

No. CR-21-5078

STATE OF LONE STAR

§ IN THE DISTRICT COURT

§

§

§

v.

§ IN AND FOR

§

§

§

JORDAN LINEHAN, Defendant

§ TARRANT COUNTY, LONE STAR

**Prepared by:**

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THIS PROBLEM IS DEDICATED TO THE MEMORY OF

**MONTE CLITHERO**

1953-2022

FELLOW OF THE AMERICAN COLLEGE OF TRIAL LAWYERS

AND

VALUED MEMBER OF THE  
NATIONAL TRIAL COMPETITION COMMITTEE



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JORDAN LINEHAN, Defendant

§ TARRANT COUNTY, LONE STAR

**INDICTMENT**

January 2020 Term

THE GRAND JURY CHARGES THAT:

**COUNT ONE**

(ASSAULT)

1. On or about November 30, 2019, in Armadillo, Tarrant County, Lone Star, Jordan Linehan did intentionally and knowingly cause bodily injury to another, to wit, Avery Williamson, while using or exhibiting a deadly weapon, in violation of Lone Star Penal Code Section 22.02(2).

\*\*\*\*\*

A TRUE BILL

\*\*\*\*\*

/s/ Melinda Haag

GRAND JURY FOREPERSON

WILLIAM H. FORD  
TARRANT COUNTY DISTRICT ATTORNEY

By: /s/ Jeanine Rispoli  
Jeanine Rispoli, Assistant District Attorney

This is an assault with a deadly weapon case filed by the State of Lonestar against Jordan Linehan arising from an incident where Linehan wounded Avery Williamson by shooting Williamson with an assault-type weapon during a riot on the campus of Lone Star A&M State University in Armadillo, Lone Star. Linehan admits shooting Williamson, but claims the shooting was in self-defense.

Witnesses:

Prosecution:

Avery Williamson, the wounded person  
Austin Brown, police officer and investigator

Defense:

Jordan Linehan, the defendant  
Shannon Pratt, an expert in self-defense

## **WITNESS AND EXHIBIT LIST**

### **WITNESSES:**

#### Prosecution:

1. Avery Williamson
2. Austin Brown

#### Defendant:

1. Jordan Linehan (must be male)
  2. Shannon Pratt
- 

### **EXHIBITS:**

1. Photo of baseball bat
2. Photo of PS5 console
3. Photo of gun
4. Photo of clip for gun
5. Witness Statement
6. Resume of Brown
7. Lab report Williamson
8. Criminal History Linehan
9. Offense Report Linehan
10. Facebook posts
11. Twitter posts
12. Article on drug induced aggression
13. Article on self-defense
14. Photo of riot
15. Photo of riot
16. Photo of riot
17. Photo of riot
18. Photo of riot
19. Photo of riot
20. Poster from defendant's room
21. Photo of service station
22. Judgment of conviction
23. Video
24. Still frame from video

## STIPULATIONS

1. Federal Rules of Evidence and Federal Rules of Criminal Procedure apply.
2. All witnesses called to testify who have identified the parties, other individuals, or tangible evidence in prior testimony will, if asked, identify the same at trial.
3. Other than what is supplied in the problem itself, there is nothing exceptional or unusual about the background information of any of the witnesses that would bolster or detract from their credibility.
4. This competition does not permit a listed witness, while testifying, to "invent" an individual not mentioned in this problem and have testimony or evidence offered to the court or jury from that "invented" individual.
5. "Beyond the record" shall not be entertained as an objection. Rather, teams shall use cross-examination as to necessary inferences from material facts pursuant to National Rules 7.4. Any party wishing to file a complaint concerning a violation of this rule shall use the procedure found in Rule VIII(4).
6. The Prosecution and the Defendant must call the two witnesses listed as that party's witnesses on the witness list.
7. All exhibits in the file are authentic. In addition, each exhibit contained in the file is the original of that document unless otherwise noted on the exhibit or as established by the evidence.
8. It is stipulated that no one shall attempt to contact the problem drafter about this problem before the conclusion of the 2022 National Trial Competition Final Round. Contact with the competition officials concerning this problem must be pursuant to the rules of the competition.
9. 2022 is the year in which this case comes to trial.

10. Presentation and argument on pretrial motions shall be limited to a total time of sixteen minutes divided equally between the parties as follows: (1) the Prosecution shall have four minutes to present any pretrial motions; (2) the Defendant shall have four minutes to respond to the Prosecution's motion(s); (3) the Defendant shall have four minutes to present any pretrial motions; and (4) the Prosecution shall have four minutes to respond to the Defendant's motion(s).

11. This competition permits teams to argue additional case law and other relevant authority to support the team's argument on motions and evidentiary issues. However, no additions or deletions are permitted to the provided jury instructions or to the jury verdict form.

12. This is the second trial of the charges against Jordan Linehan. The first trial resulted in a mistrial because the jury could not reach a unanimous verdict. The testimony presented here is from the transcript of the first trial, and is authenticated and certified by the official court reporter.

13. The trial court has previously overruled the following objections to the testimony of Austin Brown and Shannon Pratt:

- a. That the testimony invades the province of the jury;
- b. That the testimony goes to the ultimate issue in the case;
- c. That the testimony is speculative concerning the state of mind of the witnesses Williamson and Linehan; and
- d. That the qualifications and testimony of Brown and Pratt fail to meet the standard set forth in *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579, 113 S. Ct. 2786, 125 L. Ed. 2d 469 (1993) and *E.I. du Pont de Nemours and Co. v. Robinson*, 923 S.W.2d 549 (Tex. 1995). *See also, Rochkind v. Stevenson*, 471 Md. 1, 236 A.3d 630 (2020).

14. The trial court has previously ruled that all interviews, interrogations, searches and seizures were Constitutional and that Exhibit 5 may be used for all purposes without contravention of the Sixth Amendment to the U.S. Constitution; all objections otherwise have been heard and denied.

15. Officer Austin Brown had a qualified police forensic unit examine Avery Williamson and the scene of the incident. The crime scene unit determined that Avery Williamson was struck in the side of the left calf by a single round fired from the gun belonging to Jordan Linehan from a distance of 18 to 24 feet. Both experts know and may testify to these facts.

16. Lone Star Penal Code Section 22.01 provides:

ASSAULT. (a) A person commits an offense if the person:

- (1) Intentionally, knowingly, or recklessly causes bodily injury to another, including the person's spouse;
- (2) intentionally or knowingly threatens another with imminent bodily injury, including the person's spouse; or
- (3) intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.

17. Lone Star Penal Code Section 22.02(a) provides:

AGGRAVATED ASSAULT. (a) A person commits an offense if the person commits assault as defined in Sec. 22.01 and the person:

- (1) Causes serious bodily injury to another, including the person's spouse;  
or
- (2) Uses or exhibits a deadly weapon during the commission of the assault.

18. Lone Star Penal Code Section 9.31 provides:

SELF-DEFENSE. (a) Except as provided in Subsection (b), a person is justified in using force against another when and to the degree the actor reasonably believes the force is immediately necessary to protect the actor against the other's use or attempted use of unlawful force.

(b) The use of force against another is not justified:

- (1) in response to verbal provocation alone;

(2) if the actor provoked the other's use or attempted use of unlawful force, unless:

(A) the actor abandons the encounter, or clearly communicates to the other his intent to do so reasonably believing he cannot safely abandon the encounter; and

(B) the other nevertheless continues or attempts to use unlawful force against the actor.

(c) A person who has a right to be present at the location where the force is used, who has not provoked the person against whom the force is used, and who is not engaged in criminal activity at the time the force is used is not required to retreat before using force as described by this section.

19. Lone Star Penal Code Section 9.32 provides:

DEADLY FORCE IN DEFENSE OF PERSON. (a) A person is justified in using deadly force against another:

(1) if the actor would be justified in using force against the other under Section 9.31; and

(2) when and to the degree the actor reasonably believes the deadly force is immediately necessary:

(A) to protect the actor against the other's use or attempted use of unlawful deadly force; or

(B) to prevent the other's imminent commission of aggravated kidnapping, murder, sexual assault, aggravated sexual assault, robbery, or aggravated robbery.

(b) A person who has a right to be present at the location where the deadly force is used, who has not provoked the person against whom the deadly force is used, and who is not engaged in criminal activity at the time the deadly force is used is not required to retreat before using deadly force as described by this section.

20. Lone Star Penal Code Section 2.01 provides:

PROOF BEYOND A REASONABLE DOUBT. All persons are presumed to be innocent and no person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt.

21. Lone Star Penal Code Section 2.02 provides:

EXCEPTION TO AN OFFENSE. (a) An exception to an offense in this Code is labeled by the phrase: "A person is justified. . ."

(b) The prosecuting attorney must negate the existence of an exception to an offense and prove by a preponderance of the evidence that the defendant or defendant's conduct does not fall within the exception.

## TESTIMONY OF AVERY WILLIAMSON

1 Q: State your full name.

2 A: My name is Avery Williamson, the wounded person.

3 Q: How old are you, Avery?

4 A: Twenty, but I'll be twenty-one in about eleven months.

5 Q: Where do you live?

6 A: I live in a dormitory at Lone Star A&M University in Armadillo.

7 Q: Are you a student at Lone Star A&M?

8 A: Duh.

9 Q: What year are you in?

10 A: I am a freshman, but I'll be a sophomore in about ten months.

11 Q: What is your major?

12 A: I'm majoring in fermentation sciences, with a minor in oenology.

13 Q: Why did you happen to choose those areas of study?

14 A: I wanted to find ways to make the family farm more profitable.

15 Q: Were you on the campus of the University on November 30, 2019?

16 A: Yes, I was.

17 Q: Were you enrolled as a student at the University at that time?

18 A: No, I was still in high school.

19 Q: Where were you in high school?

20 A: I was in high school in Paris.

21 Q: France?

22 A: Paris, Lone Star.

23 Q: What were you doing on the campus on that date?

TESTIMONY OF WILLIAMSON - 1



## TESTIMONY OF AVERY WILLIAMSON

1 A: I had traveled to Lone Star A & M's campus to participate in a non-violent protest.

2 Q: What was the nature of the protest?

3 A: Well, the university had imprudently fired its head football coach and some of the  
4 students and other fans were upset about that.

5 Q: What were the folks upset about that?

6 A: They thought the coach had done a superior job that year, and that the job he had done  
7 did not warrant his firing.

8 Q: What was the football team's record in 2019?

9 A: The football team had a 1-11 record in 2019.

10 Q: Isn't that a pretty dismal record? Wasn't the university justified in firing the coach?

11 A: That's two questions. No, it's not a dismal record. No, the university was not justified in  
12 firing the coach.

13 Q: If the coach only won one game during 2019, how can you say that's not a dismal record?

14 A: The victory was against University of Oklahoma.

15 Q: Oh, I get it. What time did you arrive on the campus?

16 A: I got there at one o'clock in the afternoon on November 30.

17 Q: What was going on at that time?

18 A: There were a lot of people on the campus, people of all ages. They were milling around  
19 the quadrangle of the campus listening to speeches and making homemade signs to  
20 protest the coach's firing.

