did you act like you were

11:22:59 20 recording?

11:23:00 21 A Yes, sir.

11:23:00 22 Q why did you do that?

11:23:02 23 A I just thought it was funny.

11:23:04 24 Q Okay. You thought it was funny because you

11:23:05 25 didn't think it was -- anything was going to happen?

11:23:08 1 A Yes, sir.

11:23:09 2 Q Okay. And just to jump ahead, you later
11:23:11 3 showed detectives your phone so they could verify you
11:23:15 4 didn't actually take any video, right?

11:23:17 5 A Yes, sir.

11:23:21 6 Q So once Austin kind of falls, where does
11:23:28 7 [REDACTED] go?

11:23:29 8 A Straight to him. We were all just wondering
11:23:32 9 why he was -- like, we didn't, like, see anything at
11:23:35 10 first, before Austin pulled his shirt up. So we were
11:23:39 11 all just kind of, like, around -- you know, like, saw
11:23:41 12 Austin fall back. [REDACTED] I guess, went to go help him,
11:23:44 13 like, get up, and that's when Austin started screaming
11:23:48 14 and that's when he pulled up his shirt and saw the hole.

11:23:51 15 Q So you yourself didn't even process there had
11:23:54 16 been a stabbing until you saw the wound?

11:23:56 17 A Yes, sir.

11:23:57 18 Q What you thought you saw was a shove met with
11:24:00 19 a shove, right?

11:24:01 20 A Yes, sir.

11:24:01 21 Q But what you found out is you saw a shove met
11:24:05 22 with a stab?

11:24:06 23 A Yes, sir.

11:24:08 24 Q And Austin goes down and you said [REDACTED] went
11:24:11 25 to him, right?

11:24:12 1 A Yes, sir.

11:24:12 2 Q what did you do?

11:24:13 3 A I ran immediately -- well, I went also down

11:24:17 4 to, like, see -- like, help him get up. And after I saw

11:24:20 5 the wound, I just dropped my bag and immediately ran to

11:24:24 6 go get Coach Lou.

11:24:27 7 Q And Coach Lou is one of your trainers?

11:24:29 8 A Yes, sir.

11:24:30 9 Q And he works closely with your other trainer,

11:24:33 10 Coach Tiff, or Tiffany Whiteaker?

11:24:36 11 A Yes, sir.

11:24:36 12 Q And were you able to find them?

11:24:38 13 A No, sir.

11:24:39 14 Q Okay. When you couldn't find them, what did

11:24:41 15 you do?

11:24:42 16 A I ran back to where it all happened.

11:24:44 17 Q what did you find when you got back?

11:24:48 18 A I saw a coach take off, like, his sweatshirt.

11:24:52 19 At that point, Austin had already, like, fell down --

11:24:57 20 and I don't know -- like, just unconscious, I guess.

11:25:03 21 Q I hate to ask you this, but I think it is

11:25:05 22 important. When you went back, did you get a chance to

11:25:09 23 look at Austin, his face?

11:25:13 24 A I mean, not really.

11:25:14 25 Q Okay.

11:25:15 1 A I could only see his hand.

11:25:17 2 Q Did you know it was bad, though?

11:25:19 3 A Yeah.

11:25:21 4 Q Okay. Well, what do you do next?

11:25:24 5 A I tried, like, jumping the fence back to the

11:25:27 6 top of, like, where the bleachers were, and the coaches

11:25:31 7 just start, like, pulling me back, telling me I can't be

11:25:34 8 right there. One of them actually has to, like, pick me

11:25:39 9 up and grab me; but I am just wrestling him and trying

11:25:43 10 to, like, just go back up to the bleachers. In the

11:25:46 11 meantime, I see [REDACTED] is also getting, like, pulled

11:25:49 12 back.

11:25:50 13 Q Okay. [REDACTED] is very upset, obviously, and

11:25:53 14 distraught, right?

11:25:54 15 A Yes, sir.

11:25:54 16 Q You are very upset?

11:25:56 17 A Yes, sir.

11:25:56 18 Q Do you ever -- after the stabbing, where did

11:25:59 19 Karmelo Anthony go?

11:26:03 20 A From where I was, I just saw him run down the

11:26:06 21 bleachers and, like, out of -- like, away from the

11:26:08 22 bleachers.

11:26:09 23 Q Did you ever see him again later, on the field

11:26:11 24 with coaches?

11:26:12 25 A Yes, sir.

11:26:13 1 Q Once you saw that, what did you do?

11:26:16 2 A I didn't do anything. I just immediately ran

11:26:19 3 back to where the bleachers were.

11:26:21 4 Q Were you angry with Karmelo Anthony?

11:26:24 5 A Yeah.

11:26:26 6 Q Were you -- the coach that held you back, was

11:26:28 7 he a large, African-American coach from Heritage?

11:26:34 8 A Yes, sir.

11:26:35 9 Q He has told the jury he heard you say that was

11:26:38 10 my brother, that was my brother that got stabbed.

11:26:41 11 A Yes, sir.

11:26:41 12 Q Was that you?

11:26:42 13 A Yes, sir.

11:26:43 14 Q That's how you felt about Austin?

11:26:45 15 A Yes, sir.

11:26:46 16 Q Did you ever try to get away and go fight

11:26:48 17 Karmelo Anthony yourself?

11:26:51 18 A No, sir.

11:26:52 19 Q You were just trying to get to the bleachers?

11:27:01 20 A Yes, sir.

11:27:02 21 Q Once all of this happens, what do you remember

11:27:04 22 happening next?

11:27:05 23 A After that, I was, like, in the -- well, they

11:27:07 24 had me on the, like, ground so I don't get up and try to

11:27:11 25 go to the bleachers. After that, they walked me and

11:27:15 1 [REDACTED] to the -- to the football -- like, to the locker
11:27:19 2 room, the stadium locker room.

11:27:21 3 while we are going there, we see paramedics
11:27:23 4 just, like, get there and just walk to where Austin was.
11:27:27 5 From there, that's when I called it -- like, what's --
11:27:32 6 like, interview started -- I don't know -- when the cops
11:27:34 7 came and asked me questions.

11:27:37 8 Q So just to help the members of the jury, and
11:27:39 9 you don't need to remember this with any specific
11:27:42 10 detail, but coaches, along with some police officers,
11:27:46 11 got both you and [REDACTED] into the same locker room,
11:27:50 12 right?

11:27:51 13 A Yes, sir.

11:27:51 14 Q And [REDACTED] was, obviously, very, very upset?

11:27:56 15 A Yes, sir.

11:27:56 16 Q And you were upset?

11:27:57 17 A Yes, sir.

11:27:58 18 Q And y'all were close to one another in the
11:28:02 19 locker room?

11:28:03 20 A Yes, sir.

11:28:04 21 Q And you remember a police officer in uniform
11:28:07 22 coming over and trying to ask you some questions?

11:28:10 23 A Yes, sir.

11:28:10 24 Q Do you remember that conversation in detail?

11:28:13 25 A Not in detail.

11:28:15 1 Q Okay. You are still upset?

11:28:17 2 A Yes, sir.

11:28:17 3 Q At some point later that day, the detective
11:28:22 4 that you -- checked out your phone, do you remember his
11:28:27 5 name? I doubt you do.

11:28:29 6 A No, sir.

11:28:29 7 Q His name was Detective Riley. When did you --
11:28:32 8 where did you go and when did you talk to Detective
11:28:36 9 Riley, the second police officer you talked to in plain
11:28:39 10 clothes?

11:28:40 11 A After -- like I went through the whole talk
11:28:42 12 with the first police officer in the locker room. They
11:28:46 13 sent -- they walked us over to, like, where the physical
11:28:50 14 therapy center was. It is, like, right next to the
11:28:53 15 locker room. From there, they just -- a trauma
11:28:58 16 specialist, or something like that, a psychologist, came
11:29:02 17 in and talked to us for a little bit.

11:29:05 18 Q Okay.

11:29:05 19 A They got us up and then they just gave us our
11:29:09 20 phone, and then that's when the officer asked me if he
11:29:11 21 could go through my phone.

11:29:12 22 Q Okay. And he went through the videos and
11:29:15 23 photos and your Snapchat and, obviously, you didn't film
11:29:19 24 anything that day?

11:29:20 25 A No, I didn't.

11:29:21 1 Q But you did send one Snapchat pretty soon
11:29:24 2 after the stabbing, right? Do you remember that?

11:29:26 3 A Yes, sir.

11:29:26 4 Q Did you send it to [REDACTED]?

11:29:28 5 A Yes, sir.

11:29:28 6 Q Who is [REDACTED]?

11:29:29 7 A [REDACTED] is a friend of ours; me and Austin's
11:29:34 8 and [REDACTED]

11:29:35 9 Q And what message did you send [REDACTED]?

11:29:38 10 A She had asked me what was going on, and I just
11:29:41 11 said Austin got stabbed.

11:29:45 12 Q Let me take you, briefly, back to the hand in
11:29:48 13 the backpack. You said no one really thought he had
11:29:52 14 anything in there. Certainly not a weapon, right?

11:29:55 15 A No, sir.

11:29:55 16 Q You are at a high school track meet, right?

11:29:58 17 A Yes, sir.

11:29:58 18 Q Did you or anyone else make any sarcastic
11:30:01 19 comments, or call his bluff, when that hand went into
11:30:04 20 the backpack?

11:30:05 21 A Yes, sir, I did.

11:30:06 22 Q What did you say?

11:30:06 23 A [REDACTED] had asked me, like, do you think he
11:30:09 24 really has something in there; and I just sarcastically
11:30:10 25 said, like, oh, yeah.

11:30:14 1 Q well, what -- but you didn't mean it?

11:30:15 2 A No, sir.

11:30:18 3 Q And you found out later he did and he killed

11:30:20 4 your friend Austin, right?

11:30:22 5 A Yes, sir.

11:30:24 6 Q Looking back, you wish you hadn't said that?

11:30:28 7 A Yes, sir.

11:30:29 8 Q Looking back, do you wish you hadn't pretended

11:30:30 9 to film it?

11:30:33 10 A Yes, sir.

11:30:33 11 Q Are you still upset about losing Austin?

11:30:36 12 A Yes, sir.

11:30:45 13 Q Let me ask you this. You were there and you

11:30:50 14 at least know both people, Karmelo Anthony and Austin

11:30:54 15 Metcalf, right?

11:30:55 16 A Yes, sir.

11:30:56 17 Q Was this case about race?

11:30:57 18 A No, sir.

11:30:58 19 Q As best you understand it, was this case about

11:31:00 20 self-defense?

11:31:01 21 A No, sir.

11:31:03 22 Q Did Austin want to fight?

11:31:05 23 A No, sir; just protect us.

11:31:07 24 Q Who was in the right that day as between

11:31:09 25 Austin and Karmelo?

11:31:11 1 MR. SHOOK: Judge, I will object to that.
11:31:13 2 speculation.

11:31:14 3 THE COURT: Overruled.

11:31:15 4 Q Based on what you saw, who was in the right
11:31:17 5 that day, as between Austin and Karmelo?

11:31:20 6 A Austin.

11:31:21 7 Q Based on what you saw and heard that day, who
11:31:23 8 was in the wrong, as between Karmelo and Austin?

11:31:26 9 A Karmelo.

11:31:28 10 Q whose fault was it? whose fault was the
11:31:32 11 stabbing?

11:31:35 12 A I don't know.

11:31:37 13 Q Did Karmelo Anthony have any reason at all to
11:31:40 14 stab Austin Metcalf?

11:31:42 15 A No, sir.

11:31:47 16 Q You said he was trying to provoke him, right?

11:31:49 17 A Yes, sir.

11:31:51 18 Q Tempt him or taunt him or trigger him?

11:31:53 19 A Yes, sir.

11:31:58 20 Q And you knew both of them, right?

11:31:59 21 A Yes, sir.

11:32:00 22 Q And in your mind, it is not self-defense,
11:32:01 23 right?

11:32:02 24 A It is not.

11:32:03 25 Q Just plain and simple murder?

11:32:05 1 A Yes, sir.

11:32:05 2 MR. WIRSKYE: I will pass the witness.

11:32:10 3 THE COURT: Mr. Shook, pull the
11:32:14 4 microphone toward you, please.

5 CROSS-EXAMINATION

11:32:16 6 BY MR. SHOOK:

11:32:17 7 Q Mr. [REDACTED] I have a few questions for you, all
11:32:19 8 right?

11:32:19 9 A Yes, sir.

11:32:20 10 Q If I confuse you with one, which I do
11:32:23 11 sometimes, just let me know, and I will rephrase it,
11:32:25 12 okay?

11:32:25 13 A Yes, sir.

11:32:26 14 Q All right. You interviewed with a Detective
11:32:33 15 Riley. That was the detective in the locker room; do
11:32:37 16 you recall that?

11:32:38 17 A Yes, sir.

11:32:38 18 Q There was a police officer that talked to you,
11:32:41 19 briefly. That was a uniformed officer; do you recall
11:32:43 20 that?

11:32:44 21 A Yes, sir.

11:32:44 22 Q But that was right after this happened, you
11:32:46 23 don't really remember what that conversation was about?

11:32:49 24 A No, sir.

11:32:50 25 Q And that was very brief, wasn't it?

11:32:52 1 A Yes, sir.

11:32:54 2 Q The interview with Officer Riley was longer,
11:32:58 3 and it was just you and him in some type of locker room;
11:33:04 4 is that right?

11:33:04 5 A Yes, sir.

11:33:05 6 Q How much later was it after the incident? Was
11:33:08 7 it in a different building, where you were originally,
11:33:11 8 when you talked to the other officer?

11:33:15 9 A The first one was in the -- I don't really
11:33:18 10 remember where the first one was. All I remember is
11:33:20 11 that the longer one was in the locker room.

11:33:24 12 Q Okay. And that was being recorded. Do you
11:33:27 13 recall them telling you that?

11:33:29 14 A Yes, sir.

11:33:29 15 Q And you have watched that video recording?

11:33:32 16 A Not all the way, but some of it, yes, sir.

11:33:35 17 Q Did you watch -- you didn't watch all of the
11:33:38 18 interview you gave with the detective or Officer Riley?

11:33:42 19 A The longer one, yeah; but the brief one, no.

11:33:45 20 Q No, I am talking about, yeah, the second one,
11:33:47 21 that was just you and Officer Riley.

11:33:51 22 A Oh, yes, sir.

11:33:51 23 Q You have had a chance to watch that one?

11:33:53 24 A Yes, sir.

11:33:54 25 Q More than one time?

11:33:56 1 A Just once.

11:33:57 2 Q Okay. How long ago was that?

11:34:02 3 A Last week, I believe. It was -- I don't

11:34:05 4 remember the day, but it was sometime last week.

11:34:08 5 Q So about a week ago, or so?

11:34:10 6 A Yes, sir.

11:34:11 7 Q And you were able to watch it. Did that

11:34:14 8 refresh your memory as to what you told him?

11:34:18 9 A Yes.

11:34:18 10 Q It has been a year; a little over a year. But

11:34:23 11 that's the only interviews you have watched, right?

11:34:26 12 A Yes, sir.

11:34:27 13 Q Those two.

11:34:27 14 Have you talked about the events of that day

11:34:32 15 with anyone else?

11:34:34 16 A Only my parents and the detective.

11:34:39 17 Q How about any of your fellow student athletes?

11:34:44 18 A No, sir.

11:34:44 19 Q Never discussed what happened?

11:34:46 20 A No, sir.

11:34:47 21 Q In the past year, you have never done that?

11:34:49 22 A No, not in detail; just told them there was an

11:34:53 23 accident, and that's it.

11:34:57 24 Q Okay. But you knew Austin Metcalf and [REDACTED]

11:35:05 25 [REDACTED]

11:35:06 1 A Yes, sir.

11:35:07 2 Q You met them in high school?

11:35:10 3 A Yes, sir. A little bit before high school,

11:35:12 4 but yeah.

11:35:14 5 Q Okay. You said you became very close to

11:35:16 6 Austin; you were like brothers?

11:35:18 7 A Yes, sir.

11:35:19 8 Q Did y'all do things outside of school?

11:35:23 9 A Every now and then, yeah.

11:35:24 10 Q How often would you do that?

11:35:27 11 A Maybe once a week, once a month.

11:35:31 12 Q Did you ever hang out at each other's houses;

11:35:33 13 anything like that?

11:35:35 14 A Just in a group setting, if we went to

11:35:38 15 somebody's house.

11:35:38 16 Q Okay. Now, it is my understanding that you

11:35:49 17 had met Karmelo Anthony before?

11:35:53 18 A Yes, sir.

11:35:54 19 Q And do you recall you told Detective Riley,

11:35:56 20 when he asked you how well you knew him, you said, I

11:36:02 21 mean, I have only seen him, like, two or three times

11:36:06 22 throughout the whole relationship?

11:36:08 23 A That's true.

11:36:09 24 Q And when you said you have only seen him two

11:36:11 25 or three times throughout the whole relationship, you

11:36:14 1 were talking about Karmelo's relationship with [REDACTED]
11:36:19 2 his girlfriend; is that right?
11:36:21 3 A Yes, sir.
11:36:22 4 Q And just so it is clear, [REDACTED] mother is
11:36:27 5 good friends with your mother; is that right?
11:36:31 6 A Yes, sir.
11:36:31 7 Q So you have known [REDACTED] since y'all were
11:36:34 8 kids; smaller kids?
11:36:36 9 A No, sir. Just maybe a few years.
11:36:39 10 Q A few years?
11:36:40 11 A Yes, sir.
11:36:41 12 Q But you were -- feel you are pretty close to
11:36:44 13 [REDACTED]
11:36:44 14 A I was.
11:36:45 15 Q Before all of this happened, obviously?
11:36:52 16 A Yes, sir.
11:37:05 17 Q But you were also -- you kind of call [REDACTED]
11:37:10 18 your cousin?
11:37:12 19 A Yes, sir.
11:37:12 20 Q But you aren't blood cousins?
11:37:15 21 A No, sir.
11:37:27 22 Q That day, when Karmelo came and sat down in
11:37:30 23 the tent, did you see him when he came and sat down?
11:37:33 24 A I didn't see him when he came down. I just
11:37:36 25 noticed him whenever something was said, and that's when

11:37:39 1 I dapped him up and had that interaction with him.

11:37:44 2 Q Was he sitting next to you?

11:37:46 3 A I believe so, yeah.

11:37:48 4 Q Okay. Where were you sitting in the tent?

11:37:50 5 A If you are facing it from the other side, I
11:37:56 6 was on the left side, all the way in the back.

11:37:59 7 MR. SHOOK: Can I approach, Your Honor?

11:38:01 8 THE COURT: You may.

11:38:16 9 Q Let me show you this photo. It is marked
11:38:20 10 State's Exhibit-23. Do you see it?

11:38:23 11 A Yes, sir.

11:38:23 12 Q Do you recognize this as the bleachers?

11:38:25 13 A Yes, sir.

11:38:26 14 Q Do you see the yellow rectangle?

11:38:28 15 A Yes, sir.

11:38:28 16 Q Can you point out to the jurors where you
11:38:31 17 recall you were sitting?

11:38:32 18 A I was in one of these two rows.

11:38:35 19 Q Okay.

11:38:36 20 A One of these two.

11:38:37 21 Q So -- keep your voice up, please.

11:38:40 22 A Yes, sir.

11:38:41 23 Q Were you on the last -- was it this last row?

11:38:44 24 A I believe so, yeah.

11:38:45 25 Q And who else was sitting there with you?

11:38:49 1 A I remember [REDACTED] was to my left -- or right.
11:38:55 2 They were just sitting next to me, and then Donovan was
11:39:01 3 sitting -- not Donovan. I call him Don -- I don't know
11:39:04 4 what his real name is -- but he was sitting below me,
11:39:07 5 and to the side was Karmelo.

11:39:11 6 Q Okay. And where was Austin Metcalf sitting?

11:39:15 7 A Austin was sitting closer to this side right
11:39:18 8 here (indicating.)

11:39:19 9 Q And when you say this side, about two
11:39:22 10 bleachers down from you?

11:39:22 11 A Yeah, one or two.

11:39:24 12 Q All right. And where was [REDACTED] [REDACTED]

11:39:26 13 A Next to him.

11:39:31 14 Q All right. And [REDACTED] you know, he
11:39:34 15 just got on the track team and you played soccer with
11:39:38 16 him?

11:39:39 17 A Yes, sir.

11:39:39 18 Q Was he sitting near you?

11:39:41 19 A I don't remember seeing him.

11:39:43 20 Q You don't remember seeing him at the track
11:39:45 21 meet that day?

11:39:45 22 A Well, he was at the track meet, but not at
11:39:48 23 that time.

11:39:48 24 Q You didn't see him under the tent?

11:39:51 25 A No, sir.

11:40:17 1 Q So when Karmelo -- when you saw him, you said
11:40:19 2 something drew your attention to him?
11:40:21 3 A Yes, sir.
11:40:22 4 Q What was that?
11:40:23 5 A Oh, I think we were talking about football, or
11:40:26 6 something; and all I hear is him saying, like, oh, y'all
11:40:33 7 are bad or y'all are terrible.
11:40:35 8 Q Who was he talking to when he said that?
11:40:37 9 A Just like the whole -- like everybody that was
11:40:41 10 talking in general.
11:40:42 11 Q Okay. So he just sat down -- how close was he
11:40:47 12 to you?
11:40:48 13 A Maybe two -- like, two hands away, maybe. It
11:40:55 14 wasn't anywhere that I could touch him.
11:40:58 15 Q He wasn't where you could touch him?
11:41:00 16 A No, sir.
11:41:01 17 Q So maybe two gaps, where two other people
11:41:04 18 could have sat?
11:41:05 19 A Yes, sir.
11:41:06 20 Q And you didn't notice him when he first sat
11:41:08 21 down?
11:41:10 22 A No, sir.
11:41:10 23 Q And it wasn't until he said something, or
11:41:12 24 chimed in, that you looked over and saw him?
11:41:16 25 A Yes, sir.

11:41:17 1 Q Did he say that loud?

11:41:18 2 A Yes, sir.

11:41:18 3 Q Was anyone sitting next to him?

11:41:20 4 A Not that I remember.

11:41:21 5 Q Did you see who he directed that comment to?

11:41:24 6 A No, sir.

11:41:26 7 Q And what was the quote he said, again?

11:41:28 8 A He was, like, y'all are bad or y'all are ass,

11:41:36 9 I believe is what he said.

11:41:37 10 Q Y'all are bad or what?

11:41:39 11 A Ass.

11:41:39 12 Q He just said that out loud?

11:41:41 13 A Yes, sir.

11:41:42 14 Q He wasn't -- he wasn't being asked a question

11:41:44 15 or hadn't been talking to anyone else?

11:41:48 16 A No, sir.

11:41:48 17 Q Did he say it so the whole -- everyone under

11:41:51 18 the tent could hear that?

11:41:52 19 A Yes, sir.

11:41:52 20 Q And he just suddenly said y'all are bad and

11:41:56 21 y'all are ass?

11:41:57 22 A Yes.

11:41:58 23 Q And that's a term people use now to describe

11:42:01 24 someone as being bad?

11:42:03 25 A Yes, sir.

11:42:04 1 Q kind of a taunt?

11:42:05 2 A Yes, sir.

11:42:06 3 Q And it -- from your perception, he was doing
11:42:12 4 that just to start something up with the whole team?

11:42:16 5 A well, I didn't think it was starting anything
11:42:17 6 at first, but he said it so we could at least, like,
11:42:21 7 hear that for sure.

11:42:23 8 Q well, I mean, he didn't come down and say,
11:42:27 9 hey, [REDACTED] what's going on? He just sat down and you
11:42:32 10 didn't notice him until he said, in a very loud voice,
11:42:37 11 you guys are bad, you guys are ass?

11:42:44 12 A Yes, sir. I believe I was -- he was already
11:42:44 13 sat down before I got there.

11:42:44 14 Q He was already sitting there before you got
11:42:51 15 there?

11:42:51 16 A Yes, sir.

11:42:51 17 Q You don't remember [REDACTED] switching
11:42:54 18 places with you or telling -- you know, him sitting next
11:42:58 19 to [REDACTED] and then you switched with [REDACTED] and sat
11:43:01 20 down next to Melo?

11:43:05 21 A I don't remember, no.

11:43:06 22 Q Could that have happened or --

11:43:08 23 A It could have, yes, sir.

11:43:08 24 Q So you could have been sitting next to him?

11:43:12 25 A To Melo, or Karmelo?

11:43:14 1 Q Yes.

11:43:15 2 A Yes, I said I was sitting next to him.

11:43:16 3 Q Oh, I mean -- when I say next, could you have
11:43:18 4 been right next to him?

11:43:21 5 A Oh, I don't -- from what I remember, I was,
11:43:23 6 like -- there was a far gap between me and him.

11:43:26 7 Q At least two people?

11:43:28 8 A Two or one, yes, sir.

11:43:31 9 Q Like one, two; that far?

11:43:34 10 A Yes, sir.

11:43:35 11 Q If I am sitting here, Mr. Howard -- this is
11:43:37 12 Mr. Howard in the beard -- he is sitting there, is he
11:43:40 13 about that far?

11:43:41 14 A Yes, sir.

11:43:41 15 Q And through this whole incident that you
11:43:44 16 described, did y'all ever get closer together?

11:43:47 17 A Me and Karmelo?

11:43:49 18 Q Yes.

11:43:50 19 A I believe not, no.

11:43:51 20 Q Okay. So you were always that distance from
11:43:53 21 him?

11:43:54 22 A Yes, sir.

11:43:54 23 Q On about everything you have testified to the
11:43:57 24 jury about?

11:43:57 25 A Yes, sir.

11:43:58 1 Q Okay. So when he made that comment, was that
11:44:06 2 the comment that got everyone's attention?
11:44:08 3 A Yes, sir.
11:44:09 4 Q Did you say anything to him at that time?
11:44:11 5 A No, sir, just -- that's when I noticed he was
11:44:15 6 there and dapped him up.
11:44:17 7 Q So he, kind of, threw that insult out and then
11:44:19 8 that's how you noticed him and just did the handshake
11:44:22 9 thing?
11:44:23 10 A Yes, sir.
11:44:23 11 Q Did y'all talk anymore?
11:44:25 12 A I don't believe so, no.
11:44:28 13 Q You said over the past year or so, you had
11:44:33 14 only seen him two or three times. So were y'all friends
11:44:37 15 or you just know him by face and knew that he dated --
11:44:41 16 A I only talked to him whenever me and [REDACTED]
11:44:45 17 were to hang out and he would, like, come; or she would
11:44:48 18 ask me to hang out and she was with him.
11:44:51 19 Q But that only happened, you said, two or three
11:44:55 20 times?
11:44:55 21 A Yes, sir.
11:44:56 22 MR. SHOOK: May we approach, Your Honor?
11:45:08 23 (Off-the-record discussion.)
11:45:08 24 THE COURT: All right. Ladies and
11:46:40 25 gentlemen, I've been notified that your lunch is ready,

11:46:43 1 so we are going to go ahead -- this is a natural
11:46:45 2 break -- that's what they were telling me -- it is kind
11:46:48 3 of a natural break in the examination, so it will be a
11:46:51 4 good time to take our lunch break.

11:46:52 5 So I am going to tell you again. You are
11:46:54 6 going to be hanging around with each other eating lunch.
11:46:56 7 You are not to discuss this case with anyone, including
11:46:58 8 amongst yourselves, until you are ordered to deliberate
11:47:01 9 by the Court. You are not to go seek out any
11:47:03 10 independent knowledge about the law or the facts or
11:47:06 11 people or places or things with regard to this case.
11:47:08 12 You are not to listen to any radio reports, watch any
11:47:10 13 television or social media, or anything else regarding
11:47:13 14 this case, all right?

11:47:14 15 Please enjoy your lunch. Thank you.

11:47:17 16 THE BAILIFF: All rise.

17 (Jury not present.)

11:47:50 18 THE COURT: Let the record reflect the
11:47:52 19 jury has left the courtroom.

11:47:53 20 Anything on behalf of the state?

11:47:55 21 MR. MITCHELL: No, Your Honor.

11:47:56 22 THE COURT: Anything on behalf of the
11:47:56 23 Defense?

11:47:56 24 MR. HOWARD: No, Your Honor.

11:47:58 25 THE COURT: Okay. People in the

11:47:58 1 audience, listen to the security staff as you exit.

11:48:01 2 Hang on just a second. Everybody stay in

11:48:02 3 place.

11:48:03 4 Step down.

11:48:04 5 We're in recess.

6 (Recess in proceedings.)

12:47:08 7 THE COURT: Everyone be seated, please.

12:47:10 8 Is the State ready?

12:47:10 9 MR. WIRSKYE: The State is ready.

12:47:10 10 THE COURT: Is the Defense ready?

12:47:10 11 MR. SHOOK: Yes, Your Honor.

12:47:18 12 THE COURT: Okay. Let's go.

12:47:20 13 why do we have a whole back row empty?

12:47:28 14 Is that empty?

12:47:30 15 THE BAILIFF: It is empty, Judge.

12:47:32 16 THE COURT: Okay. Do you know why?

12:47:34 17 MS. WALLACE: No, sir. I am trying to

12:47:37 18 text them but they don't have their phone, so I am not

12:47:39 19 sure.

12:47:40 20 THE COURT: well, no one can come in once

12:47:42 21 we start, okay?

12:47:43 22 MS. WALLACE: Yes, sir.

12:48:27 23 THE BAILIFF: All rise.

24 (Jury present.)

12:48:55 25 THE COURT: Everyone be seated.

12:48:55 1 All right. Were the fajitas good?

12:48:58 2 (All responding affirmatively.)

12:48:58 3 THE COURT: I will tell you later where

12:49:01 4 they are from. I can't say it out loud here, but I will

12:49:01 5 tell you later where they were from.

12:49:03 6 Hey, thank y'all for your patience today.

12:49:05 7 We are ready to continue for our afternoon session on a

12:49:08 8 Saturday. You recall this witness is under

12:49:12 9 cross-examination by Mr. Shook.

12:49:13 10 Mr. Shook.

12:49:16 11 Q Mr. [REDACTED] I am going to ask you some

12:49:17 12 questions about the two or three times that you remember

12:49:20 13 seeing Karmelo Anthony. Do you remember that the first

12:49:26 14 time you met him is when [REDACTED] came over to your house

12:49:32 15 for an event in December of 2023 and you were introduced

12:49:37 16 to him? Do you recall that?

12:49:37 17 A Yes, sir.

12:49:39 18 Q You didn't know him at that time -- before

12:49:41 19 that time?

12:49:42 20 A No, sir.

12:49:44 21 Q After he had come by, and I'm sure you don't

12:49:47 22 remember the day, but December 9th of 2023, y'all

12:49:51 23 exchanged phone numbers and you remember texting him

12:49:55 24 talking about good to meet you, don't treat my cousin

12:49:59 25 wrong, and you are a cool dude?

12:50:03 1 A Yes, sir.

12:50:03 2 Q And after that, y'all began texting between
12:50:07 3 each other, on occasion?

12:50:08 4 A Every now and then, yeah, when it was
12:50:10 5 something about [REDACTED]

12:50:12 6 Q Do you remember about a week later, on
12:50:15 7 December 18th, you texted Karmelo and said we should go
12:50:19 8 on a two-man?

12:50:20 9 A Yes, sir.

12:50:20 10 THE COURT: Did you say what year that
12:50:24 11 was?

12:50:25 12 MR. SHOOK: December 18th, 2023.

12:50:30 13 THE COURT: Thank you.

12:50:30 14 A Yes, sir.

12:50:31 15 Q And a two-man is another term for, like, a
12:50:35 16 double-date?

12:50:35 17 A Yes, sir.

12:50:36 18 Q So you suggested that you and him go on a
12:50:39 19 two-man?

12:50:40 20 A Yes, sir.

12:50:40 21 Q And that was with your new girlfriend; is that
12:50:43 22 right?

12:50:44 23 A No, sir, it was a different --

12:50:47 24 Q Different girl?

12:50:48 25 A Different girl at the time, yes, sir.

12:50:49 1 Q And then the next day, on December 19th, 2023,
12:50:56 2 you asked him if him and [REDACTED] would want to go to a
12:51:01 3 Memorial soccer game?

12:51:03 4 A Yes, sir.

12:51:03 5 Q And they agreed to do that and they came to
12:51:06 6 the soccer game?

12:51:07 7 A Yes, sir.

12:51:07 8 Q Did y'all go to that together?

12:51:09 9 A Yes, sir.

12:51:10 10 Q Okay. It was at Memorial -- the Memorial
12:51:15 11 stadium, right?

12:51:16 12 A Yes, sir.

12:51:17 13 Q So you were comfortable with him coming
12:51:19 14 over -- and were you playing on varsity soccer at that
12:51:23 15 time?

12:51:23 16 A No, sir.

12:51:24 17 Q But y'all watched the soccer game together?

12:51:27 18 A Yes, sir.

12:51:31 19 Q Do you remember on December 27th, there was a
12:51:37 20 party for [REDACTED] mother; her 50th birthday party?

12:51:42 21 A I don't remember, but there was a party at
12:51:44 22 some point, yes, sir.

12:51:46 23 Q Do you remember that you and Karmelo hung out
12:51:48 24 at that birthday party?

12:51:50 25 A Yeah, we were both there.

12:51:52 1 MR. SHOOK: Could we turn on the
12:51:53 2 overhead, please, Judge?
12:51:57 3 THE COURT: Uh-huh.
12:52:37 4 MR. SHOOK: May I approach the witness?
12:52:39 5 THE COURT: You may.
12:52:46 6 Q I am going to show you what's been marked as
12:52:51 7 Defense-1, 2, and 3. Do you recognize those photographs
12:52:57 8 being taken at that party?
12:52:59 9 A Yes, sir.
12:53:04 10 MR. SHOOK: Your Honor, at this time
12:53:05 11 we'll offer Defense-1, 2, and 3.
12:53:18 12 MR. WIRSKYE: No objection, Your Honor.
12:53:19 13 THE COURT: Defense-1, 2, and 3 are all
12:53:21 14 admitted.
12:53:25 15 MR. SHOOK: Permission to publish?
12:53:26 16 THE COURT: Yes, sir.
12:53:38 17 Q Let me show you what's been entered into
12:53:41 18 evidence as Defendant's-1. Is this a photograph of your
12:53:45 19 family at that 50th birthday party?
12:53:48 20 A Yes, sir.
12:53:48 21 Q Do you recall where it was?
12:53:50 22 A It was [REDACTED] mom's house.
12:53:53 23 Q [REDACTED] mother's house. And is this you?
12:53:56 24 A Yeah.
12:53:57 25 Q Okay. This is your brother?

12:53:58 1 A Yes, sir.

