

I.

FACTUAL BACKGROUND

A. The Case and the Verdict.

2. This case arises from an altercation at a high-school track meet. The Defendant, Karmelo Sincere Anthony, was charged by indictment with the murder of Austin Metcalf, alleged to have been committed on or about April 2, 2025, in Collin County, Texas. The Defendant pleaded not guilty; his defense at trial was self-defense — that he used force he reasonably believed immediately necessary to protect himself. The Court’s charge submitted the offense of murder, the lesser-included offense of manslaughter, and the law of self-defense, including the justified use of deadly force; the Defendant did not testify. On June 9, 2026, the jury found the Defendant guilty of murder, and the Court imposed a sentence of thirty-five (35) years confinement. These matters appear from the indictment, the Court’s written charge, and the judgment.
3. The case drew national attention from the outset, and the Court appointed a Public Information Officer to assist with media credentialing, communications, and access logistics. In practice, public and media access were administered through that process. (Ex. 1; Ex. 7.) What follows is how that access was in fact administered: before trial, at the perimeter of the courthouse campus, at the courtroom door, and after the verdict.

B. Secrecy Before Trial: The Gag Order, Chambers Conferences, and No Public Pretrial Hearing.

4. The closing of this prosecution to public view began more than ten months before trial. On July 28, 2025, acting sua sponte and on no party’s motion, the Court entered an Order Prohibiting Extrajudicial Statements — a gag order binding the parties, their attorneys, witnesses, law enforcement personnel, courthouse and court staff, and court-appointed officials — which by its terms remained in force through trial. (Ex. 1 (attachment); Ex. 2.) Covered persons with firsthand knowledge were restricted from speaking publicly about the facts, evidence, witnesses, and expected testimony absent written approval from the Court.
5. The gag order’s terms were sweeping. Unless “first approved in writing by the Court,” no covered person could make any extrajudicial statement that “[a]ddresses the character, credibility, expected testimony, guilt, or innocence of any party or witness,” that “[d]iscusses

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evidence anticipated to be introduced at trial,” or that “[i]ntends or is likely to influence public opinion or potential jurors” — restrictions expressly applicable to “any public medium, including traditional news outlets and social media,” and enforceable by “contempt, fines, attorney discipline, or other remedies.” (Ex. 1 (attachment).) Its findings were three sentences: that media coverage “has the potential to cause imminent and irreparable harm to the defendant’s right to a fair trial”; that “[a]lternative measures (venue change, juror screening, sequestration) would be inadequate alone”; and that “[n]arrowly applied speech restrictions are necessary to protect juror impartiality.” No evidence is recited. The order permitted only “[p]rocedural announcements (e.g., hearing schedules, court filings)” and statements required by legal or ethical duty — a safe harbor that presupposed filings the public could see. By its terms it would yield only to “further written order of this Court,” and the Amended Order later reaffirmed it “until the completion of the trial.” (Ex. 1.) In the ten months it operated, no person was ever alleged to have violated it, so far as the public record reflects. (Ex. 2.)

6. The substantive pretrial work of the case was then conducted out of public view. The parties’ pretrial conferences with the Court — including a May 21, 2026 conference in chambers at which the parties’ evidentiary understanding was described to the Court, and a May 29, 2026 meeting addressing trial security and scheduling — occurred in chambers, outside open court. (Ex. 10.) No reporter’s record of them exists — a matter the hearing will confirm. No pretrial hearing was ever held on the access restrictions, and the Register of Actions reflects no such setting. (Ex. 2.) The public docket discloses no motions in limine and none of the substantive pretrial litigation that in fact occurred — filings that were hand-delivered rather than filed in the District Clerk’s public record. (Ex. 2; Ex. 10; Ex. 11.) A member of the public who examined the docket before trial would have found no hearing to attend and nothing to read.

C. The Amended Order: The Written Terms of Access.

7. On May 18, 2026, the Court signed the Amended Order Regulating Trial Proceedings, Media Access, Security, and Courtroom Decorum, entered “to govern all aspects of the trial proceedings.” (Ex. 1.) The Order recited the directives of *Waller v. Georgia* and *Sheppard v. Maxwell*, found that “unrestricted access or activity may compromise courtroom security, juror privacy, and the Defendant’s right to a fair trial,” and promised “reasonable public access consistent with constitutional requirements.” (Ex. 1.)

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8. Its operative terms were these: the courtroom would open at 8:30 a.m. for the media, at 8:40 a.m. for designated family members, and at 8:50 a.m. for the general public; no more than nine members of the media would be admitted; seating would be on a “space-available basis”; the doors would close “promptly at 9:00 a.m.”; individuals arriving after that time would not be admitted until a recess; and no person who left could re-enter except at a recess. (Ex. 1.) All persons attending were required to dress in “appropriate business attire”; hats and caps were prohibited; and clothing or items “displaying messages, logos, symbols, or images related to the case” — or “otherwise distracting or potentially prejudicial” — were banned. (Ex. 1.) The Order appointed Steve Stoler — identified in the Order only by a personal email address and cell-phone number — as the Court Appointed Public Information Officer, committed media credentialing to that office, and announced that “[t]he Court will not intervene in or resolve disputes among members of the media regarding access or seating.” (Ex. 1.) The Order contained no provision for an overflow room, an audio feed, a video feed, or any other means of observation for members of the public turned away — and no mechanism by which a member of the public could be heard to object to any of it.
9. The Order also closed the courthouse grounds themselves. It placed the entire courthouse campus — “including parking lots, sidewalks, green space or any other designated area” — under a nightly curfew from 11:00 p.m. to 6:00 a.m. beginning May 31, 2026; it designated restricted zones on an attached exterior map; and it ORDERED the Collin County Sheriff’s Office and other law enforcement personnel “to ensure compliance with this Order at all times during the trial.” (Ex. 1.) Under the Order’s enforcement clause, any violation — including a citizen’s presence in a courthouse parking lot or on the green space beside the courthouse before 6:00 a.m. — exposed the violator to “immediate removal from the courtroom, courthouse or courthouse grounds” and “the imposition of sanctions, including contempt of court,” and “[n]o warning is required prior to enforcement.” (Ex. 1.) No findings of any kind accompanied the curfew.

D. Access in Operation: The Curfew, the Parking Lot, and the Pre-Dawn Line.

10. In operation, admission had almost nothing to do with the Order’s stated 8:50 a.m. public-entry time. Because the public seats were few, members of the public began arriving in the pre-dawn hours — often between 4:00 and 5:00 a.m., before court was in session and while the campus

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curfew was still in force — and sheriff’s deputies enforcing the Order stopped arrivals at the parking lot and restricted entry onto the campus until the curfew lifted at 6:00 a.m. (Ex. 1; Ex. 8; Exs. 12–18, 20.) The queue that actually determined who would see this trial thus formed at the perimeter of the courthouse campus, hours before any proceeding convened. A member of the public who appeared at the Order’s appointed hour of 8:50 a.m. had, as a practical matter, no prospect of a seat. (Exs. 12–18.)

11. The line itself was administered without published standards, and not evenhandedly. Individuals were permitted to move ahead of members of the public who had already waited for hours. Thelma Anderson, who arrived early on June 6 and initially held approximately the seventh position, was displaced to approximately thirty-fifth — beyond the number of available seats — and was excluded from that morning’s proceedings. (Ex. 18.) Tametra Carter, identified as number seven on an early-arrival list, was removed from the line on June 5 and lost the morning session. (Ex. 15.) Admission was run through two lines — one for a “media list,” one for “everyone else” (Ex. 16) — and media outlets denied credentials were directed by the Public Information Officer to seek entry through the public line (Ex. 7; Ex. 8), where, as a Collin County sheriff’s deputy administering the line acknowledged on video, persons who “print out whatever and make themselves like they are media” consumed the public’s few seats, a practice the officers conceded they could not police. (Ex. 9.)

E. Inside the Courtroom: Two Dozen Public Seats, and an Overflow Room Provided and Then Withdrawn.

12. The courtroom held approximately seventy seats. By the Court-appointed Public Information Officer’s own written account, fifteen were allotted to the prosecution’s family, fifteen to the defense’s family, and nine to the media (including a courtroom sketch artist), with additional seats for court staff — leaving “about two dozen or so seats for the general public.” (Ex. 7.) The trial judge later confirmed the arithmetic on television: some “200 requests by the media,” and “27 to 32 ... public seats ... that we rotated every day.” (Ex. 3.) None of these allocations appear in any order. And the fifteen-seat family allotment was not honored in practice: the Defendant’s own family was limited to eight seats in total, so that his grandfather and his aunts were excluded from his trial, while those admitted were required to register a day in advance and were warned that a visible facial expression could result in removal. (Ex. 17.)

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13. For jury selection, the Court furnished what its Order had never promised: an auxiliary viewing location outside the courtroom — a functioning overflow room — where members of the public who could not be seated inside observed the proceedings on June 1 and June 3, 2026. (Ex. 14; Ex. 18.) On June 4, 2026, the first day of testimony, the Court eliminated it. No announcement was made in open court, no order was entered or modified, and no findings were made; public access was thereafter confined to the seats inside. (Ex. 14; Ex. 16; Ex. 18.) Nor was the elimination a reaction to anything that occurred at trial: as early as May 25, 2026, the Public Information Officer had advised an inquiring journalist in writing that “[t]here will be no overflow room during the trial” — this although the county’s own Media Request Intake form listed “Overflow room access” among the accommodations that could be requested. (Ex. 8.) When Thelma Anderson asked the Court for an alternative viewing location, there was no way even to file the request: the county’s electronic filing system had no category for a courtroom-access request in a criminal case, so the request was routed by email to the court coordinator and on to the Public Information Officer, and it was denied outside any judicial proceeding. (Ex. 18.) On June 5, the Public Information Officer confirmed in writing: “There is no overflow room.” (Ex. 7.)

F. Day by Day: The Accommodation Existed Only While No Witness Testified.

14. The pattern is visible day by day. During jury questionnaires and voir dire — June 1 and June 3 — an auxiliary viewing room accommodated the members of the public who could not be seated inside. On June 4, the first day of testimony, that room was eliminated, and on every documented day of testimony thereafter, members of the public were excluded. The accommodation existed precisely when no witness was testifying, and vanished precisely when the evidence began:

Date (2026)	Proceeding	Public access as administered	Evidence
Mon., June 1	Jury questionnaires	Auxiliary viewing room available outside the courtroom; at least one member of the public turned away on a purported “jury members only” rule	Exs. 12, 14, 16, 18
Tue., June 2	None — courthouse closed	—	Ex. 18
Wed., June 3	Voir dire	Auxiliary viewing room in operation; the overflow public observed the proceedings from it	Exs. 14, 18

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Thu., June 4	Testimony begins — State’s case	Viewing room eliminated, without announcement, order, or findings; from a line of roughly 80–100, approximately 27 admitted; Yon, Allen, and Anderson excluded	Exs. 13, 14, 16, 18
Fri., June 5	Testimony — State’s case	Anderson excluded; Carter removed from the line and denied the morning session; PIO confirms in writing there is “no overflow room”	Exs. 7, 15, 18
Sat., June 6	Testimony — State rests; defense case begins	Anderson displaced from approximately 7th to 35th in line and excluded until mid-afternoon; West removed from the courthouse for expressive clothing	Exs. 10, 12, 18
Mon., June 8	Defense case resumes and concludes (shortened day); State repudiates the parties’ understanding; defense rests; jurors sequestered overnight in a hotel; charge set for Tuesday morning	Same no-overflow/no-audio/no-video access regime remained in effect; public access, if any, remained limited to courtroom seating and pre-dawn line administration. Further facts to be developed at the evidentiary hearing.	Exs. 2, 10, 20
Tue., June 9	Charge, closing arguments, ~3 hours of guilt deliberation, guilty verdict, and the entire punishment phase — at which the State called no witnesses — through a 35-year sentence, all the same day	Same no-overflow/no-audio/no-video access regime remained in effect for charge, closing arguments, guilt deliberations, verdict, punishment, and sentence; no contemporaneous alternative access was provided for those not seated inside.	Exs. 2, 20

G. The Excluded Public.

15. The exclusions that followed were repeated and concrete. Jacqueline Yon traveled from North Carolina and, on the first day of testimony, found a line of roughly eighty to one hundred people, from which only about twenty-seven were admitted. (Ex. 13.) Teera Allen flew in from Arizona, observed jury selection from the auxiliary viewing room, was told on June 4 that the room had been eliminated, and was excluded from the courtroom on June 4 and June 5. (Ex. 14.) Bridget Smith attended on June 1, 4, 5, and 6 and confirms both the roughly twenty-seven-seat public cap and the elimination of the outside viewing location once testimony began. (Ex. 16.) Keyerria West was turned away on June 1 on a purported “jury members only” rule and was physically removed from the courthouse on June 6 because of the expressive content of her clothing. (Ex. 12.) Thelma Anderson was excluded on June 4 and June 5 and, on June 6, was seated only in mid-afternoon, after substantial portions of that day’s proceedings had

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passed. (Ex. 18.) Throughout, no declarant observed any disturbance, security incident, or disruptive conduct by any member of the public that would explain the restrictions. (Exs. 12–18, 20.)

H. The Unrecorded Agreement: The Defense Tried Its Case Under That Limitation, in Reliance on an Understanding Reached Off the Record.

16. The same off-the-record method that hid the pretrial proceedings from the public also produced the understanding on which the entire defense was built. Beginning in early May 2026, the lead prosecutor proposed that the parties “try the case clean” — “based only on what happened under the tent that day” — with neither side offering character, reputation, or extraneous-conduct evidence concerning either the Metcalf twins or the Defendant. The terms were negotiated in meetings and calls on May 5, May 8, and May 11, and on May 21, 2026, the parties presented the understanding to the Court itself — in chambers, off the record. To avoid media reporting on “bad act” evidence, the understanding was memorialized only as a deliberately generic motion in limine, hand-delivered to the Court on the first day of trial; it does not appear on the public docket. (Ex. 10; Ex. 2.)

17. From that point forward, the defense tried its case under that limitation, at every stage, in reliance on the bargain. In voir dire on June 3, the defense did not explore with the panel the themes of the decedent’s character and aggression it otherwise would have developed. In its opening on June 4, it introduced none of them. Through the State’s case on June 4, 5, and 6, the defense let the State’s student witnesses leave the stand without confronting them with their own recorded statements to police — that Austin Metcalf was “kind of like the aggressive guy on the team,” that he “got triggered,” that “Austin and Hunter they’re not going to let you disrespect them,” that “if Austin is about to get into a fight, you can tell,” and that he could be “a bit aggressive at times” — and, in an abundance of caution, even narrowed the questioning the understanding permitted. The defense designated no experts, foregoing a neuropsychologist prepared to explain how the Defendant’s epilepsy affected his perception of threat and a forensic psychologist prepared to address adolescent brain development and the fight-or-flight response, because the State took the position that such testimony would breach the understanding. (Ex. 10.)

18. The forbearance had a purpose: the payoff was to come in the defense case. Under the understanding as the prosecution itself repeatedly described it — covering all witnesses to “what happened under the tent” — the Defendant would testify to the altercation like any other tent witness, free of character impeachment, and the defense would present its self-defense case through him. Every pretrial discussion presupposed it: the prosecution repeatedly raised the ambiguous-aggressor doctrine, doctrine that matters only in a self-defense case built on such evidence, and, as trial counsel has sworn, in this case, the defense would ordinarily depend on the Defendant’s own account of his perception of the threat. (Ex. 10.)
19. On Monday, June 8 — the final day of evidence, after the defense had spent voir dire, its opening, the entire cross-examination of the State’s case, and the first day of its own case honoring the bargain — the lead prosecutor announced that the agreement had “never contemplated a testifying defendant,” and asserted that defense counsel had already “opened the door” by mentioning in opening that the Defendant played chess, a position the Court itself rejected. The Court then advised the parties that it knew of no mechanism at its disposal to enforce their understanding — an understanding that, throughout the months the defense relied upon it, existed on no record, because it had been reached, and presented to the Court, off the record — and that if the Defendant testified, the door to character and extraneous-offense evidence would almost certainly open. Allotted ten minutes, the Defendant elected not to testify. By then it was too late to conduct a different voir dire, deliver a different opening, or re-cross the State’s witnesses; and at punishment, the defense case was reduced to three pre-approved questions of the Defendant’s mother. The State, for its part, called no punishment witnesses and offered none of the extraneous-offense or character evidence catalogued in its seventy-five-page notice, resting its punishment case immediately — exactly as the lead prosecutor had described on May 11 that the agreement would operate. (Ex. 10; the State’s punishment presentation will be confirmed by the reporter’s record.) The State thus performed the bargain at punishment the day after denying that the same bargain covered the Defendant’s testimony. In the end, neither side put on the character evidence the understanding covered: the bargain was performed, on both sides, through the last day of trial. The only term repudiated was the one most vital to the defense — the Defendant’s own testimony. Karmelo Anthony was necessarily a witness to what happened under the tent; under the understanding as the State

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itself had repeatedly described it, he would testify like any other tent witness; and his elimination as a witness was devastating to a defense that turned on his own perception of the threat he faced. (Ex. 10.) By then, the defense had already paid the price of reliance and could not undo the voir dire, opening, cross-examination, expert designations, or decision framework that had followed from the understanding. (Ex. 10.)