21 Q: What did you do when you arrived?

22 A: I helped make some protest signs, and sat around with some of the other students  
23 participating in activities that might tend to relax us.

TESTIMONY OF WILLIAMSON - 2

## TESTIMONY OF AVERY WILLIAMSON

1 Q: What kind of activities?

2 A: Herbal.

3 Q: Okay, what happened as the afternoon progressed?

4 A: A lot of the people in the group decided to march toward the dormitories, where some of  
5 the cheerleaders were leading cheers in favor of the coach and against the university.

6 Q: At any point in the afternoon, did the protesters get unruly?

7 A: No, everybody was peaceful and law abiding all throughout the afternoon.

8 Q: At any point in the afternoon, did anyone display any kind of weapon?

9 A: You mean other than the defendant in this case? No.

10 Q: Can you identify Exhibit 14?

11 A: Yes, that's a photo showing some of the group of peaceful protesters.

12 Q: And Exhibit 16?

13 A: That's another photo of the peaceful crowd. It's taken from a deceptive angle, by the  
14 way.

15 Q: Can you identify Exhibit 17?

16 A: Again, yes, but it's also taken from a deceptive angle.

17 Q: How about Exhibit 19?

18 A: That was much later in the day.

19 Q: When did you first see the defendant in this case?

20 A: I saw Jordan Linehan come busting through the crowd carrying a scary looking assault  
21 type weapon, yelling "Not on this campus. Not on my watch." I thought the display of a  
22 weapon was really out of line, and so I confronted Linehan.

23 Q: What happened next?

## TESTIMONY OF AVERY WILLIAMSON

1 A: Linehan told me to get off the campus or I'd get my head busted.

2 Q: Were you familiar with the type of weapon Linehan was carrying?

3 A: Vaguely. I had been to a couple of gun shows and I had seen a couple of these scary  
4 looking assault type weapons.

5 Q: Can you identify Exhibit 3?

6 A: Yes, that's the assault weapon Linehan was brandishing.

7 Q: Were you frightened by the fact that Linehan was carrying an assault type weapon?

8 A: I was scared to death but I told Linehan to get off the campus with that weapon or I'd  
9 have to take some kind of action.

10 Q: What kind of action?

11 A: I didn't say.

12 Q: Did you threaten Linehan?

13 A: Absolutely not.

14 Q: What happened next?

15 A: I started pushing Linehan, trying to get that weapon away from the people who were  
16 there. Linehan then took off running toward the street, and I chased Linehan as far as the  
17 street.

18 Q: After you got to the street, what happened?

19 A: I figured if Linehan was on the street, he was not a danger to us, and so I decided to come  
20 to a stop.

21 Q: Did you see Linehan after that?

22 A: Yes, Linehan started mouthing off from the street and pointing that weapon around. I  
23 then started to approach Linehan to get that kind of activity stopped.

## TESTIMONY OF AVERY WILLIAMSON

1 Q: What did Linehan do then?

2 A: Linehan turned and ran behind a nearby service station.

3 Q: What did you do?

4 A: I casually walked over to the service station to make sure that Linehan was in fact gone.

5 Q: What did you see when you got to the service station?

6 A: Linehan ran around behind the station where there was a car parked.

7 Q: Did Linehan still have the assault weapon?

8 A: Yes, and I saw Linehan reach into the car and pull out what appeared to be a long clip  
9 and shove it into the weapon.

10 Q: Can you identify Exhibit 4?

11 A: Yeah, that's the clip he shoved into the gun just before he shot me.

12 Q: What did you do then?

13 A: I was afraid for my life because the weapon appeared to be loaded, so I started to turn and  
14 leave, but I slipped on some loose gravel and started staggering trying to get back up.

15 Q: What was Linehan doing at that time?

16 A: Pointing the gun at me.

17 Q: Did you have a weapon at that time?

18 A: I might have.

19 Q: What weapon did you have?

20 A: I always carry a baseball bat with me when I'm out of town like that just for self-  
21 protection.

22 Q: Did you have the baseball bat with you at the time Linehan pointed the weapon at you?

23 A: I might have.

## TESTIMONY OF AVERY WILLIAMSON

1 Q: Can you identify Exhibit 1?

2 A: Yeah, that's a photo of my bat.

3 Q: Have you observed a video that was taken just prior to the shooting in this case?

4 A: I have looked at that.

5 Q: Is that the video identified as Exhibit 23?

6 A: Yes.

7 Q: And how about Exhibit 24?

8 A: That appears to be a still frame from the video.

9 Q: Don't these exhibits show you with that baseball bat in your hand?

10 A: Yes, I was carrying it loosely by my side.

11 Q: So what happened next?

12 A: Linehan started firing the weapon at me. I turned to flee and got hit in the left calf.

13 Q: Then what happened?

14 A: While I wasn't hurt that bad, I was scared for my life, so I grabbed my baseball bat and  
15 ran back across the street to the university, where I asked for help from a police officer.

16 Q: Did you see Linehan again that day?

17 A: Only when the police were putting him in the back of a patrol car.

18 Q: A couple of other questions: have you ever been arrested in this or any other state?

19 A: Never.

20 Q: Were you using any kind of illegal substances at the time of this assault?

21 A: I had a beer earlier in the day, but nothing else.

22 Q: Can you identify Exhibit 11?

23 A: Sure, that's a printout of a post on my Twitter account.

## TESTIMONY OF AVERY WILLIAMSON

1 Q: Did you make the statements on this exhibit?

2 A: Well, only the ones attributed to me.

3 Q: Have you told us everything you remember about the events of November 30, 2019?

4 A: Yes, I have.

## TESTIMONY OF AUSTIN BROWN

1 Q: State your full name please.

2 A: My name is Austin Brown.

3 Q: Where do you live?

4 A: Right here in Armadillo.

5 Q: What is your occupation or profession?

6 A: I am a campus security officer and investigator for the campus police department of Lone  
7 Star A&M University in Armadillo.

8 Q: Where were you raised?

9 A: I was raised in Balmorhea.

10 Q: In Scotland?

11 A: No, that's Balmoral. Balmorhea is in Lone Star.

12 Q: Did you graduate from high school there?

13 A: Of course. And then I attended Rice University.

14 Q: Did you graduate from Rice?

15 A: I graduated with a degree in law enforcement sciences.

16 Q: What did you do after that?

17 A: I attended Harvard and earned a Masters and PhD in Criminal Justice.

18 Q: Did you then become a professor at Harvard?

19 A: No, I was sick of school, so I joined the Army.

20 Q: What was your position with the Army?

21 A: I served as a criminal investigator with the 8<sup>th</sup> MP Brigade.

22 Q: Did the Army train you in criminal investigations?

## TESTIMONY OF AUSTIN BROWN

1 A: Copious quantities of training. I was trained in incident investigation, hostage  
2 negotiation, how to defuse potential unrest in large groups, things like that.

3 Q: How long did you serve with the 8<sup>th</sup> MP Brigade?

4 A: Eight years. After that I served in the Office of Professional Standards Section for  
5 another ten years.

6 Q: What experiences did you have during your time with the Army in terms of incident  
7 investigation?

8 A: I probably investigated 150 or more incidents of criminal conduct. I also participated in  
9 14 different situations involving crowd control and trying to quiet riots.

10 Q: Why did you leave the Army?

11 A: I had reached terminal rank and wanted to come back closer to home, get into a little less  
12 tense environment.

13 Q: What was your next job?

14 A: I came to work here at Lone Star A&M.

15 Q: During the course of your employment as a campus officer with Lone Star A&M, have  
16 you had an opportunity to investigate crimes?

17 A: Of course. This is a college campus, but we have all of the same crimes that you might  
18 have in a big city.

19 Q: Have you investigated crimes involving firearms?

20 A: Of course, this is Lone Star. Every student has a firearm.

21 Q: Were you on duty on November 30, 2019?

22 A: Yes, I was in the middle of my shift just after lunch, and I was on the campus.



## TESTIMONY OF AUSTIN BROWN

1 Q: Did you receive a call for assistance that day concerning a protest going on at the  
2 campus?

3 A: Yes, a call for assistance went out at approximately 2:47 p.m. on that date in relation to a  
4 situation on the campus.

5 Q: Did you go to the campus at that time?

6 A: I was actually on the campus at that time, having just finished lunch.

7 Q: What did you see when you responded to that call?

8 A: Well, I saw a group of students and other persons, really persons of all ages, engaged in a  
9 protest on the campus.

10 Q: What kind of protest was it?

11 A: Well, it was a pretty justified protest. The university had fired our beloved football coach,  
12 who had just completed an extremely successful season. The people who were protesting  
13 couldn't understand why a coach would be fired after that kind of season.

14 Q: Didn't the football team go 1-11 during the season?

15 A: Yes, but they beat the University of Oklahoma. That goes a long way around here.

16 Q: When you arrived, was the protest peaceful?

17 A: I would not characterize it that way.

18 Q: How would you characterize it?

19 A: There was a lot of shouting and shoving and pushing. A large number of the people were  
20 headed toward a dormitory on the campus. They were brandishing what I considered to  
21 be weapons, and they were threatening to do damage to the dormitory.

22 Q: What kind of weapons did you observe in the crowd?

## TESTIMONY OF AUSTIN BROWN

1 A: Oh, things like axes, torches, pistols, baseball bats, bug spray, that sort of thing. One  
2 person was even waving a PS5 console around in a threatening manner.

3 Q: A PS5 console? How dangerous could that be?

4 A: Have you seen one of those things? Look at Exhibit 2.

5 Q: OK, I understand now. Did you regard the crowd as unruly?

6 A: Absolutely. They were shouting obscenities. They were threatening to burn down the  
7 buildings. They were brandishing weapons. It seemed like the situation was out of  
8 control.

9 Q: Were they specifically threatening to do damage to the buildings?

10 A: Yes, they were playing that old Elton John song, Burn Down the Mission, you know, the  
11 one with the line, "Burn it down, burn it down, burn it down."

12 Q: Can you identify Exhibit 19?

13 A: Yes, that's a photo taken during the height of the unrest.

14 Q: Can you identify Exhibit 17?

15 A: Yep, that's a photo of the crowd. It looked just like that when I arrived.

16 Q: Can you identify Exhibit 18?

17 A: Yes, that's another photo of some of the folks on the periphery of the crowd.

18 Q: What did you do when you saw the crowd getting unruly?

19 A: Well, I started trying to push my way to the front of the crowd. I thought I might be able  
20 to deflect the crowd with some tear gas that I had on me.

21 Q: Were you able to do that?

22 A: No, I was distracted by the sight of this young person carrying an assault-style weapon  
23 into the crowd.

## TESTIMONY OF AUSTIN BROWN

1 Q: Were you later able to identify who that was?

2 A: Yes, it was Jordan Linehan. Linehan was carrying this weapon, pointing it at various  
3 people, yelling that they should get back.