12:54:00 2 Q And this is [REDACTED] mother; is that right?

12:54:02 3 A Yes, sir.

12:54:03 4 Q Is this your grandmother?

12:54:05 5 A Yes, sir.

12:54:08 6 Q And Karmelo was there; is that right?

12:54:11 7 A Yes, sir.

12:54:12 8 Q And Defense Exhibit-2 is a photograph of

12:54:14 9 Karmelo with [REDACTED] mother?

12:54:17 10 A Yes, sir.

12:54:18 11 Q And then Defense-3, is this a photograph of

12:54:24 12 you and Karmelo while y'all were kind of hanging out at

12:54:28 13 the party --

12:54:29 14 A Yes, sir.

12:54:29 15 Q -- making some goofy faces.

12:54:31 16 Is that your brother behind you?

12:54:33 17 A Yes, sir.

12:54:46 18 Q And that was December 27th of 2023?

12:54:50 19 A Yes, sir.

12:54:56 20 Q Shortly after that party, do you remember

12:54:59 21 inviting Karmelo to come play basketball with your

12:55:03 22 family?

12:55:05 23 A It was a family thing. I did ask him if he

12:55:09 24 was going.

12:55:10 25 Q It wasn't a family thing?

12:55:11 1 A It was a family thing; I just asked him if he
12:55:13 2 was going, because [REDACTED] dad was going to be there.

12:55:23 3 Q Do you remember texting him, saying,
12:55:26 4 basketball?

12:55:27 5 A I remember, yeah, it was basketball. I just
12:55:30 6 don't remember much about it.

12:55:32 7 Q Do you remember telling him where to show up?

12:55:34 8 A Yeah.

12:55:34 9 Q Let me show you what's been marked as Defense
12:56:02 10 Exhibit-4. Is this a photograph of the group playing
12:56:04 11 basketball that day?

12:56:06 12 A Yes, sir.

12:56:06 13 Q Is Karmelo in the photograph?

12:56:07 14 A Yes, sir.

12:56:08 15 Q And you are?

12:56:09 16 A Yes, sir.

12:56:09 17 MR. SHOOK: Your Honor, at this time,
12:56:10 18 we'll offer Defense Exhibit-4.

12:56:23 19 MR. WIRSKYE: No objection.

12:56:24 20 THE COURT: Defendant's-4 is admitted.

12:56:26 21 MR. SHOOK: Permission to publish?

12:56:36 22 THE COURT: Yes, sir.

12:56:45 23 Q The photograph you see up on the ELMO, Defense
12:56:47 24 4, this was a photo that was taken either before the
12:56:50 25 game or after the game; is that right?

12:56:52 1 A Yes, sir.

12:56:52 2 Q And is this you right here with the black

12:56:57 3 shirt on?

12:56:58 4 A Yes, sir.

12:56:59 5 Q And Karmelo is right here; is that right?

12:57:02 6 A Yes, sir.

12:57:03 7 Q The rest of these folks, are they friends or

12:57:05 8 family?

12:57:05 9 A Some family, some friends.

12:57:07 10 Q Okay. Is this something you got together or

12:57:11 11 someone else?

12:57:12 12 A As in me, got together?

12:57:14 13 Q Yes.

12:57:15 14 A No, sir. Somebody else.

12:57:16 15 Q But you had asked Karmelo if he was going?

12:57:21 16 A Yes, sir, I did.

12:57:22 17 Q So this is -- in about a three-week period,

12:57:28 18 you spent a lot of time with Karmelo?

12:57:31 19 A Not really. It was, like, every now and then,

12:57:34 20 we all got together.

12:57:36 21 Q well, in that three-week period, you have been

12:57:38 22 to a 50th birthday party, he has been over to your house

12:57:43 23 where you got introduced, and now y'all are playing

12:57:44 24 basketball?

12:57:46 25 A Yes, sir.

12:57:47 1 Q And y'all also went to a soccer game together,
12:57:49 2 right?

12:57:50 3 A Yes, sir.

12:57:55 4 Q Do you remember on January 5th Karmelo coming
12:58:00 5 over to your house because y'all had a -- at night, a
12:58:04 6 backyard, kind of, camp-out, where y'all were roasting
12:58:08 7 marshmallows, that type of thing; had a bunch of people
12:58:12 8 over?

12:58:13 9 A I don't remember, no.

12:58:14 10 THE COURT: January of what year?

12:58:15 11 MR. SHOOK: Oh, I'm sorry. January 5th
12:58:16 12 of 2024.

12:58:18 13 A I don't remember, no, sir.

12:58:48 14 MR. SHOOK: May I approach, Your Honor?

12:58:50 15 THE COURT: Yes, sir.

12:59:00 16 Q I want to show you what's been marked as
12:59:04 17 Defense-5, 6, and 7. Does that -- after looking at
12:59:12 18 these photos, does that refresh your memory at all?

12:59:15 19 A Yes, sir, it does.

12:59:16 20 Q Were those photos taken in your backyard?

12:59:19 21 A Yes, sir.

12:59:19 22 Q Do you recall now that he did come over for
12:59:21 23 that marshmallow roast?

12:59:25 24 A Yes, sir.

12:59:26 25 MR. SHOOK: Your Honor, at this time

12:59:27 1 we'll offer Defense-5, 6, and 7.

12:59:43 2 MR. WIRSKYE: Permission to take the
12:59:44 3 witness on a brief voir dire?

12:59:47 4 THE COURT: Yes, sir.

12:59:47 5 MR. WIRSKYE: Permission to approach?

12:59:49 6 THE COURT: Yes, sir.

7 VOIR DIRE EXAMINATION

12:59:51 8 BY MR. WIRSKYE:

12:59:54 9 Q Let me show you this, [REDACTED] In Defendant's
12:59:56 10 Exhibit Number 5, we see Karmelo Anthony; is that
13:00:01 11 correct?

13:00:01 12 A Yes, sir.

13:00:02 13 Q who is the woman in the photo with him?

13:00:04 14 A [REDACTED]

13:00:06 15 MR. WIRSKYE: No objection to 5, 6, and
13:00:09 16 7, Your Honor.

13:00:11 17 THE COURT: Defendant's-5, 6, and 7 are
13:00:13 18 admitted.

19 CROSS-EXAMINATION (contd.)

13:00:14 20 BY MR. SHOOK:

13:00:24 21 Q So after reviewing these photos, you do
13:00:27 22 remember he was invited to that event?

13:00:29 23 A Yes, sir, I do.

13:00:30 24 Q Did your family have events like this
13:00:33 25 periodically, where they will invite people over?

13:00:35 1 A Every now and then. Not often, though.

13:00:37 2 Q This is Karmelo and [REDACTED] is that right?

13:00:41 3 A Yes, sir.

13:00:43 4 Q This was when y'all were roasting

13:00:45 5 marshmallows?

13:00:48 6 A Yes, sir.

13:00:48 7 Q And then this is a photo of tending to the

13:00:52 8 fire?

13:00:52 9 A Yes, sir.

13:00:53 10 Q Do you remember Karmelo that time helping

13:00:55 11 start the fire and get that going?

13:00:58 12 A I don't remember.

13:00:58 13 Q But that's another occasion which you had

13:01:02 14 spent a lot of time with him at your house?

13:01:04 15 A Yes, sir.

13:01:19 16 Q Your grandmother had a birthday party in late

13:01:23 17 January of 2024. Is it January 30th?

13:01:27 18 A Yes, sir.

13:01:27 19 Q Do you remember having a party for her at your

13:01:32 20 house?

13:01:32 21 A Yes, sir.

13:01:33 22 Q Do you remember Karmelo being invited to that

13:01:35 23 party?

13:01:35 24 A Yes, sir.

13:01:39 25 MR. SHOOK: May I approach, Your Honor?

13:01:42 1 THE COURT: Yes, sir.

13:01:49 2 Q Let me show you Defense-8. Is that a
13:01:51 3 photograph of Karmelo with your grandmother and [REDACTED]
13:01:55 4 and her family?

13:01:56 5 A Yes, sir.

13:01:56 6 MR. SHOOK: Okay. We'll offer Defense-8.

13:02:08 7 MR. WIRSKYE: Permission to take the
13:02:09 8 witness on a brief voir dire?

13:02:11 9 THE COURT: As long as it is foundational
13:02:13 10 and not anything else.

11 VOIR DIRE EXAMINATION

13:02:13 12 BY MR. WIRSKYE:

13:02:15 13 Q Mr. [REDACTED] let me show you Defense Exhibit
13:02:17 14 Number 8. There is multiple people in that photo,
13:02:21 15 correct?

13:02:22 16 A Yes, sir.

13:02:22 17 Q You can identify each of them?

13:02:24 18 A Yes, sir.

13:02:24 19 Q Is [REDACTED] in that photo?

13:02:26 20 A Yes, sir.

13:02:27 21 MR. WIRSKYE: No objection to
13:02:29 22 Defendant's-8.

13:02:31 23 THE COURT: 8 is admitted.

13:02:41 24 MR. SHOOK: May I publish, Your Honor?

13:02:43 25 THE COURT: Yes, sir.

CROSS-EXAMINATION (contd.)

BY MR. SHOOK:

Q Looking at Defense Exhibit-8, this is your grandmother in the middle, correct?

A Yes, sir.

Q [REDACTED] is over here, with her father having his arm around her?

A Yes, sir.

Q And this is Karmelo here, next to [REDACTED] mother?

A Yes, sir.

Q And that was a party that, again, was at your house for your grandmother?

A Yes, sir.

Q Do you remember February 4th, I believe your family had a -- I guess it was kind of a disco party at your house, where people dressed up in costumes and disco music was played?

A Yes, sir.

Q You were at that party?

A Yeah.

MR. SHOOK: May I approach the witness, Your Honor?

THE COURT: Yes, sir.

Q Let me show you what's been marked as

13:04:12 1 Defense-9 and 10. Are those photographs taken from the
13:04:16 2 party with everyone in costumes?

13:04:18 3 A Yes, sir.

13:04:18 4 Q Do you see Karmelo Anthony in there?

13:04:22 5 A Yes, sir.

13:04:25 6 MR. SHOOK: Your Honor, at this time, I
13:04:26 7 will offer Defense-9 and 10.

13:04:42 8 MR. WIRSKYE: Your Honor, I think since
13:04:42 9 the last time I am not going to have any objection to
13:04:46 10 this type of evidence. I have no objections to
13:04:47 11 Defense-9 and 10. I think we have established we know
13:04:50 12 one another.

13:04:51 13 THE COURT: Yes, sir, 9 and 10 are
13:04:53 14 admitted.

13:05:00 15 Q I show you Exhibit-9. This was the party,
13:05:04 16 correct?

13:05:05 17 A Yes, sir.

13:05:05 18 Q And then 10, that's Karmelo there dressed up,
13:05:10 19 with a wig on?

13:05:11 20 A Yes, sir.

13:05:12 21 Q That's your grandmother?

13:05:14 22 A Yes, sir.

13:05:14 23 Q This is [REDACTED] and her family; is that right?

13:05:16 24 A Yes, sir.

13:05:17 25 Q Okay. Do you remember hanging out one time

13:05:26 1 with Karmelo on another occasion, where you were playing
13:05:35 2 video games, and he is playing a guitar that you have?
13:05:40 3 A I don't remember that.
13:06:24 4 MR. SHOOK: May I approach, Your Honor?
13:06:26 5 THE COURT: You may.
13:06:35 6 Q Let me show you Defense Exhibit-11 and 12.
13:06:39 7 Does that refresh your memory?
13:06:41 8 A Yes, sir.
13:06:41 9 Q This was a different occasion where Karmelo
13:06:44 10 and you spent time at your house?
13:06:47 11 A Yes, sir.
13:06:48 12 MR. SHOOK: We offer Defense-11 and 12.
13:06:54 13 MR. WIRSKYE: Permission to take the
13:06:55 14 witness on a brief voir dire?
13:06:59 15 THE COURT: Yes, sir.
16 VOIR DIRE EXAMINATION
13:07:00 17 BY MR. WIRSKYE:
13:07:01 18 Q [REDACTED] you have seen these photos marked for
13:07:05 19 identification as 11 and 12. First you didn't remember,
13:07:07 20 it sounds like, and you see them, and you remember them,
13:07:10 21 correct?
13:07:11 22 A Yes, sir.
13:07:11 23 Q Do you have any idea when and where -- the
13:07:14 24 foundational questions that would support these photos,
13:07:17 25 do you remember when these were taken or where they were

13:07:21 1 taken?

13:07:22 2 A I believe this summer, we were going to hang
13:07:25 3 out with the girl that I was seeing at the time as well.

13:07:30 4 Q Do you remember what year or what month?
13:07:32 5 It's probably an unfair question.

13:07:32 6 A I don't remember.

13:07:33 7 MR. WIRSKYE: Okay. Judge, I think we
13:07:34 8 are getting far afield from the facts of this murder
13:07:38 9 case, so I am going to object on relevance to Defense-11
13:07:40 10 and 12.

13:07:41 11 THE COURT: I am almost there. Mr.
13:07:42 12 Shook, what do you want to say?

13:07:43 13 MR. SHOOK: These will be the last
13:07:45 14 exhibits I --

13:07:46 15 THE COURT: 11 and 12 are admitted.

16 CROSS-EXAMINATION (contd.)

13:07:47 17 BY MR. SHOOK:

13:07:47 18 Q I am showing you Defense-11. That's you; is
13:07:57 19 that right?

13:07:57 20 A Yes, sir.

13:07:57 21 Q That's Karmelo playing with a guitar you have
13:08:02 22 there?

13:08:02 23 A Yes, sir.

13:08:03 24 Q That's your guitar, correct?

13:08:06 25 A Yes, sir.

13:08:06 1
13:08:10 2
13:08:13 3
13:08:17 4
13:08:19 5
13:08:26 6
13:08:32 7
13:08:37 8
13:08:37 9
13:08:41 10
13:08:44 11
13:08:47 12
13:08:49 13
13:08:51 14
13:08:52 15
13:08:54 16
13:08:57 17
13:08:59 18
13:09:00 19
13:09:03 20
13:09:08 21
13:09:11 22
13:09:12 23
13:09:14 24
13:09:15 25

THE COURT: Speak up, Mr. Shook.

Q And Defense-12, is that a photograph, again, while he is playing the guitar and y'all are just kind of goofing around?

A Yes, sir.

Q Mr. [REDACTED] actually, during 2024 -- [REDACTED] parents and your parents are very good friends, right?

A Yes, sir.

Q And during 2024, it wouldn't be unusual for them to come over to your house every weekend or maybe two or three weekends, right? Y'all got together a couple of times a month, usually?

A Yeah, we would try to hang out every now and then.

Q All right. But it could be two times a month; sometimes a little more, sometimes less?

A I couldn't tell you. Depending on what they said.

Q Well, from your memory, 2024, was that a pretty regular routine for them to come over and visit you or your family to go visit them at their house?

MR. WIRSKYE: Excuse me, Counsel.

Judge, I am going to object to relevance.

THE COURT: Sustained.

Q You knew Karmelo Anthony a lot more and had

13:09:20 1 seen him a lot more than just two or three times during
13:09:24 2 he and his girlfriend's relationship?

13:09:26 3 A We only hung out when [REDACTED] family and my
13:09:29 4 family hung out. After that, none of that. We never
13:09:32 5 hung out by ourselves, or anything like that.

13:09:35 6 Q All right. But he was over at your house a
13:09:37 7 couple of times a month?

13:09:41 8 A I can't remember. The only times was probably
13:09:44 9 birthday parties and get-togethers, but that's it.

13:09:47 10 Q well, would you agree by the photographs we've
13:09:50 11 introduced, with those dates, that he was frequently at
13:09:52 12 your house or at some event with you?

13:09:55 13 A I wouldn't say frequently.

13:09:57 14 Q All right. well, you still don't -- you still
13:10:01 15 telling this jury that you didn't really know Karmelo
13:10:05 16 Anthony well as a person?

13:10:08 17 A I knew him as not -- not personally, you know.

13:10:11 18 Q All right. No surprise, then, when he came
13:10:15 19 into the tent that day and sat down, that he would dap
13:10:18 20 you up and say hello to you?

13:10:23 21 A Say that again. Sorry.

13:10:24 22 Q It would be no surprise, then, when he came
13:10:27 23 into the tent that day and dapped you up, that he would
13:10:32 24 say hello to you?

13:10:33 25 A When we were cool with each other, that's

13:10:38 1 something we would do if we saw each other.

13:10:41 2 Q Do you remember -- you were at the track meet
13:10:43 3 on -- at Lobo Stadium on March 22nd, about 10 days
13:10:51 4 before April 2nd, when this incident took place; were
13:10:54 5 you not?

13:10:55 6 A Yes, sir.

13:10:56 7 Q Do you remember seeing Karmelo Anthony on that
13:10:58 8 day?

13:10:59 9 A I do.

13:11:00 10 Q Do you remember sitting and talking to him?

13:11:01 11 A I do.

13:11:02 12 Q And where did you talk to him?

13:11:05 13 A Underneath the bleachers by the concession
13:11:09 14 stands.

13:11:10 15 Q Okay. Do you remember sitting and talking
13:11:14 16 with him on the field?

13:11:16 17 A I don't remember, no.

13:11:18 18 Q But you were sitting down talking?

13:11:20 19 A I mean, if I was on the field, I was warming
13:11:22 20 up.

13:11:23 21 Q So did y'all have a long conversation?

13:11:26 22 A I don't remember.

13:11:26 23 MR. SHOOK: May I approach, Your Honor?

13:12:00 24 THE COURT: You may.

13:12:07 25 Q I am going to show you what's been marked as

13:12:10 1 Defense-13 for identification purposes. Is this a photo
13:12:13 2 of you and Karmelo at Lobo field on March 22nd of 2025?

13:12:22 3 A Yes, sir.

13:12:22 4 MR. SHOOK: We'll offer Defense-13 at
13:12:25 5 this time, Judge.

13:12:41 6 MR. WIRSKYE: No objection to Defense-13.

13:12:44 7 THE COURT: Defense-13 is admitted.

13:12:57 8 Q Looking at Defense-13, is this the -- kind of
13:13:00 9 the staging area of the track meet, where athletes would
13:13:04 10 sit and wait for an event?

13:13:06 11 A Yes, sir.

13:13:07 12 Q And is that you sitting in your Memorial
13:13:10 13 colors on the bench?

13:13:12 14 A Yes, sir.

13:13:12 15 Q And this is Karmelo Anthony next to you, and
13:13:15 16 y'all are talking?

13:13:16 17 A Yes, sir.

13:13:35 18 Q All these occasions where Karmelo Anthony was
13:13:38 19 at your home and at these parties with you, he got along
13:13:43 20 with everybody, didn't he?

13:13:45 21 A Yes, sir.

13:13:46 22 Q Wasn't disrespectful in any way to your
13:13:48 23 family?

13:13:49 24 A Not that I know of, no.

13:13:50 25 Q Or anyone else that was there at these parties

13:13:53 1 or gatherings?

13:13:55 2 A I don't know. I wasn't always with him.

13:13:57 3 Q Well, when you were with him, you certainly
13:14:01 4 didn't think he acted improperly or was disrespectful,
13:14:05 5 did you?

13:14:06 6 A No, sir.

13:14:09 7 Q All right. Going back now to April 2nd, 2025,
13:14:22 8 it is your testimony that Karmelo Anthony came down but
13:14:26 9 was sitting about two spaces between you and him; is
13:14:30 10 that right?

13:14:31 11 A Yes, sir.

13:14:38 12 Q Do you recall when you talked to Officer
13:14:40 13 Riley, you said that you were sitting next to him?

13:14:44 14 A I did.

13:14:45 15 Q And when you said next to him, did you mean
13:14:49 16 there were spaces between you?

13:14:54 17 A I did.

13:14:55 18 Q But on this occasion, when he sat down, you
13:14:58 19 didn't pay any attention to him until you heard him
13:15:01 20 speak?

13:15:01 21 A Yes, sir.

13:15:02 22 Q And that's when he said what, again?

13:15:05 23 A Like y'all's team's ass or y'all's team's bad.

13:15:08 24 Q And just said that out in a loud voice so
13:15:11 25 everyone could hear him?

THE COURT: Mr. Shook, I think I have heard these questions and answers before.

Q Well, that was an insult to your team, wasn't it?

A Yes, sir.

Q And after he insulted your team, you got up and dapped up with him?

A I don't remember if it was, like, during the time or just whenever I noticed him. I don't remember much about it.

Q Well, you watched the video interview with Officer Riley, like, last week or the week before; is that right?

A Yes, sir.

Q And you didn't mention that to Officer Riley when he interviewed with you on April 2nd, did you?

A No, I didn't.

Q Then after that exchange, is that when people started talking to him, arguing with him about moving and that type of thing?

A It wasn't arguing. It was just asking, like, who he was and why was he in our tent.

Q Did someone ask him what his name was?

A I don't remember.

Q Did you ever speak up and say that you knew

13:16:26 1 him? Did you ever say anything out loud to your
13:16:28 2 teammates or to Karmelo when this --

13:16:31 3 A I don't remember now.

13:16:31 4 Q You don't remember if you did or not?

13:16:34 5 A No, sir.

13:16:34 6 Q You were the one that knew him; he had been at
13:16:36 7 your house a lot, right?

13:16:38 8 A Yes, sir.

13:16:38 9 Q You didn't think to step up and say anything
13:16:41 10 like, hey, I know this guy, or anything like that?

13:16:45 11 A No.

13:16:45 12 Q why didn't you?

13:16:46 13 A I wasn't really paying attention to that. I
13:16:49 14 was talking to the jumpers before everything even
13:16:55 15 happened.

13:16:56 16 Q You weren't paying attention to what?

13:16:58 17 A To, like, him. Like, I noticed him, I dapped
13:17:01 18 him up, but I wasn't paying attention much to it. I was
13:17:02 19 talking to the jumpers, about jumps and, like, the
13:17:03 20 warm-ups and seeing if the field events were still going
13:17:07 21 to go on.

13:17:07 22 Q well, after he said this insult to your team
13:17:07 23 and people started asking who he was, you were paying
13:17:15 24 attention, weren't you?

13:17:16 25 A At some point, yeah.

13:17:16 1 Q And when people started asking him to move,
13:17:18 2 did you not speak up and say, I know this guy?

13:17:21 3 A No.

13:17:21 4 Q How come?

13:17:22 5 A I didn't feel the need to.

13:17:24 6 Q You didn't feel like you might want to calm
13:17:26 7 the situation down?

13:17:28 8 A This was before everything even got the way it
13:17:32 9 got, like they were just asking, like, who are you, why
13:17:34 10 are you here.

13:17:35 11 Q So it was a friendly conversation?

13:17:37 12 A I wouldn't say friendly. It was normal, just,
13:17:39 13 like, why are you here, who are you.

13:17:43 14 Q When the teammates are asking who he was, you
13:17:46 15 didn't feel like standing up and say, hey, I know this
13:17:50 16 guy, and try to straighten out the disagreement they
13:17:52 17 were having?

13:17:53 18 A Like I said, I didn't feel the need to. I was
13:17:56 19 talking to other people at the time.

13:18:07 20 Q Okay. Now, you said that at some point,
13:18:09 21 Austin Metcalf, he just began -- and he was the only one
13:18:14 22 talking; is that right?

13:18:15 23 A Yes, they were going back and forth about each
13:18:17 24 other.

13:18:17 25 Q Where was Austin? Was he sitting down when

13:18:18 1 that started?

13:18:18 2 A He was sitting down, yes, sir.

13:18:20 3 Q Okay. You -- I think you said on direct that
13:18:24 4 at some point, Karmelo said -- used the word "bitch" or
13:18:29 5 "bitch ass"?

13:18:30 6 A Yeah. The first one, yeah.

13:18:33 7 Q When you say the first one, what do you mean?

13:18:35 8 A That he said -- he called Austin a bitch.

13:18:38 9 Q Do you remember Austin calling him a bitch?

13:18:43 10 A Yes, I do.

13:18:44 11 Q Do you remember Austin saying he was going to
13:18:47 12 move his bitch ass?

13:18:49 13 A I don't remember that.

13:18:55 14 Q Do you remember when you were interviewing
13:18:58 15 with Officer Riley that you said I heard Austin say
13:19:05 16 talking or taking his bitch-ass?

13:19:07 17 A Say that again, sir.

13:19:08 18 Q Do you remember when you were talking with
13:19:09 19 Investigator Riley that you said you remember Austin at
13:19:14 20 some point saying talking or taking, whatever word you
13:19:18 21 used, his bitch-ass; and then Karmelo said, show me I'm
13:19:24 22 a bitch?

13:19:25 23 A Yeah, that happened. That's what I meant when
13:19:28 24 Austin called him a bitch.

13:19:30 25 Q Okay. So Austin called him a bitch and then

13:19:32 1 Karmelo said show me I'm a bitch?

13:19:37 2 A Yes.

13:19:37 3 Q Were they both getting angry at that time?

13:19:40 4 A I believe so, yes.

13:19:48 5 Q And when they started going back and forth,

13:19:51 6 when was it that Karmelo put his hand in his backpack?

13:19:56 7 A It was after the bitch comment, and I don't

13:20:02 8 remember exactly how he ended up putting his hand in his

13:20:06 9 bag, but I remember his hand was in his bag and that's

13:20:08 10 when Austin was, like, you don't have anything in there,

13:20:12 11 you don't have anything in there. [REDACTED] was backing

13:20:15 12 him up when he was saying that.

13:20:17 13 Q When Austin stood up, is that when he put his

13:20:20 14 hand in the bag?

13:20:22 15 A I don't remember if it was then or before.

13:20:26 16 Q But now Austin stood up at some point in time

13:20:30 17 and continued the back-and-forth exchange; is that

13:20:31 18 right?

13:20:32 19 A Yes, sir.

13:20:33 20 Q And when he was doing that, that's when

13:20:34 21 Karmelo put his hand in the bag?

13:20:36 22 A Like I said, I don't know when it was that he

13:20:39 23 stood up or when he put his hand in his -- the bag.

13:20:41 24 Sorry.

13:20:43 25 Q Do you recall Austin standing up while they

13:20:45 1 were talking about do you have something in there?

13:20:48 2 A Yes, sir.

13:20:55 3 Q And at that point is when you told officer

13:20:58 4 Riley you got out your phone and acted like you were

13:21:03 5 going to video it; is that right?

13:21:04 6 A Yes, sir.

13:21:04 7 Q while they were talking back and forth about

13:21:07 8 the bag?

13:21:07 9 A No, it was just while they were arguing back

13:21:10 10 and forth, calling each other, like, bitch, and stuff

13:21:12 11 like that, not when he had his hand in his bag.

13:21:14 12 Q So before, when they were just insulting each

13:21:16 13 other?

13:21:16 14 A Yes, sir.

13:21:17 15 Q And you got your phone out, you actually got

13:21:19 16 it out of your pocket, or wherever you were carrying it?

13:21:22 17 A Yes, sir.

13:21:22 18 Q And held it up?

13:21:24 19 A Yeah, for, like, maybe a second or two.

13:21:26 20 Q You told Detective Riley that you were acting

13:21:30 21 like you were going to do a video?

13:21:33 22 A Yeah, but that wasn't, like, a long time that

13:21:35 23 I was holding my phone.

13:21:37 24 Q But you used the word "acting," right?

13:21:40 25 A Yes, sir.

13:21:40 1 Q Meaning you were pretending?

13:21:41 2 A Yes, sir.

13:21:42 3 Q Why would you want to pretend to make a video?

13:21:45 4 A I was just being dumb at the time.

13:21:48 5 Q I mean, what would be the point of pretending

13:21:50 6 to make a video?

13:21:52 7 A Like I said, just being dumb at the time.

13:21:55 8 Q When someone is getting in a confrontation,

13:21:57 9 usually, it is not unusual for young people to take out

13:22:02 10 their phones and start making videos?

13:22:05 11 A No, it isn't.

13:22:07 12 Q That happens a lot, doesn't it?

13:22:09 13 A It does.

13:22:10 14 Q And you are able to whip out a phone and start

13:22:12 15 taking a video pretty quickly, if you have to, can't

13:22:15 16 you?

13:22:16 17 A Yes, sir.

13:22:16 18 Q Okay. So what would be the point of acting

13:22:18 19 like you were taking a video?

13:22:20 20 A I was just trying to be funny.

13:22:24 21 Q Well, you had it up long enough for other

13:22:27 22 people to see, correct?

13:22:29 23 A I mean, the person next to me was the one that

13:22:32 24 saw me doing it.

13:22:33 25 Q Who was that?

13:22:34 1 A I guess [REDACTED]
13:22:36 2 Q what about [REDACTED] (sic) [REDACTED]?
13:22:38 3 A I don't remember. He was --
13:22:40 4 Q Do you remember -- I'm sorry, I cut you off.
13:22:43 5 Did I cut you off?
13:22:45 6 A No.
13:22:46 7 Q After this event, when you go into the bus, do
13:22:49 8 you remember [REDACTED] asking you, hey, did you get
13:22:53 9 his picture on your phone when you were recording? Do
13:22:57 10 you remember him saying that?
13:23:00 11 A A picture of who?
13:23:01 12 Q Karmelo.
13:23:02 13 A No, I never got a picture or anything. My
13:23:03 14 phone was never on whenever I acted like I was
13:23:06 15 recording.
13:23:07 16 Q Do you remember him asking you that, though?
13:23:08 17 A I don't remember him asking me.
13:23:10 18 Q But you had it out long enough for at least
13:23:12 19 one or two people to see you with the phone out?
13:23:15 20 A Yes, sir.
13:23:25 21 Q If you had actually been recording it, we
13:23:27 22 would actually be able to, you know, actually hear what
13:23:28 23 was going on and what was being said, wouldn't we?
13:23:32 24 A I believe so, yeah.
13:23:42 25 Q So after Karmelo had his hand in the backpack,

13:23:52 1 how long did that exchange go before Austin started
13:23:56 2 going towards him?

13:23:57 3 A I don't remember.

13:23:57 4 Q Did they go back and forth for a while?

13:24:00 5 A They went back and forth, but I don't know for
13:24:04 6 how long.

13:24:04 7 Q And how did Austin get up near Karmelo? Did
13:24:08 8 he walk past you, or how did that happen?

13:24:11 9 A No, he just stood up and kind of went up on
13:24:13 10 the bleachers.

13:24:16 11 Q So he was down right below Karmelo?

13:24:18 12 A I wouldn't say right below, but, like, one or
13:24:20 13 two bleachers down.

13:24:22 14 Q And did he get up on the level with Karmelo?

13:24:25 15 A I don't remember.

13:24:25 16 Q well, tell us exactly what you saw or how
13:24:29 17 close he got to Karmelo and where he was.

13:24:31 18 A They just -- he had his -- Karmelo had his
13:24:33 19 hand in his bag. Austin kept saying, well, you don't
13:24:38 20 have nothing, you have got nothing in there. Karmelo
13:24:40 21 would say, like, touch me, you will see; or, like, move
13:24:43 22 me, you will see, or something like that. Austin kept
13:24:45 23 saying, like, you have got to go away, you have nothing
13:24:48 24 in there.

13:24:48 25 And then Austin kind of stood up, went up

13:24:52 1 towards -- like, went up on the bleachers and kind of
13:24:55 2 just -- whenever he shoved him, that's when Austin kind
13:24:57 3 of fell back on the bleachers.

13:25:02 4 Q Do you remember telling Detective Riley that
13:25:06 5 when Austin came by and went to push or shove Karmelo
13:25:11 6 that he kind of bumped into you and knocked you back?

13:25:16 7 A No, I don't remember saying that.

13:25:59 8 Q Do you remember telling Officer Riley that
13:26:03 9 you -- when Austin pushed Karmelo, you could only see
13:26:08 10 Austin's back?

13:26:09 11 A Yes, sir.

13:26:10 12 Q You didn't see where he grabbed him?

13:26:14 13 A No, sir.

13:26:16 14 MR. SHOOK: May I approach?

13:26:17 15 THE COURT: Yes, sir.

13:26:31 16 Q I want to show you State's-24, again. And if
13:26:37 17 you could show us where you remember Austin standing
13:26:40 18 when you were looking at his back as he shoved Karmelo.

13:26:44 19 A So I was in one of these two. I guess this
13:26:48 20 one up here. Austin was, like, on this side with his
13:26:51 21 back turned to me.

13:26:52 22 Q All right. So he actually got on the same
13:26:55 23 level where you were sitting; is that right?

13:26:57 24 A Yes, sir.

13:26:58 25 Q And he did that by climbing up the bleachers?

13:27:01 1 A I believe so, yeah.

13:27:03 2 Q So got up on the bleachers and then was
13:27:07 3 standing between you and Karmelo?

13:27:10 4 A Yes, sir.

13:27:11 5 Q In that little two-foot, three, or four-foot
13:27:13 6 gap between you and Karmelo?

13:27:18 7 A Like I said, I don't remember how far it was,
13:27:20 8 but his back was turned to me.

13:27:23 9 Q And could you --

13:27:26 10 MR. SHOOK: May I have the witness step
13:27:27 11 down for a moment?

13:27:28 12 THE COURT: Sure.

13:27:29 13 Q If you can step down.

13:27:31 14 So I want to kind of just show the jury what
13:27:40 15 you saw from your viewpoint of how Austin Metcalf
13:27:44 16 moved --

13:27:44 17 THE COURT: Speak up, Mr. Shook. Speak
13:27:46 18 up.

13:27:46 19 Q I want you to be able to show the jury exactly
13:27:50 20 how you saw Austin Metcalf move from the back, what you
13:27:56 21 saw. Are you able to do that with your body or do you
13:28:00 22 want to use mine?

13:28:01 23 THE COURT: I can't hear you.

13:28:02 24 A When he stood up?

13:28:04 25 Q So when he shoved Karmelo.

13:28:06 1 A So I was on that side --

13:28:08 2 THE COURT: Hey, you have to speak up,
13:28:09 3 okay?

13:28:09 4 Q You have to speak up really loud.

13:28:11 5 A I was on that side.

13:28:12 6 Q Would you say -- well, let's kind of orient
13:28:15 7 where we are standing. Where is the field?

13:28:17 8 A The field is on that side.

13:28:19 9 Q So the field is right here?

13:28:20 10 A If we are looking at the jury, that's where
13:28:22 11 the field is. Yes, sir.

13:28:24 12 Q And when you say you are on that side, if I am
13:28:27 13 Karmelo, where is Austin?

13:28:30 14 A Austin is around right here.

13:28:33 15 Q Now demonstrate to the jury what you saw when
13:28:36 16 he shoved.

13:28:38 17 A (Demonstrating.)

13:28:39 18 Q Two hands out?