I. The Expedited Schedule: Saturday Court and Ten Minutes to Decide.

20. The trial itself was run at speed. At the May 29 conference, the Court announced its intention that the defense begin calling witnesses immediately upon the State's resting, so that no trial day would go unfilled — including Saturday, June 6, 2026, a day on which several defense witnesses were unavailable; trial counsel told the Court that the schedule could force the defense to call the Defendant out of order. (Ex. 10.) The State rested midday Saturday, and the defense began its case that afternoon; the repudiation of the parties' understanding — described above and set out fully in Part IV below — erupted on Monday, June 8, the final day of evidence. When the moment came for the Defendant to make the most consequential decision of the trial, whether to waive his Fifth Amendment privilege and testify, the Court allotted the defense ten minutes to counsel a nineteen-year-old through it and denied counsel's request for additional time. (Ex. 10.) The defense rested that day after the shortened session, and the jurors were sequestered overnight in a hotel — informed that if they did not reach a verdict on Tuesday they would remain sequestered. On Tuesday, June 9, 2026, the Court delivered its charge, the parties presented closing arguments, and the jury deliberated approximately three hours before finding the Defendant guilty of murder; the punishment phase — evidence, argument, deliberation, and the rejection of sudden passion — was then completed, and the thirty-five-year sentence imposed, before the day ended. (Ex. 2.) The sequestration and deliberation chronology, widely and publicly reported, will be established at the hearing and confirmed by the reporter's record.

J. After the Verdict: The Sealed File, the Missing Record, and the Televised Defense of the Closure.

21. The secrecy outlasted the verdict. Trial counsel withdrew on June 10, 2026; appointed appellate counsel was then replaced; and present counsel were substituted in on June 23, 2026 — all while the thirty-day deadline for this Motion ran, the reporter's record remained wholly

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untranscribed, and the pleadings and case file sat in the Court’s chambers rather than in the District Clerk’s public record, sealed by an oral order. At a conference on June 29, 2026, the Court advised that the entire court file had been sealed by oral order and conditioned counsel’s inspection of it on an agreement not to disclose what he observed — a condition counsel could not give — leaving the file available only in chambers. (Ex. 2; Ex. 11.)

22. Two days after imposing sentence, the trial judge gave a televised interview defending the restrictions, describing the decision to bar cameras and streaming as “an easy decision,” acknowledging that he “sometimes ... think[s] maybe [he] should have ... at least ... audio streamed or something so people could hear it,” and explaining that he declined to do so because “people are gonna distort whatever happens,” so “[w]hat’s the point?” (Ex. 3; Ex. 4.) In a written statement to Fox News, the judge added: “Now that the trial is over, it is important to me to provide transparency.” (Ex. 5.) And in a public letter of June 17, 2026, he thanked the other judges of the county for adjusting their own dockets to accommodate this trial — at minimum raising a fact issue about available courthouse space, available staffing, and available alternatives that should have been considered before the overflow accommodation was withdrawn. (Ex. 6.)
23. Because the reporter’s record of the trial has not been prepared — the official court reporter has advised counsel that no portion of the trial has been transcribed — and because the case file has been held in chambers rather than in the District Clerk’s public record, the recitation above is drawn from the indictment, the Court’s charge, the public docket, the Court’s own orders and public statements, the attached affidavits and declarations, and counsel’s knowledge. Defendant will offer evidence at the hearing in support of the grounds timely raised herein.

II.

PROCEDURAL BACKGROUND, TIMELINESS, AND JURISDICTION

24. On June 9, 2026, a jury found Defendant guilty of murder, and on the same date the Court imposed sentence in open court, assessing punishment at thirty-five (35) years’ confinement in the Texas Department of Criminal Justice, Institutional Division.

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25. On June 4, 2026, the trial court signed the certification of the Defendant's right of appeal; although that certification issued before the verdict, the judgment of conviction was rendered and sentence imposed on June 9, 2026, and the notice of appeal followed. On June 10, 2026, the Defendant filed his notice of appeal, and the appeal was docketed in the Fifth Court of Appeals as Cause No. 05-26-00840-CR. On or about June 11, 2026 — after the verdict, the sentence, the certification of the right of appeal, and the filing of the notice of appeal — the presiding judge gave a televised interview concerning this case, which aired on WFAA-TV (Channel 8).
26. This Motion is timely under Texas Rule of Appellate Procedure 21.4(a), being filed within thirty days after June 9, 2026, the date sentence was imposed in open court. The Court retains authority to consider and rule on this Motion through the seventy-fifth day after that date, and a notice of appeal, if any, does not divest the Court of that authority until the appellate record is filed in the court of appeals. *State v. Moore*, 225 S.W.3d 556 (Tex. Crim. App. 2007); Tex. R. App. P. 21.4(a), 21.8, 25.2(g).
27. Because sentence was imposed in open court on June 9, 2026, the thirtieth day to file this Motion is July 9, 2026, and the seventy-fifth day falls on Sunday, August 23, 2026, subject to Texas Rule of Appellate Procedure 4.1. Defendant requests a hearing and ruling no later than Friday, August 21, 2026, to avoid any dispute over Rule 21.8's deadline. Defendant is presenting this Motion within ten days of filing, as Rule 21.6 requires, and contemporaneously requests that the Court sign the attached Order on Presentment and set the Motion for an evidentiary hearing so that the parties may present evidence and the Court may rule within the time Rule 21.8 permits. Contemporaneously with this Motion, Defendant is filing a Motion to Recuse the presiding judge. Because Rule 18a of the Texas Rules of Civil Procedure governs recusal in criminal cases, see *Arnold v. State*, 853 S.W.2d 543, 544 (Tex. Crim. App. 1993), Defendant requests that the evidentiary hearing on this Motion be conducted by the judge presiding after the recusal motion has been referred and resolved in accordance with that rule.
28. This Motion is supported by affidavit. Because it raises matters outside the trial record — established by the attached affidavits and authenticating declarations — and is timely filed and presented, Defendant is entitled to an evidentiary hearing, and the Court would abuse its

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discretion in denying one. *Reyes v. State*, 849 S.W.2d 812, 816 (Tex. Crim. App. 1993); *Rozell v. State*, 176 S.W.3d 228, 230 (Tex. Crim. App. 2005); *Hobbs v. State*, 298 S.W.3d 193, 200 (Tex. Crim. App. 2009). Under these circumstances, refusal to hold a hearing would be an abuse of discretion, because the Motion and its supporting affidavits raise matters not determinable from the existing record that, if true, could entitle Defendant to relief. *State v. Pilkinton*, 7 S.W.3d 291, 293 (Tex. App.—Beaumont 1999, pet. ref'd). That is especially so here, where the reporter's record has not been prepared; the official court reporter has advised counsel that no portion of the trial has yet been transcribed, so the relevant proceedings cannot presently be reconstructed from any existing record.

III.

FIRST GROUND FOR NEW TRIAL: THE TRIAL COURT VIOLATED DEFENDANT'S SIXTH AMENDMENT RIGHT TO A PUBLIC TRIAL BY MATERIALLY RESTRICTING PUBLIC ACCESS TO TRIAL PROCEEDINGS WITHOUT THE FINDINGS AND ALTERNATIVES REQUIRED BY WALLER, PRESLEY, AND STRICKER

The issue is not whether the Court had authority to manage courtroom security and capacity. It did. The issue is whether, after adopting an access order that foreseeably excluded members of the public from a high-profile criminal trial, the Court made the findings *Waller v. Georgia*, 467 U.S. 39 (1984), requires and considered the reasonable alternatives *Presley v. Georgia*, 558 U.S. 209 (2010), demands for contemporaneous public access. It did not. The Court's order gave the general public only a ten-minute daily initial-admission window, left roughly two dozen seats for public observers in a nationally watched murder trial, barred meaningful re-entry during proceedings, and provided no overflow room, no audio feed, and no video feed for those foreseeably turned away. Once closure is shown, it cannot stand unless the record contains a Waller-compliant justification for those restrictions; the existing record contains none. Nor does the danger end with this case. In a televised interview about a case that has drawn national attention, the Court publicly defended these restrictions as the right way to conduct a high-profile trial, describing the decision to bar cameras and streaming as "an easy decision" and stating that it had "struck that balance pretty well." (Ex. 3.) Should a trial held behind a ten-minute entry window — with no overflow room, no audio feed, and no livestream — be treated as an adequate substitute for an open courtroom, the public-trial guarantee of the First and Sixth Amendments would be hollowed out in practice.

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The restrictions here amounted to a closure of the courtroom, imposed without the findings the law requires.

Defendant does not contend that livestreaming is constitutionally required in every case; the issue is that once physical seating was foreseeably inadequate, the Court was required to consider reasonable alternatives and make Waller findings before excluding the public.

A. An Open Courtroom Belongs to the People of Texas, Who Fund and Sustain It.

29. The openness of criminal trials is among the oldest and most settled features of Anglo-American justice. The United States Supreme Court has held that the public and the press possess a right, secured by the First and Fourteenth Amendments, to attend criminal trials, and that, absent an overriding interest articulated in findings, a criminal trial must be open to the public. *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 580 (1980); *see also Globe Newspaper Co. v. Superior Court*, 457 U.S. 596 (1982); *Press-Enterprise Co. v. Superior Court*, 464 U.S. 501 (1984) (“Press-Enterprise I”); *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1 (1986) (“Press-Enterprise II”). A presumption of openness “inheres in the very nature of a criminal trial under our system of justice,” for a public trial gives assurance that proceedings are conducted fairly, discourages perjury and misconduct, and guards against decisions based on secret bias or partiality. *Richmond Newspapers*, 448 U.S. at 573. As the Court observed, “it would be difficult to single out any aspect of government of higher concern and importance to the people than the manner in which criminal trials are conducted.” *Id.* at 575.

30. Texas has long spoken to the same effect, in its own voice. The Code of Criminal Procedure commands that “[t]he proceedings and trials in all courts shall be public.” Tex. Code Crim. Proc. art. 1.24. The Court of Criminal Appeals has embraced the presumption of openness recognized in *Richmond Newspapers*, explaining more than a century ago that the Texas “constitution is but in accord with the genius and spirit of our free institutions, which is intended to guaranty publicity to the proceedings of our courts.” *Houston Chronicle Publ’g Co. v. Shaver*, 630 S.W.2d 927, 932 (Tex. Crim. App. 1982) (quoting *Ex parte Foster*, 44 Tex. Crim. 423, 71 S.W. 595 (Tex. Crim. App. 1903)).

31. These guarantees are not abstractions, and they are not held by the accused alone. The open-trial guarantee belongs as well to the citizens of Texas, in whose name the prosecution is brought, by whose taxes the courthouse and the court are sustained, and whose confidence in the administration of justice depends on their ability to see that justice done. Public attendance is the mechanism by which the community observes that the courts it funds are functioning lawfully — a check on official power that the Supreme Court has repeatedly identified as a core purpose of the open-trial guarantee. *See Waller v. Georgia*, 467 U.S. 39, 46 (1984). When the public is excluded from a Texas courtroom without lawful justification, that injury falls on the Defendant, whose Sixth Amendment right is violated, and on the community, whose courtroom it is. It is the Defendant’s injury that this Motion vindicates; the community’s stake underscores why the violation is neither technical nor trivial.
32. A public trial is staged for two audiences at once. The first sits in the gallery — the citizens in whose name the case is brought, who watch to satisfy themselves that the State proves what it claims and that the accused is not quietly condemned. The second sits on the bench and in the jury box — the judge and the jurors, for whom the awareness of being watched is itself a discipline, keeping them “keenly alive to a sense of their responsibility and to the importance of their functions.” *Waller v. Georgia*, 467 U.S. 39, 46 (1984). A ten-minute entry window empties both galleries at once: it turns the public away before it can watch, and it relieves the court of the very audience whose presence is the discipline. What the Order described as access operated, in practice, as material exclusion.
33. History explains why the law guards the open courtroom so jealously. The public-trial guarantee is a longstanding safeguard against secret proceedings. *In re Oliver*, 333 U.S. 257, 268–70 (1948). It “has always been recognized as a safeguard against any attempt to employ our courts as instruments of persecution.” *Id.* at 270. What openness protects, secrecy endangers: a proceeding the public cannot watch is one in which the ordinary checks on error, overreach, and bias quietly fall away. That is the structural risk a closed courtroom creates, whether or not anyone can later prove the harm the secrecy concealed — which is precisely why the law treats the deprivation as structural and does not put the Defendant to proof of a hidden injury.

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B. A Courtroom May Be Closed Only Rarely, and Only on the Showing Waller Requires.

34. The most directly applicable appellate authority on this precise question is a published decision of this Court of Appeals, handed down months before this trial began. In *Stricker v. State*, the Fifth Court of Appeals held that a trial court violated the defendant’s Sixth Amendment right to a public trial — and ordered a new trial — where the court, citing courtroom space and a generalized security concern, refused to seat a single member of the public during jury selection without first considering the reasonable alternatives the law requires. *Stricker v. State*, No. 05-24-01091-CR, 2026 Tex. App. LEXIS 964, at *2 (Tex. App.—Dallas Jan. 29, 2026, mem. op., designated for publication). Because *Stricker* was designated for publication under Texas Rule of Appellate Procedure 47.2(b), it is a published memorandum opinion of this Court of Appeals and thus the most directly applicable appellate authority on the public-trial question; and, having been issued months before this trial, it was available for the trial court’s review when the Court entered the Amended Order and closed these proceedings. The closure here was therefore not the resolution of an unsettled question. It ran headlong into a recent, published decision of the very court that reviews this one.

35. Every justification the Fifth Court rejected in *Stricker* is a justification the Court invoked here, and that rejection was on far more extreme facts. There, the court refused to seat one observer because the venire filled the gallery; here, the Court rationed the general public to roughly two dozen rotating seats across every stage of a nationally watched murder trial. There, the trial court declined to split voir dire to make room, explaining, “I am not going to spend two days picking a jury”; the Fifth Court held that space and overcrowding, though legitimate concerns, “must not outweigh a defendant’s Sixth Amendment rights” because there are “readily available alternatives,” and that “neither convenience nor judicial economy can constitute an ‘overriding interest.’” *Id.* at *16–17 (quoting *Steadman v. State*, 360 S.W.3d 499, 510 (Tex. Crim. App. 2012)). Here, the record and the Court’s own public statements at least raise a fact issue that reasonable alternatives existed, including larger or additional courtroom space, a live audio or video feed, and the overflow accommodation the Court used during jury selection and then withdrew. And where the *Stricker* court faulted the trial judge for failing to “identify a specific concrete fact” of danger, *id.* at *17 (applying *Cameron v. State*, 490 S.W.3d 57, 64 (Tex. Crim. App. 2016) (op. on reh’g)), the Order here rests on the same generic recital that

unrestricted access “may compromise” security — entered without a hearing. If excluding a single member of the public from jury selection required a new trial in *Stricker*, then the recurring exclusion of numerous members of the public from testimony and punishment, after the Court withdrew an available overflow alternative and made no *Waller* findings, cannot be dismissed as trivial.