4 Q: Can you identify Exhibit 3?

5 A: Yes, that's the gun Linehan was holding.

6 Q: What did you do when you saw the gun?

7 A: Well, I tried to intercept Linehan to discuss the advisability of carrying a rifle in a crowd  
8 that was already out of control. But before I could get there, Linehan was confronted by  
9 another person carrying a baseball bat.

10 Q: Is Exhibit 1 a photo of that bat?

11 A: Yes. As you can see, it's a pretty distinctive bat. Couldn't mistake that one.

12 Q: Have you been able to identify the person holding the bat?

13 A: Yes, it was Avery Williamson.

14 Q: Did you know Avery Williamson before that date?

15 A: No, Williamson was not a student on the campus, just a visitor that day.

16 Q: Were you able to hear what transpired between Linehan and Williamson?

17 A: No, the crowd was too loud. But I did observe that after the initial confrontation, Linehan  
18 turned and started running away from Williamson.

19 Q: What happened after that?

20 A: I lost track of the two because of the crowd that was yelling obscenities and threatening  
21 to burn down the dormitory.

22 Q: What happened next?

## TESTIMONY OF AUSTIN BROWN

1 A: Well, I was busy trying to do crowd control. We were able to stop the crowd from  
2 burning down the dormitories, and we later persuaded them to disband, but that was  
3 about ten hours later. By that time, everything else had already happened between  
4 Williamson and Linehan.

5 Q: Did you subsequently investigate the shooting of Williamson?

6 A: Yes, as part of my duties as a campus police officer, I investigated the shooting.

7 Q: What did you do in connection with that investigation?

8 A: Well, I viewed photographs of the crowd that was there. I viewed photographs of various  
9 weapons, some of which I had seen myself. I viewed a drone video of a chase. I  
10 interviewed Linehan at the county lockup.

11 Q: Did you take any witness statements?

12 A: Yes, I interviewed a number of people who were around the area, but no one saw the  
13 actual shooting. Ms. Siblesz Higgins' statement was the best of the lot and reflects what  
14 other folks told me.

15 Q: Can you identify Exhibit 5?

16 A: Yes, that's the statement from Ms. Siblesz Higgins.

17 Q: Based on your investigation and based on your training and experience with the military,  
18 did you form an opinion as to what had happened?

19 A: Yes, I did.

20 Q: First, tell me what your investigation showed with respect to the confrontation between  
21 Williamson and Linehan after you lost track of them in the crowd?

22 A: Well, I learned that Williamson chased Linehan, then disengaged. Linehan then stopped  
23 in the middle of the street and began taunting Williamson and waving that AR 15 around.

## TESTIMONY OF AUSTIN BROWN

1 Williamson then entered the street where Linehan was standing, and Linehan ran behind  
2 a nearby service station with Williamson following. I learned that Linehan retrieved a  
3 clip for the rifle and put it into place. I learned that Linehan turned on Williamson and  
4 fired that weapon multiple times. One of those rounds struck Williamson in the calf,  
5 injuring him but not seriously.

6 Q: In the course of your investigation, did you have an opportunity to examine the arrest  
7 record for either Linehan or Williamson?

8 A: Yes, I looked at an arrest record of Linehan and I also looked at the criminal records of  
9 Linehan, who it turns out, had quite the rap sheet.

10 Q: Can you identify Exhibit 9?

11 A: Yes, that's a certified copy of an arrest record of Linehan.

12 Q: And can you identify Exhibit 8?

13 A: That's a certified copy of the criminal history of Linehan.

14 Q: Were you also able to examine any lab results related to this incident?

15 A: Yes, I saw some lab results where Williamson's blood was analyzed by a local  
16 laboratory.

17 Q: Can you identify Exhibit 7?

18 A: That's the lab report that I looked at. It shows that Williamson was somewhat medicated  
19 on the day in question.

20 Q: Can you identify Exhibit 23?

21 A: Yes, that's a video from a drone.

22 Q: And what is Exhibit 24?

23 A: That's a single frame from the video.

## TESTIMONY OF AUSTIN BROWN

1 Q: What did you conclude from these videos?

2 A: First, this wasn't much of a chase. Both Linehan and Williamson appear to be moving at  
3 half speed. Second, notice that Williamson is holding the bat at the middle and in a down  
4 position, not up in some threatening manner. And in Exhibit 24 we can see the clear  
5 outline of an assault weapon being held in a ready position. Of course, we can't see what  
6 happened after the parties went behind that service station.

7 Q: Based on your investigation, did you form an opinion as to whether Williamson presented  
8 a threat of deadly force to Linehan?

9 A: The baseball bat against an assault rifle? No, I don't think that Williamson presented any  
10 kind of viable threat to Linehan.

11 Q: Did you form an opinion as to whether Linehan's claim of self-defense was reasonable?

12 A: Because Williamson did not present a reasonable threat of harm to Linehan, Linehan did  
13 not have a viable self-defense claim, and Linehan did not act reasonably in shooting  
14 Williamson. Further, by bringing a gun onto the scene of unrest, Linehan created a  
15 highly volatile situation that would not have existed but for that reckless act. Finally, the  
16 act of taunting Williamson from the middle of the street tells us that Linehan was not  
17 objectively in fear of Williamson.

18 Q: You said you interviewed Linehan. What did he tell you during that interview?

19 A: He told me that he went to the school because he was sick and tired of those privileged,  
20 pampered students with their first-world problems engaging in rioting over every  
21 perceived slight, and he was going to stop it this time.

22 Q: And yet he went into the crowd with an unloaded gun?

23 A: You can't fix stupid. He said he forgot it.

**TESTIMONY OF AUSTIN BROWN**

1 Q: Did you ask the defendant about the actual shooting?

2 A: Yes, of course. He told me that saw Williamson slip down because of some gravel that  
3 was there. Linehan said that gave him time to retrieve the clip and load up a round.  
4 Williamson started to get up, and Linehan started shooting.

5 Q: Did you interview Williamson as well?

6 A: Yes, I was able to interview Williamson at the hospital, where I was also able to observe  
7 the bullet wound on Williamson's left calf. The medical staff had given Williamson  
8 some pain meds, and the statement I got was somewhat muddled. However, the  
9 conclusion I reached was that Williamson had disengaged from the pursuit at about the  
10 time Linehan fired the shot in question.

11 Q: What else did you do in terms of your investigation of this crime?

12 A: I had a police forensic team go out and look at the scene of the shooting. That team  
13 confirmed that Williamson was hit in the left calf by a single bullet fired from a distance  
14 of about 20 feet. They also confirmed that the bullet came from a rifle belonging to the  
15 defendant.

16 Q: Can you identify Exhibit 22?

17 A: That's a true and correct copy of a judgment of conviction of Williamson.

18 Q: Wasn't Williamson pretty young at that time to be convicted on this charge?

19 A: Well, there must have been some history there, that's for sure.

20 Q: Can you identify Exhibit 6 for us?

21 A: Yes, that's my resume.

22 Q: Does it truly and accurately reflect your background and experiences?

## TESTIMONY OF AUSTIN BROWN

1 A: It does accurately reflect my background and job experience. It could not possibly list all  
2 the life experiences I've had.

3 Q: Have you told us all that you saw and observed on the day of this incident?

4 A: Yes, I have.

5 Q: And have you told us all of the opinions that you have formed in connection with your  
6 investigation?

7 A: Yes, I have.



TESTIMONY OF JORDAN LINEHAN

1 Q: Would you please state your full name for the jury?

2 A: My name is Jordan Linehan.

3 Q: Where do you reside?

4 A: Currently, I reside in the Armadillo jail.

5 Q: When you're not residing in jail, where do you reside.

6 A: Normally, I reside at Slaughterville, Oklahoma.

7 Q: What is your occupation or profession?

8 A: Right now, my occupation is being a defendant in a criminal trial. Ordinarily, I am a  
9 student at Slaughterville High School.

10 Q: Have you graduated from that high school?

11 A: Not yet.

12 Q: What are your interests, other than being in jail?

13 A: Well, I play basketball, I'm on the debate team. Generally I participate in every activity  
14 the school offers because the town is so small that they need people for everything.

15 Q: Are you interested in pursuing any of those interests at the college level?

16 A: Yes, I hope to be recruited by a Division 1 school to play basketball or to be on the  
17 debate team.

18 Q: And do you have a specific school in mind?

19 A: University of Oklahoma, of course.

20 Q: Any other interests at this time?

21 A: Well, if I can't get on to a first class basketball or debate team, I thought I might go to a  
22 police academy and become a police officer.

23 Q: This may be obvious, but do you like to hunt or engage in other shooting sports?

TESTIMONY OF JORDAN LINEHAN

1 A: I'm from Oklahoma, so naturally I like to hunt. I've tried my hand at skeet shooting, but  
2 the little skeets move around too much.

3 Q: Were you on the campus of Lone Star A&M University in Armadillo on November 30,  
4 2019?

5 A: You know I was.

6 Q: What were you doing there?

7 A: Well, I had seen some news reports the day before about some violence on the campus. I  
8 had been on the campus two or three times for debate tournaments, and I thought it was a  
9 really beautiful place. I thought if there were riots there, then the campus might need  
10 some protection from being damaged.

11 Q: So you went to Lone Star A&M's campus to protect it?

12 A: Yes, I didn't want to see buildings burned down like we've seen in other places.

13 Q: What time did you get to the campus on November 30, 2019?

14 A: I got there around 10:00 a.m.

15 Q: What did you see when you got there?

16 A: That was pretty early on a Saturday, so there wasn't much going on at that time. There  
17 were some people milling around the quadrangle setting up a loudspeaker system and  
18 making protest signs.

19 Q: Were these students?

20 A: No, unless their students are thirty and forty years old. Most of the students were still in  
21 bed at that time of day on a Saturday, I would imagine.

22 Q: So was there any violence on the campus when you arrived?

23 A: No, not at all. And so I went to have an early lunch.

TESTIMONY OF JORDAN LINEHAN

1 Q: Were you driving an automobile?

2 A: Yes, I had my old car there. I decided that it might not be safe parked on campus, so I  
3 parked it behind a service station across the street from the campus.

4 Q: Is this Exhibit 21 a photograph of that service station?

5 A: Yes, that's the one.

6 Q: It looks kind of abandoned?

7 A: Well, it's the best one in town.

8 Q: What happened after that?

9 A: Well, as it got to be around 2:30, I went back over to the campus to see what was going  
10 on, and I observed a large crowd gathered in the quadrangle. They were shouting  
11 obscenities and listening to what I consider to be inflammatory speeches about burning  
12 down one of the buildings on the campus.

13 Q: What did you do then?

14 A: I retrieved a weapon from the back of my car.

15 Q: Is Exhibit 3 a photograph of that weapon?

16 A: Yes, that's my little rifle.

17 Q: Did you think it was a good idea to carry a loaded weapon on to campus with that kind of  
18 activity going on?

19 A: The weapon wasn't loaded when I went on to campus. I had decided that would be  
20 dangerous, but that people might be deterred by the mere sight of the gun. So, I did not  
21 put the clip in it. I left it in the car.