13:28:40 19 A I don't remember, but --

13:28:42 20 THE COURT: Hey, I can't hear you. Hey,
13:28:42 21 look, I know -- hey, stop. Everybody stop. It sounds
13:28:43 22 like you are having a conversation with him, which is
13:28:46 23 fine, but you are not. You are having a conversation
13:28:49 24 with everybody in this room, okay? Especially me and
13:28:51 25 this lady over here, who is taking down everything we

13:28:54 1 say. So I need both of you to speak up, okay?

13:28:56 2 Q Put your hands out again, like you --

13:29:01 3 A The only hand that I saw was this hand on his
13:29:04 4 shoulder.

13:29:04 5 Q The only hand you saw was this hand go on his
13:29:07 6 shoulder. Did you see his arm up, his right arm up --

13:29:10 7 THE COURT REPORTER: I can't hear him.

13:29:10 8 THE COURT: Yeah, we can't hear you.

13:29:14 9 Q Go ahead and sit down. We'll use the
13:29:18 10 microphone.

13:29:19 11 THE COURT: All right. Use the
13:29:19 12 microphone. I am trying to get a good record.

13:29:27 13 Q So you saw one of his hands and it was on
13:29:29 14 Karmelo's shoulder or arm area?

13:29:33 15 A Yes, sir, like around the arm area.

13:29:35 16 Q And how hard was that shove?

13:29:37 17 A It wasn't hard. Like it wasn't something that
13:29:40 18 was pushing, like, off of the bleacher, or something
13:29:43 19 like that. It was just, like, a small shove.

13:29:44 20 Q Small shove. Did it move Karmelo's body at
13:29:47 21 all that you could tell?

13:29:48 22 A I couldn't tell.

13:29:49 23 Q And after that, that's when Austin fell back?

13:29:52 24 A Yes, sir.

13:29:52 25 Q Did you see any movement by Karmelo?

13:29:55 1 A Just him, like, running or walking away.

13:30:01 2 THE COURT: Take whatever that is. Whose

13:30:07 3 is it?

13:30:12 4 Take it. Somebody's phone went off.

13:30:16 5 Okay. Go. All right. Sorry for the

13:30:24 6 interruption. Go ahead.

13:30:33 7 Q Did everything happen in a split second?

13:30:36 8 A Yes, sir.

13:30:37 9 Q Right after Austin shoved, is that when he

13:30:41 10 fell backwards?

13:30:42 11 A Yes, sir.

13:30:42 12 Q And you saw Karmelo run?

13:30:45 13 A I just saw him, like, kind of just leave from

13:30:47 14 where we were at. I didn't know if he ran or walked.

13:30:57 15 Q So after that happened and you dispersed,

13:31:03 16 eventually you got taken by the police over to one area

13:31:06 17 with [REDACTED] is that correct?

13:31:08 18 A Yes, sir.

13:31:08 19 Q And then at a later time is when Officer Riley

13:31:12 20 interviews you in that other building?

13:31:14 21 A It was still in the same locker room.

13:31:17 22 Q The same locker room?

13:31:18 23 A Yes, sir.

13:31:19 24 Q It was just you and him talking at that time?

13:31:22 25 A Yes, sir.

13:31:22 1 Q But some time had passed? Those -- they
13:31:25 2 didn't happen -- the first officer talked to you and
13:31:29 3 then Officer Riley; there was some time had passed?

13:31:32 4 A Yes, sir.

13:31:34 5 THE COURT: The attorneys approach.
6 (Off-the-record discussion.)

13:32:40 7 THE COURT: Go ahead.

13:32:41 8 Q When the officer looked at your phone, did you
13:32:43 9 just show him the phone? He didn't take it, did he?

13:32:45 10 A He took it from me.

13:32:47 11 Q He took it from you?

13:32:47 12 A Yes, sir.

13:32:48 13 Q Did he tell you he was going to take it and
13:32:50 14 download the phone, or did he hand it back to you?

13:32:52 15 A No, he handed it back to me.

13:32:54 16 Q So he just glanced at it, looked through the
13:32:56 17 photos, and then handed it back?

13:32:57 18 A He looked through the photos recently deleted
13:33:01 19 and Snapchat, and he asked if I used Instagram, and I
13:33:04 20 told him no, and he didn't go through that.

13:33:06 21 Q So he didn't take the phone with him, or
13:33:08 22 anything like that?

13:33:09 23 A No, sir -- well, they took our phones at
13:33:11 24 first, but I don't know if they went through them or
13:33:13 25 not.

13:33:14 1 Q But after they took your phones at first, you
13:33:17 2 were present with him when he looked on your screen; is
13:33:20 3 that right?

13:33:21 4 A Yes, sir.

13:33:21 5 Q And he gave the phone back to you?

13:33:25 6 A Yes, sir.

13:33:25 7 MR. SHOOK: Pass the witness, Your Honor.

13:33:44 8 THE COURT: Mr. Wirskeye?

13:33:45 9 MR. WIRSKYE: Nothing further, Your
13:33:46 10 Honor.

13:33:46 11 THE COURT: Is this witness excused and
13:33:49 12 released by the State?

13:33:50 13 MR. WIRSKYE: No objection.

13:33:52 14 THE COURT: And by the Defense?

13:33:55 15 MR. SHOOK: Subject to recall.

13:33:56 16 THE COURT: You are subject to recall.
13:33:57 17 Somebody will explain to you what that means, but you
13:34:00 18 can step down for now, okay?

13:34:02 19 Mr. Wirskeye, call your next witness,
13:34:03 20 please.

13:34:04 21 MR. WIRSKYE: The State calls [REDACTED]
13:34:15 22 [REDACTED]

13:34:16 23 THE COURT: I didn't understand the first
13:34:16 24 name.

13:34:16 25 MR. WIRSKYE: [REDACTED]

13:34:16 1 THE COURT: [REDACTED]
13:34:16 2 Hey, [REDACTED] walk across the courtroom and
13:34:43 3 head to this black chair on my right, okay?
13:34:45 4 Before you sit down, turn to me and raise
13:34:47 5 your right hand.
6 (Witness sworn.).
13:34:53 7 THE COURT: Okay. Put your hand down and
13:34:55 8 be seated. Please speak into the microphone so
13:34:57 9 everybody can hear you.
13:34:58 10 Mr. Wirskeye.
13:35:00 11 MR. WIRSKYE: Thank you, Your Honor.
12 [REDACTED]
13 having been first duly sworn, testified as follows:
14 DIRECT EXAMINATION
13:35:00 15 BY MR. WIRSKYE:
13:35:01 16 Q [REDACTED] can you turn to the members of the jury
13:35:04 17 and introduce yourself and tell them your full name?
13:35:06 18 A Hi, everybody. I am [REDACTED]
13:35:08 19 Q And how old of a young man are you?
13:35:10 20 A I am 16 years old. 16.
13:35:13 21 Q Okay. Can you try to talk into that mic? I
13:35:15 22 know it is a little weird.
13:35:17 23 16?
13:35:19 24 A 16, yes.
13:35:20 25 Q Class of '28?

13:35:21 1 A Yes, sir.

13:35:22 2 Q Are you a good student?

13:35:23 3 A Yes, sir.

13:35:24 4 Q Okay. Are you good at sports?

13:35:26 5 A Yes, sir.

13:35:32 6 Q Okay. You and I have talked at least a couple

13:35:33 7 of times, right?

13:35:34 8 A Yes, sir.

13:35:35 9 Q And is your dad here with you today?

13:35:36 10 A Yes, sir.

13:35:36 11 Q Do you see him in the back of the courtroom?

13:35:36 12 MR. WIRSKYE: Dad, raise your hand.

13:35:37 13 A Yes, sir.

13:35:38 14 Q Okay. That is your dad Curtis, right?

13:35:40 15 A Yes, sir.

13:35:40 16 Q Okay. You go to Memorial?

13:35:48 17 A Yes, sir.

13:35:48 18 Q Okay. Do you play football?

13:35:49 19 A Yes, sir.

13:35:50 20 Q What position?

13:35:50 21 A Linebacker.

13:35:51 22 Q Okay. Do you do track?

13:35:54 23 A Yes, sir.

13:35:54 24 Q What events?

13:35:56 25 A I throw shotput and discus.

13:36:00 1 Q Do you know Austin and [REDACTED] [REDACTED]

13:36:02 2 A Yes, sir.

13:36:02 3 Q How do you know them, generally?

13:36:03 4 A From football, and they were in track, and

13:36:07 5 they are friends with my older brother.

13:36:09 6 Q And your older brother was older than they

13:36:12 7 were, right?

13:36:12 8 A No, sir. They are the same age.

13:36:14 9 Q The same age.

13:36:15 10 Okay. Did you care about Austin Metcalf?

13:36:19 11 A Yes, sir.

13:36:19 12 Q Let's get right to it. Do you remember the

13:36:22 13 day of the district track meet in April of 2025?

13:36:25 14 A Yes, sir.

13:36:26 15 Q How did you get out to the track meet?

13:36:29 16 A We went by the bus.

13:36:31 17 Q What happened when the bus got there to

13:36:33 18 Kuykendall?

13:36:34 19 A Then we checked in our shotputs and discuses

13:36:37 20 and then we set up the tent, and then we went and talked

13:36:41 21 to our Staley coaches.

13:36:42 22 Q Okay. Were the throwers primarily responsible

13:36:46 23 for setting up the tent and the coolers and stuff?

13:36:49 24 A Yes, sir.

13:36:50 25 Q And as a thrower, you helped with that, right?

13:36:52 1 A Yes, sir.

13:36:52 2 Q And who all went over to Staley to see the

13:36:55 3 middle school coaches?

13:36:57 4 A Me, Austin, [REDACTED] and [REDACTED] is all I

13:37:01 5 remember.

13:37:01 6 Q Okay. Was there a young man named [REDACTED]

13:37:05 7 A I think so.

13:37:06 8 Q Did you know [REDACTED]

13:37:08 9 A Yes, sir.

13:37:09 10 Q After you visited with the coaches at Staley,

13:37:11 11 did you return to the tent?

13:37:14 12 A Yes, sir.

13:37:14 13 Q What happened when y'all got back to the tent?

13:37:17 14 A We got back to the tent and we were just

13:37:21 15 talking, having a good time, and then everything sort of

13:37:27 16 happened.

13:37:28 17 Q Before everything sort of happened, did you

13:37:30 18 have headphones on?

13:37:31 19 A Yes, sir.

13:37:32 20 Q Listening to music?

13:37:33 21 A Yes, sir.

13:37:34 22 Q Is that common?

13:37:36 23 A Yes, sir.

13:37:36 24 Q Something you like to do?

13:37:38 25 A Yes, sir.

13:37:38 1 Q You have got your headphones on and then you
13:37:40 2 said something happened, right?

13:37:42 3 A Yes, sir.

13:37:43 4 Q what happened?

13:37:44 5 A I turned around, and all I heard was people
13:37:48 6 were telling this random guy to get out of our tent.
13:37:52 7 You know, he didn't have any, like, school colors on or
13:37:56 8 clothes on, and we didn't know him, so we were telling
13:38:00 9 him to get out.

13:38:01 10 Q You said we were telling him to get out. Was
13:38:04 11 it -- did you participate in that?

13:38:06 12 A Yes, sir.

13:38:07 13 Q who else told this random person to get out?

13:38:11 14 A I remember Austin and [REDACTED] did.

13:38:14 15 Q Anybody else?

13:38:14 16 A I can't remember anybody else.

13:38:17 17 Q when he was told to get out, how did this
13:38:20 18 person react?

13:38:22 19 A He just -- he was stubborn. He didn't want to
13:38:25 20 move.

13:38:26 21 Q I saw you looking over there. You know his
13:38:28 22 name now, right?

13:38:29 23 A Yes, sir.

13:38:31 24 Q Had you ever seen this person before on that
13:38:33 25 day?

13:38:34 1 A No, sir.

13:38:34 2 Q You didn't know who he was?

13:38:35 3 A No, sir.

13:38:36 4 Q When you say he was being stubborn, describe

13:38:39 5 what you mean.

13:38:41 6 A He was just unwilling to move and leave from

13:38:46 7 our tent.

13:38:46 8 Q What happens next?

13:38:48 9 A After that, he said touch me and see what

13:38:50 10 happens, and he had his hand in his backpack; and then I

13:38:54 11 turned around, and then he stabbed Austin.

13:39:00 12 Q You didn't actually see the stabbing, right?

13:39:03 13 A No, sir.

13:39:03 14 Q Was there anymore -- when he said touch me and

13:39:07 15 see what happens, was that directed to everybody or was

13:39:10 16 it directed just to Austin?

13:39:11 17 A I think -- I believe it was just to Austin.

13:39:13 18 Q And you saw him reach in his backpack?

13:39:15 19 A Yes, sir. He had his hand in his backpack.

13:39:18 20 Q What did that mean to you?

13:39:19 21 A You know, I didn't think he had anything

13:39:21 22 because we were at a track meet. So I thought he was

13:39:25 23 just trying to be a tough guy.

13:39:27 24 Q In trying to be a tough guy, did he ever

13:39:29 25 challenge any of y'all to a fistfight?

13:39:31 1 A Yes, sir. He challenged Austin to a
13:39:33 2 fistfight.
13:39:34 3 Q What did Austin say?
13:39:36 4 A Austin said, no, I am not going to fight you
13:39:39 5 at a track meet.
13:39:40 6 Q Did Austin seem upset?
13:39:41 7 A No, sir.
13:39:42 8 Q Did Karmelo Anthony seem upset?
13:39:45 9 A No, sir.
13:39:45 10 Q So Austin was kind of unwilling to fight,
13:39:48 11 initially?
13:39:49 12 A Yes, sir.
13:39:50 13 Q What happens next?
13:39:52 14 A And then I turn around, looked at my phone,
13:39:55 15 and then I hear Austin screaming he stabbed me, he
13:40:00 16 stabbed me, he stabbed me; and then everybody ran out of
13:40:03 17 the bleachers.
13:40:04 18 Q Okay. Let me stop you there. So he
13:40:06 19 challenges Austin to a fight and Austin says, I am not
13:40:09 20 going to fight you at a track meet, bro, right?
13:40:12 21 A Correct.
13:40:13 22 Q And you are watching this, you are listening
13:40:15 23 to it. Are your headphones out?
13:40:17 24 A Yes, sir.
13:40:17 25 Q And you see Karmelo Anthony reach into his

13:40:20 1 backpack, right?

13:40:21 2 A Yes, sir.

13:40:21 3 Q And then you turn back around --

13:40:23 4 MR. SHOOK: Judge, I will object to

13:40:24 5 leading.

13:40:25 6 THE COURT: Sustained.

13:40:25 7 Q Once you see him reach into the backpack, what

13:40:28 8 happens next?

13:40:29 9 A And then I turn around and looked at my phone.

13:40:33 10 Q Did you think anything was going to happen

13:40:36 11 when you saw him reach into his backpack?

13:40:39 12 A No, sir.

13:40:39 13 Q Is that why you turned back around?

13:40:41 14 A Yes, sir.

13:40:41 15 Q Put your headphones back in?

13:40:43 16 A Yes, sir.

13:40:44 17 Q How did you become aware, once you turned your

13:40:46 18 head, that something was going on behind you?

13:40:49 19 A Everybody was running out of the bleachers.

13:40:52 20 Q When you see everybody running, what did you

13:40:55 21 do?

13:40:56 22 A I ran.

13:40:57 23 Q Do you know what's happened?

13:40:58 24 A No, sir.

13:40:59 25 Q So everybody is running, so you run?

13:41:01 1 A Yes, sir.

13:41:02 2 Q How did you figure out Austin had been

13:41:06 3 stabbed?

13:41:07 4 A Like I said, I turned around and he was

13:41:10 5 screaming he stabbed me, he stabbed me, he stabbed me.

13:41:13 6 Q Did you see any wound on Austin?

13:41:15 7 A Yes, sir. There was a hole in his chest.

13:41:17 8 Q Did you see blood?

13:41:19 9 A Yes, sir.

13:41:19 10 Q And then you ran?

13:41:20 11 A Yes, sir.

13:41:21 12 Q why did you run?

13:41:23 13 A Because I was scared he still had the knife.

13:41:27 14 Q where did you run to?

13:41:29 15 A I ran to the -- there was a trash can nearby,

13:41:32 16 and I ran to there.

13:41:33 17 Q what did you do from that point?

13:41:35 18 A I turned back around and went to Austin and

13:41:38 19 tried to help him.

13:41:39 20 Q when you went back to Austin and tried to help

13:41:42 21 him, what did you see?

13:41:44 22 A I saw -- a coach was holding [REDACTED] back and

13:41:48 23 then Austin was laying on the ground, and then a few

13:41:55 24 other people were calling 9-1-1 and then trainers and

13:41:59 25 coaches were rushing over.

13:42:01 1 Q And you say somebody was holding [REDACTED] back.
13:42:03 2 what were they holding him back from?

13:42:07 3 A Going to confront Karmelo.

13:42:10 4 Q He was angry?

13:42:11 5 A Yes, sir.

13:42:13 6 Q How did Austin look when you saw him that
13:42:17 7 time?

13:42:17 8 A He was, like, blue and purple. He was laying
13:42:21 9 on the ground.

13:42:22 10 Q And you knew things weren't looking good,
13:42:25 11 right?

13:42:27 12 A Correct.

13:42:27 13 Q what did you do next?

13:42:29 14 A I went over to Austin, and then the trainers
13:42:32 15 had pulled me off of him and told me to get back to the
13:42:36 16 bus.

13:42:37 17 Q The trainers pulled you off of Austin?

13:42:39 18 A Yes, sir.

13:42:40 19 Q why did they have to do that?

13:42:43 20 A I don't know. I guess, they -- they were
13:42:44 21 trying to save him as well.

13:42:47 22 Q And you were trying to help, too, correct?

13:42:49 23 A Yes, sir.

13:42:50 24 Q After they pull you away from Austin, what
13:42:54 25 happens next?

13:42:54 1 A Then I -- everybody that was still on the --
13:42:59 2 like walking on the bleachers, I was telling them, like,
13:43:02 3 go get back to the buses.

13:43:04 4 Q And did you go back to the bus?

13:43:06 5 A I did.

13:43:06 6 Q Did you find a coach there?

13:43:08 7 A Yes.

13:43:08 8 Q Was it Coach Starr?

13:43:10 9 A Coach Starr came later.

13:43:13 10 Q What coach was there for you at first?

13:43:15 11 A Coach Ross was there.

13:43:16 12 Q And he tried to comfort you?

13:43:20 13 A Yes, sir.

13:43:20 14 Q Were you pretty shook up?

13:43:22 15 A Yes, sir.

13:43:24 16 Q It is still hard for you to talk about?

13:43:26 17 A Yes, sir.

13:43:27 18 Q Have you gone to counseling?

13:43:28 19 A Yes, sir.

13:43:31 20 Q And at some point later that day, I believe
13:43:35 21 you meet with the police?

13:43:37 22 A Yes, sir.

13:43:38 23 Q And do you tell the police what you saw and
13:43:40 24 what you heard?

13:43:43 25 A Yes, sir.

13:43:44 1 Q And that's what you have told this jury today,
13:43:47 2 correct?

13:43:47 3 A Yes, sir.

13:43:50 4 Q Based on what you saw, did Austin appear
13:43:53 5 unwilling to engage with Karmelo Anthony?

13:43:55 6 A Yes, sir.

13:43:58 7 Q Who was the aggressor that day: Austin
13:44:00 8 Metcalf or Karmelo Anthony?

13:44:02 9 A Karmelo Anthony.

13:44:02 10 Q You said he was being stubborn?

13:44:05 11 A Yes, sir.

13:44:07 12 Q And I know you didn't see the stabbing, but
13:44:10 13 from what you saw, was there any reason for Karmelo
13:44:13 14 Anthony to stab Austin Metcalf in the chest?

13:44:16 15 A No, sir.

13:44:17 16 MR. WIRSKYE: I will pass the witness.

13:44:23 17 THE COURT: Mr. Shook.

18 CROSS-EXAMINATION

13:44:24 19 BY MR. SHOOK:

13:44:31 20 Q Just a few questions, okay?

13:44:32 21 A Yes, sir.

13:44:32 22 Q On April 2nd when this happened, you didn't
13:44:34 23 interview with the police that day, did you?

13:44:37 24 A I did, I think.

13:44:38 25 Q Do you remember you went down -- or I think

13:44:40 1 they may have even come to the school to interview you a
13:44:44 2 couple of weeks later?

13:44:45 3 A Yes, sir. That happened.

13:44:49 4 Q April 25th of 2025 is the date I was given
13:44:52 5 when they came and did a video interview with you.

13:44:56 6 A Yes, sir.

13:44:56 7 Q That was a Detective Chapman, I think?

13:44:59 8 A Yes, sir.

13:45:00 9 Q You don't remember his name?

13:45:01 10 A I don't remember his name, no.

13:45:02 11 Q A Frisco police officer?

13:45:04 12 A Yes, sir.

13:45:05 13 Q Did that happen at your school?

13:45:06 14 A Yes, sir, that happened at my school.

13:45:09 15 Q But no detective talked to you on the day this
13:45:11 16 happened?

13:45:12 17 A No, sir.

13:45:13 18 Q Okay. So the interview -- when the police
13:45:16 19 interviewed you -- have you seen that interview?

13:45:18 20 A Yes, sir.

13:45:18 21 Q That's the one that happened at the school?

13:45:20 22 A Yes, sir.

13:45:21 23 Q And that was -- I know you don't remember the
13:45:23 24 date, but that was two or three weeks after the incident
13:45:26 25 happened?

13:45:26 1 A Yes, sir.

13:45:28 2 Q In-between that time, there was all kinds of
13:45:32 3 publicity about this case, wasn't there?

13:45:34 4 A Yes, sir.

13:45:35 5 Q Obviously, it was being talked about at the
13:45:38 6 school with everyone, right?

13:45:39 7 A Yes, sir.

13:45:40 8 Q You talked about it with your teammates that
13:45:42 9 were there and other people that were asking questions
13:45:45 10 about it?

13:45:45 11 A No, I didn't really talk about it with anyone.

13:45:49 12 Q Okay. You never discussed it with anyone else
13:45:51 13 that was there, or anything like that?

13:45:52 14 A I didn't want to.

13:46:01 15 Q And how was it that -- did the police reach
13:46:02 16 out to you or your parents to come interview you at the
13:46:05 17 school, or did they just show up?

13:46:07 18 A They just showed up.

13:46:08 19 Q Okay. So you didn't know they were coming?

13:46:10 20 A No, sir.

13:46:15 21 Q And you were sitting at the bottom of the
13:46:17 22 bleachers; is that right?

13:46:18 23 A Yes, sir.

13:46:19 24 Q And were you -- did the argument -- I know you
13:46:22 25 put on your headphones. I think you said you were

13:46:26 1 listening to Creed; is that right?

13:46:27 2 A Yes, sir.

13:46:28 3 Q That's a good choice. Had you started

13:46:31 4 listening to Creed before the argument started out or

13:46:34 5 was it in the middle of it?

13:46:36 6 A Yes, sir, it was before.

13:46:37 7 Q And did you take the headphones off at some

13:46:41 8 point?

13:46:41 9 A I had one headphone off and one on.

13:46:45 10 Q Okay. And that's how you heard what you did?

13:46:47 11 A Yes, sir.

13:46:48 12 Q And did you turn around and then -- where you

13:46:49 13 were sitting down at the bottom and look up to see what

13:46:53 14 was going on?

13:46:54 15 A Yes, sir.

13:46:58 16 Q But you didn't see the actual event; how that

13:47:01 17 took place, right?

13:47:02 18 A No, sir.

13:47:03 19 Q Where was Austin Metcalf when you last saw

13:47:05 20 him?

13:47:06 21 A He was sitting kind of on the right of

13:47:09 22 Karmelo.

13:47:10 23 Q How far away was he?

13:47:13 24 A I can't remember.

13:47:14 25 Q Do you remember if -- you said he was sitting.

13:47:16 1 Did you ever see him stand up?

13:47:20 2 A No, sir.

13:47:21 3 Q Okay. So the last time -- before you turned

13:47:24 4 around away from it, Austin was still sitting down?

13:47:28 5 A Yes.

13:47:28 6 Q And Karmelo was still sitting down?

13:47:30 7 A Yes, sir.

13:47:31 8 Q And they were going back and forth?

13:47:33 9 A Yes, sir.

13:47:35 10 Q You didn't hear any cussing or profanity, or

13:47:39 11 anything like that, did you?

13:47:41 12 A I can't remember, sir.

13:47:49 13 MR. SHOOK: Okay. Thank you. That's all

13:47:50 14 I have.

13:47:50 15 THE COURT: Mr. Wirskeye?

13:47:51 16 MR. WIRSKYE: Nothing further, Your

13:47:51 17 Honor.

13:47:53 18 THE COURT: Is this witness excused and

13:47:55 19 released by the State?

13:47:57 20 MR. WIRSKYE: No objection.

13:47:58 21 THE COURT: By the Defense?

13:47:59 22 MR. SHOOK: No objection.

13:47:59 23 THE COURT: Okay. You are excused, sir.

13:48:01 24 Thank you.

13:48:01 25 Mr. Wirskeye, call your next witness,

13:48:03 1 please.

13:48:05 2 MR. WIRSKYE: Can we approach, briefly,
13:48:06 3 Your Honor?

13:48:08 4 THE COURT: Yes, sir.
5 (Off-the-record discussion.)

13:49:31 6 THE COURT: All right. Ladies and
13:49:32 7 gentlemen, I've been informed by counsel that their next
13:49:34 8 witness is going to be the medical examiner.
13:49:37 9 Oftentimes, that has sensitive information. If you do
13:49:40 10 not want to be in the courtroom, which is contrary to
13:49:42 11 the Court's rules, you may exit now.

13:51:26 12 MR. WIRSKYE: Judge, can we approach,
13:51:27 13 briefly, again?

13:51:29 14 THE COURT: Yes, sir. Mr. Howard.
13:51:30 15 (Off-the-record discussion.)

13:52:13 16 THE COURT: Ladies and gentlemen, we are
13:52:13 17 going to take a quick break, actually, so step out with
13:52:16 18 the bailiff. Remember my previous instructions to you.
13:52:20 19 Thank you.

13:52:44 20 THE BAILIFF: All rise.
13:52:44 21 (Jury not present.)

13:52:44 22 THE COURT: We're going to take a
13:52:46 23 ten-minute break. Please listen to instructions by
13:52:48 24 security staff.

25 (Recess in proceedings.)

14:07:19 1 THE COURT: Be seated, please.
14:07:22 2 Is the State ready?
14:07:23 3 MR. WIRSKYE: I believe we were
14:07:25 4 re-marking four exhibits.
14:07:30 5 THE COURT: All right. Let's get the
14:07:32 6 jury lined up in the hallway, please.
14:07:34 7 MR. WIRSKYE: Once they are marked, I am
14:07:37 8 ready to go.
14:07:38 9 THE COURT: No worries.
14:07:38 10 Is the Defense ready?
14:07:41 11 MR. HOWARD: Yes, Your Honor.
14:08:31 12 THE COURT: Hey, Howard, can you come
14:08:33 13 here a second?
14:08:39 14 off the record.
15 (Off-the-record discussion.)
14:09:21 16 THE COURT: Are you ready, Wirskey?
14:09:24 17 MR. WIRSKYE: I believe so, Your Honor.
14:09:40 18 THE COURT: Okay. We are ready, right?
14:09:43 19 MR. WIRSKYE: Yes, sir.
14:09:44 20 THE COURT: Okay, let's go.
14:09:47 21 THE BAILIFF: All rise.
22 (Jury present.)
14:10:13 23 THE COURT: All right. Everyone be
14:10:15 24 seated, please.
14:10:15 25 All right. Ladies and gentlemen, thank

14:10:17 1 you for your patience as we continue to work through the
14:10:21 2 day.

14:10:21 3 Mr. Wirskeye, call your next witness,
14:10:22 4 please.

14:10:22 5 MR. WIRSKYE: The State will call Dr.
14:10:24 6 Elizabeth Ventura.

14:10:42 7 THE COURT: Ma'am, if you will come over
14:10:44 8 here toward this witness stand. Before you sit down,
14:10:48 9 turn to me and raise your right hand.

10 (Witness sworn.)

14:10:55 11 THE COURT: All right. Put your hand
14:10:55 12 down and be seated, please.

14:10:57 13 Mr. Wirskeye.

14:11:06 14 MR. WIRSKYE: Thank you, Your Honor.

14:11:06 15 THE COURT: No, it is not on.

14:11:14 16 MR. WIRSKYE: Got me now?

14:11:15 17 THE COURT: I think so.

14:11:16 18 MR. WIRSKYE: Hear me now?

14:11:18 19 THE COURT: Yes, sir.

20 ELIZABETH VENTURA,

21 having been first duly sworn, testified as follows:

22 DIRECT EXAMINATION

14:11:18 23 BY MR. WIRSKYE:

14:11:19 24 Q All right. Good morning, Doctor -- or good
14:11:21 25 afternoon, Doctor. How are you?

14:11:23 1 A Good.

14:11:23 2 Q Sorry. It is a Saturday and I am really
14:11:25 3 confused, so happy Saturday.

14:11:28 4 Doctor, could you turn to the members of the
14:11:30 5 jury and introduce yourself?

14:11:33 6 A Hi. I am Dr. Elizabeth Ventura. I am the
14:11:35 7 Chief Medical Examiner for Collin County.

14:11:37 8 Q And as the Chief Medical Examiner of our
14:11:41 9 county, do you have to be a medical doctor?

14:11:43 10 A Yes.

14:11:43 11 Q And what is a medical examiner?

14:11:46 12 A A medical examiner -- my main duty as a
14:11:50 13 medical examiner is to determine the cause and manner of
14:11:53 14 death of an individual when they die.

14:11:56 15 Q Okay. So when we have a violent death in this
14:12:00 16 county, you and the doctors over at your office are
14:12:03 17 likely to perform the autopsies; is that correct?

14:12:05 18 A Yes.

14:12:06 19 Q And I believe you have two doctors in your
14:12:07 20 office: yourself and Dr. Gwin?

14:12:10 21 A Correct.

14:12:10 22 Q And do y'all each double-check each other's
14:12:13 23 work?

14:12:14 24 A Yes.

14:12:15 25 Q Could you tell the members of the jury the

education and job experience you have that allows you to hold your position?

A Yes. I have a Bachelor's of Science from UT Arlington. After I got my Bachelor's, I then went to medical school for four years at the University Health Science Center in San Antonio. In medical school, I decided to pursue pathology.

I did a four-year residency training program at Baylor University Medical Center in Dallas. During my pathology training, I decided to do a sub-specialty in forensic pathology. I did a one-year forensic fellowship training program at SWIFS, which is the Southwestern Institute of Forensic Sciences. I am board certified in anatomic and clinical pathology by the American Board of Pathology, as well as in forensic pathology.

After I did my one-year training at SWIFS, I then stayed on as a medical examiner for approximately 12 years. After that, I became the Chief Medical Examiner for Collin County, and I've been there for almost two years now.

Q And based on that, is it fair to say you have done thousands of autopsies?

A Yes.

Q Have you testified hundreds of times?

14:13:29 1 A Yes.

14:13:30 2 Q Okay. Can you give an idea to the members of
14:13:34 3 the jury what an autopsy is?

14:13:37 4 A Yes. When a person dies, depending on the
14:13:40 5 circumstances, their death may be -- fall under the
14:13:45 6 jurisdiction of the medical examiner. In that case, if
14:13:48 7 it does, the death will be reported to our office. One
14:13:53 8 of our death investigators will take the call, and
14:13:56 9 either -- if they died at the scene, will report to the
14:13:58 10 scene, or if the person was taken to the hospital or
14:14:01 11 died in the hospital, will take the report from the
14:14:03 12 medical personnel at the hospital.

14:14:05 13 We will give this unique number to that
14:14:10 14 individual that died, and that number will follow that
14:14:14 15 person when they come to the morgue through the entire
14:14:17 16 process. Any reports, any pictures, any evidence
14:14:20 17 collected will have this unique identification number
14:14:24 18 associated with it.

14:14:25 19 The body will come to the morgue. We will
14:14:26 20 perform an external examination, where we look over the
14:14:31 21 body, document any property received, any physical
14:14:34 22 characteristics, any injuries to the external portion of
14:14:37 23 the body, any evidence of natural disease, as well,
14:14:40 24 through external portion of the body.

14:14:42 25 Then we'll proceed with an internal

14:14:44 1 examination, and we will take out most of the internal
14:14:48 2 organs, including the brain; do an examination of those
14:14:53 3 organs by sectioning them, looking for any signs of
14:14:58 4 trauma to the body or signs of natural disease. So an
14:15:01 5 external examination followed by an internal examination
14:15:04 6 in order to do -- for me to have a cause and manner of
14:15:07 7 death.

14:15:08 8 Q Okay. And I believe you mentioned it, but as
14:15:12 9 a part of this autopsy process, you prepare a diagram,
14:15:16 10 you take photos and, ultimately, prepare a written
14:15:19 11 report or an autopsy protocol; is that correct?

14:15:21 12 A Yes. And it depends on the circumstances.
14:15:23 13 Homicide -- in this case, this was a suspected homicide.
14:15:28 14 More procedures may be done to the body. We may take
14:15:32 15 x-rays, collect evidence, take more specimens for
14:15:38 16 submission for analysis later, but in this case --

14:15:42 17 MR. WIRSKYE: May I approach as may
14:15:44 18 become necessary?

14:15:45 19 THE COURT: Yes, sir.

14:15:45 20 Q Doctor, you mentioned this just a few seconds
14:15:47 21 ago, but every person that comes in or everybody that
14:15:52 22 comes in is assigned a unique forensic number; is that
14:15:55 23 correct?

14:15:55 24 A Yes.

14:15:56 25 Q And what does that number signify? Does it

14:15:59 1 signify a year and the number of autopsies sequentially
14:16:02 2 throughout the year?

14:16:04 3 A Yes.

14:16:05 4 Q Let me show you what's been admitted for
14:16:06 5 record only as State's Exhibit Number 79 and ask you to
14:16:11 6 look at that and ask you if the unique number that you
14:16:14 7 have told the jury about is 25-01590?

14:16:22 8 A Yes, this is the unique identification number
14:16:24 9 that was associated with this autopsy.

14:16:26 10 Q Okay. And we are here today about the death
14:16:28 11 of Austin Metcalf, and that's the number associated with
14:16:33 12 Austin; is that right?

14:16:33 13 A Yes.

14:16:36 14 Q Next, let me show you two documents, the first
14:16:40 15 being marked for identification as State's Exhibit
14:16:41 16 Number 89, and ask you to look at this and see if it is
14:16:46 17 your report prepared in this case involving Austin
14:16:49 18 Metcalf?