36. A second court of appeals reached the same result weeks later, on facts materially indistinguishable from the space rationale invoked here. In *Hernandez v. State*, the Fourteenth Court of Appeals reversed a capital-murder conviction and ordered a new trial because the trial court closed voir dire to the defendant’s family and the public — citing an eighty-person venire and a lack of “physical space” — without conducting a *Waller* analysis, making findings, or considering reasonable alternatives. *Hernandez v. State*, No. 14-25-00292-CR (Tex. App.—Houston [14th Dist.] May 19, 2026) (designated for publication). The court held that concerns about space “must not outweigh a defendant’s Sixth Amendment rights,” and admonished that “[t]rial courts are expected to know and apply this basic rule.” *Id.* *Stricker* and *Hernandez* are thus recent, published Texas decisions holding that a space-based closure of jury selection, entered without *Waller* findings or the consideration of reasonable alternatives, is structural error requiring a new trial — and both were available for this Court’s review before this trial. *Stricker* and *Hernandez* address the merits of a space-based closure; *Dixon* and the preservation authorities address when the complaint must be raised. Defendant satisfies both rules here because the closure was administered off the record and the as-applied exclusion became apparent only after trial.

37. The Court of Criminal Appeals has likewise reversed on a narrower version of this problem. In *Steadman v. State*, the Court reversed a conviction and ordered a new trial because a trial judge excluded the defendant’s family from voir dire out of a generalized concern about space, without articulating a specific threat and without considering reasonable alternatives. 360 S.W.3d at 506, 510–11. This case is *Steadman* magnified at every dimension: the Court excluded not one family but the general public; not from voir dire alone but from every stage of the trial; on findings no less generic — that unrestricted access “may compromise” security, juror privacy, and a fair trial — without a hearing; and after using, then abandoning, the very kind of overflow alternative *Steadman* faults courts for failing to consider. If barring a single

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family from jury selection was structural error demanding a new trial, excluding members of the public from substantial portions of jury selection, testimony, and punishment is so a fortiori.

38. The Sixth Amendment to the United States Constitution guarantees the accused in a criminal prosecution the right to a public trial, a guarantee applicable to the States through the Fourteenth Amendment. *In re Oliver*, 333 U.S. 257 (1948). The Texas Constitution independently secures the same right, providing that the accused “shall have a speedy public trial.” Tex. Const. art. I, § 10. The Code of Criminal Procedure reinforces it: “The proceedings and trials in all courts shall be public.” Tex. Code Crim. Proc. art. 1.24.
39. The right to a public trial is not confined to the presentation of evidence; it extends to jury selection. *Presley v. Georgia*, 558 U.S. 209 (2010).
40. Before a trial court may exclude the public from any part of a criminal proceeding, it must satisfy the four-part test of *Waller v. Georgia*, 467 U.S. 39, 48 (1984): (1) the party seeking to limit access must advance an overriding interest that is likely to be prejudiced; (2) any limitation must be no broader than necessary to protect that interest; (3) the trial court must consider reasonable alternatives to closing the proceeding; and (4) the trial court must make findings adequate to support the limitation. The Court of Criminal Appeals has adopted and applied this test. *Steadman v. State*, 360 S.W.3d 499, 505 (Tex. Crim. App. 2012); *Lilly v. State*, 365 S.W.3d 321, 328–29 (Tex. Crim. App. 2012). The trial court bears the burden of considering reasonable alternatives, the balance of interests “must be struck with special care,” and “findings by the trial court are the linchpin of the *Waller* test.” *Steadman*, 360 S.W.3d at 505; *Lilly*, 365 S.W.3d at 329.
41. The right of public access applies with particular force to the selection of the jury. The Supreme Court has held that the guarantee of open criminal proceedings reaches the voir dire of prospective jurors, because the selection of jurors “has presumptively been a public process with exceptions only for good cause shown.” *Press-Enterprise Co. v. Superior Court*, 464 U.S. 501, 505 (1984) (“*Press-Enterprise I*”). Open jury selection was the settled practice in America when the Constitution was adopted, and the Court emphasized that proceedings conducted in secret frustrate the very public interest that open selection exists to serve. *Id.* at 508–09. Closure of jury selection is therefore permissible only on the same showing of an overriding interest,

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narrow tailoring, and specific findings that *Waller* and *Press-Enterprise* require. *Id.* at 510. The Order’s restrictions nonetheless applied to jury selection along with every other phase of the trial — conducted behind the same closed doors and unsupported by any such findings.

C. Ten Minutes a Day Did Not Keep This Courtroom Open to the Public.

42. A reviewing court first characterizes the restriction. A full closure is tested under all four *Waller* factors; a partial closure is tested under the same factors with the first requiring a “substantial” rather than an “overriding” reason; and only a truly trivial or de minimis restriction leaves the public-trial right unimplicated. *See Steadman*, 360 S.W.3d at 505 & n.19.
43. The Court’s Amended Order Regulating Trial Proceedings, Media Access, Security, and Courtroom Decorum (attached as Exhibit 1) was not a trivial restriction. It provided, in pertinent part:

“The courtroom shall open each day of trial at 8:30 a.m. Entry shall be permitted beginning at 8:30 a.m. for members of the media, at 8:40 a.m. for designated family members, and at 8:50 a.m. for members of the general public. No more than nine (9) members of the media shall be permitted in the courtroom at any one time. Seating shall be on a space-available basis. The courtroom doors shall close promptly at 9:00 a.m., and individuals arriving after that time shall not be admitted until a recess. Once admitted into the courtroom, no person shall leave and re-enter during proceedings except during a recess.”

44. By its terms, the Order’s only affirmative window for the general public to enter was the ten minutes between 8:50 a.m. and 9:00 a.m.; the remainder of the provision spoke in terms of exclusion — the doors “shall close promptly at 9:00 a.m.,” individuals arriving afterward “shall not be admitted until a recess,” and no person “shall leave and re-enter during proceedings except during a recess.” The Order capped media presence at nine persons, made seating “space-available,” and contained no provision for admitting members of the public as seats became open during the proceedings. Nor did it furnish any overflow room, audio feed, or video feed for the public unable to be seated.

45. By its terms, the Amended Order governed all aspects of the trial proceedings, and it remained in effect and was applied throughout. The restrictions operated continuously and were not

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confined to any discrete portion of the case. They governed the jury-selection process, the guilt-innocence phase, and the punishment phase alike. The closure was therefore pervasive rather than incidental, depriving the public of access to every stage of the proceedings at which the Order applied.

46. The cumulative and practical effect of these provisions was to exclude members of the public from the proceedings at every stage at which the Order applied — including jury selection, the guilt-innocence phase, and the punishment phase — which constitutes a closure subject to *Waller*.

47. The Defendant bears the initial burden to show that the trial was closed to the public; but that burden is carried on the totality of the evidence, and the inquiry does not turn on whether the Defendant can show that any particular person was actually excluded. *Cameron v. State*, 490 S.W.3d 57, 68 (Tex. Crim. App. 2016) (op. on reh'g) (holding the initial burden rests on the defendant and reaffirming that closure is determined from the totality of the evidence rather than whether a spectator was actually excluded); *Lilly v. State*, 365 S.W.3d 321, 331–32 (Tex. Crim. App. 2012) (“the focus is not on whether the defendant can show that someone was actually excluded”). The reviewing court instead asks whether the trial court fulfilled its obligation to take every reasonable measure to accommodate public attendance. Here, the cumulative effect of the nine-media cap, the ten-minute public-entry window, space-available seating, the no-re-entry rule, and the absence of any overflow or livestream establishes that members of the public were excluded, and Defendant has carried his burden to show that the proceedings were closed. These facts are further established by the accompanying declarations of members of the public who sought to attend the trial and were denied entry to the courtroom (Exhibits 12–18).

48. Those declarations, executed by members of the public who came from across the country to attend, establish the closure concretely and consistently, and no witness observed any disturbance or security incident that would explain it. Jacqueline Yon traveled from North Carolina; on the first day of testimony she found a line of roughly eighty to one hundred people and watched as only about twenty-seven were admitted, with no overflow room provided for the remainder. (Ex. 13.) Teera Allen flew in from Arizona and observed jury selection from an

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auxiliary viewing location she knew as the “oval room” on June 1 and June 3; on June 4 she was told that accommodation had been eliminated, and she was excluded from the courtroom on both June 4 and June 5. (Ex. 14.) Bridget Smith attended on June 1, 4, 5, and 6, and confirms that public seating was capped at roughly twenty-seven seats, that admission was divided into two lines — one for a “media list” and one for “everyone else” — and that the outside viewing location used during jury selection was eliminated once testimony began. (Ex. 16.) Tametra Carter arrived before dawn and, though identified as number seven on an early-arrival list, was removed from the June 5 line and lost the morning’s proceedings because only about twenty-seven public seats were available. (Ex. 15.) Keyerria West, a member of the general public with no media affiliation, was denied entry on June 1 on a purported “jury members only” rule and was physically removed from the courthouse on June 6 because of the expressive content of her clothing. (Ex. 12.) And Toni Toussaint, the Defendant’s own grandmother, attests that family access was capped at eight seats in total, so that the Defendant’s grandfather and aunts were excluded from his trial altogether, and that even those admitted were required to register a day in advance and were warned that a visible facial expression could result in removal. (Ex. 17.)

49. One member of the public attended the trial nearly in its entirety and provides a day-by-day account that corroborates each of these features from the inside. Nakia Washington traveled from Cincinnati, Ohio, and was present at the courthouse on June 1, 3, 4, 5, 6, 8, and 9, 2026. During jury selection the Court used an auxiliary viewing courtroom — the “Memorial Room” — that seated roughly sixty members of the public and carried a live video and audio feed of the proceedings. On June 4, the first day of testimony, the public was informed only after arriving that the overflow room would not be available for the remainder of the trial, and access was thereafter confined to approximately twenty-seven seats inside the courtroom, with no overflow room, audio feed, or video feed of any kind. Access each day was governed not by the Order’s admission time but by a pre-dawn line that formed as early as 4:00 to 4:30 a.m., was counted off in groups of twenty-seven, and was inconsistent and at times chaotic. And although Ms. Washington ultimately gained entry on each day she attended, she was excluded from the morning proceedings on both June 4 and June 5 — admitted only in the early afternoon, after substantial portions of the day had already passed — so that even an attending

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member of the public was denied access to significant parts of the trial. She observed no disturbance or disruptive conduct inside the courthouse that would justify excluding the public; the only altercations she witnessed occurred outside, in the line, and arose from the very manner in which the Court administered access. (Ex. 20.)

50. This case is not controlled by the decisions on which the State may rely. In *Dixon v. State*, the Court of Criminal Appeals held that the public-trial right is forfeitable and that a full courtroom, standing alone, does not violate the guarantee, because the right does not require the court to seat every person who wishes to attend. 595 S.W.3d 216, 222–24 (Tex. Crim. App. 2020). Defendant does not contend otherwise. The violation here is not that the courtroom filled; it is that the Court adopted, in advance and without case-specific findings, a recurring access regime that limited the general public to a ten-minute daily entry window and roughly two dozen seats, barred meaningful mid-proceeding access, and furnished no contemporaneous alternative for those foreseeably excluded. Nor would *Dixon*'s disposition aid the State. There, the claimed exclusion was a portion of a single day's closing argument, proved by one witness against an otherwise silent record, and the trial court resolved the resulting factual dispute only after a contested hearing. Here the closure spans the testimonial phases of the trial and is established by seven mutually corroborating sworn accounts, by the written admission of the Court's own appointed officer that "[t]here is no overflow room," by the Court's own televised confirmation of the seating figures, and by the undisputed elimination of an accommodation the Court had itself been providing — and no findings of any kind exist to which deference could attach.

51. Nor is this *Williams v. State*, in which the Court of Criminal Appeals treated the brief exclusion of a single family member during one witness's testimony — mitigated by a live video feed to a neighboring courtroom — as a trivial, de minimis closure that did not implicate the Sixth Amendment. 664 S.W.3d 266, 282-83 (Tex. Crim. App. 2022). The restriction here was the opposite of trivial: it was not a single, brief exclusion tied to one witness; it was not accompanied by any live feed; and it was not supported by witness-specific findings. It was a trial-wide access regime applied across jury selection, the guilt-innocence phase, and the punishment phase. Under *Williams*'s own framework, a closure of that scope is tested under *Waller*, not excused as de minimis. Indeed, the *Williams* Court took pains to cabin its holding.

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It characterized the triviality doctrine as “an exceedingly narrow exception” to *Waller*, reaffirmed that *Waller* remains the primary framework for analyzing courtroom closures under the Sixth Amendment, and admonished that the doctrine should be employed sparingly and only in the narrowest of circumstances. *Id.* at 280, 282. The Court expressly declined to mark the doctrine’s outer boundaries, leaving that task to future cases with different facts. *Id.* at 282. A standing, trial-wide access regime spanning jury selection, the guilt-innocence phase, and the punishment phase is not the rare circumstance *Williams* contemplated; it is the ordinary closure for which *Waller* supplies the governing test. And this Court of Appeals has already applied that principle to reject the very triviality argument the State may advance here: in *Stricker*, it declined to treat the exclusion of the public from jury selection as trivial, holding that “the values sought to be implicated by the Sixth Amendment are violated when the public is excluded from jury selection.” *Stricker*, 2026 Tex. App. LEXIS 964, at *19.

52. Defendant need not prove that every seat was empty or that every member of the public was excluded. At minimum, the access regime was a partial closure: members of the public were repeatedly excluded from substantial portions of the proceedings while no continuing overflow, audio, or video access was provided. Under *Williams* and *Stricker*, even a partial closure must satisfy the remaining *Waller* factors — narrow tailoring, the consideration of reasonable alternatives, and adequate findings. Those factors are absent here.

53. These decisions do not create a mechanical rule that a live feed is always required or always sufficient. They make a narrower point: when seating limits predictably exclude the public, the trial court must consider practical alternatives — reserved public seating, a larger courtroom, staggered admission, an overflow room, or an audio or video feed — and must make findings explaining why any rejected alternative is inadequate. Here, the Court used an overflow alternative during jury selection and then withdrew it when testimony began:

Case	Overflow room or live remote feed available?	Outcome
<i>Waller v. Georgia</i> (U.S. 1984)	No — the entire suppression hearing was closed; no alternative offered	Closure unjustified; new suppression hearing ordered
<i>Steadman v. State</i> (Tex. Crim. App. 2012)	No — family barred from voir dire for “lack of room”; alternatives not considered	Structural error; conviction reversed and new trial ordered

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<i>Lilly v. State</i> (Tex. Crim. App. 2012)	No — trial conducted in a restricted-access setting	Structural error; new trial
<i>Presley v. Georgia</i> (U.S. 2010)	No — reserved rows / overflow not considered	Reversed; trial court must consider reasonable alternatives
<i>Williams v. State</i> (Tex. Crim. App. 2022)	Yes — live video feed to a neighboring courtroom	Trivial closure; no violation
<i>Zornes v. Bolin</i> , 37 F.4th 1411, 1418 (8th Cir. 2022)	Yes — remote viewing from an observation room	Trivial closure; no violation
This case	Provided during jury selection, then withdrawn for the testimony; no feed thereafter	Falls on the <i>Waller / Steadman / Lilly</i> side of the line

54. This case sits on the wrong side of that line, and uniquely so. The Court did not merely fail to provide an alternative; it provided one during jury selection — a live feed to an overflow room — and then switched it off for the testimonial phases, the most consequential part of the trial. A court that has shown it can pipe the proceedings to an overflow room, and then darkens the feed when the witnesses take the stand, has not taken “every reasonable measure to accommodate public attendance.” *Presley v. Georgia*, 558 U.S. at 215. It has done the opposite.

55. Critically, the closure was imposed by the Court on its own motion. No party moved to close the courtroom or to restrict public access. The Court entered the Amended Order sua sponte, conducted no evidentiary hearing, and received no evidence in support of any interest offered to justify the restrictions. Defendant was not afforded a pre-order hearing or an opportunity to be heard before the access regime was imposed. And the written Order did not disclose the facts that made the closure apparent in operation: the actual allocation of public and family seats, the defense-family limitation, the withdrawal of the overflow room when testimony began, the denial of alternate access, or the off-record administration of the public line.