22 Q: Did Officer Brown interview you about this shooting?

23 A: Yes.

TESTIMONY OF JORDAN LINEHAN

1 Q: Did you tell the officer that you forgot to put the clip in the gun?

2 A: I might have. I was pretty rattled when that cop started interrogating me.

3 Q: Okay, so what did you do next?

4 A: Well, I made my way over to the campus, and tried to move to the front of the crowd to  
5 avert this tragedy.

6 Q: How many people were there at that time?

7 A: Well, I think there were probably four or five hundred people in the quadrangle.

8 Q: What were they doing?

9 A: They were protesting the firing of the head football coach at Lone Star A&M.

10 Q: Did you know anything about that circumstance?

11 A: Well, I knew that the football team had an abysmal season. They only won one game.

12 Q: And who was that game against?

13 A: Now you are just trying to bait me. They got really extremely truly lucky and beat the  
14 great University at Norman.

15 Q: You mean the University of Oklahoma?

16 A: That's the only great university at Norman, yes.

17 Q: Because you want to go to school at the University of Oklahoma, how did you feel about  
18 that football game?

19 A: It was really, truly a low point in my life at that point. I thought the referees were totally  
20 unfair, and I thought the team from Lone Star A&M was playing dirty. Other than that, it  
21 was just a game.

22 Q: When you were trying to move through the crowd to protect the building, what did you  
23 observe?

TESTIMONY OF JORDAN LINEHAN

1 A: Well, I observed that a lot of people had weapons with them, and they were carrying  
2 signs supporting the protest.

3 Q: What kind of weapons did you observe?

4 A: Well, I saw a pistol, I saw an ax, I saw several cans of bug spray, I saw at least one  
5 person with a baseball bat.

6 Q: Can you identify Exhibit 1?

7 A: Yes, that's the baseball bat I saw in the crowd.

8 Q: What happened as you tried to make your way through the crowd?

9 A: Well, people in the crowd started shouting obscenities at me. Several of them tried to  
10 strike me with their fists and other objects.

11 Q: What kind of objects?

12 A: Whatever they had with them. One person tried to hit me with the console from a PS5. I  
13 thought that was particularly odd.

14 Q: Can you identify Exhibit 2?

15 A: Yes, that's an example of a console from a PS5. I have one exactly like that at home,  
16 when I'm at home and not in this jail. I've very familiar with the size and weight of that  
17 object. It's lethal.

18 Q: Did you make your way to the front of the crowd?

19 A: No, before I could get there, this person Williamson confronted me with that baseball bat.

20 Q: Did Williamson say anything to you at that time?

21 A: Yes, Williamson threatened to take his baseball bat and split my head open like a ripe  
22 kumquat. I didn't even know what a kumquat was but it didn't sound like something I  
23 wanted to get split open like.

TESTIMONY OF JORDAN LINEHAN

1 Q: What did you do when Williamson threatened you?

2 A: I decided that this wasn't a real good place for me to be, all in all, so I turned to try to get  
3 back through the crowd to the street.

4 Q: Did Williamson pursue you?

5 A: Yes, Williamson had that baseball bat up like a major league batter and was coming right  
6 after me. I retreated to the street, thinking Williamson would stop and go back to his  
7 protest thing.

8 Q: Did Williamson stop pursuing you at the street?

9 A: No, Williamson kept coming after me, kept brandishing that bat. I was in fear for my life  
10 at that point. A baseball bat can do a lot of harm.

11 Q: What did you do then?

12 A: Well, I crossed the street and fled to the service station where my car was parked.

13 Q: Was Williamson still in pursuit?

14 A: Yes, Williamson just kept coming and kept coming.

15 Q: Did you at that time fear bodily harm would befall you?

16 A: I was convinced that Williamson was going to split my head open like a ripe kumquat,  
17 and he was being followed by other crazies. I was in deep fear that I was going to suffer  
18 severe bodily injury or maybe even death.

19 Q: So, what did you do next?

20 A: I ran to my car and retrieved a loaded clip for the rifle. I slammed it into place, and then  
21 turned around.

22 Q: Can you identify Exhibit 4?

23 A: Yes, that's the clip for my gun.

TESTIMONY OF JORDAN LINEHAN

1 Q: When you turned around, what did you see?

2 A: I saw Williamson coming toward me, staggering in an effort to get to me.

3 Q: Can you describe what Williamson looked like at that point?

4 A: Yes, Williamson looked completely enraged, all red in the face and frothing at the mouth.

5 Q: What did you do then?

6 A: I raised the rifle and fired a shot into the air, hoping it would deter Williamson. But  
7 Williamson just coming at me.

8 Q: Then what happened?

9 A: Then I fired three other shots in the general direction of Williamson. I understand that  
10 one of them struck Williamson in the calf but did not actually do a lot of damage. But it  
11 did stop the advance.

12 Q: What happened after that?

13 A: Some other protesters had followed Williamson, and they stopped to see if there was any  
14 significant harm. I then turned and ran the other direction. I ultimately learned that the  
15 police were looking for me, so I stashed the gun back in my car and went to talk to them.

16 Q: Have you viewed a video of the pursuit?

17 A: Yes, I've looked at Exhibit 23. I think it accurately reflects what there is on it, but as you  
18 know, there is no video after I turned the corner behind the service station.

19 Q: At the time that you turned toward Williamson with the rifle that was now loaded, did  
20 you have a reasonable fear that you were going to be hurt or killed?

21 A: I knew I was going to be hurt or killed if I didn't do something, and so I started firing.

22 Q: Do you have presence on Facebook?

23 A: Of course.

TESTIMONY OF JORDAN LINEHAN

1 Q: Can you identify Exhibit 10?

2 A: Yes, that's a screenshot of a Facebook exchange.

3 Q: Does it accurately reflect the conversation it depicts?

4 A: Yes.

5 Q: Prior to this incident, had you ever been convicted of any crime?

6 A: No, I'd never even been arrested.

7 Q: Can you identify Exhibit 20?

8 A: How'd you get that? That's a poster from my room at my house. Did you get a warrant  
9 for that?

10 Q: Have you told us everything you recall about this incident?

11 A: Yes, I have.



1 Q: Would you state your full name?

2 A: My name is Shannon Pratt.

3 Q: Do you live here in Lone Star?

4 A: No, I live in Oregon.

5 Q: What city do you live in?

6 A: I live in Jennyopolis. It's a very tiny town, but it has a great history that I like.

7 Q: Okay, I'll bite. What's the history of Jennyopolis?

8 A: It was the site of Oregon's first known murder. A person named Nimrod O'Kelley  
9 allegedly shot a person named Jeremiah Mahoney on May 21, 1852. Because of my line of  
10 work, I found the town history to be fascinating.

11 Q: What is your line of work?

12 A: I'm a psychologist with expertise in human factors related to responses to emergencies  
13 and life-threatening situations.

14 Q: Did you graduate from high school in Jennyopolis?

15 A: Are you kidding? They had no high school in Jennyopolis. I graduated high school in  
16 Portland before they burned it down.

17 Q: The high school was burned down?

18 A: Yes, a group of students were upset over the firing of their beloved debate coach, so they  
19 burned the high school down.

20 Q: What did you do after high school?

21 A: I attended Kent State University, where I got my first degree in psychology.

22 Q: Did you get subsequent degrees?

23 A: Yes, I obtained both a masters and a PhD in psychology from Columbia University.

1 Q: After you got your doctorate, what did you do?

2 A: I initially went to work for the Federal Bureau of Investigation as a profiler. I worked  
3 there for about five years.

4 Q: Why did you quit the FBI?

5 A: I thought it might be a better use of my education to serve as an expert witness in cases  
6 like this.

7 Q: And how long have you served as an expert witness in cases like this?

8 A: For about fifteen years.

9 Q: Has your testimony been accepted in other courts?

10 A: Yes, my testimony has been accepted in every case in which I have testified.

11 Q: And how many cases is that?

12 A: Two.

13 Q: Has your testimony ever been rejected by a court?

14 A: Never.

15 Q: Are you being compensated for your testimony in this case?

16 A: I am being paid a fair and reasonable fee for examining the facts and circumstances  
17 related to this event and to render my objective opinion here at trial.

18 Q: And how much are you being paid to testify?

19 A: I charge \$500 per hour for my time spent in objectively examining the case materials. I  
20 charge \$1,000 per hour for subjecting myself to the rigors of testifying.

21 Q: How much have you been paid to date for your work here?

22 A: I've spent 67 hours looking at materials and forming objective opinions. The amount of  
23 time I spend testifying here is largely up to you.

1 Q: What were you asked to do in connection with this case?

2 A: I was asked to take a look at the facts and circumstances surrounding the injury to Avery  
3 Williamson and to determine whether Jordan Linehan's actions resulted from a  
4 reasonable fear for his life and was therefore action taken in what we loosely call self-  
5 defense.

6 Q: Have you reviewed anything in connection with this assignment?

7 A: Yes, I have reviewed all of the testimony from the prior trial. I have reviewed all of the  
8 photos, video and other evidence presented. I have also done some independent research  
9 into drug induced aggression. I reviewed my own article on self-defense.

10 Q: Based on your education, background, experience and review of information in this case,  
11 have you formed an opinion as to whether Jordan Linehan's reaction to the situation can  
12 reasonably be called self-defense?

13 A: Yes, it is my opinion that Jordan Linehan was in fear of serious bodily injury or death at  
14 the time and on the occasion in question and that discharging the weapon toward  
15 Williamson was in fact an act of self-defense and was reasonable.

16 Q: What's the basis for your opinion?

17 A: Well first, it is clear that Linehan was faced with a life-threatening situation on the  
18 occasion in question. Linehan had been pushed and shoved. people had shouted  
19 obscenities and had struck Linehan while Linehan was trying to calmly walk through the  
20 crowd to protect buildings on the Lone Star A&M campus.

21 Q: Did you review Exhibit 14?

22 A: Yes, that shows the level of unrest that was happening on the campus during the  
23 afternoon of the incident.

1 Q: Can you identify Exhibits 16, 17 and 18?

2 A: Yes, those are photos of the students and other people rioting to protest the firing of the  
3 highly successful football coach.

4 Q: How about Exhibit 19?

5 A: That was my favorite taco stand. I was really, really angry that it got burned down.

6 Q: Can you identify Exhibit 15?

7 A: Yes, it's a really scary photo, but it doesn't have much to do with this incident either,  
8 does it?

9 Q: Did you become aware of any physical violence experienced by Linehan prior to this  
10 shooting?

11 A: Yes, I know that from the record that Linehan was struck several times with fists and at  
12 least once with a gaming console from a PS5, which is pretty weird.

13 Q: Can you identify Exhibit 2?

14 A: Yes, that's a photo of a PS5 gaming console. Big thing like that makes a formidable  
15 weapon in the right hands.