14:16:56 19 A Yes, this is a copy of the autopsy report.

14:17:01 20 MR. WIRSKYE: Your Honor, at this time, I
14:17:01 21 am going to offer State's-89 for record only.

14:17:05 22 THE COURT: It is admitted for record
14:17:06 23 purposes.

14:17:07 24 Q Next let me show you State's Exhibit Number
14:17:09 25 90. Is this a copy of the diagram you mentioned earlier

14:17:14 1 that was prepared in this case involving the homicide of
14:17:17 2 Austin Metcalf?

14:17:18 3 A Yes.

14:17:18 4 Q Okay. And those are your notes that are on
14:17:20 5 the document?

14:17:21 6 A Yes.

14:17:24 7 MR. WIRSKYE: Your Honor, at this time,
14:17:25 8 we would offer State's-90 for all purposes.

14:17:41 9 MR. SHOOK: No objection.

14:17:45 10 THE COURT: It is admitted.

14:17:46 11 MR. WIRSKYE: Permission to publish this
14:17:47 12 on the ELMO in a few moments, Your Honor?

14:17:50 13 THE COURT: Yes, sir.

14:17:51 14 Q Let's turn our attention specifically to your
14:17:52 15 work in this case regarding the autopsy of Austin
14:17:56 16 Metcalf. My notes show that y'all recorded the date and
14:18:00 17 time of death as April 2nd, 2025, at about 10:53 a.m.;
14:18:06 18 is that correct?

14:18:06 19 A Yes.

14:18:06 20 Q And that would have occurred at a hospital?

14:18:09 21 A Yes.

14:18:10 22 Q And then it looks like you performed your
14:18:13 23 autopsy the next day, April 3rd of 2025, at about 10:30
14:18:17 24 in the morning; is that correct?

14:18:18 25 A Correct.

14:18:19 1 Q And the history you had and what you observed
14:18:21 2 is Austin Metcalf was seemingly a healthy young man of
14:18:26 3 17 years of age; is that right?

14:18:28 4 A Correct.

14:18:28 5 Q There has been some talk about height and
14:18:31 6 weight. As a part of an autopsy, do you take the height
14:18:36 7 and weight?

14:18:37 8 A Yes.

14:18:37 9 Q What were your findings here with respect to
14:18:40 10 Austin Metcalf?

14:18:40 11 A His weight was recorded at 213 pounds, and 73
14:18:46 12 inches, which is six-feet-one-inch.

14:18:49 13 Q Okay. And can you just briefly run us through
14:18:52 14 what your external exam revealed?

14:18:55 15 A So in the autopsy report, it begins with the
14:18:57 16 external examination. In the first few paragraphs, I
14:19:02 17 document how we received the body. His body was
14:19:06 18 received in a hospital gown. His hands and feet were
14:19:10 19 bagged. No other items were present with the body.

14:19:14 20 I documented his height, weight, physical
14:19:18 21 characteristics, eye color, hair color, his stature,
14:19:24 22 well-developed, well-nourished. I also identified if
14:19:32 23 there were any identifying marks and scars, which none
14:19:35 24 were present. I also documented any evidence of
14:19:38 25 therapy. He had some evidence documented, because there

14:19:43 1 was emergency medical services that responded to the
14:19:46 2 scene, as well as transporting him to the hospital.

14:19:49 3 So in that paragraph, I documented an
14:19:52 4 endotracheal tube in his mouth, a cervical collar
14:19:55 5 encircled his neck, electrocardiogram defibrillator pads
14:19:57 6 were on his body, vascular access lines were present --

14:20:03 7 THE COURT REPORTER: Slow down, please.

14:20:04 8 THE COURT: Slow down just a little bit.

14:20:04 9 You are using big words that we are not used to using.

14:20:09 10 A I also documented externally a stab wound to
14:20:16 11 the chest.

14:20:17 12 Q And did you proceed on to do an internal exam?

14:20:19 13 A Yes.

14:20:20 14 Q would you tell us about your findings there?

14:20:23 15 A So internally, in association to the stab
14:20:28 16 wound, I documented that he had a stab wound on the left
14:20:35 17 side of his chest that perforated the left thick costal
14:20:41 18 cartilage at the junction with the sternum, which is the
14:20:45 19 bone on the center of our chest. It then perforated the
14:20:50 20 pericardial sac, which is the sac that surrounds the
14:20:54 21 heart, and it then penetrated the right ventricle of the
14:20:58 22 heart.

14:21:00 23 Q And I believe you mentioned it earlier, but
14:21:03 24 part of your job sometimes is to remove organs and look
14:21:07 25 at them. Did you -- you have told us the knife wound

14:21:10 1 was through the heart. Did you, in fact, remove the
14:21:13 2 heart and study it?

14:21:15 3 A Yes, the heart was removed, and I documented
14:21:21 4 the defect that went -- and gave a measurement of
14:21:27 5 approximately inches, also, of the depth of the wound
14:21:33 6 into the body, including the heart.

14:21:36 7 MR. WIRSKYE: Okay. With the Court's
14:21:37 8 permission, at this time, we publish State's-90 on the
14:21:40 9 ELMO, and that may help us explain a little bit.

14:21:44 10 And just for the record and members in
14:21:46 11 the audience, this is a 2D body diagram and not graphic,
14:21:52 12 Your Honor.

14:21:53 13 Q And you recognize that, of course, as the body
14:21:56 14 diagram in this case?

14:21:57 15 A Yes.

14:21:58 16 Q And are those your notes handwritten, or is
14:22:01 17 that somebody that takes notes on your behalf?

14:22:03 18 A No, these are my handwritten notes.

14:22:06 19 Q Okay. And you mentioned the depth of the
14:22:09 20 wound, the width of the wound. What did your findings
14:22:11 21 reveal in this case?

14:22:14 22 A So in the diagram, you can see where I have an
14:22:19 23 oval shape right between the two nipples on the diagram.
14:22:24 24 That is where the entrance of the stab wound was located
14:22:27 25 on his body. And then the numbers to the side are just

14:22:30 1 kind of a location, 19 inches below the top of the head
14:22:33 2 and 5/8 inch to the left of the chest.

14:22:37 3 The stab wound was measured at two inches in
14:22:40 4 length, gaping. It had sharp margins -- I'm sorry, it
14:22:47 5 had sharp superior and inferior angles, and the margins
14:22:52 6 of the stab wound were smooth.

14:22:54 7 Q What does that indicate to you, if anything?

14:22:56 8 A It's the characteristic finding that we
14:22:58 9 usually see in sharp-force injuries.

14:23:00 10 Q You used the word "gaping" earlier. The
14:23:04 11 members of the jury can see it in your notes. Could you
14:23:07 12 kind of describe, with a little more detail, what it
14:23:09 13 means to classify a knife wound or a sharp wound as
14:23:14 14 gaping?

14:23:16 15 A So in this document, where I kind of am
14:23:21 16 drawing an oval-shaped defect, depending on where a
14:23:26 17 person is stabbed, the wound can be more split-like,
14:23:28 18 where the edges are close together. In this case, he
14:23:31 19 was stabbed on his chest, breaking the lining, the
14:23:35 20 fibrous tissue underneath our skin, causing separation
14:23:38 21 of those margins.

14:23:39 22 So instead of the margins being close
14:23:43 23 together, as in a slit-like defect, the margins were
14:23:47 24 pulled further apart and giving more of a gaping,
14:23:50 25 oval-shaped defect on the center of his chest. And that

14:23:53 1 has to do with just the fibrous tissue underneath the
14:23:57 2 chest area, causing the stress and the tension of the
14:24:01 3 skin fibers to be pulled further apart.

14:24:05 4 Q So in layman's terms, the same knife can make
14:24:09 5 two different types of wounds on the body, a gaping or a
14:24:11 6 slit, depending on the layers of elasticity in the human
14:24:15 7 body?

14:24:16 8 A Correct.

14:24:17 9 Q I believe those are called Langer's lines; is
14:24:19 10 that right, Doctor?

14:24:20 11 A Yes.

14:24:20 12 Q Okay. You don't like when I use that term, do
14:24:20 13 you?

14:24:20 14 A No, it's just -- if I am explaining it to
14:24:22 15 somebody, it is better to kind of describe it.

14:24:25 16 Q It always makes you smile when I say that to
14:24:28 17 you, doesn't it: Langer's lines?

14:24:28 18 A Yes.

14:24:28 19 Q Okay. I just wanted to bring it up.

14:24:32 20 And the path of the wound, again, I think we
14:24:35 21 see it in your notes, I think you mentioned it once, is
14:24:38 22 through the cartilage of the sternum?

14:24:40 23 A Yes.

14:24:40 24 Q And then it penetrates the heart where?

14:24:42 25 A So it penetrates the heart in the right

14:24:45 1 ventricle and it completely went through the heart wall.

14:24:48 2 Q Okay. And in addition to a 2D body diagram
14:24:52 3 like this, are photographs also taken?

14:24:54 4 A Yes.

14:24:55 5 Q And do you remember me coming over and meeting
14:24:58 6 with you -- it may have been two months ago now -- and
14:25:01 7 going through everything about this case, but
14:25:03 8 specifically, the photographs?

14:25:04 9 A Yes.

14:25:05 10 Q And what I asked you to do, and I think what
14:25:08 11 you did, was to go through all of the photographs you
14:25:10 12 took and just select the very few, without being
14:25:14 13 repetitive or unnecessarily gruesome, that can best show
14:25:19 14 the nature and extent of the injuries from that wound to
14:25:22 15 this jury; is that right?

14:25:23 16 A Yes.

14:25:24 17 Q Okay. Let me show you some photographs, and I
14:25:27 18 believe there are just four, and have you look at these.
14:25:34 19 And, for the record, it's State's-80, 81, 82, and 83.
14:25:42 20 And these are the photographs that you chose to try not
14:25:47 21 to be gruesome and to keep me out of 403 problems,
14:25:50 22 correct?

14:25:51 23 A Correct.

14:25:51 24 MR. WIRSKYE: All right. At this time,
14:25:51 25 Your Honor, I would offer State's-80 through 83,

14:25:59 1 inclusive.

14:26:21 2 THE COURT: Hey, when you whisper, we can
14:26:24 3 hear you.

14:26:26 4 MR. SHOOK: Yes, Judge. We'll object
14:26:28 5 to -- no objection to 80 or 81. We would object to
14:26:34 6 State's Exhibit-82 and 83 under 403.

14:26:39 7 THE COURT: 80 and 81 are admitted.
8 (Off-the-record discussion.)

14:27:36 9 THE COURT: The objections to 82 and 83
14:27:40 10 are overruled, and they are admitted.

14:27:42 11 MR. WIRSKYE: And, Your Honor, at this
14:27:43 12 time, out of respect for the family and members of
14:27:46 13 people in the gallery --

14:27:47 14 THE COURT: Turn it back on, Mr. Wirskeye.
14:27:50 15 I know. We'll get used to it.

14:27:52 16 MR. WIRSKYE: At this time, out of
14:27:54 17 respect for the family and the people in the gallery, I
14:27:56 18 would ask your permission for Dr. Ventura to follow me
14:27:59 19 in front of the jury so we can publish these four
14:28:02 20 photographs just to the members of the jury.

14:28:04 21 THE COURT: You can step down, please.

14:28:12 22 Q And, Doctor, we've got a large jury, so we are
14:28:14 23 going to try to show the photos just to the jury and not
14:28:18 24 to anyone else.

14:28:19 25 Let's start with State's Exhibit Number 1

14:28:20 1 (sic). Here, I'll try to make it easy for you.

14:28:24 2 THE COURT: State's Exhibit-80?

14:28:26 3 MR. WIRSKYE: State's Exhibit-80.

14:28:28 4 Q What do we see in State's Exhibit-80?

14:28:31 5 A This picture was taken to show the --

14:28:35 6 THE COURT: Hey, so now she has --

14:28:35 7 (Discussion with staff.)

14:28:43 8 A So this picture was taken to document the stab
14:28:46 9 wound to the center of the chest. It is a far away
14:28:48 10 picture to orient you to his upper portion of his body
14:28:52 11 with the stab wound.

14:28:54 12 Q And is the close-up of that gaping wound, is
14:28:57 13 that what we see in State's Exhibit Number 81?

14:29:00 14 A Yes, so this is a close-up image, where you
14:29:04 15 don't really know where, on what part of the body, but
14:29:06 16 because of the previous image, you can see that it was
14:29:09 17 in the center of his chest. This is the stab wound.
14:29:11 18 This is the oval-shaped stab wound that has gaping
14:29:16 19 margins that are separated from each other, instead of
14:29:19 20 closed and slit-like. The whole oval defect is the
14:29:24 21 entire stab wound.

14:29:25 22 Q And that's a result of Langer's lines?

14:29:29 23 A Yes.

14:29:29 24 Q Okay. These next two photos, State's-82 and
14:29:35 25 83, they are photographs of the heart after it has been

14:29:39 1 removed from the body?

14:29:40 2 A Yes.

14:29:42 3 Q And could you walk the members of the jury
14:29:44 4 through state's-82? what does that show?

14:29:46 5 A Okay. so this is the decedent's heart after I
14:29:49 6 removed it from the body. This is the right side of the
14:29:52 7 heart. This is the left side of the heart. This is the
14:29:56 8 right atrium of the heart. This is the right ventricle
14:29:58 9 of the heart. And right here, you can see a slit-like
14:30:02 10 defect in the right ventricle of the heart, and that is
14:30:06 11 where the knife penetrated the heart and entered.

14:30:10 12 Q we've been kind of on this end of the jury
14:30:13 13 box. Let me publish these a little bit further down so
14:30:18 14 everybody can see them, and then we'll start for the
14:30:22 15 final photograph on this end.

14:30:28 16 state's-83, what do we see here, Doc?

14:30:31 17 A So this is another photograph of the heart.
14:30:33 18 And here, I have a medical instrument, and I am pulling
14:30:38 19 at the stab wound defect in the heart to just illustrate
14:30:43 20 the defect through the heart, and it is at the tip of
14:30:47 21 the forceps.

14:30:49 22 MR. WIRSKYE: Let me walk back here so
14:30:51 23 everybody can -- that wants to look, can.

14:30:59 24 Is that good?

14:30:59 25 Q Okay. Doctor, you can take your seat.

14:31:09 1 The wound the jury has just seen, the wound
14:31:12 2 you describe, is it survivable?

14:31:16 3 A No.

14:31:18 4 Q I believe you told me that the only way to
14:31:21 5 survive a wound like that, to that part of the heart, is
14:31:24 6 if it was pre-sutured, correct?

14:31:26 7 A Yes.

14:31:27 8 Q Basically, what does that mean?

14:31:30 9 A He would have to be on an operating table,
14:31:32 10 with his chest open, with a surgeon over him ready to
14:31:38 11 suture the heart.

14:31:39 12 Q And even then, it might not work, correct?

14:31:42 13 A Correct.

14:31:43 14 Q And did you find signs of internal bleeding?

14:31:46 15 A Yes.

14:31:48 16 Q And let me show you -- when we visited, I
14:31:52 17 think I showed you the actual knife that was recovered
14:31:56 18 in that case. Do you remember that?

14:31:57 19 A Yes.

14:31:58 20 Q Let me show you what's in for demonstrative
14:31:59 21 purposes only as State's-88, and I will represent to
14:32:04 22 you -- I don't know if you remember, but this is an
14:32:07 23 exact duplicate of the knife I showed you earlier, the
14:32:10 24 actual knife.

14:32:10 25 A Yes.

14:32:11 1 Q Is this type of knife and this type of blade
14:32:13 2 capable of making the wound you observed?
14:32:16 3 A Yes.
14:32:16 4 Q Okay. It is -- nothing inconsistent with this
14:32:19 5 blade and that wound?
14:32:20 6 A No. No inconsistency.
14:32:24 7 Q Completely consistent?
14:32:26 8 A Yes.
14:32:26 9 Q And is a knife like this considered a deadly
14:32:28 10 weapon in the State of Texas?
14:32:29 11 A Yes.
14:32:30 12 Q And we also have some other legal terms. You
14:32:32 13 are familiar with the legal term of "act clearly
14:32:36 14 dangerous to human life"?
14:32:37 15 A Yes.
14:32:38 16 Q Is stabbing someone with a knife like that, in
14:32:40 17 the region of the wound you observed, is that an act
14:32:44 18 clearly dangerous under Texas law?
14:32:46 19 A Yes.
14:32:56 20 Q Finally, let me finish up with just two
14:32:58 21 questions, for the record. The official cause of death
14:33:02 22 of Austin Metcalf was what?
14:33:04 23 A The result of a stab wound of the chest.
14:33:07 24 Q And the manner of death in this case was what,
14:33:10 25 Doctor?

14:33:11 1 A Homicide.

14:33:13 2 MR. WIRSKYE: I'll pass the witness.

14:33:21 3 THE COURT: Hang on, Mr. Shook. Is it
14:33:22 4 on?

14:33:23 5 MR. SHOOK: I think so.

14:33:23 6 THE COURT: Yes, sir, it is. Thank you.

7 CROSS-EXAMINATION

14:33:25 8 BY MR. SHOOK:

14:33:25 9 Q I have a few questions for you, Dr. Ventura.
14:33:32 10 In your report and in the drawing, if I could see --

14:33:39 11 MR. SHOOK: Is that over here?

14:33:41 12 Q -- you list the wound being obliquely
14:33:56 13 oriented.

14:33:57 14 A Yes.

14:33:57 15 Q Can you explain -- and I believe you said from
14:33:59 16 left superior to right inferior. Could you explain to
14:33:59 17 the jury what you meant by that?

14:34:16 18 A Yes. So the point on the body -- to the left
14:34:21 19 side of the body on the diagram, it has a little bit of
14:34:26 20 a higher position on the body.

14:34:30 21 Q This side?

14:34:30 22 A Yes. So that is the superior angle on the
14:34:37 23 defect. It's higher up from the head. And the opposite
14:34:42 24 side of it is more inferior, and so it is just giving a
14:34:47 25 description that the wound did not enter the body

14:34:52 1 horizontally -- completely horizontal or completely
14:34:56 2 vertical. It had a little bit of an angle to it.

14:34:59 3 Q And, obviously, in your career, you have seen
14:35:02 4 all different types of angles when knife wounds
14:35:06 5 penetrate bodies?

14:35:07 6 A Correct.

14:35:08 7 Q With this one oblique, is it more slightly
14:35:10 8 oblique -- it probably can be seen better in the
14:35:14 9 photos -- but it is not at a 45-degree angle, for
14:35:18 10 instance?

14:35:19 11 A Correct.

14:35:19 12 Q Did it appear to you it could almost be
14:35:21 13 horizontal?

14:35:24 14 A It was a little more than horizontal.

14:35:27 15 Q But kind of closer to -- obviously, much
14:35:29 16 closer to a horizontal than vertical?

14:35:32 17 A Yes.

14:35:38 18 Q And can you tell by looking at the wound if it
14:35:42 19 was caused by a single-edged or a double-edged knife?

14:35:46 20 A No. Both of the angles were sharp, and so in
14:35:51 21 this case, just looking at the defect on the chest in
14:35:55 22 the pictures, it is hard to say that one angle was
14:36:00 23 sharp, one angle was blunt. Both of them in the picture
14:36:05 24 appeared to be both sharp.

14:36:07 25 Q Okay. And what you've seen is -- by the knife

14:36:11 1 that's in -- that was shown to you for demonstrative
14:36:14 2 evidence, is that the type of knife that could cause
14:36:18 3 that wound, where there is only one side of the blade,
14:36:20 4 but it could still appear that both sides were sharp?

14:36:25 5 A Yes.

14:36:25 6 Q And you said that the knife penetrated near --
14:36:36 7 is it where the cartilage of the sternum comes together
14:36:40 8 with the ribs?

14:36:40 9 A Yes.

14:36:41 10 Q Did it go through bone or just part of the
14:36:43 11 cartilage?

14:36:44 12 A The cartilage.

14:36:46 13 Q Is that near the sternum?

14:36:48 14 A Yes.

14:36:54 15 Q You estimated -- is it exact depth of
14:36:57 16 two-and-a-half inches for penetration of the wound? Is
14:36:59 17 that as best you can get?

14:37:01 18 A Yes, it was approximated.

14:37:03 19 Q Okay. Do you feel it is pretty accurate,
14:37:04 20 though?

14:37:05 21 A Yes.

14:37:07 22 Q As far as -- sometimes you get asked questions
14:37:10 23 about how much force was used to cause a stab wound; do
14:37:18 24 you not?

14:37:18 25 A Yes.

14:37:20 1 Q Do you have a way of measuring force for knife
14:37:23 2 wounds?

14:37:24 3 A No.

14:37:25 4 Q Okay. Obviously, a stab wound to the skull or
14:37:30 5 something would be -- you need a whole lot of force for
14:37:33 6 that?

14:37:33 7 A Correct.

14:37:36 8 Q One indication would be if you -- if you know
14:37:40 9 or if the police, let's say, know, the weapon -- they
14:37:45 10 are in possession of the weapon that caused it, in the
14:37:48 11 case of -- let's say, you have a four-inch-depth stab
14:37:52 12 wound, but the weapon that caused that wound is only two
14:37:55 13 inches in length, does that indicate a lot of force was
14:37:59 14 used to cause that particular knife wound?

14:38:02 15 A Yes, it could mean that a person pressed deep
14:38:06 16 on the body in order to make it go deeper inside the
14:38:10 17 body than the length of the blade.

14:38:13 18 Q And do you see that sometimes in chest wounds?

14:38:16 19 A Yes, sir.

14:38:16 20 Q Is that because if someone was -- used a lot
14:38:19 21 of force to make the stab, it can push the ribs and body
14:38:24 22 down, which causes the knife to go deeper into the body
14:38:28 23 a greater length?

14:38:31 24 A Correct.

14:38:31 25 Q And that would be an indication of greater

14:38:35 1 force?

14:38:36 2 A Correct.

14:38:37 3 Q In this case, the knife in question has been
14:38:41 4 measured at three-and-a-half inches for the blade. And
14:38:46 5 your best approximation is this was two-and-a-half
14:38:50 6 inches depth for the wound?

14:38:51 7 A Yes, an approximation.

14:38:53 8 Q Okay. And so this isn't the situation that we
14:39:04 9 just talked about, where you see it is a clear
14:39:07 10 indication of a lot more force, where the blade goes
14:39:10 11 longer than -- the wound goes longer than what the
14:39:13 12 actual blade was?

14:39:14 13 A Yes, that can happen.

14:39:16 14 Q Okay. And you said, I believe, you couldn't
14:39:29 15 tell which side -- of the edges of the wound, which side
14:39:33 16 the blade was -- caused the injury?

14:39:38 17 A Correct, because they were both described as
14:39:41 18 sharp.

14:39:41 19 Q Also, in your report, you said -- you noted
14:39:53 20 that the wound had no significant lateral or vertical
14:39:57 21 deviation. Do you recall that?

14:39:59 22 A Yes.

14:40:00 23 Q Could you explain to the jury what you meant
14:40:03 24 by that?

14:40:04 25 A So as a medical examiner, I also give a

14:40:07 1 direction of the injury through the body in the anatomic
14:40:12 2 position. So in the diagram where I have my notes and a
14:40:15 3 picture of the stab wound on the chest, that diagram was
14:40:20 4 standing in the anatomic position. So facing forward,
14:40:23 5 palms forward, feet facing forward.

14:40:25 6 And using the anatomic position, I give a
14:40:30 7 direction of the injury through the body. In this case,
14:40:33 8 I documented it as front-to-back only. Sometimes I can
14:40:40 9 give a right-to-left deviation or upward-or-downward
14:40:45 10 deviation. In this case, it was only front to back.

14:40:51 11 Q You have seen different -- all kinds of knife
14:40:56 12 injuries in autopsies over the years. When you see --
14:41:00 13 you say you could see them being lateral or you could
14:41:04 14 see how they cut through the body, depending how the
14:41:08 15 person might be swinging the knife and striking a body?

14:41:11 16 A Yes.

14:41:13 17 Q In this case, when you finally find, or your
14:41:16 18 findings were it was front-to-back, is that an
14:41:18 19 indication the knife was straight in and then out?

14:41:22 20 A It is an indication that when it entered the
14:41:24 21 body, it only went front to back.

14:41:29 22 Q Okay. You have seen also bodies that have
14:41:33 23 come in that a person died from knife wounds, and there
14:41:36 24 could be many, many knife wounds on the body?

14:41:39 25 A Correct.

14:41:40 1 Q You have seen bodies where there are
14:41:43 2 penetration wounds that caused death, but also slashing
14:41:47 3 wounds on the arms and hands, and things like that?
14:41:50 4 A Yes.
14:41:50 5 Q But in this case, it was just one single knife
14:41:54 6 wound that went front to back?
14:41:56 7 A Correct.
14:41:59 8 Q You can't tell the jury how much force was
14:42:02 9 used to cause that knife (sic)?
14:42:07 10 A No, I cannot.
14:42:08 11 Q Does that depend, also, on the sharpness of
14:42:11 12 the blade?
14:42:11 13 A It could be a factor.
14:42:13 14 Q And how pointed the blade is?
14:42:16 15 A Yes, that could be a factor.
14:42:18 16 Q The sharper -- and the sharper point of the
14:42:20 17 blade, the easier the knife penetrates the body?
14:42:23 18 A Yes.
14:42:28 19 MR. SHOOK: Okay. May I approach the
14:42:29 20 witness?
14:42:30 21 THE COURT: Yes, sir.
14:42:34 22 Q I know you get asked questions like this a lot
14:42:36 23 by lawyers, but could that -- would it be consistent if
14:42:43 24 the person, the victim, was standing over the
14:42:49 25 Defendant -- if they were seated, let's say, on a

14:42:52 1 bleacher in a stadium, okay? Just in a seated position.
14:42:56 2 And if the victim had come over in an attempt to remove
14:43:01 3 him from that bench, throw him off the bench, whatever,
14:43:05 4 grabbed that person or pushed that person or grabbed
14:43:08 5 that person from front to back, shoved him back, and
14:43:13 6 that person was holding a knife between their legs, in a
14:43:18 7 bag, with their right hand, and they were shoved back,
14:43:23 8 the knife came out, if that person were over this
14:43:25 9 person, put the knife up, could that cause that type of
14:43:30 10 injury?

14:43:30 11 A It can cause the angle going front to back.

14:43:34 12 Q If the -- if the victim were over him in an
14:43:37 13 angle that way, so it was straight on?

14:43:40 14 A The victim was over the body or -- I'm sorry.

14:43:43 15 Q Yeah, the victim was over the body, the
14:43:46 16 Defendant was sitting down, if they reached in and
14:43:51 17 grabbed him, forcefully pushed back, pulled up, could
14:43:59 18 that cause the knife (sic), if the victim just stuck the
14:44:02 19 knife -- if the Defendant stuck the knife out?

14:44:04 20 A Yes.

14:44:05 21 Q That would be consistent?

14:44:06 22 A Yes. There are many possibilities, because
14:44:09 23 the body is in constant motion, and it is hard for me to
14:44:14 24 say. But yeah, there are -- it can be consistent with
14:44:17 25 that. But my trajectory is given in the anatomic

position, so it is not the position the person was in, probably, when he sustained the injury.

It could have been in a different position. So there can be multiple positions that the person was in when they received a front-to-backward trajectory through their body. But if the decedent was over the Defendant, and he reached up and stabbed him going front to back, that can be consistent with it.

Q Okay. And as far as how easily that knife penetrated the body depends on how sharp the knife is; is that correct?

A That can be a factor.

Q How pointed the blade is?

A That can be a factor.

Q If the decedent grabbed the Defendant forcefully, shoved back and then jerked up, could that also contribute to how far the knife went in?

A The force?

Q The force of being pulled back up, could that also be added in to the force of the stabbing motion as well?

A Any type of force could contribute to more force than needed to enter the body.

Q Okay. You could, obviously, and are asked, that could happen in many different ways, but the

14:45:54 1 scenario we described, that could be one of the ways it
14:45:57 2 could have happened?

14:45:58 3 A For the trajectory to enter the body?

14:46:01 4 Q Yes, ma'am.

14:46:02 5 A Yes.

14:46:03 6 Q You couldn't rule that out, but that's -- you
14:46:04 7 couldn't say that couldn't have happened that way?

14:46:07 8 A If I -- I could not say it because I was not
14:46:10 9 there, I didn't witness it. So there are multiple
14:46:14 10 possibilities; that could be one of them.

14:46:15 11 Q One more question. You had ruled, in your
14:46:33 12 opinion, this was a homicide. Is that a common phrase
14:46:36 13 you use for every -- it isn't unique to this case.
14:46:42 14 Could you explain to the jury why medical examiners use
14:46:47 15 the word "homicide"?

14:46:48 16 A Yes. So there are five types of manners of
14:46:52 17 death. There is natural, which is due to internal
14:46:56 18 disease. There is accident, which the injury -- an
14:47:01 19 injury led to the death, an unintentional injury.
14:47:05 20 Suicide, which means the person who died did it; a
14:47:11 21 self-inflicted injury to themselves. Homicide, which is
14:47:15 22 the death resulted from the intentional actions of
14:47:20 23 another person; and undetermined, where there is
14:47:24 24 insufficient evidence to put a category association with
14:47:30 25 the death. There is not enough evidence to say natural

14:47:33 1 or accident or homicide or suicide. Those are the five
14:47:38 2 types of death. So in this case, this was classified as
14:47:41 3 a homicide in medical terms, because the death was the
14:47:44 4 result of the intentional actions of another individual.

14:47:49 5 MR. SHOOK: That's all the questions I
14:47:50 6 have.

14:47:51 7 THE COURT: Pass the witness?

14:47:53 8 MR. SHOOK: Pass the witness.

14:47:53 9 THE COURT: Mr. Wirskye?

10 REDIRECT EXAMINATION

14:47:54 11 BY MR. WIRSKYE:

14:47:55 12 Q Doctor, you hinted at it, but I am not sure
14:47:58 13 the jury either heard you or understands the full import
14:48:02 14 of what I think you were trying to say.

14:48:04 15 There is a lot of dangers in doing
14:48:07 16 re-enactments, like we just saw counsel do in the
14:48:11 17 courtroom, correct?

14:48:12 18 A Correct.

14:48:13 19 Q In this particular case, almost anything would
14:48:17 20 be consistent, right?

14:48:20 21 A There are multiple scenarios that could be
14:48:22 22 consistent with the trajectory.

14:48:23 23 Q And when we talk about multiple, it could be
14:48:26 24 in the hundreds or thousands, because you have the
14:48:29 25 weapon, you have two people moving at multiple planes at

14:48:34 1 multiple times, so it would be very easy to construct a
14:48:36 2 scenario that would fit your findings, but it would be
14:48:40 3 very foolhardy for the jury to extrapolate that any
14:48:44 4 particular scenario is what happened that day. would
14:48:46 5 you agree with that?

14:48:47 6 A Yes.

14:48:51 7 Q So I believe -- I don't want the jury to walk
14:48:53 8 away, to think that somehow Austin Metcalf impaled
14:48:57 9 himself on Karmelo Anthony's knife --

14:49:00 10 MR. SHOOK: Objection --

14:49:01 11 THE COURT: Stop, everybody. Let him
14:49:02 12 finish his question and then I will entertain your
14:49:05 13 objection.

14:49:05 14 Don't answer until I rule on an
14:49:07 15 objection.

14:49:08 16 Go ahead.

14:49:09 17 Q It wouldn't be fair, in your professional
14:49:11 18 estimation, for any jury to walk away thinking the
14:49:15 19 scenario counsel just described, where Austin Metcalf
14:49:18 20 virtually impaled himself on Karmelo Anthony's knife;
14:49:24 21 all you can say it is consistent? You can't say whether
14:49:26 22 it is probable or not; it is just possible, correct?

14:49:28 23 THE COURT: Do you have an objection, Mr.
14:49:30 24 Shook?

14:49:30 25 MR. SHOOK: No, Judge.

14:49:32 1 THE COURT: You may answer.

14:49:33 2 A Correct.

14:49:34 3 Q So it is very dangerous to make those sort of

14:49:38 4 assumptions in a courtroom, correct?

14:49:41 5 A Correct.

14:49:42 6 Q Do you watch TV at all?

14:49:44 7 A Yes.

14:49:45 8 Q In TV, they do that all the time, don't they?

14:49:48 9 A Yes.

14:49:48 10 Q It is very frustrating for those of us in the

14:49:50 11 business that the actual limits of any particular

14:49:53 12 forensic discipline are not accurately portrayed on TV.

14:49:57 13 would you agree with that?

14:49:58 14 A Yes.

14:50:01 15 Q So the impaling scenario is one of just

14:50:04 16 hundreds or thousands, correct?

14:50:07 17 A Correct.

14:50:08 18 Q That could be a full force knife wound,

14:50:11 19 correct?

14:50:12 20 A Correct.

14:50:13 21 Q So let's talk about that. Counsel talked

14:50:16 22 about force. The analysis that you hinted at is very

14:50:19 23 rough, or gross, to use your language; sometimes if

14:50:24 24 the -- the wound is deeper than the blade, generally

14:50:28 25 speaking, you could extrapolate more force was used,

14:50:31 1 correct?

14:50:32 2 A Correct.

14:50:32 3 Q But there could be multiple other reasons for

14:50:34 4 that scenario, correct?

14:50:36 5 A Correct.

14:50:37 6 Q Let's take the converse of that scenario,

14:50:39 7 which we have here. The depth of the wound is shorter

14:50:42 8 than the length of the blade. That could be due to less

14:50:46 9 than full force; it could be interposed target, like

14:50:50 10 cartilage of the sternum, correct?

14:50:52 11 A Correct.

14:50:52 12 Q So it would be foolhardy for this jury to walk

14:50:55 13 away from your testimony, to think your testimony made

14:51:01 14 any scenario more or less likely, when everything,

14:51:04 15 virtually, is possible, correct?

14:51:06 16 A Correct.

14:51:07 17 Q The only way you would know what scenario is

14:51:09 18 feasible is if you had solid, reliable, anecdotal

14:51:14 19 evidence, correct?

14:51:15 20 A Correct.

14:51:15 21 Q Like multiple eyewitnesses that came in and

14:51:18 22 told the same story?

14:51:20 23 A Yes.

14:51:24 24 Q You mentioned you have done many knife cases,

14:51:26 25 and I know you have, because you worked in Dallas,

14:51:29 1 correct?

14:51:29 2 A Yes.

14:51:30 3 Q Okay. There was this multiple wound scenario,
14:51:34 4 like maybe there was only one knife wound and that's not
14:51:39 5 as bad as multiple knife wounds. Do you remember that
14:51:42 6 line of questioning?