D. In Actual Operation, Public Access Was Even More Restricted Than the Order’s Text Provided.

56. The deficiencies in the Order’s text were compounded by the way the access regime operated in practice. Because a closure is assessed on the totality of the evidence, the actual operation of the regime is properly before the Court. *Cameron*, 490 S.W.3d at 68; *Lilly*, 365 S.W.3d at 331–32. The affidavit of Thelma Anderson, a member of the public who repeatedly sought to attend the trial (Ex. 18), establishes that the regime operated more restrictively than its text provided and that a reasonable alternative was not merely overlooked but affirmatively

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withdrawn. These facts compound the deficiencies apparent on the Order’s face; they do not supplant them. Consistent with *Cameron* and *Lilly*, the closure is established on the totality of the evidence, and the Defendant need not show that any particular member of the public was excluded.

57. Most significantly, the Court demonstrated that an overflow viewing room was both available and workable — and then took it away. During jury selection on June 3, 2026, the Court provided an auxiliary viewing location outside the courtroom where members of the public who could not be seated inside could still observe the proceedings. The Court did not merely provide this accommodation; it announced it in writing before trial. On May 29, 2026, the Court-appointed Public Information Officer advised the public that “the media and general public will have an opportunity to watch a live feed of the jury selection process from the Ceremonial Courtroom,” with television monitors and audio provided, and that “[o]nce testimony begins ..., the proceedings will take place in the 296th District Courtroom ..., following the same procedures.” (Ex. 8.) On June 4, 2026, the first day of testimony, the Court eliminated that accommodation and confined public access to the seats inside the courtroom, with no overflow room, no audio feed, and no video feed of any kind. (Exs. 12–18, 20.) The significance is twofold. First, the Court’s own use of an overflow room during voir dire proves that a reasonable and readily available alternative to exclusion existed — the very kind of alternative *Presley* required the Court to consider. *Presley*, 558 U.S. at 215–16. Second, the Court did not merely fail to consider that alternative; it adopted the alternative and then withdrew it for the guilt-innocence and punishment phases, without findings and without explanation, narrowing public access precisely as the most consequential testimony began.

58. The reason a deputy gave members of the public for refusing overflow — that the trial courtroom was the only room without video-conferencing (*Zoom*) capability (see Exs. 12–18, 20) — does not withstand scrutiny. Defendant expects to establish at the hearing, through courthouse-administration and information-technology witnesses, that courthouse space and technology were available to provide continued overflow or audio/video access. At minimum, the Court’s public statements thanking the other judges of the county and the county’s Information Technology and Facilities Departments for their flexibility in meeting the demands of this trial raise a fact issue that the Court was required to explore before

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withdrawing overflow access. (Ex. 6.) The Court had, moreover, already deployed an overflow room with a live audio-video feed during voir dire — establishing that the space, the equipment, and the personnel to provide it existed — and it acknowledged that an audio stream of the proceedings was feasible. (Ex. 3.)

59. The Order’s only affirmative public-entry window — the ten minutes between 8:50 a.m. and 9:00 a.m. — proved illusory in operation. In practice, the limited public seats were claimed by a line that began forming in the pre-dawn hours, often between 4:00 a.m. and 5:00 a.m. (Exs. 12–18, 20.) Admission turned not on the entry time the Order specified but on how early a member of the public was willing to arrive and wait. A member of the public who appeared at 8:50 a.m. — the time the Order designates for public entry — had, as a practical matter, no realistic opportunity to be seated. The narrow window the Order provided on paper was therefore narrower still in operation, and for many members of the public it was no window at all.

60. The admission process the Order set in motion operated without transparency or consistency. The Order prescribed no method for allocating its limited public seats; in practice, admission was governed by an informal line in which some individuals were permitted to move ahead of others who had already waited for hours, so that a member of the public who arrived early and secured a place near the front of the line could nonetheless be displaced to a position well beyond the number of available seats. (Exs. 12–18, 20.) And although the Order barred re-entry once proceedings began and made no provision for admitting waiting members of the public as seats opened, seats did become available during the trial day as observers came and went — yet members of the public who had waited outside were admitted, if at all, only hours later, after substantial portions of the proceedings had already passed. (Exs. 12–18.) Nor does the Order’s provision for admission at a recess cure the exclusion: admission at a recess, after the morning’s testimony has been taken, is exclusion from that testimony — and unlike the brief, single-witness exclusion in *Williams*, mitigated by a contemporaneous live feed, the exclusions here were mitigated by no feed at all. The operation of the Order thus produced the precise harm its text foretold: members of the public excluded from significant portions of the trial, with no contemporaneous means of access.

61. Finally, the mechanisms by which the Court administered and defended these restrictions operated off the record. A member of the public's request for an alternative viewing location could not be filed through the county's electronic system for a criminal case and was instead routed by email to a Public Information Officer designated by the Court, who reviewed and denied the request outside any judicial proceeding. (Exs. 12–18, 20; Ex. 7.) No hearing was held, no evidence was taken, and no order subject to appellate review was entered. At the same time, the member of the public who observed these proceedings describes no disturbance, security incident, or disruptive conduct by any member of the public that would explain the restrictions imposed. (Exs. 12–18.) The as-applied operation of the Order thus confirms both halves of the defect: the closure was more severe in practice than the Order's text, and the generic, speculative findings offered to justify it are contradicted by the conditions the public actually encountered.
62. These conditions can be stated with precision, because they recur across the sworn accounts of the members of the public who tried to attend — including the affidavit of Thelma Anderson and the accompanying declarations (Exs. 12–18, 20) and the Court-appointed Public Information Officer's own email (Ex. 7). The Amended Order addressed entry times, a nine-person media cap, space-available seating, and re-entry. It did not address, and it did not authorize, the following features of the closure that governed access to this trial in practice:
- (a) A cap of roughly twenty-seven seats for the general public — a number the Order never stated. (Exs. 12–18, 20; Ex. 7.)
 - (b) An off-the-record allocation of the courtroom's approximately seventy seats — fifteen to each side's family, nine to the media, and the balance to court staff — leaving only about two dozen seats for the general public. (Ex. 7.)
 - (c) The provision of an auxiliary overflow viewing room during jury selection on June 3, 2026, and its elimination on June 4 as testimony began, with no overflow room, audio feed, or video feed of any kind thereafter. (Exs. 12–18, 20.)
 - (d) Admission governed not by the Order's 8:50 a.m. entry window but by a line that formed in the pre-dawn hours, often between 4:00 and 5:00 a.m., so that arrival time rather than the Order's schedule controlled who was admitted. (Exs. 12–18, 20.)
 - (e) The absence of any method for allocating the limited seats, producing an inconsistent and non-transparent line in which some persons were permitted to move ahead of others

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who had waited for hours — displacing members of the public who had arrived early to positions well beyond the available seats. (Exs. 12–18, 20.)

- (f) The administration of public admission, and the denial of access, by a court-appointed Public Information Officer and county staff — who described the process in the collective first person (“we chose,” “we invited,” “we had no choice”) — rather than by the Court in open court and on the record. (Ex. 7; Ex. 8.)
- (g) A standardless “media” determination that permitted self-designated media to consume the public’s limited seats. (Exs. 12–18, 20; Ex. 8; Ex. 9.)
- (h) The routing of requests for an alternative viewing location by email to the Public Information Officer — because the county’s electronic filing system provided no category for a criminal courtroom-access request — and the denial of those requests outside any judicial proceeding, leaving no hearing, no evidence, and no order subject to review. (Exs. 12–18, 20.)
- (i) An initial prohibition on bringing notepads or pens into the courtroom, later modified — a restriction on public observation found nowhere in the Order. (Exs. 12–18, 20.)
- (j) The physical removal or turning-away of individual members of the public, including the removal of a member of the public for the expressive content of her clothing and the denial of restroom access to her minor son. (Exs. 12–18, 20.)
- (k) A limit of eight total seats for the Defendant’s own family, which excluded the Defendant’s grandfather and aunts from his trial. (Exs. 12–18, 20.)
- (l) Partial access even for those eventually admitted, who in some instances were seated only in mid-afternoon, after substantial portions of the day’s proceedings had already passed. (Exs. 12–18, 20.)

63. None of these conditions appears in the Amended Order, and none rests on any finding the Court made or any evidence the Court received. Assessed on the totality of the evidence, they establish that the proceeding was closed far more severely than the Order’s text discloses, and that the closure was neither narrowly tailored nor the product of the consideration of reasonable alternatives the law requires. *Cameron*, 490 S.W.3d at 68; *Lilly*, 365 S.W.3d at 331–32.

E. The Order Fails the Waller Test at Every Step.

64. The first *Waller* factor was never satisfied by anyone. That factor requires “the party seeking to close the hearing” to “advance an overriding interest that is likely to be prejudiced.” *Waller*, 467 U.S. at 48. Here no party sought closure, no interest was advanced by any proponent, and

— because the Court took no evidence — no interest was shown to be likely to be prejudiced. The Court’s generic recitals cannot supply that showing, and a court may not relieve itself of the burden by acting on its own motion. To the contrary, in *Presley v. Georgia* the trial court excluded the public from voir dire on its own motion, and the Supreme Court reversed precisely because a trial court must satisfy *Waller* and must consider reasonable alternatives even when the parties do not propose them. *Presley*, 558 U.S. at 214–16.

65. The remaining *Waller* factors fail as well. The restrictions were broader than necessary: a fixed numeric cap on attendance, a ten-minute public-entry window, and the categorical absence of any overflow accommodation swept more broadly than required to protect any interest the Court identified. And the record does not reflect that the Court considered any reasonable alternative — an overflow room with a closed-circuit audio or video feed, a larger courtroom, or staggered or reserved public seating — as *Presley* required it to do even on its own motion. *Presley*, 558 U.S. at 215–16.

66. The Order’s findings cannot bear the weight the Sixth Amendment places on them. The Court did recite findings — that the case “has generated substantial public and media attention” and that “unrestricted access or activity may compromise courtroom security, juror privacy, and the Defendant’s right to a fair trial.” But findings of this kind are legally insufficient. They identify only generalized categories of concern, not the specific, concrete facts or articulated threat that *Waller* and *Presley* require, and the word “may” confirms that the Court identified a speculative possibility rather than a demonstrated risk. The Court of Criminal Appeals rejected materially similar findings in *Steadman*, where even detailed findings of “heightened” security concerns and potential juror discomfort were held insufficient because they were generic and identified no “specific threat or incident.” *Steadman*, 360 S.W.3d at 506–09. Findings “specific enough that a reviewing court can determine whether the closure order was properly entered” are “the linchpin of the *Waller* test,” and “generic findings will necessarily invalidate a closure.” *Lilly*, 365 S.W.3d at 328–29.

67. These findings are not only generic; they are unsupported, because the Court received no evidence. The Court held no evidentiary hearing on the restrictions, took no testimony, and admitted no exhibit concerning courtroom capacity, security, juror privacy, or the risk of

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prejudice. Findings on those subjects, made without any evidentiary basis, rest necessarily on either the Court’s own assumptions or on information outside the record — neither of which can satisfy the burden to justify a closure or support findings the Defendant had no opportunity to contest. That distinction governs review: an appellate court defers to a trial court’s findings of fact only insofar as they are supported by the record, and findings without evidentiary support receive no deference. *Cameron v. State*, 490 S.W.3d 57, 68 (Tex. Crim. App. 2016) (op. on reh’g). Nor may the deficiency be cured after the fact by post hoc assertions; the closure stands or falls on the findings the Court articulated when it acted. *Press-Enterprise I*, 464 U.S. at 510; *Waller*, 467 U.S. at 48. And the Order’s own recital that it affords “reasonable public access consistent with constitutional requirements” cannot be reconciled with its operative terms — a ten-minute entry window, no overflow, and no livestream — which demonstrate the opposite.

68. The Court’s post-trial interview supplies no cure for these deficiencies. There, the Court suggested that the presence of minor witnesses justified limiting public access. (Ex. 3.) That rationale appears nowhere in the Order’s contemporaneous findings, and a closure cannot be rehabilitated by a justification offered only after the fact. The adequacy of a closure is measured by the findings the court articulated at the time, which must be specific enough that a reviewing court can determine whether the closure order was properly entered. *Press-Enterprise I*, 464 U.S. at 510; *Waller*, 467 U.S. at 48; *see also Presley*, 558 U.S. at 216 (quoting *Press-Enterprise I*). The rationale fails on its own terms in any event. The Supreme Court has squarely held that even the compelling interest in protecting minor victims of sexual offenses — a more sensitive concern than the mere presence of minor witnesses — does not justify a rule of mandatory closure; protection of a minor must instead rest on a case-by-case determination, supported by particularized findings, that exclusion is necessary as to a specific witness. *Globe Newspaper Co. v. Superior Court*, 457 U.S. 596, 607–10 (1982). A generalized concern for minor witnesses could therefore support, at most, a narrow measure addressed to particular testimony — not a fixed seating cap, the elimination of overflow, and the denial of any livestream across the entire trial. Texas law confirms the point. Even in juvenile proceedings — in which a child stands accused and faces adjudication of delinquent conduct — the court “shall open hearings ... to the public unless the court, for good cause shown, determines that the public should be

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excluded,” Tex. Fam. Code § 54.08(a); and only for a child under the age of fourteen must the court close the hearing, and then only “unless the court finds that the interests of the child or the interests of the public would be better served by opening the hearing to the public,” id. § 54.08(c). If Texas keeps open even the proceedings in which a minor is the respondent, the presence of minor witnesses cannot warrant closing this adult criminal trial to the public as a whole.

69. Finally, the Order applied the wrong constitutional standard. It characterizes the restrictions as “reasonable time, place, and manner restrictions” — the standard that governs the regulation of speech in a public forum. That is not the standard for excluding the public from a criminal trial. Reasonable measures that merely administer the courtroom may be permissible, but the provisions that exclude the public — the ten-minute window, space-available seating behind the media cap, the no-re-entry rule, and the absence of any overflow — effect a closure governed by *Waller* and *Press-Enterprise*, not by the more lenient time-place-manner test. By treating an access closure as a time-place-manner regulation, the Court applied a less demanding standard and bypassed the findings *Waller* requires. The Order’s reliance on *Sheppard v. Maxwell*, 384 U.S. 333 (1966), does not assist: *Sheppard* concerns a court’s duty to control prejudicial publicity and press conduct to protect a fair trial; it does not authorize excluding the public from the courtroom.

F. A Standing Order Is No Substitute for an Open Courtroom, and Every Reasonable Alternative Was Ignored.

70. The form of the Court’s action independently offends the public-trial guarantee. The restrictions were imposed not by case-specific, evidence-based findings developed at a hearing, but by a preemptive, written standing order — the Amended Order Regulating Trial Proceedings — adopted in advance to govern “all aspects of the trial proceedings.” The Office of Court Administration, in published guidance grounded in *Waller* and its Texas progeny, has explained that “no standing order or global rule for closure of specific categories of hearings may be preemptively issued by a court without running afoul of the requirement to provide the public with access to court proceedings,” because the court must instead “consider all reasonable alternatives to closing the proceeding and make findings in open court on the record adequate to support the closure,” weighing “the totality of the circumstances.” Office of Court

Administration, *Public Right to Access to Remote Hearings During COVID-19 Pandemic 2–3* (2020); see *Waller*, 467 U.S. at 48. The Court’s standing order did precisely the opposite.

71. The trial court is obligated to take every reasonable measure to accommodate public attendance at criminal trials, and the burden of doing so rests on the court itself. *Lilly*, 365 S.W.3d at 331–32 (quoting *Presley*). Texas courts have a proven, readily available means of discharging that burden when in-person seating is limited: real-time public access by audio or video livestream. During the COVID-19 disaster — when shelter-in-place orders made attending a hearing in person a punishable offense — the emergency orders of the Supreme Court of Texas required that proceedings continue with “reasonable notice and access to the participants and the public,” and courts throughout the State discharged that obligation by livestreaming proceedings to the public. If a declared statewide disaster did not excuse excluding the public, but instead required courts to bring the public in by other reasonable means, then the comparatively ordinary demands of public interest and courtroom security cannot justify excluding members of the public here while offering no alternative at all. The Court provided no overflow room, no audio feed, and no video livestream, and the record does not reflect that it considered any of them.