16 Q: In your opinion, would the circumstance of being struck with what amounted to weapons  
17 have caused a reasonable person in Linehan's position to fear for his or her bodily safety?

18 A: Of course it would. People striking you with their fists is very traumatic and bad enough,  
19 but striking you with a gaming console from a PS5 is completely over the top. Anybody  
20 in Linehan's position would have feared for his or her bodily safety.

21 Q: What did you learn about the actions Avery Williamson?

22 A: Williamson approached Linehan with a baseball bat. A baseball bat is a weapon in  
23 anyone's book. A baseball bat can do great personal harm or even kill someone.

1 Williamson was brandishing that deadly weapon and was berating Linehan and shouting  
2 obscenities. Linehan's weapon was shorter than the baseball bat and was not loaded.

3 Therefore, Linehan would have reasonably feared that Williamson had the upper hand.

4 Q: In your opinion, what should Linehan have done when confronted with Williamson  
5 brandishing a bat?

6 A: Linehan did exactly what any reasonable person would have done, and that's to retreat.  
7 Linehan tried to disengage from Williamson at that time by pushing back through the  
8 crowd and crossing the street, which should have provided a natural barrier.

9 Q: Why do you say that?

10 A: When you have a mob like that on a campus, rioting and carrying on, there's a mob sort  
11 of mentality. One might liken it to lemmings, who stick together in a group to support  
12 one another. When Linehan crossed the street, that should have provided a breaking point  
13 for the individuals in the crowd. You would reasonably expect that they would not  
14 continue any kind of pursuit.

15 Q: In your opinion, did Williamson continue to pursue Linehan at that time?

16 A: It's undisputed that Williamson kept chasing Linehan after Linehan crossed the street.  
17 According to my information, other people were backing up Williamson, and so the herd  
18 mentality was completely intact. Linehan was confronted not with just Williamson, but  
19 also with everyone else that was coming across the street at that same time.

20 Q: Was it reasonable for Linehan to retrieve a loaded clip for his gun under the  
21 circumstances?

22 A: It was entirely reasonable. Linehan was experiencing grave fear from the horde of  
23 pursuers. There was not time to get in the automobile and start it before those pursuers

1 arrived. Retrieving the clip and loading the gun was really the only reasonable response  
2 at that time. It turned what was an inadequate piece of metal into a deadly weapon, which  
3 Williamson should have immediately recognized.

4 Q: What should have happened when Williamson saw Linehan put the clip in the gun?

5 A: When Williamson saw Linehan load the clip into the gun, Williamson should have  
6 realized that the gun had become a deadly weapon and should have retreated. Instead,  
7 Williamson continued to charge toward Linehan.

8 Q: Do you have an opinion as to what Williamson's state of mind was at that time?

9 A: I do, and it's not based on speculation. My opinion is based on a lab result from a blood  
10 sample taken from Williamson at the hospital while they were treating injuries there.

11 Q: What did the lab result show you that's significant to this situation?

12 A: The lab result, which is marked at Exhibit 7, showed that Williamson's blood alcohol  
13 content was .04, which is pretty high. More significantly, the blood sample indicated the  
14 presence of cocaine. Either of those substances is known to produce aggressive behavior  
15 in people Williamson's age. Taken together, alcohol and cocaine can cause extremely  
16 aggressive behavior. In my opinion, this explains why Williamson continued to pursue  
17 Linehan across the street and behind the service station and even after Linehan loaded the  
18 gun.

19 Q: Does the lab report quantify the amount of cocaine in Williamson's blood at the time of  
20 the incident?

21 A: No, we don't know how much time elapsed between taking the sample and the incident,  
22 nor do we know the amount in the blood at any given time.

23 Q: Can you identify Exhibit 12?

1 A: Yes, that's an article I reviewed concerning the tendency of alcohol and cocaine to  
2 produce aggressive behavior.

3 Q: In your opinion, is that what happened with Williamson?

4 A: Absolutely. Williamson was just like a loaded weapon at that point, loaded not with  
5 gunpowder and lead, but with alcohol and cocaine and a deadly, wicked-looking baseball  
6 bat. Same difference.

7 Q: In the context of Exhibit 12, what type of aggressive behavior was Williamson engaged  
8 in when he chased Linehan off the campus?

9 A: That was impulsive aggression. When Linehan got out to the street, the danger, if you  
10 call it that, was removed, and Williamson could and should have stopped and turned  
11 back. At that point, the aggression became predatory—Williamson was then seeking out  
12 his prey like an angry lion ready to pounce on a harmless axis fawn.

13 Q: In your opinion, what caused that switch in aggression?

14 A: All the aggression was fueled by alcohol and cocaine. The switch between impulsive  
15 aggression and predatory aggression was all the result of some underlying psychological  
16 defect. Might have happened in the absence of alcohol or cocaine.

17 Q: Based on your education and experience and your review of the information available in  
18 this case, do you have an opinion as to whether Linehan acted reasonably in discharging  
19 the weapon toward Williamson at the time and on the occasion in question?

20 A: Linehan had reason to believe that Williamson was going to continue aggressively  
21 brandishing and using a weapon, the baseball bat, and Linehan had a reasonable concern  
22 and fear that grave bodily injury was about to occur, and therefore acted reasonably and  
23 in self-defense in discharging the weapon. Here, reasonableness cannot be removed from

1 the context of a person who is pursuing you, a person who has threatened you, a person  
2 who is cornering you in between things and a person who continues to approach, even  
3 though you have a weapon.

4 Q: Can you identify Exhibit 13?

5 A: Yes, that's my article on self-defense.

6 Q: Do you stand behind the opinions you wrote in that article?

7 A: Every single one.

8 Q: Have you told us all of the opinions that you have formed in connection with this matter?

9 A: Yes, I have.

10





EXHIBIT 1





EXHIBIT 2





EXHIBIT 3





**SWORN STATEMENT OF CELESTE SIBLESZ HIGGINS**

My name is Celeste Siblesz Higgins. I am a student at Lone Star A&M University in Armadillo, Lone Star. I am in my fifth year of my four year program, pursuing a degree in Advanced Cultural Issues. The recitals contained in this Sworn Statement are within my personal knowledge and are true and correct.

I was on the campus of Lone Star A&M on November 30, 2019. I was one of several hundred people gathered to protest the firing of our head football coach. During the middle of the afternoon, a group of protestors began migrating toward the dormitories with the intent of listening to speeches. The school’s cheerleaders were there, pepping up the crowd. At no time were any of the protestors threatening to burn down the entire school.

During the afternoon, I became aware of a person now known to me to be Jordan Linehan pushing his way through the crowd toward the cheerleaders. He appeared to be carrying what I could identify from personal experience as an assault rifle, specifically an AR-15. He was shouting at the assembled crowd, saying things like “You pampered babies. You’re not going to burn this school down.” He also threatened two people within my hearing with the statement “You think I’m afraid of you? Get out of my way or I’ll put you out of our mutual misery.” I did not see any person strike Mr. Linehan, although several of the people in the crowd appeared to be carrying what I thought might be used as weapons. I saw one person in particular carrying a black baseball bat, pointing it at Linehan in a threatening way. The person with the bat approached Linehan and an argument apparently ensued, although I could not hear what was said. I was not able to see what happened after that, but I later heard from my roommate that the guy with the bat chased Linehan to the edge of the campus, then stopped.

I swear that the above statement is true and correct.

DATED November 30, 2019.

\_\_\_\_\_/s/\_\_\_\_\_  
Celeste Siblesz Higgins

I, Austin Brown, personally interviewed the above person, Celeste Siblesz Higgins, who acknowledged to me that the facts and information stated herein are true and correct.

\_\_\_\_\_/s/\_\_\_\_\_  
Austin Brown

**EXHIBIT 5**

# AUSTIN BROWN

600 Massie Rd. Armadillo, LS 75602  
[austinbrown@dofficerbrownphd.org](mailto:austinbrown@dofficerbrownphd.org)

## EXPERIENCE

2019-PRESENT

**LEAD CAMPUS INVESTIGATOR, LONE STAR A&M**

Retirement did not sit well with me, so I decided to lay down the law for the students of Lone Star. They seem to need strict policing, and I am giving it to them every day.

1999-2019

**OFFICE OF PROFESSIONAL STANDARDS SECTION COMMANDER, MAJOR,  
DALLAS/FORT WORTH, LONE STAR**

After twenty years on the force, policing a population of 7.6M, I reached my terminal rank within the force in a position working to address all citizen complaints. Increased integrity test performance statistics by more than 50% annually, improved Corruption Unit through proactive measures, leading internal training for all investigation divisions monthly.

1990-1998

**CRIMINAL INVESTIGATOR, 8<sup>TH</sup> MP BRIGADE, US ARMY**

Medically retired as a staff sergeant, from the military due to irreparable damage to retina as a result of an improvised explosive device.

## EDUCATION

JUNE 1998

**MASTERS & DOCTOR OF PHILOSOPHY, CRIMINAL JUSTICE**

HARVARD

Summa cum laude; Co-authored Chapter 14 of the textbook, *Unlawful Killing: A Deep Dive into the Reasonable Actor*

MAY 1990

**BACHELOR OF ARTS, CRIMINAL JUSTICE, MINOR IN ENOLOGY**

RICE UNIVERSITY

Summa cum laude, co-authored an article with Professor Atina Stravropoulos, JD, LL.M. *Self-Defense and the Unarmed Man: Don't Start None, Won't be None*

## LECTURES

JUNE 1999 – Play Scary Games, Win Scary Prizes – Stand Your Ground

AUGUST 2004 – New Scotland Spirits v. Old Scotch, Newer is Always Better

JUNE 2008 – Mess Around and Find Out, Asking the Right Questions

JULY 2022 – Students' Proclivity to Mislead Law Enforcement Analyzed

EXHIBIT 6

## PUBLICATIONS

*Do You Really Want to Hurt Me?: Psychology and the Law of Self-Defense*, 11 JOURNAL OF CRIMINAL LAW AND CRIMINOLOGY 25 (2020) (co-authored with B.M. Draper).

*Love Hurts: A Study Self-Defense Claims in Domestic Violence Cases from 1990 – 2010*, ANNUAL REVIEW OF CRIMINOLOGY, 30 – 70, 2016 (co-authored with A. Hymel)

*I Shot the Sheriff: When Confessions are “Confessions” in Self-Defense Cases*, 80 OHIO STATE JOURNAL OF CRIMINAL LAW 133 (2012) (co-authored with J. Fisher)

*Karma Police: The Practical and Legal Limitations of “Stand Your Ground” Laws*, Journal of Criminal Justice, 100 – 150, 2007 (co-authored with D. Hagan).

Dr. Gary Winters, M.D.  
Dr. Richard Zielinski, M.D.