14:51:42 7 A Yes.

14:51:43 8 Q It only takes one, doesn't it?

14:51:45 9 A Yes.

14:51:45 10 Q And one like this just simply isn't
14:51:48 11 survivable, is it?

14:51:49 12 A Correct.

14:51:50 13 Q Now, let's -- one thing counsel didn't touch
14:51:53 14 on, and I think I forgot about it when I talked to you
14:51:56 15 the first time, all of these knife cases you have done
14:51:59 16 in your career, can you explain to the members of the
14:52:02 17 jury what a defensive wound is?

14:52:06 18 A Defensive wounds are typically on the hands or
14:52:10 19 the forearm, and most of them are incisions, which means
14:52:14 20 they are longer on the surface of the skin and don't
14:52:17 21 penetrate as deeply. But typically, they are on the
14:52:20 22 person who is defending himself, because their hands are
14:52:23 23 up, and the person who is attacking them is making
14:52:28 24 incisions on their hands or forearms as they are trying
14:52:32 25 to protect themselves.

14:52:33 1 Q That's because the natural human reaction, if
14:52:36 2 you see the knife coming, is to put your hands up,
14:52:39 3 right?

14:52:40 4 A Correct.

14:52:40 5 Q Did you find any defensive knife wounds on
14:52:43 6 Austin Metcalf?

14:52:44 7 A No.

14:52:44 8 Q It could be he just didn't see it coming,
14:52:46 9 right?

14:52:47 10 A Yes.

14:52:48 11 MR. WIRSKYE: I will pass the witness.

14:52:53 12 THE COURT: Mr. Shook.

14:52:54 13 MR. SHOOK: One moment, Judge.

14 14 RECROSS-EXAMINATION

14:52:56 15 BY MR. SHOOK:

14:53:02 16 Q You get asked these questions every murder
14:53:06 17 trial, by prosecutors and defense attorneys, about it
14:53:09 18 could be consistent with this or it could be consistent
14:53:11 19 with that; do you not?

14:53:13 20 A Yes.

14:53:13 21 Q Okay. Prosecutors ask you those questions?

14:53:16 22 A Yes.

14:53:16 23 Q And defense attorneys ask you those questions?

14:53:18 24 A Yes.

14:53:19 25 Q And your answer is the same; that could be one

14:53:22 1 scenario, it could be many others?

14:53:25 2 A Yes.

14:53:25 3 Q Okay. I never asked you if Austin Metcalf
14:53:28 4 impaled himself with a knife, did I?

14:53:31 5 A No.

14:53:32 6 MR. SHOOK: There's all I have, Judge.

14:53:33 7 THE COURT: Okay. Thank you, Mr. Shook.
14:53:35 8 Mr. Wirskye?

14:53:36 9 MR. WIRSKYE: Nothing further from the
14:53:37 10 doctor.

14:53:38 11 THE COURT: Is this excused by the State?

14:53:40 12 MR. WIRSKYE: No objection from the
14:53:40 13 State.

14:53:41 14 THE COURT: And by the Defense?

14:53:43 15 MR. SHOOK: Yes, Your Honor.

14:53:43 16 THE COURT: Okay. Doctor, you are free
14:53:45 17 to leave. Thank you.

14:53:54 18 Mr. Wirskye, call your next witness.

14:53:57 19 MR. WIRSKYE: At this time, Your Honor,
14:53:58 20 ladies and gentlemen of the jury, the State rests its
14:54:02 21 case in chief in guilt.

14:54:04 22 THE COURT: Thank you, Mr. Wirskye.

14:54:04 23 Ladies and gentlemen, that means, like
14:54:05 24 you just heard, the State has rested its case. We are
14:54:09 25 going to take a recess, as we regroup and see what the

14:54:13 1 next steps are. Please go with the sheriffs.

14:54:17 2 Thank you. Do not talk about the case.

14:54:19 3 THE BAILIFF: All rise.

4 (Jury not present.).

14:54:43 5 THE COURT: Let the record reflect the

14:54:45 6 jury has left the courtroom.

14:54:47 7 Mr. Howard, what says the Defense?

14:54:48 8 MR. HOWARD: The Defense, at this time,

14:54:49 9 moves for a directed verdict.

14:54:51 10 THE COURT: Can you put the microphone

14:54:53 11 on? We are going to do it this way. It is actually --

14:54:55 12 we can hear you a lot better when you do it.

14:54:57 13 All right. Go ahead, sir. We're outside

14:55:02 14 the presence of the jury.

14:55:03 15 MR. HOWARD: Yes, sir. At this time, the

14:55:05 16 Defense would move for a directed verdict, based on the

14:55:11 17 Defense's belief that the State has not proved each and

14:55:14 18 every element of the indictment as charged, specifically

14:55:17 19 the mens rea element of intent or knowledge, as to

14:55:21 20 either the primary allegation in the indictment or the

14:55:23 21 alternative act clearly dangerous to human life

14:55:27 22 allegation.

14:55:27 23 THE COURT: Okay. Mr. Wirskey, your

14:55:29 24 response?

14:55:29 25 MR. WIRSKYE: Just simply, the State has

14:55:31 1 provided multiple evidence on each and every element of
14:55:35 2 this crime before the Court.

14:55:37 3 THE COURT: Okay. Mr. Howard, your
14:55:38 4 motion is denied.

14:55:40 5 MR. HOWARD: Yes, sir.

14:55:40 6 THE COURT: What says the Defense?

14:55:42 7 MR. HOWARD: At this time, we would
14:55:43 8 request -- well, may I have a moment?

14:55:47 9 THE COURT: Sure. Absolutely.

14:56:06 10 MR. HOWARD: May we approach?

14:56:08 11 THE COURT: Yes, over here.

12 (Off-the-record discussion.)

14:56:11 13 THE COURT: All right. Ladies and
14:56:39 14 gentlemen we'll be taking a recess for about 10 minutes.
14:56:42 15 Please follow the instructions of security personnel.
14:56:45 16 Thank you.

17 (Recess in proceedings.)

15:10:27 18 THE COURT: Everyone be seated.

15:10:29 19 Is the Defense ready?

15:10:31 20 MR. SHOOK: The Defense is ready.

15:10:33 21 THE COURT: Is the State ready?

15:10:34 22 MR. WIRSKYE: The State is ready.

15:10:36 23 THE COURT: Bring in the jury.

15:10:57 24 If we are not going to fill the seats
15:11:00 25 over there, if we have people wanting to come in, I

15:11:02 1 think they should be able to come in.

15:11:06 2 (Discussion with staff.)

15:11:06 3 THE COURT: Thank you for doing that.

15:12:18 4 That's it?

15:12:19 5 UNIDENTIFIED SPEAKER: That's it for now.

15:12:37 6 THE BAILIFF: All rise.

7 (Jury present.)

15:12:40 8 THE COURT: Everyone be seated.

15:13:05 9 Mr. Howard, call your first witness.

15:13:11 10 MR. HOWARD: Yes, Your Honor.

15:13:11 11 THE COURT: Yeah, give me a second.

15:13:13 12 Okay.

15:13:21 13 MR. HOWARD: Yes, Your Honor. The

15:13:21 14 Defense calls Adam Linwood.

15:13:45 15 THE COURT: Hey, sir, come through the

15:13:47 16 courtroom. You are headed to this black chair to my

15:13:49 17 right. Over here.

15:13:51 18 Before you sit down, turn to me and raise

15:13:54 19 your right hand.

15:13:56 20 THE WITNESS: Yes, sir.

21 (Witness sworn.)

15:14:01 22 THE COURT: Put your hand down and be

15:14:02 23 seated, please.

15:14:03 24 Mr. Howard.

15:14:03 25 MR. HOWARD: Thank you, Your Honor.

15:14:10 1 okay. Thank you, Your Honor.

15:14:16 2 THE COURT: Yes, sir.

3 ADAM LINWOOD,
4 having been first duly sworn, testified as follows:

5 DIRECT EXAMINATION

15:14:16 6 BY MR. HOWARD:

15:14:20 7 Q Can you please introduce yourself to the jury?

15:14:22 8 A Yes. My name is Adam Linwood.

15:14:25 9 Q And what do you do for a living?

15:14:27 10 A I'm the football coach and track coach at
15:14:30 11 Centennial High School.

15:14:32 12 Q Tell the jury -- I would like to just kind of
15:14:35 13 start by talking a little bit about you as a person,
15:14:38 14 okay? where are you from?

15:14:41 15 A Garland, Texas.

15:14:43 16 Q So you were born and raised here?

15:14:45 17 A Yes, sir.

15:14:45 18 Q And tell the jury a little about your
15:14:50 19 education that led you into coaching, please.

15:14:53 20 A After high school, I played a year of football
15:14:55 21 at Hawaii University, and then I transferred to
15:15:00 22 Northeastern Oklahoma, and I finished my career at
15:15:03 23 Louisiana Tech. I always wanted to be a part of
15:15:07 24 something football related, so I got into coaching once
15:15:10 25 I graduated, and I've been coaching for 13 years.

15:15:15 1 Q And has that been football for all 13 years?

15:15:19 2 A Yes, sir.

15:15:19 3 Q And where did you start your coaching journey?

15:15:23 4 A Dangerfield. It is a small town in East

15:15:25 5 Texas.

15:15:26 6 Q Okay. And was that -- is that a middle

15:15:29 7 school, a high school? What was that?

15:15:31 8 A I did both middle school and high school

15:15:34 9 football, and I did basketball and baseball there, as

15:15:37 10 well.

15:15:38 11 Q When you are starting out as a coach, is it

15:15:40 12 pretty common that you have multiple roles, and

15:15:44 13 sometimes, you are filling shoes in sports you don't

15:15:46 14 really have a lot of background in; is that fair?

15:15:48 15 A Yes, sir.

15:15:49 16 Q And that's been your experience, at least in

15:15:51 17 the beginning?

15:15:52 18 A Yes, sir.

15:15:52 19 Q So how long were you in Dangerfield?

15:15:55 20 A Two years.

15:15:56 21 Q And where did you go after that?

15:15:57 22 A I went to Duncanville ISD.

15:16:00 23 Q Duncanville in the southern part of the

15:16:04 24 Dallas/Fort Worth metroplex?

15:16:05 25 A Yes, sir.

15:16:05 1 Q How long were you at Duncanville?

15:16:07 2 A Three years.

15:16:08 3 Q And did you coach just football there or other

15:16:10 4 sports as well?

15:16:12 5 A Football and track.

15:16:14 6 Q And I didn't ask this, and I am not going

15:16:17 7 through every coaching position, but often, as a coach,

15:16:19 8 you don't just get hired as a head coach; you might

15:16:22 9 start out as a position coach for, you know, just

15:16:25 10 quarterbacks or just defensive backs, or whatever.

15:16:29 11 Let's just start at Duncanville. When you were there,

15:16:33 12 what were your coaching duties?

15:16:35 13 A I was the running backs coach; and then in

15:16:37 14 track, I was in charge of jumpers and sprinters.

15:16:40 15 Q Okay. Was that the first time that you had

15:16:43 16 coached track was at Duncanville?

15:16:45 17 A No, sir. Dangerfield.

15:16:46 18 Q I missed it. Okay. Okay. So -- and how long

15:16:50 19 did you stay at Duncanville?

15:16:52 20 A I was there three years.

15:16:54 21 Q Three years. And so after -- and I didn't ask

15:16:57 22 this earlier, and I am not going to go backwards, but

15:17:00 23 were there gaps between the positions, or was it you

15:17:03 24 went from one position to the next?

15:17:05 25 A One position to the next.

15:17:06 1 Q Okay. So after three years at Duncanville,
15:17:11 2 where did you go after that?
15:17:13 3 A Frisco Centennial.
15:17:14 4 Q Okay. And then how -- what year did you start
15:17:17 5 at Frisco Centennial?
15:17:19 6 A I've been there eight years, so eight years
15:17:21 7 ago.
15:17:22 8 Q Eight years ago. Okay. The activity put me
15:17:24 9 on the spot; if you put me on the spot in math, I
15:17:27 10 wouldn't be able to, either.
15:17:29 11 Okay. So when you started at Centennial, what
15:17:33 12 did you get hired to do?
15:17:34 13 A I was the running backs coach.
15:17:38 14 Q So just football first?
15:17:40 15 A No, and the assistant track coach. So I did
15:17:43 16 football and track.
15:17:44 17 Q So running backs coach and assistant track
15:17:46 18 coach?
15:17:46 19 A Yes, sir.
15:17:48 20 Q And how long did you stay as assistant track
15:17:53 21 coach before -- I believe you are now the head track
15:17:54 22 coach?
15:17:56 23 A Yes, sir.
15:17:56 24 Q How long was that journey?
15:17:57 25 A I got hired as a head track coach three years

15:18:00 1 ago.

15:18:01 2 Q So you said eight years. So the first five
15:18:02 3 years as assistant, and then for three years, you have
15:18:07 4 been the head track coach?

15:18:08 5 A Yes, sir.

15:18:09 6 Q What about football? Are you still the
15:18:11 7 running backs coach, or have you taken on other roles?

15:18:14 8 A No, sir. So three years ago, I became the
15:18:17 9 receivers' coach and the offensive coordinator.

15:18:20 10 Q Got it. I would like to talk to you
15:18:25 11 specifically about -- I don't know a better way to say
15:18:29 12 this -- kind of the culture of track and how it differs
15:18:33 13 from other sports.

15:18:34 14 A Uh-huh.

15:18:35 15 Q You -- you said you played football, right?

15:18:37 16 A Yes, sir.

15:18:39 17 Q Football, is it fair to say, has more of an
15:18:42 18 aggressive, us-versus-them team mentality?

15:18:47 19 A Yes, sir.

15:18:48 20 Q We've all seen advertisements for, like, Under
15:18:51 21 Armour, protect this house, and it is a warrior culture,
15:18:55 22 for lack of a better term; is that fair?

15:18:58 23 A Yes, sir.

15:18:59 24 Q How is track either different or similar to
15:19:04 25 that?

15:19:05 1 A How we talked about it within our staff, it's
15:19:07 2 like organized chaos. There is coaches being pulled in
15:19:12 3 different directions, so it is more of a player-led
15:19:17 4 sport, because there is a lot of moving parts with that
15:19:20 5 sport.

15:19:21 6 Q All right. Specific to, you know, a football
15:19:26 7 game takes two or three hours, depending on delays and
15:19:30 8 whatnot, what's your typical track meet look like
15:19:34 9 time-wise?

15:19:35 10 A Typically, we are there at either 6:00 or 7:00
15:19:38 11 in the morning until 6:00, 7:00, 8:00, at night.

15:19:42 12 Q It is a long day?

15:19:43 13 A Yes, sir.

15:19:45 14 Q And, you know, when you play football, the
15:19:48 15 game starts at 7:00 p.m. kickoff, and then you are
15:19:51 16 playing until halftime and then you are playing until
15:19:54 17 the end, right?

15:19:56 18 A Yes, sir.

15:19:56 19 Q Unless you are on the bench or not a starter,
15:19:59 20 you are pretty much engaged throughout the entire game;
15:20:04 21 is that fair?

15:20:04 22 A Yes, sir.

15:20:05 23 Q What about track?

15:20:07 24 A There is a lot of downtime. Typically, it is
15:20:11 25 like sitting and waiting for your event. It just

15:20:15 1 depends on what you are running or what event you are
15:20:18 2 doing.

15:20:19 3 Q So if I am in two or three, or four events,
15:20:22 4 they could be back-to-back or they could be spread out
15:20:24 5 where I have hours of downtime in between?

15:20:29 6 A Yes, sir.

15:20:31 7 Q Is it fair to say that that kind of leads to a
15:20:35 8 more relaxed kind of mingling atmosphere at track
15:20:40 9 events, compared to football, or something like that?

15:20:43 10 A Yes, sir.

15:20:44 11 Q Is that -- other than coaches being pulled in
15:20:48 12 all directions, is that kind of what you meant by
15:20:50 13 organized chaos?

15:20:55 14 A Yes, sir.

15:20:56 15 Q I want to -- staying on the topic of track, I
15:20:58 16 want to talk to you about the tents or areas that track
15:21:06 17 programs set up for the team, okay?

15:21:08 18 A Uh-huh.

15:21:11 19 Q You are familiar, and the jury has heard a lot
15:21:14 20 about the tents that high school track programs often
15:21:19 21 have; is that right?

15:21:20 22 A Yes, sir.

15:21:23 23 Q Are you aware of any policy, whether it is
15:21:26 24 written or informal, back in the 2024 to '25 year,
15:21:33 25 school year, of a policy of players not being allowed or

15:21:38 1 expected not to go into other teams' tent areas?

15:21:43 2 A No, sir.

15:21:47 3 Q Explain to the jury what you mean. I mean, is
15:21:49 4 that something you see players do, you never see players
15:21:53 5 do?

15:21:54 6 A No, we've seen it. We typically have a coach
15:21:57 7 that would sit at the tent to have a sign-out sheet.
15:22:00 8 But there was players or other athletes come over if
15:22:05 9 they know someone, they would come over and say hello,
15:22:07 10 or just hang out. Since it was long hours, it was like
15:22:10 11 a social time for them. I mean, they were there to
15:22:13 12 compete but also, too, they were making friends.

15:22:16 13 MR. HOWARD: Excuse me. I just swallowed
15:22:20 14 some water, Judge.

15:22:25 15 My apologies, and right into a
15:22:29 16 microphone, too. Sorry.

15:22:30 17 Q So you said that -- I lost my train of
15:22:33 18 thought. Can you just summarize what you just said?
15:22:36 19 Not the whole answer, just a summary?

15:22:37 20 A Yes, with all of the downtime, kids would
15:22:40 21 mingle around and meet new people. I mean, it was --
15:22:43 22 that's what track is all about, right? We're there to
15:22:46 23 compete, but they are also there to make new friends or
15:22:49 24 to see friends that they already knew that they are
15:22:51 25 competing against.

15:22:52 1 Q Okay. Is it something that you would commonly
15:22:54 2 see with your players, that they knew kids at other
15:22:58 3 schools and were friends with them?

15:22:59 4 A Yes, sir.

15:23:00 5 Q Is it common that sometimes kids would go to
15:23:02 6 the same middle school and then split off to different
15:23:05 7 high schools and then they would see each other at
15:23:07 8 events?

15:23:08 9 A Yes, sir.

15:23:09 10 Q If -- you said a moment ago that Centennial's
15:23:13 11 policy was to try to have a coach there at the tent,
15:23:19 12 right?

15:23:19 13 A Yes, sir.

15:23:19 14 Q To manage the sign-in-and-out sheet. But also
15:23:25 15 to kind of keep watch, because they are teenagers?

15:23:27 16 A Yes, sir.

15:23:27 17 Q And you have got boys and girls?

15:23:29 18 A Yes, sir.

15:23:30 19 Q If -- and I assume as a head coach, sometimes
15:23:33 20 that's you, sometimes that's somebody else; is that
15:23:36 21 fair?

15:23:37 22 A Yes, sir.

15:23:38 23 Q And I am going to guess you probably have a
15:23:40 24 lot to do as the head coach, but when you were assistant
15:23:43 25 coach, that was probably a lot of the time you; is that

15:23:47 1 fair?

15:23:48 2 A Yes, sir.

15:23:48 3 Q In those times where you have been, for lack

15:23:50 4 of a better term, managing or manning the tent, you have

15:23:53 5 seen kids from other schools come up and say hello?

15:23:57 6 A Yes, sir.

15:23:58 7 Q What about more than say hello? I think you

15:24:01 8 said hang out, but sit down, spend a substantial amount

15:24:03 9 of time under the tent?

15:24:05 10 A Yes, sir.

15:24:06 11 Q Okay. And that's not something that you would

15:24:11 12 kick them out?

15:24:13 13 A No, sir.

15:24:22 14 Q Now, are you aware of other schools, and I am

15:24:29 15 going to use the word policy, but I don't mean,

15:24:31 16 necessarily, written policy, but policy, feelings about

15:24:35 17 kids under their tent that aren't from their school?

15:24:39 18 Are you aware of what other schools do?

15:24:42 19 A No, sir.

15:24:43 20 Q They might feel differently about that; is

15:24:46 21 that fair?

15:24:47 22 A Yes, sir.

15:24:48 23 Q But what I think I hear you saying is you are

15:24:50 24 not aware of any other coach's policies to the contrary?

15:24:54 25 A No, sir.

15:25:00 1 Q It seemed like when I played high school
15:25:03 2 sports, it seemed like the coaches often knew each
15:25:06 3 other, and sometimes they were social and sometimes they
15:25:08 4 didn't like each other. Is that kind of your
15:25:10 5 experience?

15:25:11 6 A Yes, sir.

15:25:11 7 Q So do you often talk to coaches from other
15:25:14 8 schools?

15:25:14 9 A Yes, sir.

15:25:15 10 Q Have you ever gotten a call from a school --
15:25:18 11 from a coach from another school that you deal with
15:25:23 12 saying, hey, no kids from your school under my tent,
15:25:26 13 this is the way we do things? Have you ever been made
15:25:30 14 aware of that?

15:25:36 15 A No, sir.

15:25:43 16 Q Now, has that policy changed since this
15:25:45 17 incident?

15:25:46 18 A Yes, sir.

15:25:47 19 Q So now there is kind of a -- I don't know if
15:25:50 20 it is official, but official or unofficial policy that
15:25:54 21 kids stay in their own school's tents?

15:25:57 22 A Yes, sir.

15:26:01 23 Q Have you -- you were telling me an anecdote
15:26:04 24 when we talked in the hall about a time that kids from
15:26:11 25 another school spent time under your tent like the whole

15:26:15 1 team; is that right?

15:26:16 2 A Yes, sir.

15:26:16 3 Q Tell the jury about that.

15:26:17 4 A Yes, sir. We were in a McKinney track meet
15:26:21 5 and we only had three athletes and they wanted to watch
15:26:25 6 one of the races. Well, the finish line was at our
15:26:29 7 tent, and they asked if they could just sit under it.

15:26:32 8 One guy asked and then he brought his whole team there
15:26:32 9 and they sat under the tent and watched the 200 runners.

15:26:40 10 Q And I think you told me that it was really hot
15:26:42 11 and sunny that day and they were kind of -- you thought
15:26:44 12 hey, it is the whole team but --

15:26:46 13 A Yes, sir.

15:26:46 14 Q -- but let them get out of the sun.

15:26:47 15 A Yes, sir. And I was there, so I was, like,
15:26:50 16 yeah, go right ahead.

15:26:52 17 Q Would it be fair to say it is common for kids
15:26:54 18 to want to take shelter from the weather?

15:27:00 19 A It depends on the team, I would say.

15:27:03 20 Q Okay. Texas sun can be pretty brutal?

15:27:05 21 A Yes, sir.

15:27:06 22 Q Texas rain can be pretty serious or change
15:27:09 23 quickly; is that fair?

15:27:11 24 A Yes, sir.

15:27:12 25 Q I mean, you are from Garland. Have you ever

15:27:14 1 moved away? Have you ever lived away from Texas?

15:27:17 2 A Just in college.

15:27:18 3 Q Oh, right, you said, yeah.

15:27:20 4 Okay. I would like to turn and talk to you a

15:27:23 5 little bit about your time as a football coach, okay?

15:27:27 6 A Yes, sir.

15:27:28 7 Q And so you said that you are a coach for the

15:27:33 8 Centennial football team. And I assume you are aware

15:27:40 9 that Karmelo Anthony played football at Centennial?

15:27:46 10 A Yes, sir.

15:27:46 11 Q I just called him Karmelo, but his friends,

15:27:48 12 and pretty much everybody who knew him, call him Melo?

15:27:52 13 A Yes, sir.

15:27:53 14 Q That was a -- that was the name you commonly

15:27:55 15 heard; is that fair?

15:27:57 16 A Yes, sir.

15:27:57 17 Q What position did Melo play?

15:28:00 18 A He was a defensive back.

15:28:04 19 Q And was he a benchwarmer, a starter, a star

15:28:15 20 player, in the middle? Where would you put him?

15:28:19 21 A He was a starter for us his senior year.

15:28:21 22 Q Okay. So he started his senior year?

15:28:23 23 A Yes, sir.

15:28:44 24 MR. HOWARD: May I approach the witness,

15:28:44 25 Judge?

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THE COURT: Yes, sir.

Q I am showing you what's been marked for
identification purposes at this point as Defense
Exhibit-1. Do you recognize that?

A Yes, sir.

Q What is that?

A That's our captain award flag that's in the
fieldhouse.

Q So you -- is that the photograph of the plaque
in your Centennial fieldhouse that lists the captains
for each year? Is that fair?

A Yes, sir.

Q Who took that photograph?

A I did.

Q Does that fairly and accurately depict the
plaque that's hanging in y'all's fieldhouse?

A Yes, sir.

MR. HOWARD: At this time, the Defense
would offer Defense Exhibit Number 1, and tendering.

THE COURT REPORTER: We've already got a
1.

THE COURT: You already have a 1.

MR. HOWARD: Oh, I will renumber.

For the record, I am offering Defense
Exhibit Number 14, the same that I incorrectly listed.

15:30:15 1 MR. WIRSKYE: No objection to Defense-14.

15:30:18 2 THE COURT: 14 is admitted.

15:30:19 3 MR. HOWARD: Permission to publish, Your
15:30:20 4 Honor?

15:30:21 5 THE COURT: ELMO?

15:30:22 6 MR. HOWARD: Yes, please.

15:30:29 7 Q Okay. So up here -- and I know I can zoom
15:30:33 8 out, but just for the freeze -- team captain award, and
15:30:36 9 then here, right in the middle -- Karmelo Anthony was a
15:30:43 10 senior in the fall of 2024 into the spring of 2025; is
15:30:49 11 that correct?

15:30:50 12 A Yes, sir.

15:30:50 13 Q And so he's listed as a captain of the
15:30:54 14 football team, a co-captain for that fall '24 season; is
15:30:58 15 that fair?

15:30:59 16 A Yes, sir.

15:31:02 17 Q Is that an award that is -- or a designation,
15:31:06 18 I guess I could say, that is from the coaches, is it
15:31:11 19 voted on by the players, is it some combination?

15:31:14 20 A It is the players.

15:31:15 21 MR. HOWARD: Judge, just to approach to
15:31:18 22 put the exhibit up?

15:31:19 23 THE COURT: Sure.

15:31:43 24 Q Okay. So you said that Karmelo played, but
15:31:49 25 you said that he became a starter, starting defensive

15:31:52 1 back, his senior year, the fall of '24?

15:31:55 2 A Yes, sir.

15:31:57 3 Q Prior to that he was not a starter, correct?

15:32:00 4 A To my recollection, I don't remember.

15:32:03 5 Q That's okay. Did he play the entirety of his

15:32:07 6 senior year, the fall of '24, or did his season get cut

15:32:16 7 short?

15:32:16 8 A It got cut short.

15:32:17 9 Q Can you please tell the jury about why his

15:32:20 10 season ended early?

15:32:21 11 A He suffered a significant shoulder injury that

15:32:24 12 needed surgery, so he missed the rest of the season.

15:32:28 13 Q Was that one game into the season, halfway, at

15:32:31 14 the very end?

15:32:32 15 A I believe it was the third game of the season.

15:32:35 16 Q Okay. So -- and no one is going to hold you

15:32:37 17 to the second, third or the fourth, but it was early in

15:32:40 18 the season, but not the first game?

15:32:42 19 A No, sir.

15:32:45 20 Q And you said it was a significant shoulder

15:32:47 21 injury. Fair to say he wore his arm in a sling for a

15:32:52 22 while?

15:32:53 23 A Yes, sir.

15:32:53 24 Q You would see him around; he couldn't play?

15:32:55 25 A No, sir.

15:32:56 1 Q Missed the rest of the season?

15:32:58 2 A Yes, sir.

15:32:58 3 Q And you would see him around school, around

15:33:00 4 the team, arm in a sling consistently; is that fair?

15:33:04 5 A Yes, sir.

15:33:08 6 Q Did he stick around the team or did he, you

15:33:13 7 know, no more games, no more practice, I am not part of

15:33:17 8 the team anymore?

15:33:17 9 A No, sir, he still showed up to practices and

15:33:20 10 to the games.

15:33:23 11 Q Was that the only medical issue that --

15:33:27 12 involving Melo that you were aware of?

15:33:32 13 A No, sir.

15:33:33 14 Q What else were you aware of?

15:33:35 15 A He had a --

15:33:37 16 MR. WIRSKYE: Can I take this witness on

15:33:38 17 voir dire?

15:33:38 18 THE COURT: No, but you can make an

15:33:40 19 objection.

15:33:41 20 MR. WIRSKYE: I will object unless he has

15:33:42 21 personal knowledge of whatever he is getting ready to

15:33:44 22 describe. It has almost got to be hearsay.

15:33:49 23 THE COURT: Okay. I was hoping it was

15:33:50 24 something else, like relevancy.

15:33:53 25 MR. WIRSKYE: I will object on relevancy.

15:33:54 1 I just thought of it, Judge.

15:33:57 2 THE COURT: Can you explain to me how
15:33:59 3 this is relevant to what we are here for today?

15:34:01 4 MR. HOWARD: Without describing what the
15:34:03 5 answer was about to be -- can we approach, then?

15:34:06 6 THE COURT: Uh-huh, you can.

7 (Off-the-record discussion.)

15:35:29 8 MR. HOWARD: Judge, may I have just a
15:35:32 9 minute -- a moment?

15:35:36 10 Are you muting me?

15:35:39 11 THE COURT: Uh-huh, it is muted.

15:36:05 12 Are you ready?

15:36:07 13 MR. HOWARD: Yes, Your Honor.

15:36:09 14 Okay. Thank you, Your Honor.

15:36:12 15 THE COURT: Yes, sir.

15:36:18 16 Q Okay. So we were talking about football. I
15:36:21 17 would like to turn to track, okay? Track, specifically
15:36:27 18 for Karmelo, for Melo -- was Melo a member of the track
15:36:36 19 team?

15:36:36 20 A Yes, sir.

15:36:37 21 Q And was he on your team just his senior year,
15:36:43 22 multiple years?

15:36:44 23 A Multiple years.

15:36:45 24 Q And was he on the team that senior year, which
15:36:49 25 would have been the spring of '25?

15:36:51 1 A Yes, sir.

15:36:54 2 Q What events or what -- I guess, events is the
15:36:58 3 right way to say that -- I wasn't in track -- what
15:37:01 4 events did Melo participate in, to the best of your
15:37:05 5 knowledge?

15:37:08 6 A He ran the 100 meters, four-by-one, and was a
15:37:18 7 long jumper.

15:37:20 8 Q And the jury has heard a little bit about a
15:37:24 9 track meet that happened on March 22nd, 2025 that's been
15:37:30 10 referred to as the Little Elm track meet. And I believe
15:37:33 11 it occurred at Lobo Stadium. Does that all sound
15:37:36 12 correct to you?

15:37:36 13 A Yes, sir.

15:37:37 14 Q You were the track coach. Did you take a team
15:37:39 15 to that event?

15:37:40 16 A Yes, sir.

15:37:41 17 Q Did you take -- was Karmelo part of that team?

15:37:46 18 A Yes, sir.

15:37:46 19 Q Did he participate in events at that track
15:37:52 20 meet, the Little Elm or Lobo International -- or, I'm
15:37:54 21 sorry -- Invitational?

15:37:57 22 A Yes, sir.

15:37:58 23 Q I'm sure you caught that.

15:38:00 24 A Yeah.

15:38:01 25 Q And, in fact, did you kind of print out a

15:38:03 1 printout for us showing Melo and that he placed 16th in
15:38:11 2 the hundred meter dash?

15:38:13 3 A Yes, sir.

15:38:18 4 Q Okay. So do you remember if he was in
15:38:26 5 multiple events in that track meet? You gave us the
15:38:32 6 hundred meter, but you said that he had kind of
15:38:35 7 regularly participated in multiple events. Do you
15:38:38 8 remember if he was in multiple events that day?

15:38:40 9 A No, sir. I don't remember.

15:38:41 10 Q So you are not saying he wasn't; you don't
15:38:44 11 remember?

15:38:45 12 A Yes, sir.

15:38:45 13 Q And to be fair, it has been a year.

15:38:48 14 A Yes, sir.

15:38:54 15 Q And I would like to turn and talk for a moment
15:38:57 16 about the track meet the very next week, roughly 10 days
15:39:01 17 later. The Lobo Inter -- Invitational -- I almost
15:39:04 18 called it International again -- the Lobo Club
15:39:06 19 Invitational of 2025, that's the track meet at
15:39:17 20 Kuykendall that happened on April 2nd, 2025; is that
15:39:17 21 correct?

15:39:20 22 A No, sir. It was the district meet at
15:39:23 23 Kuykendall.

15:39:24 24 Q I had two copies of the same meet. I am so
15:39:26 25 sorry. Yeah, district meet was the one at Kuykendall on

15:39:29 1 April 2nd?

15:39:31 2 A Yes, sir.

15:39:31 3 Q Thank you. You were clearly paying very close

15:39:34 4 attention.

15:39:35 5 Okay. And so Melo, he was part of that team

15:39:38 6 you said?

15:39:38 7 A Yes, sir.

15:39:39 8 Q Do you remember the events that he

15:39:43 9 participated in in that meet?

15:39:45 10 A Yes. He was going to jump for us, long jump;

15:39:49 11 he was an alternate on the four-by-one and he was going

15:39:51 12 to run the hundred meter dash.

15:39:59 13 Q So the four-by, the long jump, and the hundred

15:40:02 14 meter?

15:40:03 15 A Yes, sir.

15:40:03 16 Q And one of those was an alternate? I didn't

15:40:04 17 mean to say that.

15:40:05 18 A Yes, sir.

15:40:29 19 Q The jury has heard a lot about the Centennial

15:40:35 20 tent, or kind of lack thereof, on April 2nd, 2025, so I

15:40:40 21 want to ask you a few questions about that, okay?

15:40:42 22 Did y'all -- by y'all, I mean Centennial, have

15:40:46 23 a tent, normally?

15:40:47 24 A Yes, sir.

15:40:48 25 Q Did y'all have multiple tents?

15:40:51 1 A Yes, sir.

15:40:51 2 Q How big, approximately, was your track team

15:40:54 3 that year? Do you have an idea?

15:40:56 4 A I don't remember.

15:40:57 5 Q Big enough that you needed two tents?

15:40:59 6 A Yes, sir.

15:41:00 7 Q Did y'all normally have tents at these events?

15:41:05 8 A Yes, sir.

15:41:05 9 Q Was the tent at the Kuykendall Stadium April

15:41:12 10 2nd, 2025 event, in that morning?

15:41:17 11 A On my bus, no.

15:41:19 12 Q Do you recall if there was a reason for that?