72. These alternatives are neither novel nor untested. Across the country — and in Texas — courts confronting public interest as intense as this case, or far greater, have kept their proceedings open by ordinary means rather than closing them. State courts may permit camera and live audio-video coverage of a trial in the trial court’s discretion. *Chandler v. Florida*, 449 U.S. 560 (1981). Texas courts have repeatedly used that discretion to keep even the most charged criminal trials fully open. In the 2019 Dallas County murder trial of Amber Guyger, a police officer, the trial court permitted the entire proceeding to be livestreamed from the courtroom, and the public watched in real time. Only months before this trial, the first criminal trial arising from the Uvalde school-shooting response was moved to a Corpus Christi courtroom chosen in part for its capacity to hold the parties, the victims’ families, and the national media, and was kept open gavel-to-gavel by livestreamed coverage, a designated media room, and overflow space during jury selection. The occurrence and public character of these proceedings are documented in widely available reporting. (Sources: NBC 5 DFW (Guyger, 2019); KRIS-6 News, the Associated Press, and The Texas Tribune (Gonzales, 2026).)

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73. The nationally watched murder trial of Derek Chauvin is a useful illustration. Every factor a court might invoke to justify restricting access was present there — extraordinary public interest, witness-safety concerns, and pandemic limits on in-person seating — yet the court did not exclude the public. When the State proposed to rely on overflow courtrooms and closed-circuit cameras instead of broadcast coverage, the court rejected that proposal as inadequate, holding that audio and video coverage was “the only reasonable alternative to ensure a truly public trial.” *State v. Chauvin*, No. 27-CR-20-12646 (Minn. Dist. Ct., Hennepin Cnty. Dec. 18, 2020). The court authorized the entire trial to be broadcast and livestreamed, declining only to show juvenile witnesses or the victim’s family on camera. The contrast with this case is stark: the overflow viewing by closed-circuit feed that the *Chauvin* court deemed the constitutional floor — and found inadequate standing alone — is more than this Court ever provided, for here there was no feed of any kind. (See also *Columbia Journalism Review* (2021).)
74. The principle holds even where broadcasting is forbidden. The federal courts prohibit photographing or broadcasting any proceeding from the courtroom, Fed. R. Crim. P. 53, yet they keep even their most security-sensitive prosecutions open by first-come, first-served seating and overflow rooms carrying live feeds inside the courthouse. The January 6 Capitol cases and the Boston Marathon bombing trial proceeded in open court with the press and public present; and in marquee federal trials whose main courtroom could seat only a fraction of the public — the prosecutions of Samuel Bankman-Fried and Ghislaine Maxwell among them — the courts opened overflow courtrooms carrying live video, and in Maxwell’s case a nationwide live audio feed, so that the bar on broadcast became no bar to access. A no-camera state forum did the same: in a nationally prominent 2024 New York criminal trial, where state rules forbid cameras, the court kept the trial open through an overflow room carrying the proceedings on closed-circuit television. What none of these courts did — facing public interest and security concerns equal to or greater than those present here — was admit the public for a single ten-minute window, bar re-entry, and then deny any overflow room, audio feed, or video access whatsoever. (Sources: U.S. Courts, *Access to Court Proceedings*, and *Slate* (Tsarnaev, 2015); *CNBC and CoinDesk* (Bankman-Fried, 2023); the U.S. Attorney’s Office, S.D.N.Y. (Maxwell, 2021); *ABC News* (New York trial coverage, Apr. 22, 2024).)

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75. These comparators are not controlling authority, and they are not offered as such. They are offered for the limited practical point that reasonable alternatives were familiar, available, and not speculative. In none of these proceedings, however intense the public interest or acute the asserted security concern, did a court write a ten-minute window of public access into an order; and in none did a court, having set the terms of access, then deviate from its own order by withdrawing the overflow feed it had earlier provided. That is what marks this case as an outlier rather than an example. The occurrence and public character of these widely reported proceedings are matters potentially subject to judicial notice, Tex. R. Evid. 201, and the legal sufficiency of this ground does not depend on them; it rests on *Waller*, *Steadman*, *Lilly*, *Presley*, *Cameron*, and the Texas emergency orders already cited. The comparators confirm what those authorities require: that overflow seating, audio access, video feeds, and adequate courtroom space are the ordinary means by which courts keep high-profile trials open — and that the Court adopted none of them, confirming that its closure was neither narrowly tailored nor the product of the consideration of reasonable alternatives that *Waller* requires.

76. The same picture emerges from the trials the public has actually watched in recent years. The variable that set those proceedings apart was not whether cameras were allowed inside the courtroom — some permitted them and some forbade them — but whether the court supplied a reasonable alternative to exclusion: an overflow room or a live audio-video feed. A camera in the courtroom is not constitutionally required; a reasonable alternative to closing the doors is. Every one of these proceedings supplied that alternative. This trial supplied no continuing overflow room and no audio or video access during testimony or punishment. The following comparison, offered for illustration only, sets those recognizable proceedings beside this one:

Trial	In-courtroom cameras	Reasonable alternative provided — overflow room or live feed	Public kept contemporaneously informed?
Derek Chauvin (Minn. 2021)	Permitted	Entire trial broadcast and livestreamed in audio and video; the State’s overflow-only proposal was rejected as inadequate	Yes
Amber Guyger (Dallas County, Tex. 2019)	Permitted	The whole officer-murder trial livestreamed from the courtroom and carried live by local stations	Yes
Uvalde response — Gonzales (Tex. 2026)	Permitted	Gavel-to-gavel livestream, a designated media room, and overflow space during jury selection	Yes
New York criminal trial (2024)	Barred	Overflow room carrying the proceedings on closed-circuit television	Yes

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United States v. Bankman-Fried (S.D.N.Y. 2023)	Barred (Fed. R. Crim. P. 53)	Overflow courtrooms with live video on the 23rd and 24th floors	Yes
United States v. Maxwell (S.D.N.Y. 2021)	Barred (Fed. R. Crim. P. 53)	Nationwide live audio feed plus in-person viewing of the video feed at the courthouse	Yes
This case (Collin County, 2026)	Cameras permitted if authorized; none used to carry the proceedings	An overflow feed during voir dire only (June 3), then withdrawn for the testimony (June 4) — thereafter no overflow room, no audio, and no video	No continuing access — the overflow feed was withdrawn after jury selection; no audio or video during testimony or punishment

77. The trial judge’s own subsequent public statements confirm both the breadth of the closure and the availability of an alternative he declined to employ. In a televised interview after trial — a recording of which is filed conventionally with the Clerk as Exhibit 4, and a verified transcript of which is attached as Exhibit 3 — the judge stated that his courtroom held “seventy seats,” that he had received “200 requests by the media,” and that the general public was left with only “27 to 32 ... public seats ... that we rotated every day” — figures that corroborate the declarations’ account of roughly twenty-seven public seats and confirm that the press was accommodated while members of the public were turned away. The judge further acknowledged that an audio feed was feasible, stating that he “sometimes ... think[s] maybe [he] should have ... at least ... audio streamed or something so people could hear it,” and that he declined to do so not for any reason bearing on the fairness of the trial or the safety of participants, but because, in his view, “people are gonna distort whatever happens” and so, “[w]hat’s the point?” Offered as the decision-maker’s own account, these statements corroborate that the closure was broader than necessary and that the court rejected a reasonable alternative for a reason the public-trial guarantee does not countenance.

78. Step back, and the regime the Order created has no precedent in Texas criminal practice. A standing, trial-wide order rationed the general public to a single ten-minute entry window and roughly two dozen rotating seats; capped attendance behind a media allotment; barred re-entry once the doors closed; and, after a brief experiment with an overflow feed during jury selection, switched that feed off for the testimony — all while the reporter’s record of the trial remained untranscribed, the pretrial proceedings were not made part of any reporter’s record available to counsel, and the case file sat in the Court’s chambers. No Texas court has approved such a regime. And the Court’s televised interview does not soften that picture; it sharpens it. Asked

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to account for the restrictions, the Court did not point to a single record finding, an articulated threat, or a considered rejection of alternatives — the things *Waller* and *Presley* require — but defended the result as “an easy decision” it had “struck pretty well,” and explained its refusal even to audio-stream the trial on the ground that “people are gonna distort whatever happens,” so “[w]hat’s the point?” (Ex. 3.) That is not the voice of a court exercising the “special care” the Sixth Amendment demands before a courtroom is closed, *Waller*, 467 U.S. at 45; it does not supply the contemporaneous, record-supported findings that the Sixth Amendment requires. The public-trial right is not satisfied by closing the courtroom and explaining the choice on television afterward; it is satisfied by findings, by the consideration of reasonable alternatives, and by an open door.

79. The judge’s own statement of his purpose confirms that the closure was a deliberate denial of the contemporaneous public access the Constitution guarantees. In a written statement to Fox News after the trial, the judge explained: “I understood the public’s desire to know what happened in the courtroom. The overwhelming focus on my ruling regarding the media in courtroom was to protect the process, witnesses, and jury. Now that the trial is over, it is important to me to provide transparency.” (Ex. 5.) That is an admission that public access was restricted during the trial and that “transparency” was withheld until the trial was “over.” But the public-trial guarantee secures the public’s right to observe the proceeding as it happens; it is the contemporaneous openness of the trial — not a retrospective account offered after verdict and sentence — that assures the proceeding is conducted fairly and discourages misconduct. *Presley*, 558 U.S. at 215; *Waller*, 467 U.S. at 46. Transparency furnished after the trial has ended is no substitute for an open trial and cannot cure the denial of access while the proceeding was underway. The interests the judge invoked — protecting “the process, witnesses, and jury” — are, moreover, precisely the kind of generic, non-particularized concerns that cannot justify closure absent specific findings on the record. *Steadman*, 360 S.W.3d at 509.

80. The court’s own public-information officer independently confirms both the breadth of the closure and the existence of a simple alternative the court declined to use. By email dated June 5, 2026, Steve Stoler — whom the 296th District Court appointed as the Public Information Officer for this trial — explained the court’s media-and-access process to a member of the

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public who had sought to attend. (Ex. 7.) Mr. Stoler confirmed that the courtroom held only “about 70 seats”; that the prosecution and defense each received fifteen seats for family; that “the judge allocated only 9 seats for the media, including one for a courtroom sketch artist”; and that, after court staff, only “about two dozen or so seats for the general public” remained, so that the court “had no choice” but to turn members of the public away. Most pointedly, Mr. Stoler stated without qualification: “There is no overflow room.” Nor was the absence of an overflow room an ad hoc response to conditions that emerged at trial. By email dated May 25, 2026 — before the trial began — the Public Information Officer had already advised an inquiring independent journalist that “[t]here will be no overflow room during the trial” — this despite the county’s own Media Request Intake form, which listed “Overflow room access” among the accommodations that could be requested. (Ex. 8.) The decision to deny the excluded public any alternative means of observation was thus made in advance of trial, before any trial-day circumstance existed that could have justified it.

81. The fifteen-seat family allotment the Public Information Officer described was not how family access operated in practice. The Defendant’s own family was limited to eight seats in total, so that the Defendant’s grandfather and aunts were excluded from his trial altogether. (Exs. 12–18, 20.) The discrepancy is not a conflict in Defendant’s proof; it is the proof. The written Order disclosed no numerical family allotment, no public-seat allotment, no defense-family limitation, and no procedure for challenging exclusion; the Public Information Officer’s later fifteen-seat description and Ms. Toussaint’s eight-seat account show that material access rules were being administered outside the written Order and outside open court.

82. Set beside the trial judge’s own admission, the picture is complete. The judge acknowledged that an audio feed was feasible — stating that he “sometimes ... think[s] maybe [he] should have ... at least ... audio streamed or something so people could hear it” — and declined it not for any reason bearing on the fairness of the trial or the safety of participants, but because, in his view, “people are gonna distort whatever happens.” The court thus faced a courtroom that could seat only about two dozen members of the public, with “no overflow room,” and a readily available alternative — piping the audio so the excluded public could at least hear the proceeding — that the court itself recognized and yet refused to employ. That is the opposite of the obligation to “take every reasonable measure to accommodate public attendance,” and

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it confirms the failure to consider the reasonable alternatives that *Waller* requires. *Presley*, 558 U.S. at 214–15; *Waller*, 467 U.S. at 48.

83. These admissions do more than corroborate the breadth of the closure; they reveal the considerations that actually drove it, and those considerations cannot satisfy *Waller*. The first factor demands an overriding interest likely to be prejudiced by an open courtroom. *Waller*, 467 U.S. at 48. The decision-maker’s own account, however, locates the basis for the restrictions outside the record and outside any such interest — in the volume of media attention and, by his stated reason for refusing an audio feed, in his expectation that the public would “distort whatever happens.” A desire to limit the public’s ability to observe and judge a criminal proceeding for itself is not an interest that justifies closing the courtroom; it is the very harm the open-trial guarantee exists to prevent. As the Supreme Court has explained, open proceedings exist so that the public may see how justice is done, for “it is difficult for them to accept what they are prohibited from observing.” *Richmond Newspapers*, 448 U.S. at 572. A desire to avoid public misunderstanding or distortion is not, on this record, the kind of overriding *Waller* interest that can justify excluding the public; it is one of the reasons the public-trial right exists. The closure therefore fails the first and second *Waller* factors on their merits — not merely for want of adequate findings — and the resulting violation is structural.
84. Where the record fails to show that the trial court considered all reasonable alternatives to closure, the closure is reversible error. *Lilly*, 365 S.W.3d at 329; *Steadman*, 360 S.W.3d at 508–10; *see Presley*, 558 U.S. at 215–16.

G. Off-Record Administration by Non-Judicial Personnel Confirms That No *Waller* Determination Was Made.

85. The Court could use staff, deputies, and a Public Information Officer to assist with logistics. But *Waller* required the Court itself to make the constitutional access determination on the record. That did not occur here.
86. The Amended Order did not merely regulate decorum. It created a scarcity regime for a public criminal trial: limited public admission, space-available seating, a media cap, closed doors at 9:00 a.m., restricted re-entry, no continuing overflow, and no audio or video alternative after

jury selection. Yet the Order did not disclose the number of public seats, the number of family seats, the standard for determining “media,” or any process for challenging exclusion.

87. In practice, those decisions were administered through courthouse personnel and the Court-appointed Public Information Officer. The Officer later described numerical allocations that do not appear in the Order; members of the public were turned away or removed under standards that do not appear in the Order; and requests for alternative access were routed by email and denied outside any judicial proceeding. (Exs. 7–9.) The resulting record does not show who was excluded, why exclusion was necessary, what standard governed admission, or what alternatives the Court considered.

88. Defendant does not contend that every logistical action by court staff is unconstitutional. The defect is narrower and more serious: access decisions with constitutional consequences were administered off the record, without published standards, without judicial findings, and without a reviewable ruling. That confirms the Waller violation.

89. Defendant further preserves the argument that, to the extent the Amended Order delegated the constitutional access determinations Waller commits to the Court, rather than mere logistics, that delegation was itself unlawful.

H. The Court’s Off-Record Sealing of the Record Was Unlawful and Harmed the Defendant.

90. The secrecy did not end at the courtroom door; it reached the court record itself. Beyond the gag order that silenced the parties, counsel, and witnesses, the Court directed that motions and subpoenas be hand-delivered to the Court and held under seal, and the Court — not the District Clerk — served as the custodian of the case file, which was kept in chambers rather than in the District Clerk’s public file. No public order authorizing that arrangement, supported by the notice, hearing, and findings the law requires before a record may be sealed, was ever entered. The docket nonetheless reflects a series of orders restricting the record — an “Order to Redact” (June 25, 2025), an “Order to File and Redact” and an “Order to Seal” (both June 11, 2026), and a further order entered June 18, 2026 that the public docket leaves undescribed. (Ex. 2.) The filings in this high-profile prosecution were thus unavailable for contemporaneous public inspection in the ordinary course.