# ARMADILLO TOXICOLOGY ASSOCIATES, P.A.

1127 JUDSON ROAD  
SUITE 220  
ARMADILLO, LONE STAR 75601

## TOXICOLOGY REPORT

December 1, 2019

**NAME:** Avery Williamson                      **STATUS:** Hospitalized  
**ADDRESS:** not available  
**CITY:** n/a                      **STATE:** n/a                      **ZIP:** n/a  
**COLLECTOR'S NAME:** Dr. Gary Winters  
**SPECIMEN CONDITION:** Satisfactory

**REQUESTED BY:** Tarrant County District Attorney's Office

### DRUGS CHECKED QUALITATIVELY:

DRUG NAME	POSITIVE	NEGATIVE	NOT TESTED
Cocaine	X		
Marijuana			X
Opiates/Morphine/Hydrocodone			
Amphetamine		X	
Methamphetamine		X	
Barbiturates		X	
Propofol			
Alcohol Screen	0.04		
Ecstasy			X
Other: Adrenaline	X		

*I hereby certify that I collected the specimen(s) tested above and that such specimens were not substituted or adulterated to the best of my knowledge. The specimen(s) were subjected to standard testing protocols, and the above results are accurate to a reasonable degree of medical certainty.*

SIGNED: /s/ Dr. Gary Winters, M.D.

DATED: December 1, 2019

EXHIBIT 7





**CITY OF ARMADILLO  
STATE OF LONE STAR**

**CERTIFIED PUBLIC RECORD**

**NAME: LINEHAN, JORDAN  
DOB: 1/15/2001**

\*\*\*\*\*CRIMINAL HISTORY\*\*\*\*\*

-----ARREST 01-----

DATE ARRESTED 6/28/2016  
AGENCY CO00070200 PD GRUENE, LONE STAR  
NAME LINEHAN, JORDAN  
CHARGE 01  
CHARGE POSSESSION OF DRUG PARAPHENALIA  
TYPE/LEVEL MISDEMEANOR  
OFFENSE DATE 6/28/2016  
COURT DISPOSITION GUILTY  
DISPOSITION DATE 12/14/2016  
SENTENCE CREDIT FOR TIME SERVED  
SUMMARY PLED GUILTY

-----ARREST 02-----

DATE ARRESTED 10/06/2017  
AGENCY CO000847100 PD BOERNE, LONE STAR  
NAME LINEHAN, JORDAN  
CHARGE 01  
CHARGE POSSESSION OF A CONTROLLED SUBSTANCE 1-4 GRAMS  
TYPE/LEVEL FELONY  
OFFENSE DATE 10/06/2017  
COURT DISPOSITION GUILTY  
DISPOSITION DATE 4/09/2018  
SENTENCE 2 YEARS PROBATION  
SUMMARY JURY VERDICT OF GUILTY

-----ARREST 03-----

DATE ARRESTED 4/28/2019  
AGENCY CO000142580 PD LLANO, LONE STAR  
NAME LINEHAN, JORDAN  
CHARGE 01  
CHARGE INDECENCY WITH A CHILD -  
TYPE/LEVEL FELONY  
OFFENSE DATE 4/28/2019  
COURT DISPOSITION GUILTY  
DISPOSITION DATE 10/14/2019  
SENTENCE 3 YEARS PROBATION  
SUMMARY PLED GUILTY TO INDECENT EXPOSURE

-----ARREST 04-----

DATE ARRESTED 7/11/2020  
AGENCY CO00097114 PD ARMADILLO, LONE STAR  
NAME LINEHAN, JORDAN  
CHARGE 01  
CHARGE ASSAULT ON PUBLIC SERVANT LAWFULLY DISCHARGING OFFICIAL DUTY [POLICE OFFICER]  
TYPE/LEVEL FELONY  
OFFENSE DATE 7/11/2020  
COURT DISPOSITION GUILTY  
DISPOSITION DATE 11/15/2020  
SENTENCE 5 YEARS PROBATION  
SUMMARY JURY VERDICT OF GUILTY

**EXHIBIT 8**

**INCIDENT / ARREST REPORT**

Bootleg Police Department  
 Bootleg, Lone Star

INCIDENT  **ARREST**  
 JUVENILE  DOMESTIC  
 HATE CRIME  INVOLVED ALCOHOL

DATE REPORTED: 10/31/2019  
 TIME REPORTED: 23:32  
 SECTOR Other UNIT 1

CASE NO:  
**18547**

OFFENSE <b>Discharging Firearm in City Limits</b>	STATUTE <b>LS Penal Code 34.5</b>	COMMITTED <input type="checkbox"/> ATTEMPTED <input checked="" type="checkbox"/>
OFFENSE <b>Threatening Law Enforcement Officer</b>	STATUTE <b>LS Penal Code 213.3</b>	COMMITTED <input type="checkbox"/> ATTEMPTED <input checked="" type="checkbox"/>
OFFENSE	STATUTE	COMMITTED <input type="checkbox"/> ATTEMPTED <input type="checkbox"/>
OFFENSE	STATUTE	COMMITTED <input type="checkbox"/> ATTEMPTED <input type="checkbox"/>

DATE OCCURRED FROM MONTH DAY YEAR TO MONTH DAY YEAR  
 10/31/2019 TO 10/31/2019  
 TIME OCCURRED FROM HOUR MIN TO HOUR MIN  
 23 32 TO  
 4. LOCATION TYPE  
**08 Bar/Night Club**  
 5. FORCED ENTRY  
 YES  NO  N/A

OFFICER 1 BADGE # **711** OFFICER 2 **none** BADGE # **na**

6. TYPE WEAPON **Colt M4A1** 7. CALIBER/GAUGE **.223** 8. FINISH **Ugly**

NUMBER OF PERSONS PRESENT **1** NUMBER OF OFFENSE **2** NUMBER OF OFFENDERS **1** NUMBER ARREST **1**

<b>PERSON 1</b>	13. TYPE <b>A Arrestee</b>	NUM <b>3 Adult</b>	SOCIAL SECURITY # <b>489-01-5841</b>	NAME (LAST, FIRST & MIDDLE) <b>Linehan, Jordan Morin</b>			
	14. RACE <b>N N/A</b>	15. SEX <b>U Unk</b>	DOB <input type="checkbox"/> ESTIMATED	AGE <b>18</b>	HEIGHT <b>5'8"</b>	WEIGHT <b>Unk</b>	
	15A. HAIR <b>Other</b>	15B. EYES <b>Other</b>	16. OFFENSE INDICATOR <b>2 2nd Offense</b>	17. INJURY EXTENT	18. INJURY TYPE (2)		
	ADDRESS <b>127415 Powell Lane</b>		CITY <b>Bootleg</b>	STATE <b>LS</b>	ZIP <b>it</b>	19. RES TYPE <b>1 City</b>	20. RES STATUS <b>0 N/A</b>
	RES PHONE BUS PHONE	EMPLOYER/SCHOOL		EMPLOYER ADDRESS			
	OCCUPATION	SCARS/MARKS/TATTOOS/CLOTHING <b>T-Shirt: "Guns Up!"</b>			21. VIC/OFFENDER RELATIONSHIP <b>00 N/A</b>		
	22. FOUL PLAY SUSPECTED	ALIAS/STREET NAME/NICKNAME			PLACE OF BIRTH		

13. TYPE NUM SOCIAL SECURITY # NAME (LAST, FIRST & MIDDLE)  
**Linehan, Jordan Morin**

DRUG TYPE **M Marijuana P Paraphenalia** DRUG ACTIVITY **E Use P Possess**

**MO** Describe Other \_\_\_\_\_ **POE** Describe Other \_\_\_\_\_

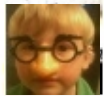
CRIME SCENE: PHOTOS YES  BY WHOM? DUSTED FOR YES   
 ROLL # \_\_\_\_\_ TAKEN NO  LATENT PRINTS NO  PRINTS YES  BY WHOM? NO

VEHICLE **All Terrain** PERSON (INDICATE PERSON TO WHOM VEHICLE INFO APPLIES)  
 YEAR **2004** MAKE **Jeep** MODEL **Cherokee** TYPE COLOR **Mud** PLATE **KGB6723** STATE **OK**  
 VIN INSURANCE COMPANY

NARRATIVE: **Arrested after complaints from several witnesses that subject was carrying rifle and discharging same toward inanimate objects, to wit, beer cans. Subject threatened arresting officer by throwing empty beer can toward officer.**

REPORTING OFFICER Brantley Jones DATE REPORTED 10/31/2019  
 REPORTING OFFICER /s/ Brantley Jones SIGNATURE **7316400** OFFICER BADGE  
 REVIEWING SUPERVISOR /s/ Lynn Murray SIGNATURE **3127766** OFFICER BADGE  
 DATE

**EXHIBIT 9**



Jordan Linehan  
Edit My Profile

FAVORITES

- Welcome
- News Feed
- Messages**
- Other
- Events
- Friends 12

GROUPS

Create Group...

APPS

- Ads
- Mobile
- Photos
- Notes
- Questions

Friends on Chat



- 1 Claim your Facebook email
- 2 Turn on text messaging
- Chat is online

Messages

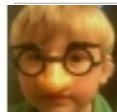
+ New Message

Search Messages



Hey! Heard you might be looking for new friends?

June 21, 2019



So who told you that? and when? and where?

June 21, 2019

View: Unread · Archived   Setup: Email · Text Messaging

EXHIBIT 10

### Messages

New Message

#### Direct Messages



QuietRiot

Avery Williamson

4

April 14, 2019 10:09 am



### Send ktown a message



QuietRiot

Avery Williamson

I'll bring the marshmallows, you bring the match!

November 28, 2019 6:09 am



QuietRiot

Avery Williamson

Yeah, sounds like a good time. Haven't been to a good "protest" in a long time. Are you going, Karen? Got a target building? Got your gas mask?

November 28, 2019 6:09 am



ktown

Karen Townsend

Yeah. Hear about the protest we have planned?

November 28, 2019 6:04 am



QuietRiot

Avery Williamson

Hear about the A&M coach?

November 28, 2019 6:01 am

EXHIBIT 11

## ALCOHOL, DRUGS AND FIREARMS: THE NEW VIOLENCE PARADIGM

Amy Sue Lemley, Ph.D.

Violence is unfortunately a part of society. The causes of violence are not completely understood, but it involves sociological, genetic, financial, biological, and environmental factors. Drugs can cause aggression by altering the neurotransmitters dopamine, norepinephrine, gamma-aminobutyric acid (GABA), and serotonin. Specific drugs associated with aggression include alcohol, anabolic steroids, cocaine, amphetamines, sedatives, opiates, and hallucinogens. Aggression can be categorized into impulsive and predatory aggression.

### *Impulsive Aggression*

Impulsive aggression is the sudden and unpredictable use of force or violence by an individual. It is the action of automatically reacting violently to a stimulus without taking the time to consider the action or the consequences. It is unpremeditated and presents as a disproportionate reaction to a perceived provocation (whether it be real or imagined). Impulsive aggression is characterized as aggressive behavior occurring in the context of anger and high emotionality. It is often more impulsive, less controlled, and occurring in reaction to a provocation or frustration.