15:41:21 13 A Yes, sir.

15:41:22 14 Q What was that reason?

15:41:23 15 A Well, we didn't take a lot of kids on my bus

15:41:28 16 that morning, so we didn't have the manpower to put up

15:41:32 17 both tents.

15:41:33 18 Q When you say "your bus," I believe, just to

15:41:36 19 make it clear for the jury, because this is a long event

15:41:40 20 and these kids are in school -- this is a Wednesday,

15:41:43 21 correct?

15:41:44 22 A Yes, sir.

15:41:44 23 Q So kids don't necessarily need to miss the

15:41:46 24 entire day if they have one event in the later

15:41:50 25 afternoon; is that fair?

15:41:51 1 A Yes, sir.

15:41:52 2 Q So it is common practice to have kind of
15:41:54 3 multiple buses, and you are busing kids in and out in
15:41:58 4 waves, if they are not necessary to be there?

15:42:01 5 A Yes, sir.

15:42:01 6 Q Because you don't want kids missing school for
15:42:04 7 no reason, even if they might want to?

15:42:06 8 A Right.

15:42:06 9 Q Okay. So you were on the morning bus?

15:42:11 10 A Yes, sir.

15:42:11 11 Q And that's the one that didn't have the tent
15:42:14 12 because you said you didn't have the manpower?

15:42:16 13 A Yes, sir.

15:42:17 14 Q So when this incident happened, Centennial had
15:42:19 15 no tent, correct?

15:42:22 16 A Yes, sir.

15:42:22 17 Q And Melo was one of those athletes whose
15:42:34 18 events were early enough in the morning that he was
15:42:36 19 necessary to be there in the morning; is that fair?

15:42:38 20 A Yes, sir.

15:42:40 21 Q And when y'all arrived, was it raining or not
15:42:45 22 raining?

15:42:45 23 A When we arrived, it was not raining.

15:42:49 24 Q Was it clouds out, clear blue sky?

15:42:52 25 A No, it was cloudy.

15:42:54 1 Q Did it look like it was about to rain, or how
15:42:57 2 would you describe that?
15:42:58 3 A Yes, sir, it looked like it was about to rain.
15:43:04 4 MR. HOWARD: Pass the witness, Your
15:43:09 5 Honor.
15:43:10 6 THE COURT: Mr. Wirskeye?
15:43:16 7 MR. WIRSKYE: Thank you, Your Honor.
8 CROSS-EXAMINATION
15:43:16 9 BY MR. WIRSKYE:
15:43:18 10 Q Adam Linwood, correct?
15:43:20 11 A Yes.
15:43:20 12 Q My name is Bill Wirskeye. I'm one of the
15:43:22 13 assistant district attorneys that represents the State
15:43:25 14 in this case. How are you?
15:43:27 15 A Good. And you?
15:43:28 16 Q Good. The jury has already heard from a lot
15:43:31 17 of coaches there at the district. Is it okay with you
15:43:34 18 if I just call you Coach?
15:43:35 19 A Yes, sir.
15:43:36 20 Q All right. Tell me again why Centennial
15:43:39 21 didn't have a tent that morning.
15:43:41 22 A Well, the first bus, we didn't take a lot of
15:43:44 23 kids, so we didn't -- we didn't have enough people to
15:43:49 24 put it up. But the tent -- we had a bus coming right
15:43:52 25 behind us with the tent with a bunch of kids that were

15:43:54 1 going to put it up.

15:43:56 2 Q So it just didn't get there in time?

15:43:58 3 A Yes, sir.

15:43:58 4 Q Didn't get there when you thought you might

15:44:01 5 have needed it?

15:44:01 6 A Yes, sir.

15:44:01 7 Q You were there that morning?

15:44:03 8 A Yes, sir.

15:44:03 9 Q Where were you during the murder?

15:44:05 10 A I was at the shotput ring outside the stadium.

15:44:08 11 Q And I imagine you ran over and tried to see

15:44:10 12 what was going on with your athlete?

15:44:13 13 A Yes, sir.

15:44:13 14 Q Did you talk to Karmelo?

15:44:15 15 A No, sir.

15:44:16 16 Q When is the last time you talked to Karmelo

15:44:19 17 before today?

15:44:20 18 A The morning of the track meet.

15:44:22 19 Q You haven't talked to him since?

15:44:24 20 A No, sir.

15:44:24 21 Q All right. There has been some talk about --

15:44:26 22 well, let me back up. You said you grew up in Garland,

15:44:30 23 coached in Duncanville. How long have you been at

15:44:32 24 Frisco?

15:44:33 25 A Eight years.

15:44:33 1 Q Were you happy to come to Frisco?

15:44:35 2 A Yes, sir.

15:44:36 3 Q What's the environment like in the city,

15:44:37 4 what's the environment like in the ISD?

15:44:41 5 A It is great.

15:44:42 6 Q Okay.

15:44:43 7 A Great community.

15:44:44 8 Q I don't mean to disparage Garland or

15:44:46 9 Duncanville, because I still live in Dallas County, but

15:44:48 10 were you happy to get to Frisco?

15:44:50 11 A Yes, sir.

15:44:51 12 Q Good, safe community, right?

15:44:52 13 A Yes, sir.

15:44:52 14 Q And that can't be said of every community in

15:44:55 15 Dallas County, right?

15:44:56 16 A Right.

15:44:57 17 Q All right. There has been some mention about

15:44:59 18 written and unwritten policies there at the district.

15:45:02 19 You are aware, of course, of the written,

15:45:05 20 strictly-enforced policy of no weapons at a track meet,

15:45:08 21 correct?

15:45:09 22 A Yes, sir.

15:45:09 23 Q There is no confusion among the young athletes

15:45:11 24 about the expectation of that?

15:45:16 25 A No, sir.

15:45:16 1 Q Zero tolerance?

15:45:16 2 A Yes, sir.

15:45:18 3 Q I imagine you were shocked as about anyone to

15:45:19 4 hear that somebody brought a knife to a track meet?

15:45:22 5 A Yes, sir.

15:45:22 6 Q I imagine that you were as shocked as anyone

15:45:24 7 to hear that one of your athletes stabbed someone in the

15:45:27 8 chest?

15:45:27 9 A Yes, sir.

15:45:28 10 Q And I imagine you, obviously, don't approve of

15:45:30 11 that?

15:45:31 12 A Right.

15:45:32 13 Q Okay. Fair enough.

15:45:32 14 And about this unwritten rule and all of this

15:45:37 15 tent stuff, do you know Coach Rob Starr at Memorial?

15:45:42 16 A No, sir. I know of him, but I do not know

15:45:44 17 him.

15:45:44 18 Q Does he got a reputation?

15:45:46 19 A I don't know.

15:45:46 20 Q Okay. You don't know him well enough to know?

15:45:48 21 A No.

15:45:49 22 Q How about Coach Chessna Davis?

15:45:52 23 A No, sir.

15:45:52 24 Q She is the female track coach.

15:45:54 25 A Yes.

15:45:54 1 Q You know who she is, right?

15:45:55 2 A Yes, sir, know of her, but not a relationship.

15:45:57 3 Q For lack of a better word, she is track

15:46:00 4 royalty, isn't she?

15:46:01 5 A I have no idea.

15:46:01 6 Q Okay. You are unaware of her career at TCU?

15:46:07 7 A Yes, sir.

15:46:07 8 Q Fair enough. But back in '25, they were the

15:46:10 9 head coaches, male and female, from Memorial. You do

15:46:14 10 know that, right?

15:46:15 11 A Yes, sir.

15:46:15 12 Q And as a coach, it is important to set the

15:46:17 13 tone for your team? That's a yes-or-no.

15:46:19 14 A Yes, sir.

15:46:20 15 Q In fact, you try to set a tone for your team?

15:46:22 16 A Yes, sir.

15:46:22 17 Q And you strike me as a laid-back guy?

15:46:25 18 A Yes, sir.

15:46:25 19 Q Okay. If you don't know anything about Coach

15:46:27 20 starr, suffice to say he is kind of the opposite of you,

15:46:32 21 okay? will you take me at my word?

15:46:34 22 A Yes.

15:46:35 23 Q But it's up to each individual coach to set

15:46:37 24 the tone for their team, correct?

15:46:40 25 A Yes, sir.

15:46:40 1 Q It's up to each individual coach to set the
15:46:43 2 policy for their tent, correct?

15:46:44 3 A Yes, sir.

15:46:44 4 Q In fact, the anecdote you told us earlier, I
15:46:48 5 think you mentioned, without even realizing what you
15:46:49 6 were saying, it was okay because I was there. Do you
15:46:53 7 remember saying that?

15:46:55 8 A Yes, sir.

15:46:55 9 Q That story you told us about another team
15:46:57 10 watching a race --

15:46:58 11 A Yes, sir.

15:46:58 12 Q -- it was okay, because you were there, right?

15:47:00 13 A Yes, sir.

15:47:00 14 Q You've described track as organized chaos,
15:47:03 15 right?

15:47:04 16 A Yes, sir.

15:47:04 17 Q Are you familiar with the concept of proximity
15:47:07 18 control at track meets?

15:47:09 19 A No, sir.

15:47:10 20 Q Okay. It is kind of what you mentioned
15:47:11 21 earlier, without using those words. The coach needs to
15:47:13 22 be around their team and around their tent, right?

15:47:14 23 A Yes, sir.

15:47:15 24 Q You have got to monitor who is coming and
15:47:16 25 going, right?

15:47:18 1 A Yes, sir.

15:47:20 2 Q Now, you didn't have the opportunity to
15:47:22 3 monitor your athletes that morning, right? You were on
15:47:25 4 the first bus, you just had a few of them, right?

15:47:27 5 A Yes, sir.

15:47:27 6 Q Who is [REDACTED]

15:47:29 7 A He is a football player and a track runner for
15:47:32 8 us.

15:47:33 9 Q Okay. Was he out there that morning early at
15:47:36 10 the track meet?

15:47:37 11 A Yes, sir.

15:47:38 12 Q Okay. And with Karmelo Anthony's events that
15:47:43 13 day, he should have been on the field warming up,
15:47:45 14 shouldn't he?

15:47:47 15 A Yes, sir.

15:47:47 16 Q And one of your coaches ran into [REDACTED]
15:47:49 17 [REDACTED] and Karmelo Anthony and said, hey, guys, I need
15:47:52 18 you to go to the field and warm up? You are aware of
15:47:54 19 that, right?

15:47:55 20 A No, sir.

15:47:56 21 Q Okay. Would it surprise you if that happened?

15:47:58 22 A No, sir.

15:47:58 23 Q Okay. Do you have any explanation why Karmelo
15:48:00 24 Anthony was wandering around the bleachers and ended up
15:48:03 25 under the Memorial tent?

15:48:05 1 A No, sir.

15:48:05 2 Q It doesn't make sense to you, does it?

15:48:07 3 A No, sir.

15:48:07 4 Q It shouldn't have happened, should it?

15:48:09 5 A No, sir.

15:48:09 6 Q It wouldn't have happened if you were on

15:48:11 7 watch, right?

15:48:12 8 A Yes, sir.

15:48:12 9 Q Are you aware that he got kicked out of the

15:48:14 10 dugout at the baseball field right behind kuykendall?

15:48:18 11 A No, sir.

15:48:19 12 Q But they shouldn't have been there, right?

15:48:20 13 A No, sir.

15:48:21 14 Q Do you know where [REDACTED] was when

15:48:23 15 the stabbing happened?

15:48:26 16 A No, sir.

15:48:26 17 Q All right. What's a cleat sharpener?

15:48:28 18 A It is what you tighten your spikes with or

15:48:32 19 your -- you tighten your spikes with or you can loosen

15:48:34 20 them up.

15:48:35 21 Q Is it similar to a knife?

15:48:38 22 A No, sir.

15:48:39 23 Q Is there any reason at all a track athlete

15:48:42 24 should have a knife at a track meet?

15:48:45 25 A No, sir.

15:48:46 1 MR. WIRSKYE: Can I approach this
15:48:47 2 witness, Your Honor?

15:48:47 3 THE COURT: Yes, sir, you may.

15:48:47 4 Q Coach, I am not trying to pick on you. I
15:48:49 5 think, you know, these are obvious answers to questions,
15:48:51 6 right?

15:48:51 7 A Yes, sir.

15:48:51 8 Q What happened that day shouldn't have
15:48:53 9 happened, right?

15:48:53 10 A Yes, sir.

15:49:05 11 MR. WIRSKYE: Demonstrative State's-88,
15:49:05 12 please.

15:49:06 13 Q Let me show you this knife: State's-88.
15:49:07 14 That's not a cleat sharpener, is it?

15:49:11 15 A No, sir.

15:49:11 16 Q There is no reason for a weapon like this to
15:49:13 17 be at your track meet, right?

15:49:14 18 A No, sir.

15:49:15 19 Q And I suppose, and I am not blaming you, but I
15:49:17 20 do suppose you feel bad that one of your athletes
15:49:20 21 brought a knife to a track meet and then plunged it into
15:49:22 22 another young athlete's chest, right?

15:49:25 23 A Yes, sir.

15:49:26 24 Q All right. You mentioned something earlier,
15:49:32 25 and I thought it was important, so I wrote it down. You

15:49:35 1 said track is a player-led sport?

15:49:38 2 A Yes, sir.

15:49:39 3 Q Do you have to, sometimes as a track coach,

15:49:41 4 rely on your senior leaders, because you can't be

15:49:43 5 everywhere?

15:49:44 6 A Yes, sir.

15:49:44 7 Q Is it common for you to send a text or to talk

15:49:47 8 to one of your team leaders and say, hey, I need you to

15:49:50 9 step up today?

15:49:51 10 A Yes, sir.

15:49:51 11 Q And help me?

15:49:52 12 A Yes, sir.

15:49:52 13 Q It is very common; nothing wrong with that,

15:49:55 14 right?

15:49:55 15 A Yes, sir.

15:49:56 16 Q And you would expect them to kind of be the

15:49:58 17 coach and do things that you would do, if you were

15:50:00 18 there?

15:50:00 19 A Right. Yes, sir.

15:50:01 20 Q So you like to be there monitoring your tent

15:50:04 21 to see who is coming and going, right?

15:50:06 22 A Yes, sir.

15:50:07 23 Q And if it looks okay and you are there, you

15:50:09 24 might let it happen, right?

15:50:12 25 A Yes, sir.

15:50:12 1 Q But, you know, there is nothing wrong with
15:50:14 2 another coach in a player-led sport reaching out to a
15:50:20 3 team leader and saying I need you to step up today and
15:50:22 4 monitor the team, monitor the tent?

15:50:26 5 A No, sir.

15:50:27 6 Q And that person is kind of the coach, in
15:50:28 7 absence, right?

15:50:29 8 A Yes, sir.

15:50:30 9 Q And you know Memorial was hosting the track
15:50:34 10 meet that day? You know that, right?

15:50:36 11 A Yes, sir.

15:50:38 12 MR. WIRSKYE: Hold on just a second,
15:50:39 13 Coach, and let me check.

15:50:40 14 Oh, wait. I do have one last question.
15:50:46 15 I think the judge already muted me. Can everybody hear
15:50:49 16 me?

15:50:50 17 Q How long have you worked at Centennial?

15:50:51 18 A Eight years.

15:50:52 19 Q You know the staff and leadership of the
15:50:54 20 school, correct? The academic staff leadership?

15:50:57 21 A At Centennial?

15:50:58 22 Q Yes, sir.

15:50:58 23 A Yes, sir.

15:50:59 24 Q Who is Cami Cole?

15:51:02 25 A She's our assistant principal.

15:51:03 1 Q And assistant principals, how many do you have
15:51:06 2 there at Centennial?
15:51:07 3 A We have four.
15:51:08 4 Q Okay. And they kind of divide up the student
15:51:11 5 body, don't they?
15:51:13 6 A Yes, sir.
15:51:13 7 Q And they do it alphabetically?
15:51:16 8 A Yes, sir.
15:51:16 9 Q Do you know that Cami Cole was the assistant
15:51:18 10 principal over Karmelo Anthony his senior year?
15:51:22 11 A No, sir.
15:51:23 12 Q It wouldn't surprise you, though; somebody had
15:51:24 13 to be?
15:51:25 14 A Yes, sir.
15:51:26 15 Q And you know Cami Cole?
15:51:26 16 A Yes, sir.
15:51:27 17 MR. WIRSKYE: That's all I have, Judge.
15:51:28 18 I will pass the witness. And drop the microphone.
15:51:31 19 THE COURT: Redirect? It should be
15:51:35 20 ready.
15:51:36 21 MR. HOWARD: I probably turned it off
15:51:40 22 just out of an abundance of caution. Thank you, Judge.
15:51:43 23 THE COURT: Yes, sir.
24 REDIRECT EXAMINATION
15:51:43 25 BY MR. HOWARD:

15:51:45 1 Q Okay. Coach Linwood, a moment ago, Mr.
15:51:53 2 wirsky, for the government, was asking you or he told
15:51:57 3 you that [REDACTED] -- [REDACTED] and Melo were told
15:52:04 4 that they should be on the field warming up. Do you
15:52:08 5 remember that?

15:52:08 6 A Yes, sir.

15:52:09 7 Q And you said you weren't aware of that?

15:52:11 8 A Right.

15:52:14 9 Q [REDACTED] was a JV athlete at that time,
15:52:18 10 correct?

15:52:19 11 A Yes, sir.

15:52:19 12 Q JV athletes' events don't run simultaneously
15:52:25 13 with -- like, for instance -- let me just say this. You
15:52:28 14 might have multiple events going on at the same time,
15:52:30 15 but if I am a JV 4-by-100 athlete and Mr. Shook is a
15:52:36 16 varsity 4-by-100 athlete, we are not running in the same
15:52:40 17 race, correct?

15:52:41 18 A No.

15:52:42 19 Q They are going to be different races?

15:52:43 20 A Yes, sir.

15:52:44 21 Q And if I am a JV 4-by-100 athlete and Mr.
15:52:51 22 Shook is a varsity 4-by-400 athlete, that's two
15:52:57 23 different levels and two different events, correct?

15:53:01 24 A Yes, sir.

15:53:02 25 Q And so I wouldn't be warming up at the same

15:53:07 1 time as my JV counterpart running a completely different
15:53:12 2 event, correct?

15:53:14 3 A No, sir.

15:53:15 4 MR. HOWARD: May I approach the witness,
15:53:16 5 Judge?

15:53:17 6 THE COURT: Yes.

15:53:20 7 Q Do you remember -- and this is a very unfair
15:53:23 8 question, so I don't expect you to know -- but do you
15:53:26 9 remember --

15:53:27 10 MR. WIRSKYE: If it is unfair, Judge, I
15:53:28 11 think I should object to it.

15:53:30 12 THE COURT: Well, let's see. That's not
15:53:32 13 a legal objection.

15:53:33 14 MR. WIRSKYE: Fair point.

15:53:33 15 Q -- who the members of the JV 4-by-100 meter
15:53:36 16 relay team for Centennial were on April 2nd at the
15:53:42 17 district track meet?

15:53:43 18 A No, I do not remember.

15:53:44 19 Q Of course not. If I show this to you as the
15:53:49 20 District 11-5A track championship 2025, does this -- at
15:53:54 21 the Kuykendall Stadium for April 2nd, 2025, does that
15:53:59 22 look correct?

15:54:01 23 A Yes, sir.

15:54:02 24 Q And when it lists the 4-by-100 meter relay
15:54:03 25 team, do you see [REDACTED] name there?

15:54:09 1 A Yes, sir.

15:54:09 2 Q Do the other students' names -- and I am not
15:54:11 3 going to read them aloud -- the other students' names
15:54:15 4 look like your students?

15:54:16 5 A Yes, sir.

15:54:17 6 Q And do they -- does that refresh your
15:54:20 7 recollection? Do they appear like -- do they seem
15:54:23 8 consistent with what you would have expected as the JV
15:54:25 9 4-by-100 relay team that day?

15:54:30 10 A Yes, sir.

15:54:30 11 Q And then turning to -- let's see. That's
15:54:37 12 where Karmelo was the hundred meter dash, correct?

15:54:41 13 A Uh-huh.

15:54:42 14 Q That's got to be a yes-or-no.

15:54:45 15 A Yes.

15:54:45 16 Q It is very normal in everyday life, but in a
15:54:48 17 court, because of the court reporter, we have to do
15:54:50 18 that.

15:54:50 19 A Okay.

15:54:51 20 Q Okay. So that's event 510. When they number
15:54:55 21 these events, event 104 I was talking about it earlier,
15:54:58 22 and event 510, does that tell me -- are they in
15:55:02 23 sequential order, like 104 is way before 510?

15:55:07 24 A Yes, sir.

15:55:07 25 Q So then 104, Karmelo's event at 510, that's

15:55:13 1 his hundred meter dash, and then the event 522, this
15:55:21 2 is -- lists Karmelo on the 4-by-400 meter relay for the
15:55:27 3 varsity; is that correct?

15:55:28 4 A Yes, sir.

15:55:28 5 Q And that's consistent with what you testified
15:55:31 6 earlier?

15:55:31 7 A Yes, sir.

15:55:32 8 Q That's one of the events you said he was
15:55:34 9 scheduled to participate in that day?

15:55:37 10 A Yes, sir.

15:55:37 11 Q And again, we are not going to read juveniles
15:55:38 12 names here that don't have to be, but the other three
15:55:42 13 members of that four-man relay team, are they
15:55:47 14 recognizable to you as students that you coached?

15:55:51 15 A Yes, sir.

15:55:52 16 Q And students that are consistent with what you
15:55:53 17 remember as being the 4-by-400 meter relay of a year
15:55:58 18 ago?

15:55:58 19 A Yes, sir.

15:55:59 20 Q Okay. So if a coach told [REDACTED] -- and I
15:56:07 21 would assume he would be telling his team, the 4-by-100
15:56:12 22 JV team to go warm up, generally you warm up for an
15:56:16 23 event with the other members of that event?

15:56:19 24 A Yes, sir.

15:56:20 25 Q Okay. And if Karmelo was told to go with

15:56:24 1 them, that would be as, what, a varsity athlete in a
15:56:28 2 leadership position to, hey, go help the JV kids warm
15:56:32 3 up?

15:56:32 4 A Yes, sir. So typically, the JV and varsity
15:56:35 5 would warm up together. And if you are on a relay team,
15:56:38 6 we do varsity and JV handoffs together. So there is
15:56:42 7 eight lanes, and we try to get four lanes to practice so
15:56:45 8 we can see them all at the same time.

15:56:48 9 Q And that, you said, is the typical thing, but
15:56:50 10 this event ended up being kind of atypical because of
15:56:53 11 the rain, and there was a weather delay but it wasn't a
15:56:57 12 weather delay, it was a false alarm. Is that your
15:57:00 13 memory?

15:57:01 14 A From my memory, we didn't have a weather
15:57:03 15 delay.

15:57:04 16 Q Okay. Do you remember kids going back to the
15:57:07 17 buses and there being some confusion about that?

15:57:10 18 A No, sir. I just remember on the loud speaker
15:57:12 19 they told everyone to go to the bus.

15:57:16 20 Q Okay. And so that would help explain why your
15:57:21 21 kids weren't all out there warming up together, the JV
15:57:24 22 and the varsity, at the same time?

15:57:27 23 A Yes, sir.

15:57:34 24 Q Mr. Wirskey asked you when the last time you
15:57:37 25 spoke to Melo was. Do you remember that?

15:57:39 1 A The morning of the track meet.

15:57:42 2 Q Right. And that you, obviously, haven't spoke

15:57:45 3 to him since then until today; is that right?

15:57:47 4 A Yes, sir.

15:57:47 5 Q But you are here?

15:57:49 6 A Yes, sir.

15:57:49 7 Q We didn't have to force you to be here, did

15:57:51 8 we?

15:57:52 9 A No, sir.

15:57:52 10 Q You wanted to be here?

15:57:54 11 A Yes, sir.

15:57:56 12 Q To tell the jury the neutral facts that you

15:57:59 13 know; is that fair?

15:58:00 14 A Yes, sir.

15:58:02 15 Q Are you here to tell the jury something that's

15:58:04 16 not true just because you used to be Melo's coach?

15:58:08 17 A No, sir.

15:58:09 18 Q Just kind of -- just the facts; is that fair?

15:58:12 19 A Yes, sir.

15:58:14 20 Q One last topic. You -- Mr. Wirskey asked you

15:58:20 21 about Coach Starr at Frisco Memorial.

15:58:26 22 A Yes, sir.

15:58:27 23 Q And you said you didn't know him. You were, I

15:58:29 24 think, aware of him or you have heard his name?

15:58:33 25 A Yes, sir.

15:58:33 1 Q And you -- he asked you about were you aware
15:58:37 2 of his reputation or his intensity; and to be fair, you
15:58:40 3 didn't?

15:58:41 4 A No, sir.

15:58:42 5 Q Okay. Don't know his intensity, don't know
15:58:46 6 his rules?

15:58:47 7 A No, sir.

15:58:47 8 Q Do you know if your students knew of his
15:58:49 9 intensity or his rules about the tents or anything else?

15:58:52 10 A No, sir.

15:58:53 11 MR. HOWARD: Pass the witness, Judge.
12

RECROSS-EXAMINATION

15:59:01 13 BY MR. WIRSKYE:

15:59:01 14 Q Just a few more questions, Coach.

15:59:03 15 A Yes, sir.

15:59:05 16 Q Obviously, we've talked about the player-led,
15:59:09 17 you put someone in charge. If the person you put in
15:59:12 18 charge thought, for whatever reason, a person from
15:59:14 19 another team should leave the tent, you would expect the
15:59:18 20 person from the other team to comply, wouldn't you?

15:59:20 21 A Yes, sir.

15:59:22 22 Q You already told us [REDACTED] was out
15:59:24 23 there that morning, correct?

15:59:26 24 A Yes, sir.

15:59:26 25 Q Have you talked to [REDACTED] about what

15:59:28 1 happened that morning?

15:59:30 2 A No, sir.

15:59:31 3 MR. WIRSKYE: Fair enough. We have.

15:59:32 4 I will pass the witness.

15:59:32 5 THE COURT: Anything else?

15:59:34 6 MR. HOWARD: No, Your Honor.

15:59:35 7 THE COURT: Is this witness excused by
15:59:37 8 the Defense?

15:59:38 9 MR. HOWARD: Yes, Your Honor.

15:59:40 10 THE COURT: By the State?

15:59:40 11 MR. WIRSKYE: No objection.

15:59:42 12 THE COURT: Okay. You are excused.

15:59:43 13 Mr. Howard, call your next witness,
15:59:45 14 please.

15:59:47 15 MR. HOWARD: Yes, Your Honor. At this
15:59:47 16 time -- let me get my notes -- the Defense calls [REDACTED]

15:59:52 17 [REDACTED]

16:00:06 18 THE COURT: [REDACTED] walk across the
16:00:08 19 courtroom, okay? You are going to head to this black
16:00:11 20 chair over here to my right.

16:00:12 21 Before you sit down, turn to me and raise
16:00:16 22 your right hand.

16:00:16 23 (Witness sworn.)

16:00:22 24 THE COURT: Put your hand down and be
16:00:23 25 seated.

16:00:24 1 All right. Mr. Howard.

16:00:30 2 MR. HOWARD: Thank you, Your Honor.

3 [REDACTED]

4 having been first duly sworn, testified as follows:

5 DIRECT EXAMINATION

16:00:31 6 BY MR. HOWARD:

16:00:38 7 Q [REDACTED] can you please introduce yourself to

16:00:40 8 the jury?

16:00:41 9 A My name is [REDACTED]

16:00:43 10 Q And how old are you?

16:00:46 11 A 18.

16:00:48 12 Q where did you grow up?

16:00:52 13 A Down in Dallas.

16:00:53 14 Q In Dallas. Okay. How long have you lived

16:00:57 15 here in the Frisco area?

16:01:00 16 A Since kindergarten.

16:01:01 17 Q Okay. So you were born in Dallas but then you

16:01:04 18 have lived pretty much your whole life in Frisco?

16:01:07 19 A Yes, sir.

16:01:07 20 Q Okay. And I do understand this correctly, you

16:01:14 21 have a twin brother?

16:01:16 22 A Yes, sir.

16:01:20 23 Q Identical or fraternal?

16:01:23 24 A Fraternal.

16:01:24 25 Q Okay. Are you in school?

16:01:27 1 A No, I graduated.

16:01:29 2 Q You just graduated?

16:01:31 3 A Yes, sir.

16:01:31 4 Q Congratulations. Just recently?

16:01:34 5 A Yes, sir.

16:01:34 6 Q Okay. Without going into specifics, do you

16:01:38 7 have plans after you graduate going off to school?

16:01:42 8 A Go to Collin for business.

16:01:44 9 Q Oh, great, great, great.

16:01:45 10 Okay. I am going to have some questions for

16:01:49 11 you. You have a nice, loud, deep voice, and you are

16:01:52 12 doing really well leaning up and speaking into the

16:01:56 13 microphone. Just remember that that's what you need to

16:01:59 14 do. And if at any time we don't hear you, I will just

16:02:04 15 ask you to repeat yourself, okay?

16:02:05 16 A Yes, sir.

16:02:05 17 Q A little nerve-racking being here, I assume?

16:02:09 18 A A little bit.

16:02:10 19 Q Yeah. Well, I appreciate it.

16:02:11 20 Okay. So you said that you went to Centennial

16:02:13 21 High School?

16:02:15 22 A Yes, sir.

16:02:15 23 Q And you just graduated. Did you know Karmelo

16:02:19 24 Anthony?

16:02:20 25 A Yes, sir.

16:02:20 1 Q That's not what you knew him as. What did you
16:02:23 2 call him?

16:02:24 3 A Melo.

16:02:24 4 Q Melo. Okay. Is that basically what everybody
16:02:27 5 that knew him called him?

16:02:29 6 A Yes, sir, if you knew him.

16:02:31 7 Q Yeah. If you knew him, whether you were a
16:02:34 8 teammate or a classmate or a friend?

16:02:35 9 A Yes, sir.

16:02:39 10 Q When you were at Centennial, did you play any
16:02:41 11 sports?

16:02:42 12 A Football and track.

16:02:43 13 Q Okay. Let's start with football. Did you
16:02:47 14 play all four years, just one year?

16:02:50 15 A All four.

16:02:51 16 Q Okay. What position did you play in football?

16:02:55 17 A Outside linebacker and D-end.

16:02:58 18 Q And defensive end?

16:02:59 19 A Yes, sir.

16:03:03 20 Q Let's see. Outside linebacker, did y'all run
16:03:06 21 a four-three defense or a three-four?

16:03:09 22 A It really depended on the team.

16:03:11 23 Q Okay. So you are one of those good teams that
16:03:13 24 can shift between --

16:03:15 25 A Yeah.

16:03:15 1 Q -- to respond to the offense?

16:03:21 2 A We didn't win but --

16:03:21 3 Q You didn't win much but you could do that? Is

16:03:24 4 that what you said?

16:03:25 5 A Yes, sir.

16:03:25 6 Q Okay. Okay. I guess I was being hopeful when

16:03:27 7 I said y'all were one of those good teams.

16:03:30 8 Okay. And so you said you played outside

16:03:36 9 linebacker?

16:03:37 10 A Yes, sir.

16:03:38 11 Q And did you know Melo from the football team?

16:03:40 12 A Yes, sir.

16:03:41 13 Q He would have been a year ahead of you?

16:03:44 14 A Yes, sir.

16:03:44 15 Q Because he graduated last year?

16:03:49 16 A Yes.

16:03:50 17 Q So what position did Melo play?

16:03:54 18 A Strong safety?

16:03:56 19 Q Strong safety. Safety?

16:03:57 20 A Yes.

16:03:58 21 Q Because there is a strong safety and a free

16:04:00 22 safety?

16:04:01 23 A Yes.

16:04:04 24 Q Now, I played football, but it was a very long

16:04:08 25 time ago. But when I played, you know, you're friends

16:04:11 1 with some of the guys, you are just kind of friendly
16:04:14 2 with some of the guys, and then some of the guys you
16:04:16 3 just hardly know at all. How would you describe your
16:04:19 4 relationship with Karmelo? Were y'all, like,
16:04:21 5 friends/friends, or just kind of friendly, or hardly at
16:04:24 6 all?

16:04:25 7 A I would say we were like friends/friends. We
16:04:28 8 would hang out a little bit.

16:04:29 9 Q Hang out a little bit?

16:04:31 10 A Yes.

16:04:31 11 Q Best friends, hang out all the time or, you
16:04:33 12 know, just kind of friends?

16:04:35 13 A Friends.

16:04:41 14 Q Now, we talked about your playing football.
16:04:44 15 Did you play any other sports?

16:04:46 16 A Track.

16:04:47 17 Q Okay. Besides track, anything else?

16:04:50 18 A No, sir.

16:04:51 19 Q Okay. What about track? So you played
16:04:55 20 football all four years. Did you run track all four
16:04:58 21 years?

16:04:59 22 A I did it for three years.

16:05:00 23 Q Three. So not -- I am just going to make a
16:05:02 24 guess. Not your freshman year, but your sophomore,
16:05:04 25 junior, and senior?

16:05:06 1 A Yes, sir.

16:05:07 2 Q Okay. What events did you participate in in
16:05:10 3 track?

16:05:11 4 A The 110 hurdles and 300 hurdles.

16:05:15 5 Q And did you like track?

16:05:18 6 A Sometimes.

16:05:21 7 Q Okay. Liked football more?

16:05:24 8 A Yes, sir.

16:05:26 9 Q I would like to ask you a little bit about,
16:05:28 10 kind of, how track and football are similar or
16:05:32 11 different, okay?

16:05:33 12 A Yes, sir.

16:05:36 13 Q How is the culture around a track event either
16:05:42 14 different from or similar to a football game?

16:05:48 15 A It is way more people and you can just walk
16:05:53 16 around.

16:05:53 17 Q Okay. The track meet is way more people and
16:05:56 18 you kind of just walk around?

16:05:57 19 A Yes, sir.

16:05:58 20 Q Okay. So a football game, maybe kickoff is at
16:06:02 21 7:00 p.m., and then -- and then three hours and you are
16:06:07 22 done, right?

16:06:07 23 A Yes, sir.

16:06:08 24 Q And if you are playing, you are on the field
16:06:09 25 playing --

16:06:10 1 A Yes.

16:06:10 2 Q -- but there is not, like, oh, my event is

16:06:14 3 now, but you have an hour or two of downtime, right?

16:06:19 4 A No, sir.

16:06:19 5 Q So track is the opposite?

16:06:21 6 A Yes, sir.

16:06:21 7 Q An individual sport?

16:06:22 8 A Yes, sir.

16:06:23 9 Q And you might run on a relay team, but for the

16:06:26 10 most part, it is an individual sport?