91. The sealing was not confined to particular filings; the entire court file was placed under seal by oral order — with no written order, no public notice, no open hearing, and no findings to justify withholding the record from public view. The breadth and basis of that order are confirmed by the Court’s own statements. At a conference held on June 29, 2026, the Court advised the parties that the entire court file had been sealed by oral order, and that counsel could not access the file unless he first agreed not to disclose what he observed in it. Counsel responded that he could not commit to withholding information he had not yet seen, and the Court left the file available for inspection only in the Court’s chambers. The episode lays bare the character of the closure: access to the record of a public criminal trial was conditioned on a promise of secrecy that no responsible advocate could give, and the file was kept, quite literally, in the judge’s chambers, beyond the reach of the public and of the defense alike. An oral order sealing an entire court file — pronounced without notice, hearing, or findings — is sealing in its least reviewable form: there is no order to contest, no findings to test, and no record of the decision to seal at all. This continuing denial of access to the file is of a piece with the closure of the courtroom itself; both withhold the open proceeding the Constitution guarantees, and both confirm that the secrecy was structural rather than incidental. (Certification of Counsel, Exhibit 11.)

92. Conditioning counsel’s access to the file also impaired Defendant’s ability to investigate and present this Motion within Rule 21’s short deadline. Counsel could not responsibly agree not to disclose or use information before seeing it. The condition therefore prevented counsel from inspecting the complete file during the very period in which counsel was required to identify, verify, and present extra-record grounds for a new trial. Defendant does not ask the Court to decide the public’s independent access rights in the abstract; he relies on the file restriction because it affected his own ability to litigate this Motion and because it corroborates the same off-record restriction of public access that occurred in the courtroom.

93. The public and the press hold a constitutional right of access to criminal proceedings and to the records of those proceedings, and a court may not seal the record of a judicial proceeding in secret. That right of access is “a fundamental element of the rule of law,” and a court’s discretion to seal “is to be exercised charily,” only after it identifies and balances the competing interests on the record. *Binh Hoa Le v. Exeter Fin. Corp.*, 990 F.3d 410, 417–21 (5th Cir.

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2021); *SEC v. Van Waeyenberghe*, 990 F.2d 845, 848 (5th Cir. 1993). Sealing without public notice and an opportunity to be heard is itself unconstitutional; a court may not maintain a file or docket that hides filings from public view. *United States v. Valenti*, 987 F.2d 708, 715 (11th Cir. 1993); *Hartford Courant Co. v. Pellegrino*, 380 F.3d 83, 93–96 (2d Cir. 2004).

94. In Texas the right of access is both constitutional and statutory. The open-courts guarantee of the Texas Constitution and the command of the Code of Criminal Procedure that “[t]he proceedings and trials in all courts shall be public” secure the public’s access to criminal proceedings and to the records generated in them. Tex. Code Crim. Proc. art. 1.24; Tex. Const. art. I, § 10; see U.S. Const. amends. I, VI. The records of a criminal case are therefore presumptively open, and a court may not seal or sequester them without public notice, an open hearing, and specific findings. Although Rule 76a governs civil court records, the same principle of public access applies with full force in criminal proceedings, and Defendant relies on the criminal open-court guarantees — not Rule 76a — as the governing law. See Tex. R. Civ. P. 76a (civil sealing procedure, requiring a public motion, posted notice, an open hearing, and written findings). The Court honored none of these requirements; it sealed and sequestered the record without a public motion, without notice, without an open hearing, and without findings sufficient to justify withholding the file from the public.
95. Taken one at a time, each of these measures might be debated. Taken together, they accomplish what the law forbids by any route — a proceeding materially closed in operation. The general public was rationed to a ten-minute entry window and a rotating handful of seats; the press was capped and the remaining public turned away; the overflow feed was switched off once testimony began; substantive pretrial hearings went unrecorded; a gag order restricted the covered persons who might have described what was happening; and the case file itself was drawn into chambers and sealed by oral command, without notice, hearing, or findings. The throughline is not any single ruling but a consistent effect: public access was materially restricted through written limitations, off-record administration, and record sequestration. That is the structural injury the public-trial guarantee exists to prevent. A proceeding conducted under these conditions is not an open trial marred by isolated irregularities; it is a proceeding materially closed in operation, and the deprivation is complete the moment members of the

public are excluded without Waller findings, regardless of whether the outcome would have been different. *Lilly*, 365 S.W.3d at 328; *Waller*, 467 U.S. at 49–50.

96. The record sequestration did more than offend the public’s right of access; it directly harmed the Defendant. The period after judgment was marked by a rapid succession of counsel: on June 10, 2026, trial counsel withdrew and the Court appointed appellate counsel, who was then replaced by newly appointed appellate counsel, before the Defendant’s present counsel were substituted in on June 23, 2026. Throughout that period — and while the thirty-day deadline for a motion for new trial was running — the materials necessary to evaluate and prepare the motion were held by the Court in chambers and were absent from the public file. Each successive counsel was thus required to come up to speed and to prepare against a hard statutory deadline on an incomplete and inaccurate record. The reporter’s record could not fill the gap: when counsel contacted the official court reporter, counsel was advised that no portion of the trial had been transcribed. Counsel was thus left to prepare this Motion with neither the pleadings and case file held in the Court’s chambers nor any transcript of the proceedings. The public docket, for instance, reflects no motions in limine and would suggest to any reader that no substantive pretrial litigation occurred — an impression the sequestration of the file left no fair opportunity to test in the time allowed. By withholding the record during the very window in which the Defendant and his changing counsel had to identify and develop the grounds for relief, the Court’s unlawful sealing compressed the Defendant’s effective time and deprived him of the complete and accurate record to which he was entitled.

97. The Defendant’s entitlement to a new trial rests on his own Sixth Amendment right to a public trial. The Court’s off-record sealing confirms that public access was materially restricted in both the courtroom and the case file, and that the restriction was structural rather than incidental; and, by impairing the Defendant’s ability to prepare this Motion on a complete record, it worked a distinct unfairness that reinforces the need for relief. The resulting violation is structural.

I. The Gag Order Reinforces the Need for a Hearing and Shows the Cumulative Restriction on Public Access.

Defendant does not seek in this Motion to litigate the public’s or the witnesses’ independent speech rights in the abstract. Defendant relies on the gag order because, together with the access

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restrictions and the record sequestration, it limited contemporaneous public understanding of the proceedings and underscores why the denial of public access was not harmless, trivial, or curable after the verdict.

98. The physical closure did not operate alone. From July 28, 2025 through the verdict, every person with firsthand knowledge of this case — the parties, their attorneys, the witnesses, expert consultants, agents, spokespersons, law enforcement, and court staff — was forbidden, on pain of contempt, from making any statement that “[a]ddresses the character, credibility, expected testimony, guilt, or innocence of any party or witness” or that “[i]ntends or is likely to influence public opinion or potential jurors.” (Ex. 1 (attachment).) A prior restraint of that breadth is presumptively unconstitutional under Article I, Section 8 of the Texas Constitution, which “provides greater rights of free expression than its federal equivalent,” and it survives only upon “specific findings supported by evidence that (1) an imminent and irreparable harm to the judicial process will deprive litigants of a just resolution of their dispute, and (2) the judicial action represents the least restrictive means to prevent that harm.” *Davenport v. Garcia*, 834 S.W.2d 4, 10 (Tex. 1992) (orig. proceeding); see *In re Benton*, 238 S.W.3d 587, 592 (Tex. App.—Houston [14th Dist.] 2007, orig. proceeding) (gag-order challenge in a criminal prosecution; considering *Davenport* and First Amendment standards); *In re Graves*, 217 S.W.3d 744, 749 (Tex. App.—Waco 2007, orig. proceeding) (similar); cf. *Nebraska Press Ass’n v. Stuart*, 427 U.S. 539, 558 (1976) (prior restraints bear “a heavy presumption” against validity).

99. The July 28 order’s findings fail that test on their face. A finding that media coverage “has the potential to cause imminent and irreparable harm” is a finding of possibility, not imminence — the speculation *Davenport* forbids. No evidence is recited; none was heard. And the finding that “venue change, juror screening, [and] sequestration” would be “inadequate alone” concedes the point that decides the issue: the alternatives existed, and the Court knew them by name — indeed, it went on to employ two of them, screening the venire through written questionnaires and sequestering the seated jury — the latter widely reported and to be confirmed at the hearing. (Ex. 18.) A restraint is not the least restrictive means where the court’s own order catalogues the lesser tools and the court’s own trial deploys them. That the order issued sua sponte — on no party’s motion, with no evidence offered by anyone — completes the failure. And in the ten months it operated, not a single violation was ever alleged,

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so far as the record reflects: the “imminent” harm never once threatened to materialize, and the post-speech remedies Texas law prefers were never needed. (Ex. 2.) The absence of enforcement is not the absence of injury; a prior restraint does its work through obedience, and here it was obeyed.

100. The order’s fourth prohibition severs the restraint from its only asserted justification. The findings speak of “juror impartiality”; the prohibition reaches any statement “likely to influence public opinion” — public opinion generally, jurors or no jurors, for nearly a year, in “any public medium.” A witness who professed the Defendant’s innocence to a reporter, a family spokesperson who questioned the prosecution, a court-appointed official who described the access restrictions themselves: each spoke on pain of contempt. Whatever latitude *Gentile v. State Bar of Nevada*, 501 U.S. 1030, 1075 (1991), affords for regulating attorneys’ speech under a “substantial likelihood of material prejudice” standard, that latitude has no application to lay witnesses and spokespersons, and no standard known to Texas or federal law permits gagging commentary addressed to “public opinion” as such.

101. And the restraint interlocked with the rest of the design. The gag order’s sole safe harbor — “[p]rocedural announcements (e.g., hearing schedules, court filings)” — presupposed a public docket; the Court then sealed the filings by oral order, so that the safe harbor described documents no member of the public could read. (The gag order itself, meanwhile, provides that it yields only to “further written order of this Court.”) Both restraints, moreover, issued sua sponte: no party asked the Court to silence the participants, and no party asked it to restrict the courtroom. The gag silenced those with knowledge; the access order excluded those who sought it; the sealing erased the paper trail — and each measure recited the Defendant’s fair-trial rights while the Defendant’s actual trial was conducted beyond meaningful public view. The July 2025 order matters to the *Waller* analysis for a further reason as well: it proves the Court knew the less-restrictive toolkit, listing venue change, juror screening, and sequestration by name ten months before trial — and when the time came to restrict the courtroom itself, the Court considered no alternative at all.

J. A Closed Courtroom Is Structural Error That Only a New Trial Can Cure.

102. A violation of the right to a public trial is structural error that is not subject to harmless-error analysis. *Johnson v. United States*, 520 U.S. 461, 468–69 (1997); *Waller*, 467 U.S. at 49–50; *Steadman*, 360 S.W.3d at 510; *Lilly*, 365 S.W.3d at 328. Because the closure pervaded every stage of the proceedings at which the Order applied — jury selection, the guilt-innocence phase, and the punishment phase — rather than a discrete ancillary hearing, the appropriate remedy is a complete new trial. A structural error that is preserved and timely raised entitles the defendant to relief without any showing of prejudice. *Weaver v. Massachusetts*, 582 U.S. 286, 299–300 (2017).

103. In the alternative, should the Court conclude that any error affected only the assessment of punishment, Defendant requests a new hearing on punishment. See Tex. Code Crim. Proc. art. 44.29(b).

K. Defendant Had No Earlier Opportunity to Object, and This Motion Preserves the Claim.

104. As a general rule, a complaint must be raised by a timely objection in the trial court. Tex. R. App. P. 33.1(a). That requirement, however, “assumes that the appellant had the opportunity to raise it there.” *Hardeman v. State*, 1 S.W.3d 689, 690 (Tex. Crim. App. 1999). Where a defendant has no opportunity to object to the trial court’s action until after that action is taken, a timely motion for new trial preserves the error. *Issa v. State*, 826 S.W.2d 159, 161 (Tex. Crim. App. 1992); *Pearson v. State*, 994 S.W.2d 176, 179 (Tex. Crim. App. 1999).

105. The complaint could not have been preserved by a contemporaneous objection, for two independent reasons. First, the constitutional violation lies not in the text of the Amended Order alone but in the way the access regime operated in practice — a regime that, as the accompanying declarations show, excluded the public far more severely than the Order’s terms disclosed. (Exs. 12–18, 20.) That operation unfolded outside the courtroom — at the courthouse entrances and in the pre-dawn lines administered by sheriff’s deputies and the Public Information Officer — where trial counsel, seated inside the courtroom and attending to the trial, could neither observe it nor measure its scope. Counsel had no way to know, from inside the courtroom, how many members of the public were being turned away, that the overflow accommodation used during jury selection had been withdrawn, or that admission was being administered without standards. Second, the access determinations were not made

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by the Court in open court on a record to which an objection could attach; the Court delegated them to the Public Information Officer and courthouse staff, who administered credentialing, line management, and denials of access off the record. (Ex. 7; Ex. 8; Ex. 9.) There was thus no ruling for counsel to object to as it occurred. Nor did the Amended Order’s text put counsel on notice that a closure would occur. The Order recited that the media and public “retain the right to attend proceedings” and promised “reasonable public access consistent with constitutional requirements”; it nowhere disclosed the allocation of seats that would leave the general public roughly two dozen — an allocation that appears in no order and that surfaced only in the Public Information Officer’s June 5 email (Ex. 7); and the Court began the trial by performing its promise, furnishing an auxiliary viewing room through jury selection. Counsel was entitled to take the Court’s order at its word. The closure crystallized only when that accommodation was silently withdrawn — without announcement, ruling, or modification of the Order — and when admission came to be administered at courthouse entrances and in pre-dawn lines that counsel, brought in with the parties through a separate secure entrance, never saw — facts the evidentiary hearing will establish. The full scope of the closure became apparent only after trial, when present counsel obtained the declarations of members of the public who had been excluded. A motion for new trial is the proper vehicle to raise such a claim. *Dixon v. State*, 595 S.W.3d 216, 222–24 (Tex. Crim. App. 2020).

106. The point is underscored by a proceeding that unfolded outside the defense’s knowledge. Before trial, a member of the public filed an emergency petition for writ of mandamus in the Fifth Court of Appeals seeking relief from the same access Order as an unconstitutional partial closure; the court of appeals denied that petition on procedural grounds on June 4, 2026 — the first day of testimony, and the very day the overflow accommodation was withdrawn. *In re King*, No. 05-26-00804-CR (Tex. App.—Dallas June 4, 2026, orig. proceeding) (mem. op.). On his motion for reconsideration the relator served the District Attorney and the trial court, but, by his own account, could not serve the defense because he lacked counsel’s email address; and the appellate court’s own notices of the proceeding were directed to the District Attorney, not to Mr. Howard, the Defendant’s attorney of record, who received no notice of it — notice facts that appear from the court of appeals’ docket and that the hearing will establish. The public-access challenge was thus pending and litigated as the trial approached and proceeded

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— and the State was on notice of it — while the defense was left unaware. That a member of the public was contesting the very closure at issue — and that the State knew of it while the defense did not — both corroborates that the closure was real and confirms that the Defendant had no opportunity to litigate or object to it as it unfolded. The record of that proceeding is, moreover, among the materials in the court’s file that the Court has placed under an oral protective order, so that the proof of who was and was not notified is itself withheld from inspection — a further reason these facts must be developed at a hearing.

107. That is precisely this case. The Court restricted public access on its own motion and administered the resulting restrictions off the record and outside the courtroom, so that the Defendant had no contemporaneous opportunity to object to the closure as it actually operated. This Motion is therefore the first available vehicle through which Defendant could present the complaint, and it does so specifically and with particularity. The structural error is thus preserved and timely raised, and Defendant is entitled to a new trial without a showing of prejudice. *Weaver*, 582 U.S. at 299–300. To the extent the Court concludes that a contemporaneous objection was nonetheless required and not excused by the manner in which the Order was imposed, the alternative grounds set out below independently preserve and establish the claim.

108. In the alternative, and to the extent the Court concludes that a contemporaneous objection was required, the complaint was preserved because, for the reasons just stated, this Motion raised it at the earliest opportunity available to Defendant. The right to a public trial is forfeitable and must be asserted at the earliest opportunity, and a motion for new trial is a proper vehicle for doing so where the defendant had no earlier opportunity to object. *Dixon v. State*, 595 S.W.3d 216, 222–24 (Tex. Crim. App. 2020) (reaching the merits of a public-trial complaint first raised in a motion for new trial, where counsel learned of the exclusion only after trial); *see also Peyronel v. State*, 465 S.W.3d 650 (Tex. Crim. App. 2015) (public-trial right is forfeitable).