### *Predatory Aggression*

Predatory aggression is qualified as being more goal-oriented and relatively nonemotional. From a legal perspective, this type of aggression is typically referred to as premeditation. Sometimes an individual can express predatory and impulsive aggression in the same act, such as when a premeditated act is met with an effective defense and the initiator is forced into a reactive fight. The two types can also be hard to separate when an individual frustrated by a conflict becomes angry (impulsively) and later coolly plots revenge (predatory).

### *Role of Alcohol and Drugs*

From the studies carried out on alcohol, drugs, and aggression, it is seen that toxic effects from the stimulant drugs like cocaine and methamphetamine cause anxiety, hyperarousal, and, in some cases, abuse, with violence being the leading cause of death among stimulant drug addicts.

Alcohol and narcotics have long been associated with rage and violence. Alcohol, stimulants (methamphetamine and cocaine), marijuana, anabolic steroids, and other medications have all been linked to the alleviation of unpleasant emotional conditions or the precipitation of rage and hostility. Not only do several mood-altering substances affect cognition, but there is also evidence that alcohol and drugs change mood states by altering neurotransmitter levels.

For several years, direct pharmacologic actions of drugs like alcohol on the central nervous system have been promoted as the primary cause of violent activity in substance-abusing individuals. Alcohol, drugs, and aggression have always been connected trio. The facilitation of

violence has been related to behavioural disinhibition triggered by alcohol consumption. However, drugs merely alter the user's judgment and self-control, causing him or her to become aggressive in a given situation.

Crime, accidents, and suicide are the leading causes of death for cocaine and methamphetamine users. Both of them are aggressive, and they may all be linked to toxic changes in the neurotransmitters dopamine and norepinephrine. Stimulant drugs can cause an increase in norepinephrine and dopamine during toxic episodes. Hyperarousal is caused by elevated norepinephrine levels. This is similar to the "fight or flight" response, which happens when a person is in danger, actual or perceived. When this is paired with continued dopamine elevations, a paranoid state is likely. The user experiences context-appropriate paranoia as dopamine levels in the brain begin to rise.

# LAW ENFORCEMENT GAZETTE

Spring 2016



## Self Defense in the Era of Riots

Shannon Pratt

EXHIBIT 13

## WHETHER TO STAND OR RETREAT: A SITUATIONAL DILEMMA

You find yourself in the middle of social unrest, perhaps a demonstration gone awry. Perhaps a full scale riot. Someone is threatening you with imminent and deadly force. You could safely retreat from the threat but you choose, instead, to stand your ground and meet force with force. In doing so, you injure or kill the aggressor. Are you guilty of assault? Murder? Poor judgment?

In most of the United States, the answer is no. By statute, court rulings, or a combination of both, more than thirty states have adopted a “Stand Your Ground” (No Retreat) rule which bars the prosecution of people who use deadly force against a deadly aggressor without first attempting to retreat, or offers such persons a valid self-defense claim against a charge of criminal homicide. By contrast, a minority of states enforce a “Retreat” requirement, or “Duty to Retreat,” under which a defendant may not successfully claim self-defense if the defendant could have safely retreated, but did not, before using deadly force against a deadly attacker.

How do you rationally judge the difference between reasonable use of deadly force and reasonably retreating in the face of equally deadly force? Every situation must be judged contextually. Reasonableness cannot be removed from the context of a person who is pursuing you, a person who has threatened you, a person who is cornering you in between things and a person who continues to approach, even though you have a weapon. Each of these scenarios presents different considerations, and different results.

First, the situation of pursuit. To judge reasonableness of the use of deadly force when one is being pursued, the question becomes whether the pursuit is merely annoying or actually threatening. Two different scenarios come to mind. In the first, assume that the person accused of using deadly force is being pursued by someone who does not have a weapon or who has a situationally inferior weapon. For example, if the person in pursuit has a stick or rock or the like, and the pursued person has a gun, it may not be reasonable for the accused to shoot the ill-armed pursuer. However, if the pursuer is showing signs of derangement or is otherwise overly aggressive, then even a stick or rock can cause reasonable people to fear for their lives.

Second, the situation where the pursuer is threatening. If the pursuer is believably threatening grave bodily injury, then the accused can reasonably be said to be in fear for his or her life, even where the pursuer is ill-equipped to carry out the threats. On the other hand, mere hyperbole or obviously unrealistic threats cannot justify the use of deadly force.

Third, the situation of cornering. “Flight or fight” becomes solely “fight” when the aggressor puts the accused in a situation where flight is not possible. In those situations, it is reasonable to use deadly force because no other viable options are presented. Conversely, if there is a reasonable route of escape that would avoid confrontation, the accused will likely not be justified in using deadly force. This situation can be difficult to judge, however, based on the speed, size and aggression of the pursuer.



Finally, the situation of unreasonable aggression. An accused may be confronted by a situation where the pursuer, although less well armed and smaller, displays aggressive behavior in the face of superior strength. This is again a situation that is very fact-specific, but generally an accused is justified in using deadly force where the pursuer fails to relent in the face of what might be reasonable considered to be equal and opposite force. For example, a pursuer may be unarmed but still advancing in a threatening and aggressive manner even though the accused is armed. The fact that the pursuer remains aggressive in the face of imminent harm can cause a reasonable person to believe that the pursuer lacks normal judgment or is impaired in some manner that reduces reason to that of a feral animal. In such a situation, use of deadly force may be justified. However, each situation must be judged according to the level and viability of the threat posed by the apparently undeterred pursuer.

In the situation of social unrest, then, each claim of self-defense must be judged by the context. Did the accused inject himself into the situation or did the situation evolve around him? Did the accused bring a weapon to the situation? Were other participants similarly armed? Was there some disparity in the number and animus of the participants as compared to the accused? These are all issues that, unfortunately, cannot be resolved without careful attention to context. In the end, these questions will likely have to be resolved by a jury.



EXHIBIT 14





EXHIBIT 15







EXHIBIT 17





EXHIBIT 18



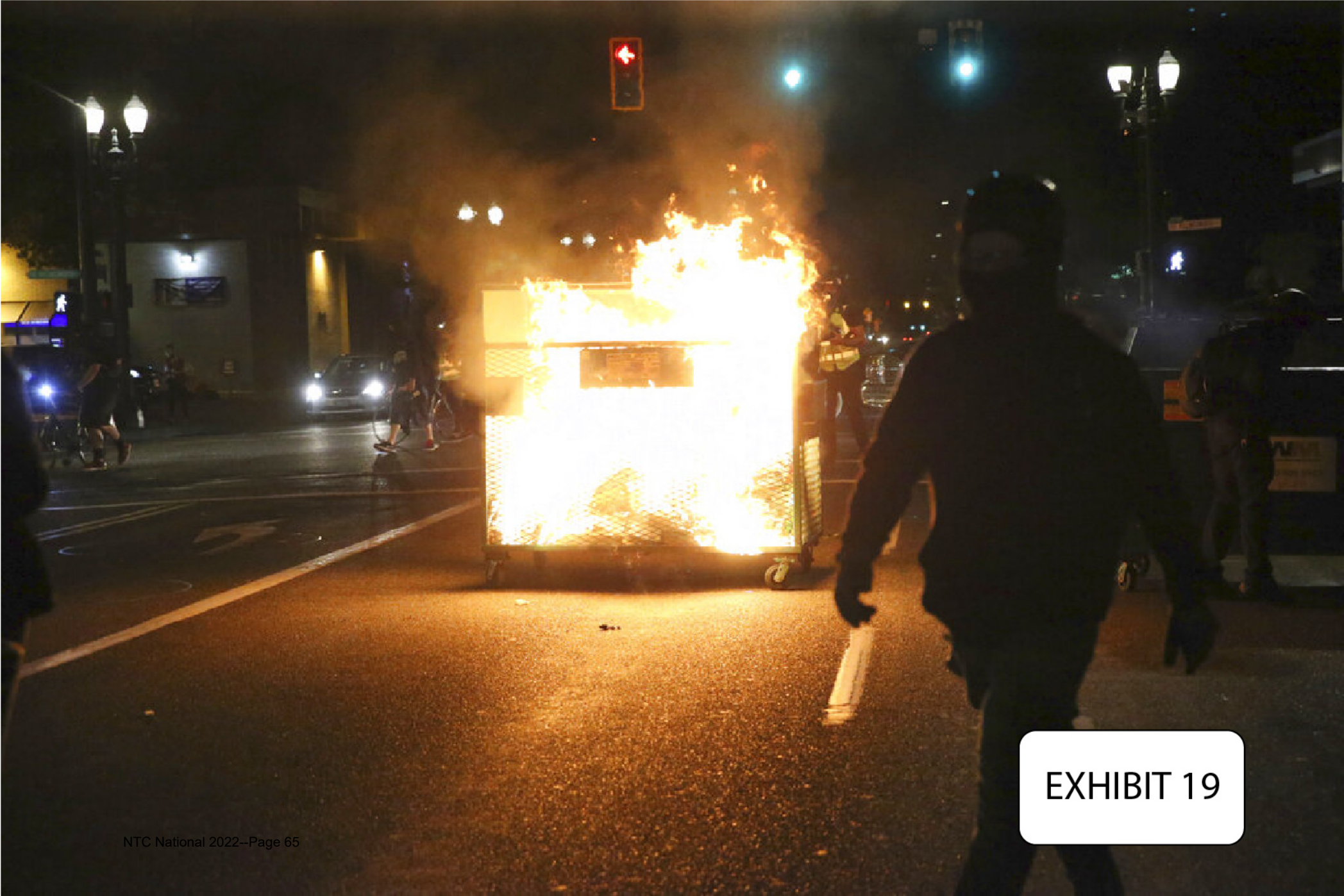


EXHIBIT 19



EAT MY AR, SVM!



EXHIBIT 20





EXHIBIT 21

THE STATE OF LONE STAR

§  
§  
§  
§  
§  
§  
§

IN THE 834 DISTRICT

V.

COURT

AVERY WILLIAMSON

KENDALL COUNTY, LONE STAR

STATE ID No.: LS2789

**JUDGMENT OF CONVICTION BY JURY**

Judge Presiding: **HON. JACK ZOUHARY** Date Judgment Entered: **4/9/2018**

Attorney for State: **SCOTT GREENE** Attorney for Defendant: **GLORIA BEDWELL**

Offense for which Defendant Convicted:  
**POSSESSION OF CONTROLLED SUBSTANCE 1-4 GRAMS**

Charging Instrument: **INDICTMENT** Statute for Offense: **LS HEALTH & SAFETY CODE SEC.481.1151**

Date of Offense: **10/6/2017**

Degree of Offense: **STATE JAIL FELONY** Plea to Offense: **NOT GUILTY**

Verdict of Jury: **GUILTY** Findings on Deadly Weapon: **NO**

Plea to 1<sup>st</sup> Enhancement Paragraph: **N/A** Plea to 2<sup>nd</sup> Enhancement/Habitual Paragraph: **N/A**

Findings on 1<sup>st</sup> Enhancement Paragraph: **N/A** Findings on 2<sup>nd</sup> Enhancement/Habitual Paragraph: **N/A**

Punished Assessed by: **COURT** Date Sentence Imposed: **4/9/2018** Date Sentence to Commence:

Punishment and Place of Confinement: **0 YEARS FINE ONLY**

**THIS SENTENCE SHALL RUN CONCURRENTLY.**

**SENTENCE OF CONFINEMENT SUSPENDED, DEFENDANT PLACED ON COMMUNITY SUPERVISION FOR 2 YEARS.**

Fine: \$ **N/A** Court Costs: \$ **456** Restitution: \$ **0** Restitution Payable to:  **VICTIM** (see below)  **AGENCY/AGENT** (see below)

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

Sex Offender Registration Requirements do not apply to the Defendant. LS CODE CRIM. PROC. chapter 62.