16:06:28 11 A Yes, sir.

16:06:28 12 Q And so your events, would they sometimes be

16:06:32 13 spread out where you had downtime?

16:06:35 14 A Yes, sir.

16:06:35 15 Q And so what do you do or what do you see other

16:06:39 16 people do during that downtime?

16:06:42 17 A Finding friends and just hang out.

16:06:45 18 Q When you say find your friends, is that just

16:06:47 19 your friends from Centennial, or is that other friends,

16:06:51 20 as well?

16:06:52 21 A Other friends.

16:06:56 22 Q Okay. Was that a few friends or did you make

16:06:59 23 a lot of friends running track?

16:07:02 24 A I made a few.

16:07:04 25 Q Okay. The jury just heard from Coach Linwood,

16:07:08 1 and he talked about, you know, part of the culture of
16:07:12 2 track is, of course, to compete. But it is also about
16:07:16 3 making friends. would you agree with that?

16:07:18 4 A Yes, sir.

16:07:18 5 Q Did you have friends from other schools?

16:07:20 6 A Yes, sir.

16:07:22 7 Q Did you ever spend any time under other teams'
16:07:27 8 tents?

16:07:28 9 A Yes, sir.

16:07:28 10 Q Was that like a one-time thing, a handful of
16:07:32 11 times, a lot of times?

16:07:34 12 A If I had a friend there, then I would hang
16:07:38 13 with them.

16:07:39 14 Q Okay. And you said you had a few friends at
16:07:42 15 other schools?

16:07:43 16 A Yes, sir.

16:07:43 17 Q And so would it be like once in a blue moon,
16:07:48 18 or would it be like every track meet you would see
16:07:53 19 somebody and go say hi and hang out?

16:07:56 20 A It's, like, scheduled, so if we were in the
16:07:58 21 area then --

16:07:59 22 Q Sure. You may not run into your friend?

16:08:00 23 A Yes, sir.

16:08:01 24 Q But if you do, would it be unusual for you to
16:08:03 25 stop and say hi?

16:08:05 1 A No.

16:08:09 2 Q Did you see other kids doing the same, or no?

16:08:12 3 A Yes, sir.

16:08:22 4 Q Did you ever have a problem with doing that

16:08:25 5 where you were told you shouldn't be doing this?

16:08:32 6 A No, sir.

16:08:35 7 Q Were you aware of Coach Starr, the head coach

16:08:41 8 at Frisco Memorial, having a strict policy of no kids

16:08:44 9 under his tent that aren't from his school? Were you

16:08:47 10 aware of that?

16:08:48 11 A No, sir.

16:08:49 12 Q Okay. I mean, how would you, right?

16:08:50 13 A Yes, sir.

16:08:57 14 Q So if you knew somebody from the school, you

16:08:59 15 might stop and say hi, right?

16:09:00 16 A Yes, sir.

16:09:01 17 Q Would it just be that, stop and say hi, or

16:09:04 18 would you sometimes stop and sit down and spend some

16:09:07 19 time?

16:09:08 20 A Me, I would stop and say hi.

16:09:11 21 Q You said --

16:09:12 22 A I would stop and say hi.

16:09:13 23 Q Okay. And so did you ever -- so I guess maybe

16:09:17 24 my question wasn't very good. When I say stop and say

16:09:21 25 hi and then move on and it is just a hi, how are you

16:09:24 1 doing and go, I am only in the tent for 30 seconds or a
16:09:27 2 minute, or would you sometimes spend more time than
16:09:30 3 that? Maybe sit down, have a conversation, whatever?
16:09:34 4 A I would spend more time.
16:09:36 5 Q Okay. Was that something you commonly did?
16:09:39 6 A Yes, sir.
16:09:41 7 Q Have you ever been under the Memorial tent
16:09:44 8 before?
16:09:45 9 A Yes, sir.
16:09:46 10 Q Do you specifically remember a time, or was it
16:09:49 11 like a lot of times?
16:09:51 12 A Little Elm track meet.
16:09:53 13 Q So when we say the Little Elm track meet, the
16:09:57 14 jury has heard this a few times. Are we talking about
16:10:00 15 last year, that would have been March 22nd, at Lobo
16:10:05 16 Stadium?
16:10:06 17 A Yes, sir.
16:10:08 18 Q I said last year. Just for the record, 2025?
16:10:11 19 A Yes, sir.
16:10:13 20 Q And so you spent some time under the Memorial
16:10:15 21 tent that day?
16:10:19 22 A Yes, sir.
16:10:20 23 Q Do you remember, was it like a say hi and then
16:10:24 24 leave, or did you stop and spend some time, sitting
16:10:27 25 around, hanging out?

16:10:28 1 A We spent some time, sitting around, hanging
16:10:31 2 out.
16:10:31 3 Q Now, you said we. Was it just you or were
16:10:33 4 there ever people not from Memorial that had stopped and
16:10:37 5 spent some time under the Memorial tent?
16:10:39 6 A There were other people.
16:10:40 7 Q Do you remember who all that was?
16:10:42 8 A Karmelo Anthony.
16:10:43 9 Q Okay. So it was you and Karmelo?
16:10:47 10 A Yes, sir.
16:10:48 11 Q Anybody else that you can remember?
16:10:49 12 A No, sir.
16:10:50 13 Q Okay. And y'all -- did just Karmelo know
16:10:55 14 somebody at Memorial or did you also know people at
16:10:58 15 Memorial?
16:10:59 16 A Both of us.
16:10:59 17 Q Okay. So both of you had friends or people
16:11:01 18 that you knew at Memorial?
16:11:03 19 A Yes.
16:11:03 20 Q Because you said I wouldn't stop at a tent if
16:11:06 21 I didn't know somebody, right?
16:11:08 22 A Yes, sir.
16:11:10 23 Q And did you spend a minute or two, or five
16:11:14 24 minutes, or 10 minutes, or 30 minutes, or do you know?
16:11:17 25 A It was over, like, 10 minutes.

16:11:19 1 Q Ten minutes or more?

16:11:21 2 A Yes, sir.

16:11:22 3 Q Were there any problems with that?

16:11:24 4 A No, sir.

16:11:25 5 Q Anybody make a big deal out of it?

16:11:28 6 A No, sir.

16:11:29 7 Q Just hanging out talking to friends?

16:11:35 8 A Doing that.

16:11:36 9 Q Were you aware of anything about Memorial not

16:11:40 10 wanting you there either that time or just kind of in

16:11:43 11 general?

16:11:44 12 A No, sir.

16:11:44 13 MR. HOWARD: Pass the witness, Judge.

16:11:53 14 THE COURT: Mr. Wirskeye.

15 CROSS-EXAMINATION

16:11:54 16 BY MR. WIRSKYE:

16:11:55 17 Q Mr. [REDACTED] how are you?

16:11:56 18 A I'm good.

16:11:57 19 Q Thank you for coming down. My name is Bill

16:11:59 20 Wirskeye. I am one of the assistant district attorneys

16:12:01 21 that represents the State in this case, okay?

16:12:03 22 A Yes, sir.

16:12:04 23 Q Okay. You seem like a pretty laid-back guy;

16:12:07 24 is that fair?

16:12:09 25 A Yeah.

16:12:09 1 Q You know Josh Healy?

16:12:11 2 A No, sir.

16:12:12 3 Q Mr. Healy, you don't know him?

16:12:14 4 A No, sir.

16:12:15 5 Q Okay. Fair enough.

16:12:15 6 You said you had a twin brother?

16:12:18 7 A Yes, sir.

16:12:18 8 Q I assume you love him? You have to say

16:12:21 9 yes-or-no.

16:12:22 10 A Yes, sir.

16:12:22 11 Q We can all see what you are doing because you

16:12:24 12 are smiling, but you have to say yes-or-no for the court

16:12:26 13 reporter.

16:12:26 14 Do you feel like you've got a special

16:12:29 15 connection with your twin, that you are closer to him

16:12:32 16 than you might be any other sibling?

16:12:37 17 A Yeah.

16:12:38 18 Q That's a real thing?

16:12:41 19 A Not that much, but --

16:12:42 20 Q I mean, I have heard about it. I am just

16:12:43 21 asking. But it sounds like there is a little bit of

16:12:47 22 that, right?

16:12:47 23 A Yes, sir.

16:12:48 24 Q Okay. And this time you went under the

16:12:52 25 Memorial tent, who was your friend at Memorial?

16:12:56 1 A [REDACTED]

16:12:58 2 Q Okay. And you knew [REDACTED] because he had

16:13:02 3 gone to Centennial?

16:13:03 4 A Yes, sir.

16:13:04 5 Q And you and [REDACTED] and Karmelo Anthony were

16:13:11 6 friends?

16:13:11 7 A Yes, sir.

16:13:12 8 Q Y'all had some interests in common, right?

16:13:15 9 A Yes, sir.

16:13:16 10 Q Okay. Y'all vibed, liked to hang out

16:13:20 11 together, even though I guess [REDACTED] went to Memorial,

16:13:24 12 right?

16:13:26 13 A Yes, sir.

16:13:27 14 Q And [REDACTED] just graduated, right?

16:13:30 15 A Yes, sir.

16:13:31 16 Q Okay. So that time you went under the

16:13:33 17 Memorial tent, that was to see [REDACTED]?

16:13:36 18 A Yes, sir.

16:13:36 19 Q So you and Karmelo went over there to see

16:13:40 20 [REDACTED]?

16:13:41 21 A Yes, sir.

16:13:42 22 Q Said you stayed about 10 minutes, a little bit

16:13:45 23 over 10 minutes?

16:13:47 24 A Yes, sir.

16:13:47 25 Q Real friendly?

16:13:48 1 A Yes.

16:13:49 2 Q You seem like a laid-back guy. If somebody

16:13:52 3 would have asked you to leave, would you?

16:13:53 4 A Yes, sir.

16:13:54 5 Q Whether it was a coach or one of the Memorial

16:13:56 6 kids, if they said, hey, you need to leave, you would

16:14:00 7 have done it, right?

16:14:01 8 A Yes, sir.

16:14:02 9 Q You don't seem like the type of guy to provoke

16:14:06 10 anyone into fighting over the fact that they ask you to

16:14:08 11 leave a tent. Am I accurate in that?

16:14:11 12 A Yes, sir.

16:14:11 13 Q And you did track for three years, right?

16:14:15 14 A Yes, sir.

16:14:15 15 Q No need to have a knife at a track meet, is

16:14:19 16 there?

16:14:20 17 A No, sir.

16:14:20 18 Q You ever carried a knife to a track meet?

16:14:24 19 A No, sir.

16:14:25 20 Q Just something you wouldn't do, right?

16:14:27 21 A Yes, sir.

16:14:28 22 Q Does your school district, Frisco ISD, have a

16:14:30 23 policy about weapons at school or school events?

16:14:34 24 A Yes, sir.

16:14:34 25 Q Everybody knows it, right?

16:14:36 1 A Yes, sir.

16:14:36 2 Q Just common sense, right?

16:14:37 3 A Yes, sir.

16:14:38 4 Q All right. And as far as you know, it has

16:14:40 5 never been violated at a track meet, right?

16:14:43 6 A No, sir.

16:14:44 7 Q You have been in Frisco since you were little,

16:14:46 8 right?

16:14:46 9 A Yes, sir.

16:14:47 10 Q And Frisco is a nice place to live, isn't it?

16:14:50 11 A Yes, sir.

16:14:51 12 MR. WIRSKYE: Okay. Thank you for coming

16:14:52 13 down.

16:14:52 14 I will pass the witness.

16:14:54 15 THE COURT: Mr. Howard?

16:14:56 16 MR. HOWARD: No further questions.

16:14:57 17 THE COURT: Okay. Is this witness

16:14:59 18 excused by the Defense?

16:15:00 19 MR. HOWARD: Yes, Your Honor.

16:15:02 20 THE COURT: By the State?

16:15:03 21 MR. WIRSKYE: No objection.

16:15:03 22 THE COURT: Okay. You are excused, sir.

16:15:04 23 Thank you.

16:15:05 24 Mr. Howard, call your next witness,

16:15:07 25 please.

16:15:09 1 MR. HOWARD: The Defense calls [REDACTED]

16:15:13 2 THE COURT: [REDACTED] go through the

16:15:30 3 courtroom and head to this black chair to my right.

16:15:33 4 That's the witness chair.

16:15:37 5 Before you sit down, turn to me and raise

16:15:41 6 your right hand.

7 (Witness sworn.)

16:15:45 8 THE COURT: All right. Put your hand

16:15:45 9 down and be seated. If you will do us a favor and speak

16:15:53 10 into the microphone so everybody can hear you.

16:15:53 11 Mr. Howard.

16:15:55 12 MR. HOWARD: Thank you, Judge.

16:15:55 13 THE COURT: Yes, sir.

14 [REDACTED]

15 having been first duly sworn, testified as follows:

16 DIRECT EXAMINATION

16:15:56 17 BY MR. HOWARD:

16:15:56 18 Q Okay. Can you please introduce yourself to

16:16:00 19 the jury?

16:16:01 20 A Hello. My name is [REDACTED]

16:16:07 21 Q I called you [REDACTED] I think I had heard

16:16:11 22 on video, and when I see your full name, your full name

16:16:16 23 is [REDACTED]

16:16:19 24 A Yes.

16:16:20 25 Q But you go by [REDACTED]

16:16:23 1 A Yes, sir.

16:16:23 2 Q Okay. Well, then, I'm sorry.

16:16:25 3 [REDACTED] I am going to ask you some
16:16:31 4 questions, okay?

16:16:32 5 A Yes, sir.

16:16:33 6 Q You are doing a pretty good job --

16:16:34 7 THE COURT: Scoot up. There you go.

16:16:36 8 Q You are doing a pretty good job, but I was
16:16:38 9 just about to say that. I do want you to stay as
16:16:41 10 relatively close to the microphone as you can. I know
16:16:44 11 it is not the way we normally talk. You may sit back,
16:16:48 12 you may move around; but, you know, if you sit back at
16:16:50 13 all, you have got to really keep your voice up, okay?

16:16:54 14 A Yes, sir.

16:16:54 15 Q There you go. That's perfect. You put some
16:16:57 16 bass into it. I like it.

16:16:59 17 Okay. How old are you?

16:17:04 18 A 17.

16:17:05 19 Q And do you go to school?

16:17:07 20 A Yes, sir.

16:17:07 21 Q Where do you go to school?

16:17:09 22 A Memorial High School.

16:17:10 23 Q So I -- my investigators reached out to you
16:17:23 24 through your parents. You are aware of that, correct?

16:17:26 25 A Yes, sir.

16:17:26 1 Q But y'all didn't return our calls or talk to
16:17:29 2 us; is that fair?

16:17:30 3 A Yes, sir.

16:17:31 4 Q And it is what it is. I just want to -- we
16:17:33 5 haven't had a conversation before today; is that fair?

16:17:39 6 A Yes, sir.

16:17:39 7 Q And the sum total that I've been able to talk
16:17:41 8 to you, and I don't mean anything by that, but I just --
16:17:44 9 you know, based on time, is about, say, two minutes?

16:17:47 10 A Yes, sir.

16:17:48 11 Q we talked in there?

16:17:51 12 THE COURT: Yes?

16:17:51 13 THE WITNESS: Yes, sir.

16:17:53 14 Q That's the thing I didn't say. That's the
16:17:55 15 biggest rule. Although it is totally normal to shake
16:17:57 16 your head or say uh-huh, or something like that, in a
16:18:01 17 court, because the court reporter is taking things down,
16:18:02 18 you have to say yes-or-no.

16:18:04 19 A Yes, sir.

16:18:05 20 Q Okay. There we go. You are doing great.
16:18:08 21 So -- okay. I would like to ask you some questions,
16:18:12 22 specifically about what happened on April 2nd, 2025.

16:18:18 23 A Yes, sir.

16:18:19 24 Q Okay. And I appreciate you being here. The
16:18:22 25 jury doesn't know this yet, but you took the SAT this

16:18:26 1 morning; is that correct?

16:18:28 2 A Yes, sir.

16:18:28 3 Q So I can't imagine. My brain would be fried;
16:18:31 4 so thank you, and I hope you did really well. So I am
16:18:35 5 going to try to keep this as short and tight and, you
16:18:40 6 know, not waste your time, okay?

16:18:42 7 A Yes, sir.

16:18:44 8 Q Okay. So you gave -- you were interviewed by
16:18:51 9 a police detective, Detective Folk, after the track meet
16:18:57 10 incident on April 2nd, 2025? That's correct?

16:19:00 11 A Yes, sir.

16:19:01 12 Q And you went to a room and Detective Folk
16:19:05 13 interviewed you for some time?

16:19:06 14 A Yes, sir.

16:19:07 15 Q And Detective Folk told you that you -- it was
16:19:11 16 being videoed?

16:19:12 17 A Yes, sir.

16:19:14 18 Q So I am going to ask you some specific
16:19:16 19 questions about that and your recollection of what
16:19:19 20 happened on April 2nd, okay?

16:19:21 21 A Yes, sir.

16:19:23 22 Q So on April 2nd at the track meet, it was
16:19:31 23 raining kind of off-and-on throughout the day; is that
16:19:34 24 fair?

16:19:35 25 A Yes, sir.

16:19:35 1 Q Sometimes hard, sometimes not hard, and
16:19:37 2 sometimes not raining?
16:19:39 3 A Yes, sir.
16:19:39 4 Q Kind of normal Texas rain weather, right?
16:19:42 5 A Yes, sir.
16:19:42 6 Q One second it is not raining, the next second
16:19:44 7 it is pouring?
16:19:45 8 A Yes, sir.
16:19:46 9 Q And then it might not rain in five minutes?
16:19:49 10 A Yes, sir.
16:19:50 11 Q Okay. Just before -- you remember Melo
16:19:57 12 showing up at the Memorial tent, correct?
16:20:00 13 A Yes, sir.
16:20:00 14 Q You saw him walk out?
16:20:02 15 A Yes, sir.
16:20:03 16 Q And just before he had showed up under the
16:20:08 17 tent, it had -- it was raining?
16:20:11 18 A Yes, sir.
16:20:12 19 Q And you were aware that Centennial didn't have
16:20:14 20 a tent?
16:20:15 21 A I was not aware of that.
16:20:17 22 Q You were not aware. Okay. Have you become
16:20:20 23 aware of that?
16:20:21 24 A Now that you have told me, yes.
16:20:24 25 Q That's fair. So it was raining hard enough

16:20:38 1 for people to be taking cover under tents; is that fair?

16:20:42 2 A Yes, sir.

16:20:44 3 Q The Liberty tent, I am going to say to the

16:20:48 4 right -- if you are standing in your tent, the Memorial

16:20:51 5 tent, and you are facing the field, the Liberty tent was

16:20:54 6 just to the right of you; is that correct?

16:20:57 7 A I don't remember.

16:20:58 8 Q Okay. That's fair. The jury has heard all

16:21:03 9 about it and they have seen videos, so that's fine.

16:21:06 10 Do you remember there was a tent just kind of

16:21:09 11 right by y'all's?

16:21:10 12 A Yes, sir.

16:21:11 13 Q And that's common; there is going to be tents

16:21:13 14 kind of spread out through the bleachers?

16:21:16 15 A Yes, sir.

16:21:16 16 Q That's kind of how it normally is?

16:21:19 17 A Yes, sir.

16:21:26 18 Q And that Liberty tent was getting pretty

16:21:28 19 crowded from people taking shelter from the rain, too;

16:21:33 20 is that correct?

16:21:34 21 A I don't remember what -- I don't remember.

16:21:37 22 Q That's okay. That's fair.

16:21:37 23 And so I want to turn and talk to you

16:21:45 24 specifically about Melo coming over to the tent, okay?

16:21:49 25 A Yes, sir.

16:21:49 1 Q [REDACTED] -- it was clear to you that [REDACTED] knew
16:21:57 2 Melo?
16:21:58 3 A Yes, sir.
16:22:00 4 Q I think you told the detective that you
16:22:02 5 learned later that [REDACTED] knew Melo as the boyfriend of
16:22:05 6 [REDACTED] family friend?
16:22:08 7 A Something like that, yes, sir.
16:22:16 8 Q But from Melo entering the tent and
16:22:19 9 interacting with [REDACTED] it was obvious to you that they
16:22:22 10 knew each other?
16:22:23 11 A Yes, sir.
16:22:23 12 Q They greeted each other, kind of shook hands,
16:22:27 13 talked?
16:22:28 14 A Yes, sir.
16:22:31 15 Q I believe you said to the detective that [REDACTED]
16:22:35 16 called Karmelo over to the tent. Does that sound right?
16:22:38 17 A Yes, sir.
16:22:38 18 Q So Melo was walking through the bleachers and
16:22:41 19 [REDACTED] calls him over. That's your recollection of what
16:22:43 20 you told the detective --
16:22:45 21 A Yes, sir.
16:22:45 22 Q -- back on April 2nd?
16:22:48 23 A Yes, sir.
16:22:48 24 Q And so Melo comes over and they say hi, right?
16:22:54 25 A Yes, sir.

16:22:57 1 Q The interaction between Melo and [REDACTED] I have
16:23:03 2 described it as it was obvious they knew each other, but
16:23:06 3 I guess, more than that, I guess it was friendly; is
16:23:09 4 that fair?

16:23:09 5 A Yes, sir.

16:23:13 6 Q After [REDACTED] called Melo over to the tent and
16:23:18 7 they said hi, Melo sat down?

16:23:23 8 A Yes, sir.

16:23:23 9 Q And after [REDACTED] called Melo over to the tent
16:23:26 10 and he sat down, then they talked?

16:23:28 11 A Yes, sir.

16:23:31 12 Q And I think you estimated, when you talked to
16:23:33 13 the detective, it was like for five minutes, or so.
16:23:36 14 would that be fair?

16:23:39 15 A Yes, sir.

16:23:41 16 Q It was friendly talk, like two guys catching
16:23:45 17 up?

16:23:46 18 A Yes, sir.

16:23:47 19 Q Up to this point, no one has expressed any
16:23:49 20 problem with Melo being there?

16:23:50 21 A Yes, sir.

16:23:51 22 Q You are right there?

16:23:52 23 A Yes, sir.

16:24:01 24 Q So after they catch up, [REDACTED] calls him over,
16:24:04 25 they talk, they catch up, you were sitting right next to

16:24:11 1 [REDACTED] correct?

16:24:12 2 A Below [REDACTED]

16:24:14 3 Q Below [REDACTED] Okay. If you told the detective

16:24:16 4 at the time that you were sitting right next to him, do

16:24:19 5 you think your memory was better then or are you sure?

16:24:22 6 A To my recollection, he was above me, by one.

16:24:26 7 Q Hey, your recollection is your recollection.

16:24:27 8 That's perfectly fine. But when you say below, I mean,

16:24:30 9 I guess I could be below and several seats to the side,

16:24:34 10 or I could be below and right there. Were you below and

16:24:37 11 right there?

16:24:38 12 A Yes, sir.

16:24:39 13 Q Okay. So it may just have been a

16:24:41 14 misunderstanding. But you are right there?

16:24:45 15 A Yes, sir.

16:24:45 16 Q After all, you are noticing all of this and

16:24:47 17 seeing it and able to describe it now?

16:24:54 18 A Yes, sir.

16:25:01 19 Q Did you know that Melo had spent time under

16:25:03 20 the Memorial tent before?

16:25:06 21 A Can you repeat the question?

16:25:07 22 Q Sure. Did you know that Melo had spent time

16:25:11 23 under your team's tent before?

16:25:13 24 A No, I didn't.

16:25:14 25 Q And to be fair, events are long and you are

16:25:18 1 coming and going; is that right?

16:25:19 2 A Yes, sir.

16:25:20 3 Q So maybe you don't know that because it didn't

16:25:23 4 happen and maybe you don't know that because you weren't

16:25:27 5 there and didn't see it. Is that fair?

16:25:30 6 A Yes, sir.

16:25:30 7 Q Okay. So I would like to shift a little bit

16:25:42 8 and talk about when it moves from Melo being called over

16:25:45 9 by [REDACTED] sitting down, talking friendly, to where

16:25:49 10 things start to go bad. Is that fair?

16:25:58 11 A Yes, sir.

16:26:03 12 Q Do you recall the first person to say

16:26:06 13 something to Melo, like who are you, or something like

16:26:10 14 that?

16:26:11 15 A Yes, sir.

16:26:12 16 Q Who was that?

16:26:13 17 A [REDACTED] [REDACTED]

16:26:16 18 Q So [REDACTED] to your recollection, is the first

16:26:19 19 to say, like, hey, who are you; is that fair?

16:26:23 20 A Yes, sir.

16:26:23 21 Q [REDACTED] is -- where is [REDACTED] seated or

16:26:28 22 standing, or I guess where is he in the tent in

16:26:32 23 comparison to where Melo is?

16:26:35 24 A I would say about two rows below and to the

16:26:40 25 right.

16:26:40 1 Q Okay. And when we say to the right, you can
16:26:42 2 be one seat to the right or many seats to the right.
16:26:46 3 How far to the right would you say?
16:26:48 4 A Two or three.
16:26:49 5 Q Two or three seats?
16:26:50 6 A Yes, sir.
16:26:51 7 Q So if a seat is, like, two feet across, we are
16:26:54 8 talking, like, six, maybe eight feet away?
16:26:57 9 A Yes, sir.
16:26:57 10 Q And so [REDACTED] is the first person to call
16:27:03 11 attention to Melo in a sense of, hey, who is this?
16:27:07 12 A Yes, sir.
16:27:08 13 Q [REDACTED] is a big guy, correct?
16:27:11 14 A You could say.
16:27:12 15 Q Yeah. I mean, he is, like, six-one,
16:27:16 16 200-and-something pounds; is that fair?
16:27:19 17 A No, sir.
16:27:19 18 Q That's not fair?
16:27:21 19 A No, sir.
16:27:21 20 Q Okay. [REDACTED] and Austin were identical twins;
16:27:30 21 is that right?
16:27:32 22 A Yes, sir.
16:27:33 23 Q And they were roughly the same size; is that
16:27:35 24 right?
16:27:35 25 A At the time of the event, no, they were not.

16:27:37 1 Q That's very fair. At the time of the event, I
16:27:39 2 think Austin was a little bigger?

16:27:43 3 A Yes, sir.

16:27:43 4 Q But not, like, crazy bigger; we're talking a
16:27:46 5 little bigger? Is that fair?

16:27:48 6 A I would say substantially bigger.

16:27:52 7 Q So [REDACTED] asks Melo who are you, right?

16:27:56 8 A Yes, sir.

16:27:56 9 Q And do you remember Melo responding, I'm Melo,
16:27:59 10 who are you, or something like that?

16:28:02 11 A No, sir.

16:28:02 12 MR. HOWARD: Judge, may I have a moment?

16:28:19 13 THE COURT: Yes.

16:28:20 14 MR. HOWARD: Actually, can we approach?

16:28:24 15 THE COURT: Yes.

16 16 (Off-the-record discussion.)

16:29:55 17 THE COURT: You are on.

16:29:57 18 Thank you, Mr. Howard. You may proceed.

16:30:10 19 I think I turned it off.

16:30:12 20 MR. HOWARD: I am trying to be --

16:30:13 21 THE COURT: I know. We are trying to be
16:30:13 22 great about it.

16:30:16 23 MR. HOWARD: Thank you, Judge.

16:30:16 24 THE COURT: Yes, sir.

16:30:32 25 Q Okay. I believe you told the detective that

16:30:41 1 [REDACTED] didn't tolerate feeling disrespected. Do you
16:30:45 2 remember those words?

16:30:47 3 A Yes, sir.

16:30:50 4 Q That -- you know, Centennial is another school
16:30:58 5 in the district, or are y'all in the same district?

16:31:02 6 A It depends on the sport.

16:31:03 7 Q Oh, okay. Right, right. Some sports, you are
16:31:05 8 in the same district; and some sports, they are
16:31:08 9 different districts?

16:31:09 10 A Yes.

16:31:10 11 Q They are not y'all's, like, primary rival, but
16:31:13 12 they are another team that you play sometimes?

16:31:16 13 A Yes, sir.

16:31:19 14 Q So [REDACTED] starts telling Melo to leave; is
16:31:24 15 that fair?

16:31:24 16 A Yes, sir.

16:31:25 17 Q And he is telling him -- how do you want to
16:31:28 18 describe it -- passionately, loudly? How would you say
16:31:32 19 that?

16:31:32 20 A I would say moderate tone, increasing as we
16:31:35 21 go.

16:31:35 22 Q Okay. Moderate tone but increasing as we go?

16:31:39 23 A Yes, sir.

16:31:42 24 Q And at the time you were interviewed, you said
16:31:47 25 that Melo responded with something, like, nobody has got

16:31:49 1 a problem with me being here but you. Do you remember
16:31:52 2 describing that to the detective two different times?

16:31:55 3 A Yes, sir.

16:31:58 4 Q At some point, it goes beyond just being
16:32:02 5 [REDACTED] correct?

16:32:04 6 A What do you mean?

16:32:06 7 Q I'm sorry, yeah, it was a bad question.

16:32:07 8 Talking to Melo and telling him who are you,
16:32:10 9 you don't need to be here?

16:32:13 10 A I don't recall that.

16:32:15 11 Q You don't recall Austin also starting to say
16:32:19 12 you don't need to be here?

16:32:21 13 A Not at the same time, no.

16:32:23 14 Q No, no, no -- yeah, I am not saying they are
16:32:25 15 saying it simultaneously. I am saying at some point, it
16:32:29 16 goes from just [REDACTED] and then eventually other people
16:32:31 17 start saying things?

16:32:33 18 A Yes, sir.

16:32:34 19 Q Okay. There we go, yeah.

16:32:39 20 where is Austin sitting in relation to Melo?

16:32:43 21 A Around five rows down.

16:32:47 22 Q Okay. And again, when we say five rows down,
16:32:50 23 is he five rows down right in the center of me, or is he
16:32:55 24 to the left or to the right?

16:32:56 25 A I would say five rows down and then one to the

16:33:00 1 right.

16:33:00 2 Q Okay. Five rows down and one seat to the

16:33:03 3 right?

16:33:03 4 A Yes, sir.

16:33:04 5 Q So I would be looking at him like this,

16:33:07 6 correct?

16:33:08 7 A The other way.

16:33:09 8 Q Oh, to the left?

16:33:11 9 A Yes.

16:33:12 10 Q I'm sorry, I thought you said right. To the

16:33:16 11 left?

16:33:16 12 A Yes, sir.

16:33:16 13 Q Where you had said [REDACTED] was, I think you

16:33:18 14 said one row down and about three seats to the right?

16:33:23 15 A Yes, sir.

16:33:23 16 Q Okay. So I have got [REDACTED] here and Austin

16:33:27 17 here, correct?

16:33:28 18 A Oh, I'm sorry. [REDACTED] was on the -- at the

16:33:31 19 same side as Austin.

16:33:33 20 Q Okay. Now, I am confused. Is [REDACTED] -- and

16:33:36 21 it is okay, and it has been a year, and I got it. Are

16:33:39 22 they -- so they are on the same side?

16:33:42 23 A Yes, sir.

16:33:42 24 Q And by "they," I mean Austin and [REDACTED]

16:33:47 25 A Yes, sir.

16:33:48 1 Q And are they on the left or the right?

16:33:50 2 A Left -- if you are looking at the football

16:33:51 3 field, they are to the left.

16:33:54 4 Q Yeah, because we can talk about this in lots

16:33:57 5 of different ways. I am under the tent, I am sitting

16:33:59 6 under the sent and I am facing the football field.

16:34:02 7 A Yes, sir.

16:34:02 8 Q If I am sitting where Melo was sitting, you

16:34:06 9 are saying to my left?

16:34:09 10 A Yes, sir.

16:34:09 11 Q Now, earlier you described them being

16:34:11 12 different distances, one being one seat over and one

16:34:16 13 being three-or-so seats over. Is that still accurate?

16:34:20 14 A Yes, sir.

16:34:20 15 Q Okay. But instead of being left and right,

16:34:21 16 they are both to the left?

16:34:29 17 A Yes, sir.

16:34:30 18 Q Okay. Got you. And was it more than just

16:34:33 19 [REDACTED] and then Austin saying something, or did other

16:34:36 20 students start saying something?

16:34:38 21 A I would say it was just them.

16:34:40 22 Q Okay. Just Austin and [REDACTED]

16:34:43 23 A Yes, sir.

16:34:44 24 Q At some point, Austin stands up, correct?

16:34:46 25 A Yes, sir.

16:34:46 1 Q He had been seated?

16:34:49 2 A Yes, sir.

16:34:50 3 Q [REDACTED] had been seated?

16:34:51 4 A Yes, sir.

16:34:51 5 Q At some point, [REDACTED] stands up?

16:34:54 6 A Late in the event, yes.

16:35:04 7 Q Late. Okay. And we've talked about this.

16:35:09 8 [REDACTED] is a big-ish guy but Austin is bigger than him?

16:35:15 9 A Yes, sir.

16:35:16 10 Q And I think you said substantially so?

16:35:18 11 A Yes, sir.

16:35:24 12 Q Austin played linebacker; is that correct?

16:35:26 13 A Yes, sir.

16:35:26 14 Q He was kind of broad-shouldered and strong?

16:35:32 15 A Yes, sir.

16:35:35 16 Q Melo, Karmelo Anthony, significantly smaller;

16:35:38 17 is that fair?

16:35:41 18 A I don't know.

16:35:42 19 Q Okay. If you put them up next to each other,

16:35:46 20 he's smaller; is that fair?

16:35:48 21 A Yes, sir.

16:35:58 22 Q And earlier, you said that -- that [REDACTED]

16:36:04 23 started with a moderate tone and I think you said maybe

16:36:08 24 it progressed from there; is that right?

16:36:10 25 A Yes, sir.

16:36:10 1 Q And by progressed, I am guessing you mean got
16:36:14 2 more aggressive, more loud? What would you say?
16:36:19 3 A A little more aggressive.
16:36:22 4 Q Okay. So moderate, and it progressed to be a
16:36:26 5 little more aggressive; is that fair?
16:36:29 6 A Yes, sir.
16:36:31 7 Q So that was [REDACTED] And then when Austin got
16:36:35 8 involved or started saying something, what was Austin's
16:36:39 9 tone?
16:36:41 10 A Moderate.
16:36:42 11 Q Moderate?
16:36:42 12 A Yes, sir.
16:36:42 13 Q Okay. And do you remember telling the
16:36:48 14 detective that Austin told Melo, you need to move before
16:36:52 15 I beat your ass?
16:36:54 16 A I don't recall saying that.
16:37:20 17 MR. HOWARD: Okay. May I approach the
16:37:21 18 witness, Judge?
16:37:23 19 THE COURT: Yes, sir.
16:37:27 20 Q Okay. We talked earlier that on April 2nd,
16:37:31 21 shortly after the incident, you gave an interview to
16:37:34 22 Detective Folk, correct?
16:37:35 23 A Yes, sir.
16:37:35 24 Q I'm sorry, April 2nd, 2025. I am going to
16:37:41 25 show you -- sorry, I walked away from my timestamp. Let

16:37:48 1 me get my timestamp exactly correct.