109. The trial court’s independent obligation to protect public access does not diminish this showing; the two principles operate on different planes. *Presley* fixes the court’s substantive duty — to consider reasonable alternatives and to make adequate findings before closing any

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portion of a trial, and to discharge that duty even on its own motion. *Presley*, 558 U.S. at 214–16. *Dixon*’s characterization of the public-trial right as “forfeitable” addresses only preservation — the procedural requirement that the defendant assert the right to obtain appellate review — not the existence of the court’s duty or the occurrence of a violation. *Dixon*, 595 S.W.3d at 222–23. The court’s *sua sponte* obligation thus determines whether the closure was unconstitutional; forfeitability determines only whether the complaint was timely raised. Both are satisfied here: the Court closed the courtroom on its own motion, without the findings or the consideration of reasonable alternatives *Presley* requires, and the Defendant asserted the right at the first opportunity the closure afforded him.

110. In summary, the grounds and facts supporting a new trial on the First Ground are these: the trial court materially restricted public access during the testimonial phase and punishment proceedings, repeatedly excluding members of the public without the findings or consideration of alternatives Waller requires. The same access regime applied across jury selection, guilt-innocence, and punishment, and it repeatedly excluded members of the public from substantial portions of those proceedings; the resulting violation is structural, the Defendant had no earlier opportunity to object, and a new trial is the only adequate remedy. Should the Court not find the First Ground persuasive, it should next consider the Second Ground for new trial.

IV.

SECOND GROUND FOR NEW TRIAL: THE STATE’S REPUDIATION OF THE PARTIES’ UNRECORDED AGREEMENT LIMITING CHARACTER EVIDENCE, AFTER THE DEFENSE RELIED ON IT, COERCED THE WAIVER OF THE DEFENDANT’S RIGHT TO TESTIFY, DENIED HIM A COMPLETE DEFENSE, AND WARRANTS AN EVIDENTIARY HEARING

A. The Agreement and the Defense’s Reliance.

111. *Santobello* does not involve an identical procedural setting, but it supplies the governing due-process principle: when the State induces detrimental reliance on a definite promise and then repudiates it after the reliance can no longer be undone, fundamental fairness is implicated. In *Santobello v. New York*, the State made a promise the defendant relied upon and then broke it — through a change of prosecutors, and perhaps inadvertently; the Court held that the breach could not stand and vacated the judgment, even though the breach may have been unintentional and even though the sentencing judge said the broken promise had not

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influenced him. 404 U.S. 257, 262–63 (1971). The defense here relied on the parties’ understanding through three successive phases of trial — voir dire, the opening statement, and the cross-examination of the State’s witnesses — and the State repudiated it only when the defense reached its own case, at the point when that reliance could no longer be undone. If the inadvertent breach in *Santobello* required relief, the deliberate, mid-trial repudiation here warrants, at the least, the hearing this ground requests.

112. Before and during trial, the State and the defense operated under an unwritten understanding that certain character and extraneous-offense evidence would be excluded and would not be offered at trial. In reliance on that understanding, the defense made strategic commitments it could not later retract: it conducted voir dire and the selection of the jury, delivered its opening statement, and cross-examined the State’s witnesses — including forgoing questioning it would otherwise have pursued concerning the knife — on the assumption that the agreed-upon evidence would not be introduced. The understanding was never reduced to writing or placed on the record. (Affidavit of Trial Counsel, Exhibit 10.)

113. The agreement, by its terms, covered the Defendant’s own testimony. Every description the lead prosecutor gave defined the understanding by reference to “what happened under the tent,” and the Defendant was himself an eyewitness to those events; the defense therefore understood, by the plain meaning of the prosecutor’s words, that the Defendant could testify to the incident just as any other eyewitness without opening the door to character, reputation, or extraneous-offense evidence. (Ex. 10 ¶¶ 8, 12.) In reliance on the agreement, the defense forbore throughout the State’s case from the cross-examination it otherwise would have conducted — declining to confront the State’s student witnesses with their own prior statements describing the complainant’s aggression, such as that Austin Metcalf was “kind of like the aggressive guy on the team” (Mason Nordyke), that he “got triggered” (Edwin Parra), that “Austin and Hunter ... [are] not going to let you disrespect them” (Jose Mora), that “if Austin is about to get into a fight, you can tell” (Luke Stephens), and that Austin “can be a bit aggressive at times” (Tiffany Whiteaker). (Ex. 10 ¶¶ 13–14.) In the same reliance, the defense declined to designate or call its neuropsychology and forensic-psychology experts, introduced none of these subjects during voir dire or opening statement, and limited its punishment presentation to three pre-agreed questions of the Defendant’s mother. (Ex. 10 ¶¶ 16–18.)

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B. The State Repudiated the Understanding After Inducing the Defense’s Reliance.

114. When the defense began to present its case-in-chief, the State asserted for the first time that the defense had “opened the door” to the previously excluded evidence through statements in its opening, and it threatened to introduce the character and extraneous-offense evidence the understanding was meant to exclude. By then the defense had already committed to the course it charted in reliance on the understanding; its voir dire, its opening statement, and its cross-examination of the State’s witnesses were complete and could not be undone. A party that obtains the benefit of an opponent’s reliance on a definite understanding, and then repudiates that understanding once the reliance can no longer be withdrawn, raises a serious question of fundamental fairness. Cf. *Santobello v. New York*, 404 U.S. 257, 262 (1971) (where one party performs in reliance on the other’s promise, due process does not permit the promise simply to be disregarded). The prejudice was compounded by the Court’s response: to assess whether the door had been opened, the Court engaged in further review and previewing of the evidence — a course the parties’ original understanding had not contemplated. (Affidavit of Trial Counsel, Exhibit 10.) The Court itself addressed the understanding and stated that any such agreement between the parties would be unenforceable — confirming that the dispute over the alleged understanding was squarely before the Court, and that the defense’s claimed reliance could not be vindicated through enforcement on the existing record. (Affidavit of Trial Counsel, Exhibit 10.) Defendant does not, on the present record, advance a freestanding claim of prosecutorial misconduct; the existence and terms of the understanding, and the circumstances of its repudiation, are disputed and require development at a hearing.

115. The repudiation coerced the Defendant’s decision not to testify. After the State disclaimed the agreement, the Court advised that it knew of “no mechanism ... to enforce the agreement” and would rule under the Rules of Evidence alone, and it allowed the defense only about ten minutes — after requiring counsel to preview the entire direct examination with the prosecutor — to decide whether the Defendant would take the stand. (Ex. 10 ¶¶ 24–27.) Forced to choose between testifying and exposing himself to the very evidence the State had agreed to withhold, or preserving the forbearance the defense had already performed, the Defendant elected not to testify — “a 180-degree change in the defense strategy [that] was the direct consequence of the breach of the agreement.” (Ex. 10 ¶ 29.) A waiver of the fundamental right to testify

extracted under those conditions is not the knowing and voluntary choice the Constitution requires. *Rock v. Arkansas*, 483 U.S. 44, 51–53 (1987); Tex. Code Crim. Proc. art. 38.08.

C. A Prosecutorial Agreement the Defense Relied Upon Is Binding and Enforceable as a Matter of Due Process.

116. Agreements between the State and an accused are enforced as a matter of due process and fundamental fairness, and a court must independently assess such an agreement’s effect on the constitutional rights at stake. *Ricketts v. Adamson*, 483 U.S. 1, 5 n.3 (1987). What transforms such an undertaking from an unenforceable proposal into a binding, constitutionally significant commitment is the accused’s detrimental reliance upon it. *Mabry v. Johnson*, 467 U.S. 504, 507–08 (1984) (a proposal on which the accused has not relied is “without constitutional significance,” while a promise relied upon to the defendant’s detriment implicates the Due Process Clause); *Santobello*, 404 U.S. at 262. Here, unlike in *Mabry* — where relief was denied precisely because the accused had not relied on the withdrawn proposal — the defense relied on the parties’ understanding continuously and irreversibly: through voir dire, its opening statement, and the cross-examination of the State’s witnesses, and, finally, in the decision whether the defendant would testify. That reliance is what rendered the understanding binding and its mid-trial repudiation a denial of due process.

117. Nor may the agreement be dismissed as one the State lacked power to make or the court lacked power to recognize. While a grant of transactional immunity requires the approval of the court, a prosecutor needs no such approval to bind the State not to use particular evidence: “a prosecutor can engage in a binding agreement to refrain from using particular evidence,” and “may bind himself to an agreement for use immunity without court approval.” *Graham v. State*, 994 S.W.2d 651, 656 (Tex. Crim. App. 1999). The parties’ understanding was precisely that — a mutual undertaking not to introduce the character, reputation, and extraneous-offense evidence each side had assembled against the other. It bound the State when it was made, and its enforceability did not depend on whether the trial court believed it possessed a “mechanism” to enforce it.

118. These principles are not confined to the plea context. Courts enforce a prosecutor’s promise — and forbid the State from keeping the benefit of a defendant’s reliance while repudiating the promise that induced it — as a matter of fundamental fairness, even where the breach was

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unintentional and even where the promise bore on the accused’s decision whether to testify. *See Santobello*, 404 U.S. at 262–63; *Commonwealth v. Cosby*, 252 A.3d 1092, 1144 (Pa. 2021) (enforcing an unconditional promise relied upon “to the detriment of [the] constitutional right not to testify”); *Rowe v. Griffin*, 676 F.2d 524, 528 (11th Cir. 1982) (barring prosecution where the accused cooperated and testified in reliance on a promise of immunity). The State here induced the defense to forgo an entire category of evidence and cross-examination and then, once that reliance could not be undone, repudiated the understanding to expose the defendant to the very evidence it had agreed to withhold — the paradigm of the unfairness these decisions condemn.

119. The consequence fell on rights of constitutional dimension. The accused has a fundamental right to testify in his own defense, *Rock v. Arkansas*, 483 U.S. 44, 51–53 (1987), and to present a complete defense, *Chambers v. Mississippi*, 410 U.S. 284, 302 (1973); *Crane v. Kentucky*, 476 U.S. 683, 690 (1986). The mid-trial collapse of the evidentiary framework on which the defense had been built — and the resulting threat to expose the defendant to the extraneous-offense evidence the understanding had withheld — forced the defendant to forgo the stand and the defense to abandon a strategy to which it had already committed before the jury. Whatever the merits of the parties’ dispute over the agreement’s scope, its effect was to deny the defendant a fair opportunity to present his defense — an injury that does not turn on which side had the better reading of the agreement. As trial counsel has sworn, the State’s breach “directly and significantly undermined the defense’s ability to present a complete defense.” (Ex. 10 ¶ 29.)

D. National Standards Confirm That Such Understandings Belong on the Record — and That the State May Not Weaponize Their Absence.

120. Professional standards reinforce the same point: an understanding affecting a client’s substantial rights should be placed on the record, and a prosecutor bears both a duty of candor to the court and a duty to make a clear and complete record. Defendant’s claim, however, rests on due process and detrimental reliance, not on those professional standards themselves.¹

¹See ABA Criminal Justice Standards for the Defense Function, Standard 4-6.3 (Plea Agreements and Other Negotiated Dispositions) (4th ed. 2015); ABA Criminal Justice Standards for the Prosecution Function, Standard 3-

121. There remains a basic unfairness in who was made to bear the risk of the understanding's silence. The understanding was reached among seasoned professionals — experienced prosecutors and trial counsel — negotiating in the shadow of a court that itself addressed the subject. If lawyers of that experience did not, or could not, reduce the understanding to a writing or a record clear enough to hold the State to it, the Defendant — a young man and a recent high-school graduate, with no training in the law — cannot fairly be charged with having failed to secure what the seasoned professionals around him left unwritten. The defense relied on the understanding; the State accepted the benefit of that reliance and then disclaimed the understanding once its silence became useful. A process that asks the least sophisticated participant in the courtroom to absorb the consequences of the most sophisticated participants' failure to make a record is not the even-handed process due process requires. At the least, the equities demand that the Court resolve this dispute on a developed record rather than on the State's after-the-fact account.

122. The understanding, the reliance, and the repudiation can be identified with specificity, and they present fact questions for the hearing. The evidence the understanding withheld was the character, reputation, and extraneous-offense evidence each side had assembled against the other — as to the Defendant, the acts itemized in the State's notice of intent to use extraneous offenses; and as to the complainant and his brother, the evidence of violence, bullying, and racially-motivated conduct set out in the defense's motion in limine. The parties reached the understanding in a series of meetings and conversations in May 2026, culminating in a conference with the Court on May 21, 2026, and the defense memorialized it in a motion in limine tendered to the State and the Court. In reliance, the defense conducted voir dire, delivered its opening statement, and cross-examined the State's witnesses without introducing the withheld evidence, and it shaped its case around the decision to call the Defendant to testify. The defense began its case on June 6, 2026, and continued it on Monday, June 8; on that final day of evidence, the State asserted for the first time that the defense had “opened the door” in the opening statement and that the understanding had “never contemplated a testifying defendant,” and the Court advised the parties that it had no mechanism to enforce the

1.4(a) (heightened duty of candor to the courts) & Standard 3-1.5 (duty to make a clear and complete record, including by placing explanations on the record) (4th ed. 2015).

understanding and would rule under the Rules of Evidence alone. Faced with that repudiation, the defense abandoned its plan to call the Defendant and to present certain expert testimony. (Ex. 10.) The State’s own conduct then corroborated the understanding it had just denied: at punishment, it called no witnesses and offered none of the extraneous-offense or character evidence catalogued in its seventy-five-page notice, resting its punishment case immediately — precisely as Mr. Wirskye had described on May 11 the agreement would operate (Ex. 10), a matter the reporter’s record will confirm. The State’s punishment presentation is circumstantial evidence from which the Court may infer the parties’ shared understanding; at minimum, it is a fact that should be explored at the evidentiary hearing. And the final ledger confirms the asymmetry of the breach: neither side ever introduced the character evidence the understanding covered — the State’s forbearance cost it nothing, because the Defendant, silenced, never opened any door — while the defense lost the one witness who was necessarily present under the tent, in a self-defense case that required his testimony. These facts are disputed and can be resolved only through testimony.

123. The agreement was never reduced to writing, embodied in an order, or recited on the record when it was made. To complete the record, the defense both furnished its own recitation of the agreement in trial counsel’s affidavit (Ex. 10) and requested the State’s: by email dated June 25, 2026 to counsel for the State, undersigned counsel asked whether there was “some type of agreement between the State and the Defense regarding extraneous offenses,” whether it was not reduced to writing, and, if so, for the State to state “what you believe the agreement was from the State’s perspective,” and further inquired about the procedure by which pleadings were delivered to the Court but received and “not filed,” and about any written waivers signed by the Defendant or his counsel. (June 25, 2026 email from undersigned counsel to counsel for the State.) As of the date of this motion, the State has not provided a responsive factual recitation of the agreement.

E. An Evidentiary Hearing Is Required.

124. The existence, terms, and repudiation of the understanding — and the strategic decisions the defense made in reliance on it — are disputed and cannot be determined from any available record, particularly because no reporter’s record of the relevant proceedings is available. These matters can be established only at an evidentiary hearing, at which trial counsel and, if

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necessary, the prosecutor may testify. Trial counsel's account is set out in the accompanying affidavit (Exhibit 10) and will be presented at the hearing. Defendant accordingly requests an evidentiary hearing to determine the existence and terms of the understanding, the defense's reliance on it, and the circumstances of its repudiation.

125. In summary, the grounds and facts supporting a new trial on the Second Ground are these: the State induced the defense to try its case under an unwritten agreement limiting character and extraneous-offense evidence — forgoing cross-examination, witnesses, and its own client's testimony in reliance on that agreement — and then repudiated the agreement after the defense had performed, coercing the involuntary waiver of the Defendant's right to testify and denying him the right to present a complete defense. Because the agreement and its repudiation were placed off the record, an evidentiary hearing is required to resolve them. Should the Court not find the Second Ground persuasive, it should next consider the Third Ground for new trial.

V.

THIRD GROUND FOR NEW TRIAL: THE COURT'S UNSUPPORTED PROVOCATION INSTRUCTION IMPROPERLY LIMITED THE DEFENDANT'S RIGHT OF SELF-DEFENSE

A. A Provocation Instruction Limits the Right of Self-Defense and May Be Given Only When the Evidence Supports All Three Elements.