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

If Defendant is to serve sentence in TDCJ, enter incarceration periods in chronological order.  
Time Credited: From to From to From to  
From to From to From to

If Defendant is to serve sentence in county jail or is given credit toward fine and costs, enter days credited below.  
**N/A DAYS NOTES: N/A**

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

This cause was called for trial in Kendall County, Lone Star. The State appeared by her District Attorney. Counsel / Waiver of Counsel (select one)

- Defendant appeared in person with Counsel.
- Defendant knowingly, intelligently, and voluntarily waived the right to representation by counsel in writing in open court.

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

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



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

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

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

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

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

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

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

**Punishment Options (select one)**

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

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

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

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

The Court **ORDERS** Defendant's sentence **EXECUTED**.

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

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

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

---

**Signed and entered on April 9, 2018**

**X**

**HON. JACK ZOUHARY**  
JUDGE PRESIDING

Clerk:

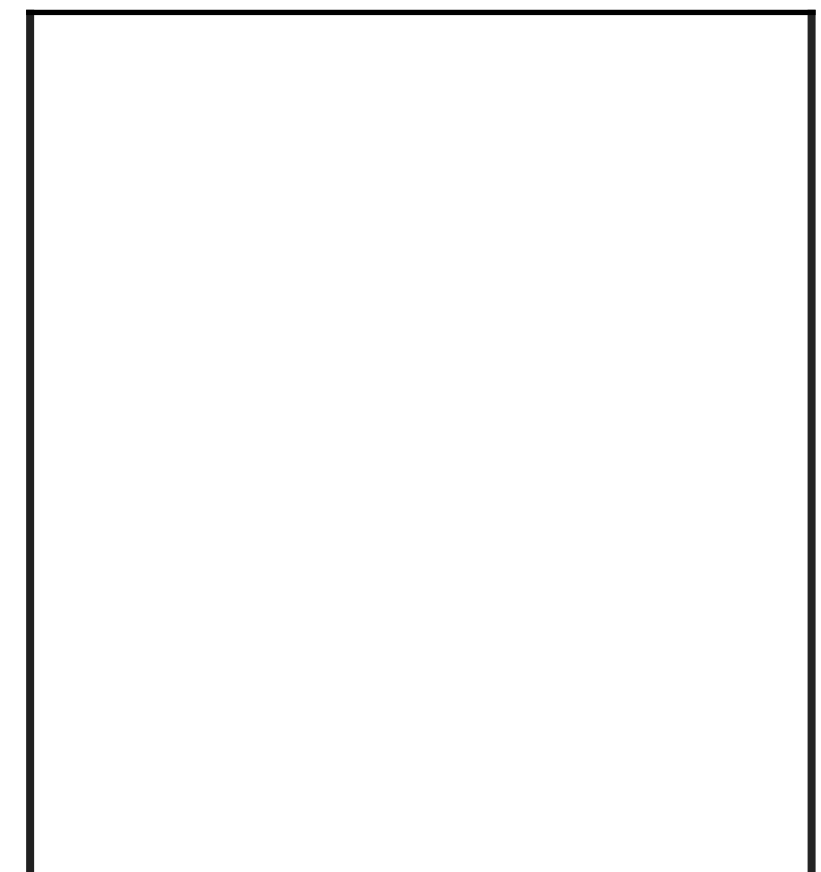






EXHIBIT 24

STATE OF LONE STAR

§ IN THE DISTRICT COURT

§

§

§

v.

§ IN AND FOR

§

§

§

JORDAN LINEHAN, Defendant

§ TARRANT COUNTY, LONE STAR

**FINAL JURY INSTRUCTIONS**

Members of the Jury, I thank you for your attention during this trial. Please pay attention to the instructions I am about to give you.

In this case, Jordan Linehan is charged with one count of aggravated assault.

To prove the crime of aggravated assault, the State must prove beyond a reasonable doubt that Jordan Linehan intentionally, knowingly or recklessly caused serious bodily injury to Avery Williamson, or used or displayed a deadly weapon during the commission of an assault.

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

A person commits an assault if the person:

- (1) Intentionally, knowingly, or recklessly causes bodily injury to another, including the person’s spouse;
- (2) intentionally or knowingly threatens another with imminent bodily injury, including the person's spouse; or
- (3) intentionally or knowingly causes physical contact with another when the person knows or should reasonably believe that the other will regard the contact as offensive or provocative.

Under the laws of Lone Star, a person acts intentionally, or with intent, with respect to the nature of his conduct or to a result of his conduct when it is his conscious objective or desire to engage in the conduct or cause the result. A person acts knowingly, or with knowledge, with respect to the nature of his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or that the circumstances exist. A person acts recklessly, or is reckless, with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist, or the result will occur. The risk must be of such a nature and degree that

its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

The intent with which an act is done is an operation of the mind and, therefore, is not always capable of direct and positive proof. It may be established by circumstantial evidence like any other fact in a case.

Jordan Linehan has entered a plea of not guilty by reason of self-defense. Under the laws of Lone Star, self-defense is an exception to the offense of aggravated assault. The State must negate the existence of that exception by proving by a preponderance of the evidence that Jordan Linehan's conduct does NOT fall within the exception. Therefore, you must acquit Jordan Linehan on the charge of aggravated assault unless the State proves by a preponderance of the evidence that Jordan Linehan was not acting in self-defense at the time and on the occasion in question. The term "preponderance of the evidence" means the greater weight and degree of credible evidence admitted in this case.

Under the laws of Lone Star, self-defense is defined as follows: A defendant is justified in using deadly force against another when and to the degree the defendant reasonably believes that deadly force is immediately necessary to protect the defendant against the other's use or attempted use of unlawful deadly force. The use of deadly force against another is not justified:

- (1) in response to verbal provocation alone;
- (2) if the actor provoked the other's use or attempted use of unlawful deadly force, unless:
  - (A) the actor abandons the encounter, or clearly communicates to the other his intent to do so reasonably believing he cannot safely abandon the encounter; and
  - (B) the other nevertheless continues or attempts to use unlawful force against the actor.

A person who has a right to be present at the location where the force is used, who has not provoked the person against whom the force is used, and who is not engaged in criminal activity at the time the force is used is not required to retreat before using force as described by this section.

It is up to you to decide what evidence is reliable. You should use your common sense in deciding which is the best evidence and which evidence should not be relied upon in considering your verdict. You may find some of the evidence not reliable or less reliable than other evidence. In doing so, you should consider how the witness acted as well as what he or she said. Some things you should consider are:

1. Did the witness seem to have an opportunity to see and know the things about which the witness testified?
2. Did the witness seem to have an accurate memory?
3. Was the witness honest and straightforward in answering the attorneys' questions?

4. Did the witness have some interest in how the case should be decided?
5. Does the witness's testimony agree with the other testimony and the other evidence in this case?
6. Has the witness been offered or received any money, preferred treatment, or other benefit in order to get the witness to testify?
7. Had any pressure or threat been used against the witness that affected the truth of the witness's testimony?
8. Did the witness at some other time make a statement that is inconsistent with the testimony he or she gave the court?
9. Was it proved that the witness had been convicted of a crime?
10. Was it proved that the general reputation of the witness for telling the truth and being honest was bad?

You may rely upon your own conclusions about the witnesses. A juror may believe or disbelieve all or any part of the evidence or the testimony of any witness.

The defendant in this case has become a witness. You should apply the same rules to consideration of his testimony that you apply to the testimony of the other witnesses.

There are some general rules that apply to your deliberations. You must follow these rules in order to return a lawful verdict:

1. You must follow the law as it is set out in these instructions. If you fail to follow the law, your verdict will be a miscarriage of justice. There is no reason for failing to follow the law in this case. All of us are depending on you to make a wise and legal decision in this matter.
2. This case must be decided only upon the evidence that you have heard from the answers of the witnesses and have seen in the form of exhibits and these instructions.
3. This case must not be decided for or against anyone because you feel sorry for anyone or are angry at anyone.
4. Remember the lawyers are not on trial, even if they should be. Your feeling about them should not influence your decision in this case.
5. Whatever verdict you render must be unanimous; that is each juror must agree to the same verdict.



6. It is entirely proper for a lawyer to talk to a witness about what testimony the witness would give if called to the courtroom. The witness should not be discredited for talking to a lawyer about his or her testimony.
7. Your verdict should not be influenced by feelings of prejudice, bias, or sympathy. Your verdict must be based on the evidence and on the law contained in these instructions.

Deciding a proper verdict is exclusively your job. I cannot participate in that decision in any way. Please disregard anything I may have said or done that made you think I preferred one verdict over another.

Only one verdict may be returned as to the crime charged. This verdict must be unanimous, that is, all of you must agree to the same verdict. The verdict must be in writing and, for your convenience; the necessary forms of verdict have been prepared for you. They are as follows:

**[READ VERDICT FORM]**

In just a few moments, you will be taken to the jury room by the bailiff. The first thing you should do is elect a foreperson who will preside over your deliberations like a chairperson of a meeting. It is the foreperson's job to sign and date the verdict form when all of you have agreed on a verdict in this case and to bring the verdict back to the courtroom when you return. Either a man or a woman may be the foreperson of the jury.

Your verdict finding the defendant either guilty or not guilty must be unanimous. The verdict must be the verdict of each juror as well as of the jury as a whole.

In closing, let me remind you that it is important that you follow the law spelled out in these instructions in deciding your verdicts. There are no other laws that apply to this case. Even if you do not like the laws that must be applied, you must use them. For two centuries, we have agreed to a constitution and to live by the law. No one of us has the right to violate the rules we all share.



No. CR-21-5078

STATE OF LONE STAR

§ IN THE DISTRICT COURT

§

§

§

v.

§ IN AND FOR

§

§

§

JORDAN LINEHAN, Defendant

§ TARRANT COUNTY, LONE STAR

**VERDICT OF THE JURY**

We the jury find as to the crimes alleged against JORDAN LINEHAN as follows:

As to the crime aggravated assault:

\_\_\_\_\_ GUILTY

\_\_\_\_\_ NOT GUILTY

Date \_\_\_\_\_

\_\_\_\_\_  
Jury Foreperson