16:38:02 2 It comes at the 8 minute and 18 second mark.

16:38:05 3 But it is a long thing, so it is -- so read this not

16:38:20 4 aloud, just to yourself, and see if that refreshes your
16:38:24 5 recollection.

16:38:25 6 Does that refresh your recollection?

16:38:36 7 A What it says right there --

16:38:36 8 THE COURT: We couldn't hear what you
16:38:36 9 just said.

16:38:36 10 Q Yeah, you have got to speak into the mic.

16:38:39 11 A It says right there that it says -- I said,
16:38:41 12 "like," meaning it wasn't these exact words.

16:38:48 13 Q So you are not giving an exact quote?

16:38:50 14 A Yes.

16:38:51 15 Q So you used the word "like," but he said -- he
16:38:53 16 either said that or something similar to that?

16:38:56 17 A Yes, sir.

16:38:57 18 Q Okay. Fair enough. Something like, and I am
16:39:07 19 quoting, you know, or I will beat your ass, we're now --
16:39:09 20 this is what we are talking about when you said it
16:39:12 21 started moderate and it got more aggressive; is that
16:39:15 22 fair?

16:39:16 23 A Yes, sir.

16:39:16 24 Q Okay. Now, I'm sorry, maybe I wasn't being
16:39:27 25 clear. That was Austin who said that; is that fair?

16:39:31 1 A Yes, sir.

16:39:31 2 Q Okay. I'm sure you've been around -- whether

16:39:45 3 you call it a schoolyard fight or an argument before,

16:39:49 4 right?

16:39:49 5 A Yes, sir.

16:39:50 6 Q If people are around, they tend to kind of

16:39:52 7 turn and take notice; is that fair?

16:39:55 8 A Yes, sir.

16:39:56 9 Q Sometimes they run and get involved, right?

16:39:59 10 A Yes, sir.

16:40:00 11 Q Maybe they are breaking it up, maybe they are

16:40:02 12 making it worse, right?

16:40:04 13 A Yes, sir.

16:40:04 14 Q You have seen that kind of stuff, right?

16:40:07 15 A Yes, sir.

16:40:07 16 Q And sometimes they just kind of watch?

16:40:13 17 A Yes, sir.

16:40:14 18 Q Maybe stand up and watch?

16:40:15 19 A Yes, sir.

16:40:15 20 Q And fair to say this is kind of causing a

16:40:15 21 commotion?

16:40:15 22 A Yes, sir.

16:40:26 23 Q People are starting to notice, right?

16:40:28 24 A Yes, sir.

16:40:28 25 Q It wouldn't surprise you if kids from other

16:40:30 1 tents or from the field saw this or heard this and
16:40:33 2 started taking notice; is that right?

16:40:35 3 A Yes, sir.

16:40:43 4 Q So by this time, Austin has stood up, right?
16:40:44 5 You told us that.

16:40:46 6 A Yes, sir.

16:40:47 7 Q And Melo is still seated, correct?

16:40:49 8 A Yes, sir.

16:40:57 9 Q And I believe when Austin stood up, that's
16:40:59 10 when you described Melo reaching into his bag; is that
16:41:03 11 fair?

16:41:03 12 A Yes, sir.

16:41:03 13 Q And I made a motion reaching down, because I
16:41:07 14 believe you said that his bag is, kind of, either
16:41:09 15 between his legs or on his lap, or something like that?

16:41:12 16 A Yes, sir.

16:41:18 17 Q So after the -- and I want to be fair. When I
16:41:20 18 say the move, or I'll beat your ass -- you said it was
16:41:25 19 like that; so that, or something similar to that --
16:41:28 20 that's when Melo reaches his hand into his bag; is that
16:41:33 21 fair?

16:41:33 22 A I don't know.

16:41:34 23 Q Okay. That's fine. This whole thing, even
16:41:36 24 though it takes a long time to talk about, this whole
16:41:40 25 thing happened really fast?

16:41:41 1 A Yes, sir.

16:41:41 2 Q And it was chaotic?

16:41:43 3 A Yes, sir.

16:41:43 4 Q And scary?

16:41:45 5 A I wouldn't say scary.

16:41:46 6 Q well, looking back on it, right? Traumatic

16:41:49 7 for you?

16:41:49 8 A Yes, sir.

16:41:50 9 Q Yeah. Melo reached his hand into his bag

16:42:00 10 after Austin said that aggressively or verging towards

16:42:04 11 aggressively, right?

16:42:05 12 A He had a moderate tone when he said that.

16:42:07 13 Q Okay. So he was still moderate when he made

16:42:10 14 the "or I'll beat your ass," or something like that?

16:42:13 15 A Yes, sir.

16:42:14 16 Q Okay. And you understood him reaching into

16:42:21 17 the bag was like a -- whether you want to call it a

16:42:25 18 bluff, a warning, a back-off, don't come over here I've

16:42:27 19 got something, right?

16:42:29 20 A Yes, sir.

16:42:31 21 Q whether you thought he had something or not,

16:42:32 22 you understood that what that was attempting to

16:42:34 23 communicate; is that fair?

16:42:36 24 A Yes, sir.

16:42:40 25 Q And Austin kind of calls his bluff and says, I

16:42:43 1 know you don't have anything in that bag, right?

16:42:46 2 A Yes, sir.

16:42:47 3 Q And there is a little back-and-forth about

16:42:49 4 that, Melo says I wouldn't say that, or why would you

16:42:54 5 say that; and, he says, because you are from Frisco?

16:42:58 6 A Yes, sir.

16:42:59 7 Q But Melo says back to him, like, I wouldn't

16:43:01 8 say that, like -- kind of like I have something in this

16:43:03 9 bag?

16:43:04 10 A Yes, sir.

16:43:29 11 Q Austin has -- well, first [REDACTED] and then

16:43:32 12 Austin has said, a number of times, to move, right?

16:43:37 13 A Yes, sir.

16:43:38 14 Q Melo was called over to the tent, sat down, it

16:43:43 15 is raining, everything is fine for a few minutes, and

16:43:47 16 now this has escalated, correct?

16:43:49 17 A Yes, sir.

16:43:50 18 Q And Melo doesn't want to move, right?

16:43:52 19 A No, sir.

16:43:57 20 Q That's when you said Austin is five rows down?

16:44:02 21 A Yes, sir.

16:44:03 22 Q And I got mixed up. Is Austin one seat over

16:44:05 23 or three seats over?

16:44:07 24 A One seat.

16:44:07 25 Q One seat. Okay. And so to make his way

16:44:12 1 towards Melo, he has got to come up those five rows; is
16:44:16 2 that fair?

16:44:17 3 A Yes, sir.

16:44:20 4 Q And I didn't do this earlier, but I should.

16:44:22 5 MR. HOWARD: May I approach the witness?

16:44:30 6 Q Just to kind of orient the jury, this is
16:44:33 7 State's Exhibit Number 23, okay? And it is just a big
16:44:37 8 blowup of a close-up of the stadium, okay?

16:44:42 9 A Yes, sir.

16:44:43 10 Q And this yellow -- this yellow square is meant
16:44:46 11 to represent the -- where the Memorial tent was, okay?

16:44:51 12 A Yes, sir.

16:44:51 13 Q Does that look -- and I knew it is a close-up,
16:44:53 14 but does that look, roughly, what you remember, where it
16:44:57 15 was?

16:44:57 16 A Yes, sir.

16:44:58 17 Q Okay. Where -- point out where you remember
16:45:02 18 Melo being, please. And I will move it closer to you so
16:45:05 19 it is easier.

16:45:05 20 Okay. You are pointing -- is it here?

16:45:08 21 A Yes, sir.

16:45:09 22 Q Kind of top row, in the middle?

16:45:11 23 A Yes, sir.

16:45:12 24 Q Maybe, not dead -- maybe not like
16:45:14 25 center/center, middle, but very close to the middle?

16:45:17 1 A Yes, sir.

16:45:17 2 Q Okay. And you said Austin is five rows down,
16:45:21 3 like towards the bottom?

16:45:24 4 A Yes, sir.

16:45:25 5 Q And he is towards the middle, which is one
16:45:28 6 seat over on the left?

16:45:30 7 A Yes, sir.

16:45:30 8 Q Okay. And then he goes up this way, towards
16:45:32 9 the top?

16:45:33 10 A Yes, sir.

16:45:34 11 Q And I guess by "up," I mean towards the top of
16:45:39 12 the tent?

16:45:40 13 A Yes, sir.

16:45:40 14 Q Okay. Thank you.

16:45:41 15 And as Austin is making his way towards Melo,
16:46:02 16 is that fast, slow, a walk, a run? How would you
16:46:08 17 describe that?

16:46:09 18 A Slow.

16:46:12 19 Q Slow, like walking, or slow like he is moving
16:46:14 20 in slow motion?

16:46:16 21 A Slow, like it happens over time.

16:46:18 22 Q Okay. So he takes a step or two and then
16:46:21 23 stops and they talk?

16:46:22 24 A Yes, sir.

16:46:22 25 Q And by "they talk," I am not meaning -- you

16:46:24 1 know, they are back and forth?

16:46:26 2 A Yes, sir.

16:46:26 3 Q Okay. And then maybe he starts again and
16:46:29 4 stops, and that happens for however many steps?

16:46:32 5 A Yes, sir.

16:46:34 6 Q All this time, as you are describing Austin
16:46:38 7 moving closer to Melo, Melo stays seated?

16:46:41 8 A Yes, sir.

16:46:43 9 Q He has still got his hand in the bag?

16:46:46 10 A Yes, sir.

16:46:46 11 Q That kind of back off, don't -- don't come
16:46:49 12 towards me warning, right?

16:46:52 13 A Yes, sir.

16:46:58 14 Q And the tent was maybe not, like, packed like
16:47:06 15 sardines, but there were a decent number of people under
16:47:09 16 the tent that day, right?

16:47:11 17 A Yes, sir.

16:47:11 18 Q I believe we heard that there were -- the
16:47:13 19 girls were at the very bottom of the tent?

16:47:16 20 A Yes, sir.

16:47:17 21 Q Is that what you remember, too?

16:47:18 22 A Yes, sir.

16:47:19 23 Q And then there is a number of male athletes
16:47:20 24 there, too?

16:47:23 25 A Yes, sir.

16:47:23 1 Q 15, 20; does that seem fair?

16:47:27 2 A Yes, sir.

16:47:27 3 Q So in that five rows, I assume people have to

16:47:31 4 move out of the way for Austin to make that way; is that

16:47:34 5 fair?

16:47:34 6 A I wouldn't say move out the way.

16:47:38 7 Q Is he climbing over them or are they kind of,

16:47:40 8 like, shifting to let him go by?

16:47:42 9 A Yes, sir.

16:47:42 10 Q Okay. Shifting. I gave you either/or, and I

16:47:45 11 just want it to be very clear, so they are shifting to

16:47:48 12 let him go by?

16:47:50 13 A Sometimes they were shifting and sometimes

16:47:52 14 there was just open space.

16:47:53 15 Q Okay. Right, right. Because, like I said, it

16:47:55 16 is not packed like sardines; sometimes there is space

16:47:58 17 for him to walk?

16:47:59 18 A Yes, sir.

16:47:59 19 Q And sometimes someone has to lean or shift or

16:48:04 20 move, or whatever we want to call it?

16:48:06 21 A Yes, sir.

16:48:07 22 Q Do you remember anybody else standing up?

16:48:11 23 A No, sir.

16:48:12 24 Q Would it surprise you if [REDACTED] [REDACTED] said

16:48:16 25 that he stood up?

16:48:18 1 A I don't know.

16:48:19 2 Q Right, because you are -- I assume you are
16:48:21 3 looking at this thing that's happening?

16:48:24 4 A Yes, sir.

16:48:25 5 Q You are not head-on-a-swivel looking to see
16:48:28 6 who is seated and standing; is that fair?

16:48:30 7 A Yes, sir.

16:48:33 8 Q If other people stood up or they didn't stand
16:48:35 9 up, that's just -- you don't know?

16:48:36 10 A Yes, sir.

16:48:38 11 Q [REDACTED] had been sitting -- did you say
16:48:41 12 next to you or down one from you?

16:48:42 13 A Up one.

16:48:43 14 Q Oh, I'm sorry, up one. At some point, [REDACTED]
16:48:46 15 [REDACTED] moves out of the way; is that right?

16:48:49 16 A I don't know.

16:48:50 17 Q Okay. That's fair. If you don't know, you
16:48:53 18 don't know.

16:48:53 19 Eventually, Austin -- you said it was slow,
16:49:00 20 but eventually, he gets up in front of Melo, correct?

16:49:04 21 A Yes, sir.

16:49:05 22 Q And when he is in front of Melo, is he
16:49:08 23 directly in front, off to the left, or off to the right?

16:49:11 24 A A little off to the left.

16:49:13 25 Q Okay. So from my direct front, he is kind of

16:49:16 1 where my water bottle is?

16:49:19 2 A Yes, sir.

16:49:19 3 Q Okay. And how far between them is he

16:49:22 4 standing?

16:49:23 5 A I would say two rows.

16:49:25 6 Q Two rows. So he is standing two rows down?

16:49:28 7 A Yes, sir.

16:49:28 8 Q Okay. That -- you would agree with me that

16:49:31 9 two rows down is probably too far to reach and make

16:49:36 10 contact; is that fair?

16:49:38 11 A No, sir.

16:49:38 12 Q No?

16:49:39 13 A No, sir.

16:49:40 14 Q You can reach somebody from two rows beneath

16:49:44 15 them?

16:49:44 16 A From my recollection, yes.

16:49:47 17 Q Okay. So Austin is standing two rows beneath

16:49:55 18 Melo, reaches towards Karmelo when it happens; is that

16:50:01 19 fair?

16:50:01 20 A When it happened, he went up -- he went up one

16:50:04 21 row.

16:50:04 22 Q Okay, okay. Good, good. Now I understand.

16:50:06 23 So before he makes that final move close to

16:50:11 24 Melo, he is standing two rows beneath Melo?

16:50:16 25 A Yes, sir.

16:50:17 1 Q But then, just before he makes first physical
16:50:23 2 contact with Melo, he takes that final two steps to get
16:50:27 3 up on Melo's level?

16:50:28 4 A He was one level below.

16:50:30 5 Q One level. So he goes from two levels below
16:50:32 6 to one level below?

16:50:34 7 A Yes, sir.

16:50:34 8 Q Okay. So now his feet are just beneath where
16:50:38 9 Melo's feet are, correct? Because he's one row higher?

16:50:42 10 A Yes, sir.

16:50:42 11 Q But Melo is still seated?

16:50:49 12 A Yes, sir.

16:50:55 13 Q And Melo says something like, as long as you
16:50:58 14 don't touch me, we are cool, or don't touch me or --

16:51:02 15 A Something like that.

16:51:04 16 Q Okay. And this goes on for a while, correct?

16:51:07 17 A Yes, sir.

16:51:07 18 Q So the jury has probably heard different
16:51:11 19 versions of that, and it is also chaotic and a lot going
16:51:16 20 on; is that fair?

16:51:18 21 A Yes, sir.

16:51:24 22 Q And to be fair, you describe to the police
16:51:28 23 that Karmelo (sic) reaches down and taps Karmelo on the
16:51:33 24 shoulder. You described it as a tap?

16:51:36 25 A Austin reaches and taps him on the shoulder.

16:51:38 1 Q Yeah, I'm sorry. Austin reached down and
16:51:40 2 taps --
16:51:41 3 A Reaches up.
16:51:42 4 Q Reaches up. Okay. I had it as down, but you
16:51:44 5 are probably right.
16:51:45 6 kind of like he has been told don't touch me
16:51:52 7 and it is like a "I touched you;" is that fair?
16:51:55 8 A Yes, sir.
16:51:59 9 Q And all this time, Melo is still seated?
16:52:02 10 A Yes, sir.
16:52:02 11 Q His hand is still in the bag?
16:52:05 12 A Yes, sir.
16:52:09 13 Q And are they still talking at this point back
16:52:12 14 and forth?
16:52:13 15 A Yes, sir.
16:52:14 16 Q Do you remember Melo saying something like,
16:52:15 17 okay, you touched me, but as long as you don't punch me,
16:52:20 18 we're cool, or something like that?
16:52:23 19 A Yes, sir.
16:52:27 20 Q And the -- so there is a touch and then there
16:52:35 21 is a grab, correct?
16:52:37 22 A Yes, sir.
16:52:38 23 Q The grab was with both hands, you said,
16:52:41 24 correct?
16:52:43 25 A I couldn't tell if it was two hands, but both

16:52:46 1 of his hands were in a, like, motion -- in a motion.

16:52:50 2 Q Okay. Because from where you are seated, you
16:52:52 3 can't see if he actually makes physical contact with
16:52:55 4 both hands? Is that what you are saying?

16:52:56 5 A Yes, sir.

16:52:57 6 Q But you can definitely see that Austin is
16:53:00 7 reaching out with both hands?

16:53:01 8 A Yes, sir.

16:53:02 9 Q Okay. And at this point, you thought that
16:53:10 10 they were about to start shoving each other?

16:53:13 11 A Yes, sir.

16:53:17 12 Q And still -- I know I keep asking you this,
16:53:20 13 but I just want to make sure nothing has changed -- Melo
16:53:22 14 is still seated, Austin is still standing one row
16:53:28 15 beneath him?

16:53:30 16 A Yes, sir.

16:53:30 17 Q And Austin -- and, of course, I know this is
16:53:31 18 going slow, but Austin reaches out, it is not a slow
16:53:35 19 reach-out, correct?

16:53:36 20 A Yes, sir.

16:53:42 21 Q And it is in that, kind of, split second that
16:53:46 22 Austin is reaching out for him, for Melo, that Melo's
16:53:50 23 hand then finally comes out of the bag; is that right?

16:53:54 24 A Yes, sir.

16:53:54 25 Q And then, of course, you know, it was a

16:53:56 1 tragic, awful thing that happened?

16:53:58 2 A Yes, sir.

16:53:59 3 MR. HOWARD: I pass the witness, Judge.

16:54:06 4 THE COURT: Okay. Mr. Wirskey, I am
16:54:07 5 debating on whether to take a break now. I think I am
16:54:12 6 going to.

16:54:12 7 All right. Ladies and gentlemen, we are
16:54:13 8 taking a break. Thank you for your response.

16:54:15 9 MR. WIRSKYE: I couldn't get my mic on in
16:54:17 10 time.

16:54:17 11 THE COURT: Well, it's too late now.

16:54:18 12 Ladies and gentlemen, we are going to do
16:54:19 13 about a 12-minute break, okay? Y'all are excused.

16:54:25 14 THE BAILIFF: All rise.

15 (Jury not present.)

16:54:43 16 THE COURT: Ladies and gentlemen, you are
16:54:44 17 excused. Follow the security directions.

18 (Recess in proceedings.)

17:11:25 19 THE COURT: All right. Is the State
17:11:27 20 ready?

17:11:28 21 MR. WIRSKYE: The State is ready, Your
17:11:29 22 Honor.

17:11:30 23 THE COURT: Is the Defense ready?

17:11:31 24 MR. HOWARD: Yes, sir.

17:11:32 25 THE COURT: I should have done the

17:11:33 1 reverse.

17:11:33 2 All right. Let's bring in the jury,
17:11:35 3 please.

17:12:01 4 Mr. Howard, did you pass the witness?
17:12:03 5 You did, didn't you?

17:12:04 6 MR. HOWARD: I did, Your Honor.

17:12:05 7 THE COURT: Okay.

17:12:41 8 THE BAILIFF: All rise.

9 (Jury present.)

17:13:12 10 THE COURT: Everyone be seated.

17:13:12 11 Mr. Wirskeye, your cross-examination,
17:13:18 12 please.

17:13:19 13 MR. WIRSKYE: Thank you, Your Honor.

14 CROSS-EXAMINATION

17:13:19 15 BY MR. WIRSKYE:

17:13:19 16 Q Hi, [REDACTED] How are you?

17:13:22 17 A Good.

17:13:22 18 Q Okay. And just so the jury knows, you and I
17:13:24 19 have met before and talked before, right?

17:13:27 20 A Yes, sir.

17:13:28 21 Q Longer than two minutes, right?

17:13:30 22 A Yes, sir.

17:13:31 23 Q Okay. I can't imagine any 17-year-old having
17:13:34 24 a more challenging Saturday than the SAT in the morning
17:13:37 25 and a murder trial in the afternoon, so thank you for

17:13:40 1 being here.

17:13:41 2 A Thank you.

17:13:42 3 Q I don't think anyone has pointed out, your
17:13:45 4 dad, Jorge, is in the courtroom, right?

17:13:47 5 A Yes, sir.

17:13:47 6 Q Sitting back there, and I got a chance to
17:13:50 7 speak with him at break, and you know me and your dad
17:13:53 8 were texting late last night, right?

17:13:56 9 A Yes, sir.

17:13:56 10 Q Did he tell you about that?

17:13:58 11 A Kind of.

17:13:58 12 Q Okay. Well, I wish I hadn't said anything
17:14:01 13 now.

17:14:01 14 Okay. Anyway, there was a possibility you
17:14:05 15 would testify today and no one wanted to tell you before
17:14:08 16 the SAT, so hopefully no one did.

17:14:11 17 A No one did.

17:14:12 18 Q Okay. I have just got a few questions for
17:14:16 19 you, really, [REDACTED] and I will try to make this as short
17:14:19 20 and painless as possible.

17:14:20 21 There is a couple of things you mentioned, and
17:14:28 22 I want to make sure the jury is really clear on -- as
17:14:33 23 accurate as you can be with quotes. But you didn't know
17:14:38 24 Karmelo Anthony before that day, right?

17:14:40 25 A No, sir.

17:14:40 1 Q And you've heard him called Karmelo and Melo,
17:14:44 2 but we he was a stranger to you before that day?

17:14:46 3 A Yes, sir.

17:14:47 4 Q And, obviously, you know his name now, because
17:14:49 5 of the reason we are here, right?

17:14:50 6 A Yes, sir.

17:14:51 7 Q And eventually, Austin stepped in and kind of
17:14:55 8 took the lead to get him to leave the tent; is that
17:14:58 9 right?

17:14:58 10 A Yes, sir.

17:15:01 11 Q And you told me that Karmelo kind of responded
17:15:07 12 with "make me"?

17:15:08 13 A Yes, sir.

17:15:09 14 Q And then no one cared?

17:15:11 15 A Yes, sir.

17:15:12 16 Q Like no one took him seriously, right?

17:15:14 17 A Yes, sir.

17:15:15 18 Q And it sounds like that started to frustrate
17:15:17 19 him, right?

17:15:18 20 A Yes, sir.

17:15:19 21 Q He didn't leave and Austin kept telling him to
17:15:24 22 leave, right?

17:15:25 23 A Yes, sir.

17:15:25 24 Q And finally, at some point, you know, Melo,
17:15:30 25 Karmelo puts his hand in the bag and Austin said, hey,

17:15:33 1 man, there is nothing in it, nothing in there?

17:15:36 2 A Yes, sir.

17:15:36 3 Q And at that point, Karmelo said he wasn't from

17:15:40 4 Frisco, right?

17:15:41 5 A Yes, sir.

17:15:42 6 Q So he is intimating that he wasn't from the

17:15:45 7 City of Frisco, right?

17:15:46 8 A Yes, sir.

17:15:47 9 Q How did you take that to mean, like that he

17:15:49 10 was somehow hard, or like how did you take it in the

17:15:54 11 moment?

17:15:55 12 A I thought he was trying to prove a point that

17:15:58 13 he, like, is capable of doing an act; a violent act.

17:16:03 14 Q Of course, you didn't believe him, right?

17:16:06 15 A No, sir.

17:16:06 16 Q And you didn't know how the day was going to

17:16:08 17 end, right?

17:16:09 18 A No, sir.

17:16:09 19 Q So you didn't believe him at the time, but you

17:16:11 20 believed it by the end of the day?

17:16:14 21 A Yes, sir.

17:16:14 22 Q Okay. And then he says, touch me and see what

17:16:19 23 happens?

17:16:20 24 A Yes, sir.

17:16:20 25 Q And then I think you have described it to me

17:16:22 1 and this jury earlier, Austin kind of does a light
17:16:25 2 touch, right?

17:16:27 3 A with his finger, yeah.

17:16:28 4 Q Like that (demonstrating)?

17:16:29 5 A Yes, sir.

17:16:29 6 Q Almost sarcastically, right?

17:16:32 7 A Yes, sir.

17:16:33 8 Q Austin wasn't trying to fight?

17:16:35 9 A No, sir.

17:16:35 10 Q Austin was annoyed?

17:16:37 11 A Yes, sir.

17:16:37 12 Q Okay. And then Karmelo says, hey, hit me and
17:16:42 13 see what happens?

17:16:43 14 A Yes, sir.

17:16:43 15 Q Like, he invited Austin Metcalf to punch him,
17:16:48 16 right?

17:16:49 17 A Yes, sir.

17:16:49 18 Q But you didn't think Austin was going to punch
17:16:52 19 him, did you?

17:16:53 20 A No, sir.

17:16:54 21 Q In fact, Austin didn't punch him, did he?

17:16:56 22 A No, sir.

17:16:57 23 Q And the next thing that happens -- you know,
17:16:59 24 at some point there is this push, the shove. How would
17:17:02 25 you describe it, again? It has been described different

17:17:05 1 ways. I know you don't remember one hand, two hands,
17:17:07 2 but how would you describe it?

17:17:09 3 A From my point of view, he was trying to move
17:17:12 4 him; not necessarily shove him or push him. Kind of
17:17:15 5 just, like, get a hold of him.

17:17:17 6 Q Okay. Kind of annoyed and exasperated, just
17:17:19 7 get out of the tent?

17:17:20 8 A Yes, sir.

17:17:21 9 Q It wasn't aggressive?

17:17:22 10 A You could say so.

17:17:24 11 Q Okay. well, how did it strike you?

17:17:29 12 A He was trying to just get a hold of him.

17:17:33 13 Q And move him out?

17:17:34 14 A Yes, sir.

17:17:35 15 Q Okay. Fair enough.

17:17:36 16 You told the members of the jury that while
17:17:39 17 this is going on, it is not very scary, right?

17:17:43 18 A No, sir.

17:17:43 19 Q Because you don't think anything is going to
17:17:45 20 happen, right?

17:17:48 21 A Yes, sir.

17:17:49 22 Q And then at some point, you see the shove?

17:17:51 23 A Yes, sir.

17:17:51 24 Q And it sounds like you are expecting a shove
17:17:53 25 back, right?

17:17:55 1 A Yes, sir.

17:17:55 2 Q At the most, right?

17:17:56 3 A Yes, sir.

17:17:57 4 Q But when you saw the shove, what came back was

17:17:59 5 a stab, wasn't it?

17:18:00 6 A Yes, sir.

17:18:01 7 Q And that scared you?

17:18:02 8 A Yes, sir.

17:18:03 9 Q Did you run off?

17:18:05 10 A No, sir.

17:18:06 11 Q Did you stay and call 9-1-1?

17:18:08 12 A Yes, sir.

17:18:09 13 MR. WIRSKYE: Okay. May I approach this

17:18:10 14 witness?

17:18:11 15 THE COURT: You may.

17:18:11 16 Q And you and I have talked before, and counsel

17:18:14 17 didn't ask you, and I'm not trying to make you super

17:18:17 18 uncomfortable, but you have demonstrated to me before

17:18:20 19 the stabbing motion that you saw.

17:18:22 20 A Yes, sir.

17:18:24 21 Q And I think this works perfectly, because I am

17:18:26 22 pretty tall. Are we about the same level, maybe? Or

17:18:31 23 maybe imagine I am shorter, okay?

17:18:35 24 A Okay.

17:18:35 25 Q Can you just kind of -- high up with your

17:18:38 1 hands, because it has got to be over this -- show the
17:18:42 2 members of the jury that underhand stabbing motion that
17:18:46 3 you showed me a couple of weeks ago.

17:18:48 4 A (Demonstrating.)

17:18:48 5 Q And you actually saw this, right?

17:18:49 6 A Yes, sir.

17:18:50 7 Q And it scared the heck out of you, right?

17:18:52 8 A At starters, I didn't know it was a stab,
17:18:54 9 because it all happened so fast.

17:18:56 10 Q But as soon as you figured out what happened,
17:18:59 11 it really scared you and shook you up, right?

17:19:02 12 A Yes, sir.

17:19:03 13 Q Okay. Let me ask it this way. Who was in the
17:19:21 14 wrong that morning and who was in the right?

17:19:27 15 A I think Karmelo was in the wrong.

17:19:29 16 Q Fair enough. You saw a shove and you expected
17:19:32 17 it to be met with, at most, a shove, right?

17:19:36 18 A Yes, sir.

17:19:37 19 Q But it was a shove met with a stab, right?

17:19:39 20 A Yes, sir.

17:19:41 21 Q Karmelo Anthony provoked this, didn't he?

17:19:43 22 A Yes, sir.

17:19:44 23 MR. WIRSKYE: Pass the witness.

17:19:45 24 THE COURT: Mr. Howard?

17:19:45 25 MR. HOWARD: Yes, Your Honor. Thank you.

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THE COURT: Yes, sir.

REDIRECT EXAMINATION

BY MR. HOWARD:

Q I really only have a couple of questions for you. I know you've been very patient with us, and I thank you.

A minute ago, with -- when Mr. Wirskey was asking you questions, you -- I think Mr. Wirskey said that Karmelo invited Austin to punch him, and you said yes, right?

A Yes, sir.

Q Like, punch me; like that kind of being the invitation?

A Yes, sir.

Q Okay. But previously, when you were talking to me and when you were talking to the detective, you would agree that it was -- it was or could have been, or during the conversation, was as long as you don't punch me, we're cool, right?

A No.

Q No?

A No, sir.

Q So a minute ago when we were talking, I asked you that; and you said yes, it was something like that. And to be fair, you said there was a lot of

17:20:54 1 back-and-forth, and I don't remember exactly, but you
17:20:57 2 said yes, it was something like that then. But you are
17:21:00 3 saying it wasn't that now; is that fair?

17:21:02 4 A The way you explained it, it sounds like you
17:21:05 5 weren't directly quoting. What I meant to say was that
17:21:08 6 Karmelo was inviting and saying, just punch me and see
17:21:13 7 what happens, after Austin tapped him on the shoulder.

17:21:17 8 Q Okay. Okay. And one last question. When Mr.
17:21:19 9 Wirskey approached and y'all did the demonstration,
17:21:23 10 because he is very tall, you stood up to demonstrate
17:21:26 11 that; but you have been very clear that Karmelo was
17:21:29 12 seated when this push happened, correct?

17:21:32 13 A Yes, sir.

17:21:32 14 Q Okay. So that -- you had to stand up to make
17:21:34 15 that work for how tall he is, but if you were playing
17:21:39 16 Karmelo in that demonstration, you know, you would have
17:21:44 17 been seated for somebody who wasn't so tall; is that
17:21:47 18 fair?

17:21:47 19 A Yes.

17:21:48 20 MR. HOWARD: Okay. No more questions,
17:21:53 21 Judge.

17:21:53 22 THE COURT: Mr. Wirskey?

17:21:54 23 MR. WIRSKYE: Nothing further, Judge.

17:21:54 24 THE COURT: Okay. Is this witness
17:21:56 25 excused by the Defense?

17:21:58 1 MR. HOWARD: Subject to recall.

17:21:58 2 THE COURT: Okay. You are subject to
17:21:59 3 recall. They will explain what that means to you, but
17:22:05 4 you can come down now. Thank you.

17:22:16 5 All right. Ladies and gentlemen, we're
17:22:17 6 done for the day, okay? I know. Hang on. Everybody
17:22:21 7 settle down.

17:22:22 8 First of all, I want to thank you -- what
17:22:26 9 a week, huh? And I have worked you really, really hard.
17:22:30 10 And I will tell you, I have worked the lawyers really,
17:22:32 11 really hard, I have worked my staff really, really hard,
17:22:34 12 I have worked security really, really hard, and so we
17:22:37 13 are going to work tomorrow -- I am just kidding. We are
17:22:41 14 not working tomorrow. I was hoping y'all would all
17:22:44 15 laugh at the first part and I didn't have to explain
17:22:46 16 myself to you. Of course we're not working tomorrow.

17:22:49 17 MR. WIRSKYE: Can we object to that?

17:22:50 18 THE COURT: Yes, you can object and I
17:22:52 19 will sustain the objection.

17:22:53 20 So I do want to thank you. I mean it,
17:22:55 21 okay? I really do. So we are going to take off
17:22:58 22 tomorrow, of course; and we are going to reconvene at
17:23:01 23 nine o'clock on Monday morning.

17:23:02 24 Now, ladies and gentlemen, it is really,
17:23:05 25 really important -- I don't think you have had a whole

17:23:07 1 lot of time just to hang around the house because I have
17:23:09 2 worked you so much, right? But you are going to have
17:23:11 3 all day tomorrow, and I will tell you, I am having a
17:23:13 4 hard time going places without people asking me, okay,
17:23:17 5 about the case, and I have to remove myself and say I am
17:23:19 6 not going to talk about it and stuff. And I expect you
17:23:22 7 to do the exact same thing, okay?

17:23:24 8 I have a hard time getting on my phone
17:23:26 9 and not finding something about something going on
17:23:28 10 around here, okay? So I turn off my phone; I don't do
17:23:30 11 it anymore. You have to do the same thing. And so just
17:23:33 12 avoid all of the things from the outside. We talked
17:23:36 13 about this during voir dire, how important this is, how
17:23:40 14 fairness is only reached and justice is only reached by
17:23:43 15 hearing and -- hearing everything here in this
17:23:45 16 courtroom, okay?

17:23:46 17 And so we all have an agreement. We're
17:23:48 18 going to continue to follow the Court's instructions.
17:23:50 19 All right?

17:23:50 20 So I want you to have a great day
17:23:53 21 tomorrow and be ready to work hard next week, about as
17:23:57 22 hard as we did this week, okay?

17:23:58 23 I thank y'all very much.

17:24:00 24 THE BAILIFF: All rise.

25 (Jury not present.)

17:24:03

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THE COURT: All right. The audience is

17:24:15

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excused by listening to the security personnel.

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(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 12th day of July, 2026.

16
17 /s/ Janet L. Dugger

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