126. A “provoking the difficulty” instruction is one of the few charges that can take a defense away from the jury altogether: properly given, it tells the jury that a defendant who provoked the encounter forfeits the right of self-defense he would otherwise enjoy. For that reason, the Court of Criminal Appeals has held that the instruction may be submitted only when the evidence supports each of its three elements, and that giving it without that support is error. *Smith v. State*, 965 S.W.2d 509, 512–14 (Tex. Crim. App. 1998). Here the instruction was given without that support, and it did to the Defendant's self-defense case exactly what an unsupported provocation charge always does — it invited the jury to set the defense aside before weighing it. On a record in which self-defense was the heart of the case, that error was not harmless, and it requires a new trial. *Almanza v. State*, 686 S.W.2d 157, 171 (Tex. Crim. App. 1985).

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127. The Defendant’s defense at trial was self-defense, and the jury was charged on the justified use of deadly force. The Court’s charge, however, also instructed the jury on provocation — that the Defendant forfeited his right of self-defense if he provoked the difficulty. See Tex. Penal Code § 9.31(b)(4). A provocation, or “provoking the difficulty,” instruction is a limitation on, and in some cases a negation of, the right of self-defense, and for that reason it should rarely be given. *Smith v. State*, 965 S.W.2d 509, 512–14 (Tex. Crim. App. 1998). It may be submitted only when the evidence supports each of three elements: (1) that the Defendant did some act or used some words that provoked the attack on him; (2) that the act or words were reasonably calculated to provoke the attack; and (3) that the act was done, or the words were used, for the purpose and with the intent that the Defendant would have a pretext for inflicting harm upon the other. *Id.* at 513–14. If any one of the three lacks evidentiary support, the instruction must not be given.

128. The charge here gave such an instruction. It directed the jury that if the Defendant, “immediately before the difficulty did some act, used some language, or both with the intent to produce the occasion to bring on the difficulty and kill Austin Metcalf,” and that such conduct “was reasonably calculated to, and did, provoke a difficulty,” to which Metcalf responded by attacking or appearing about to attack him, “and that the defendant then killed Austin Metcalf in pursuance of his original design,” the jury would “find against the defendant’s claim of self-defense.” (Ex. 19.) The instruction thus stripped the Defendant of self-defense upon a finding that he provoked Metcalf with a pre-formed intent and “original design” to kill him.

B. The Evidence Did Not Support Submission of the Instruction.

129. Even viewing the evidence in the light most favorable to submission of the instruction, the record did not permit a rational finding on the third *Smith* element. The State may point to evidence that the Defendant remained in the area, exchanged words with Austin Metcalf, possessed a knife, or took part in a confrontation. Even credited, such evidence does not show that the Defendant acted or spoke with the purpose and intent to provoke Metcalf’s attack as a pretext to inflict harm. Provocation requires more than words, presence, poor judgment, or participation in a confrontation; it requires evidence of a pre-formed design to create the occasion for deadly force.

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130. The evidence did not support submission of that instruction. The third *Smith* element — intent to provoke as a pretext to inflict harm — was absent, and the charge demanded even more, requiring a finding that the Defendant acted “with the intent to produce the occasion to bring on the difficulty and kill Austin Metcalf” and that he killed “in pursuance of his original design.” There was no evidence that the Defendant approached or spoke to Austin Metcalf with a pre-formed design to kill him under the pretext of self-defense; the evidence raised, at most, a sudden confrontation in which the Defendant used force he believed immediately necessary to protect himself. Submitting a provocation instruction on this record was error, because it authorized the jury to deny the Defendant his right of self-defense even if he otherwise acted in lawful self-defense. The same unsupported provocation theory also tainted the charge’s no-retreat instruction, which withheld the Defendant’s stand-his-ground protection unless the jury found he “did not provoke” Austin Metcalf.

C. The Error Was Harmful and Requires a New Trial.

131. The error was harmful, and it was preserved: the Defendant objected to the submission of the provocation instruction. Because the error was preserved, reversal is required upon a showing of some harm. *Almanza v. State*, 686 S.W.2d 157, 171 (Tex. Crim. App. 1985) (op. on reh’g) (preserved charge error is assessed in light of the entire charge, the state of the evidence, the arguments of counsel, and any other relevant information). The harm here is plain. Self-defense was the central contested issue at trial, and the State did not let the erroneous instruction lie: in closing argument, the prosecution affirmatively relied on the provocation instruction, urging the jury to invoke it to deny the Defendant his right of self-defense. An instruction that wrongly authorized the jury to set aside the Defendant’s only defense — and that the State pressed in summation — caused harm well beyond the some-harm threshold and requires a new trial. Trial counsel’s affidavit establishes that the defense objected to the provocation instruction and that the State relied on the instruction in closing; the Defendant will supplement with the reporter’s record when it is available. (Ex. 10.)

132. In summary, the grounds and facts supporting a new trial on the Third Ground are these: the trial court submitted a provocation instruction unsupported by the evidence, which improperly withdrew the law of self-defense — the Defendant’s sole contested defense — from the jury’s full consideration, and the error was both preserved and harmful. Should the

DEFENDANT’S MOTION FOR NEW TRIAL AND BRIEF IN SUPPORT

Court not find the Third Ground independently persuasive, it should grant a new trial in the interest of justice for the reasons stated in the Fourth Ground below.

VI.

FOURTH GROUND FOR NEW TRIAL: A NEW TRIAL SHOULD BE GRANTED IN THE INTEREST OF JUSTICE

133. Finally, and in the alternative, the Court should grant a new trial in the interest of justice. Even were no single ground independently sufficient, their cumulative effect — a trial in which public access was materially restricted during the testimonial phase, a mid-trial repudiation of the parties’ agreement that coerced the Defendant’s silence and gutted his self-defense presentation, and an unsupported instruction that narrowed that same defense — deprived the Defendant of the fair, open, and adversarial trial the constitutions guarantee. The Court retains discretion to grant a new trial in the interest of justice where a valid legal basis supports it, *State v. Herndon*, 215 S.W.3d 901 (Tex. Crim. App. 2007), and the grounds above supply that basis.

PRAYER

WHEREFORE, PREMISES CONSIDERED, the Court restricted the general public to a ten-minute daily admission window and provided no contemporaneous alternative for those foreseeably turned away, without the findings Waller requires; the resulting closure is structural error that a new trial is required to cure. Defendant KARMELO SINCERE ANTHONY therefore respectfully prays that the Court set this Motion for an evidentiary hearing — at which the facts concerning the closure of the courtroom, the delegation of the courtroom-access determination to a non-judicial officer, the parties’ unrecorded agreement limiting character evidence and its repudiation, and the preservation and harm facts concerning the unsupported provocation instruction, may be developed; grant the Motion; set aside the judgment of conviction and sentence; order a new trial, conducted in a courtroom open to the public; enter written findings of fact and conclusions of law in support of its ruling; grant the relief requested in the interest of justice; and grant such other and further relief to which the Defendant may be justly entitled.

Respectfully submitted,

By: /s/ Russell Wilson II

DEFENDANT’S MOTION FOR NEW TRIAL AND BRIEF IN SUPPORT

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DEFENDANT'S MOTION FOR NEW TRIAL AND BRIEF IN SUPPORT

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CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was served on the Collin County Criminal District Attorney's Office, including counsel of record for the State, on July 6, 2026, through the electronic filing manager and/or electronic mail in accordance with the Texas Rules.

/s/ Russell Wilson II

Russell Wilson II

CERTIFICATE OF PRESENTMENT

I certify that this Motion for New Trial and Brief in Support was presented to the Honorable Judge presiding over the 296th Judicial District Court on the 6th day of July, 2026, in accordance with Texas Rule of Appellate Procedure 21.6. Defendant has contemporaneously filed a verified Motion to Recuse. This presentment is made solely to satisfy Rule 21.6 and does not waive Defendant's Motion to Recuse, does not constitute consent for the respondent judge to hear or rule on the merits of the Motion for New Trial, and does not waive Defendant's request that any evidentiary hearing or merits ruling occur only after the Motion to Recuse has been resolved.

/s/ Russell Wilson II
Russell Wilson II

EXHIBIT 1

Amended Order Regulating Trial Proceedings, Media Access,
Security, and Courtroom Decorum (with the Order Prohibiting
Extrajudicial Statements attached).

JOHN R. ROACH
296TH DISTRICT COURT
COLLIN COUNTY, TEXAS
BY: [Signature]

THE STATE OF TEXAS

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COLLIN COUNTY, TEXAS

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VS

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§

KARMELO SINCERE ANTHONY

§

296TH JUDICIAL DISTRICT

**AMENDED
ORDER REGULATING TRIAL PROCEEDINGS, MEDIA ACCESS,
SECURITY, AND COURTROOM DECORUM**

On this day, the Court enters this Order to govern all aspects of the trial proceedings in this matter. Due to the significant public and media interest in this case, the Court finds that specific procedures are necessary to ensure the Defendant's right to a fair and impartial trial, the orderly administration of justice, the safety and security of all participants, and reasonable public access consistent with constitutional requirements. The Court has considered the directives set forth in *Waller v. Georgia*, 467 U.S. 39 (1984) and *Sheppard v. Maxwell*, 384 U.S. 333 (1966), as well as all applicable constitutional provisions, statutes, and case law.

The Court finds that this case has generated substantial public and media attention and that unrestricted access or activity may compromise courtroom security, juror privacy, and the Defendant's right to a fair trial. The Court further finds that reasonable time, place, and manner restrictions are necessary and appropriate, and that while the media and public retain the right to attend proceedings, such access is subject to the limitations set forth in this Order.

The courtroom shall open each day of trial at 8:30 a.m. Entry shall be permitted beginning at 8:30 a.m. for members of the media, at 8:40 a.m. for designated family members, and at 8:50 a.m. for members of the general public. No more than nine (9) members of the media shall be permitted in the courtroom at any one time. Seating shall be on a space-available basis. The courtroom doors shall close promptly at 9:00 a.m., and individuals arriving after that time shall not be admitted until a recess. Once admitted into the courtroom, no person shall leave and re-enter during proceedings except during a recess.

The determination of who qualifies as a member of the media, which media representatives will be permitted access to the courtroom, and the allocation of media seating shall be made with the assistance of the Court Appointed Public Information Officer for the Court. Media representatives must comply with all credentialing requirements established by that officer. The Court will not intervene in or resolve disputes among members of the media regarding access or seating. The Court has appointed Steve Stoler as the Appointed Public Information Officer (stevenlstoler@gmail.com, 972-345-1393).

No person, including members of the media, shall photograph, record, or otherwise visually capture the image of any witness, prospective witness, juror or prospective juror, nor shall any person publish or disclose the name, identity, or personal information of any witness who is a minor, juror or prospective juror. No person shall communicate or attempt to communicate with any witness, prospective witness, juror or prospective juror prior to the return of a final verdict. No interviews of witnesses, jurors or prospective jurors shall occur until after the conclusion of the trial and only if voluntarily agreed to by the person.

Photography, video recording, audio recording, live streaming, or any other form of recording or transmission of courtroom proceedings is strictly prohibited. **NO CELL PHONES OR OTHER ELECTRONIC DEVICES WILL BE PERMITTED INTO THE COURTROOM.** Electronic devices may be permitted in the courtroom by the media for note-taking purposes only, subject to approval by the Court, and must remain silent at all times.

No media interviews shall be conducted in the courtroom, in the hallways, or in any security-restricted areas of the courthouse. All interviews must take place only in designated areas approved by the Court and coordinated with the assistance of the Court Appointed Public Information Office. Media activity must not interfere with courthouse operations, security measures, or the orderly conduct of proceedings.

All persons present in the courtroom shall remain silent and respectful at all times. No talking, gestures, facial expressions, emotional outbursts, or other reactions to testimony, rulings, or proceedings shall be permitted. No reading of newspapers, books, or other materials unrelated to the proceedings is allowed. No food, drink, or chewing gum shall be permitted, except as authorized by the Court.

All persons attending the proceedings must be dressed in appropriate business attire. Clothing or items displaying messages, logos, symbols, or images related to the case or that are otherwise distracting or potentially prejudicial are prohibited. Hats/Caps are prohibited. No signs, banners, or demonstrative materials may be brought into or displayed within the courtroom or courthouse.

No member of the public or media shall be permitted beyond the bar separating the gallery from the inner section of the courtroom. That area shall be limited to counsel, parties, court personnel, law enforcement officers involved in the case, witnesses when called, jurors, and other individuals authorized by the Court.

The trial shall be conducted in a secured environment. All persons entering the courthouse shall be subject to security screening, including magnetometers and searches of personal belongings. Additional security measures may be implemented as deemed necessary by the Collin County Sheriff's Office, other court security personnel or the Court. No weapons of any kind shall be permitted within the courthouse.

Members of the public and media shall not congregate in hallways, entryways, or other areas of the courthouse in a manner that disrupts operations, creates security concerns, or interferes with the movement of individuals. All persons must comply with the directions of court staff, security staff, and law enforcement personnel at all times.

Order Prohibiting Extrajudicial Statements or “Gag Order” signed July 28, 2025 will remain in force until the completion of the trial or until further order of the Court (Order is attached for reference). As stated in the order, any violation may result in contempt, fines, attorney discipline, or other remedies as the Court deems appropriate.

Any exhibits admitted during trial shall not be released to the public or media until the conclusion of the trial proceedings.

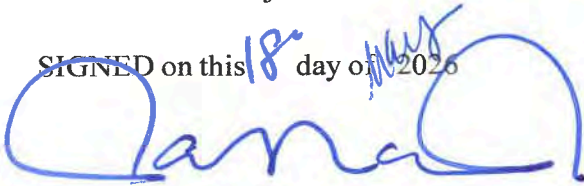
Finally, as reflected on the attached map, the Court has designated certain areas around the exterior of the courthouse as restricted access. These areas (colored in red) will be secured for courthouse operations and security and will not be open for use by the general public or the media. Furthermore, an individual or group shall not assemble or congregate in areas that block ingress/egress of vehicular movement or pedestrian traffic. Any individual or group engaging in speech activities on Collin County premises shall at all times comply with applicable federal, state, county, city or other local laws, statutes, ordinances, regulations or rules, as detailed in the attached map.

Collin County Courthouse located at 2100 Bloomdale Rd, McKinney, Texas shall be under a temporary curfew beginning May 31, 2026. The curfew will be from 11PM – 6 AM every day until further order of the Court. Curfew means the designated time after which access to or movement within the entire Collin County Courthouse campus, including parking lots, sidewalks, green space or any other designated area are restricted from access.

Any violation of this Order may result in immediate removal from the courtroom, courthouse or courthouse grounds and may result in revocation of media credentials or access, and the imposition of sanctions, including contempt of court. No warning is required prior to enforcement of this Order.

The Collin County Sheriff's Office and other designated law enforcement personnel are ORDERED to ensure compliance with this Order at all times during the trial.

This Order may be modified at any time as necessary to ensure the fair and orderly administration of justice.

SIGNED on this 18th day of May 2025


JUDGE PRESIDING
296th JUDICIAL DISTRICT COURT
COLLIN COUNTY, TEXAS

COURTHOUSE EXTERIOR OPERATIONS AND ACCESS MAP

Restricted Security Perimeter

- Areas designated for controlled courthouse operations and secure transport/access functions
- Includes:
 - Sally port and inmate transport areas
 - Jury routes and controlled access points
 - Secured building perimeter and operational parking areas
- Not open for general public use
- Access limited to authorized personnel to maintain safety and court operations

Building Access Zone (Public)

- Primary ingress and egress for courthouse operations
- Includes entrances, exit pathways, drop-off areas, and immediate approach corridors
- Must remain clear at all times to allow safe and unobstructed access
- Pedestrian activity is permitted but may not:
 - Block or delay entry or exit from the courthouse
 - Interfere with screening operations or courthouse personnel
 - Impede ADA access routes or accessible pathways
 - Disrupt orderly movement of individuals entering or leaving the facility
- No loitering, assemblies, or activity that impedes access or creates congestion or disruption.
- Interior courthouse areas beyond this point are subject to security screening and courthouse rules. Demonstration activity is not permitted within the building

Active Traffic Areas (Drive Lanes and Primary Routes)

- Includes primary drive lanes, entrances, exits, and vehicle circulation routes
- Pedestrian access limited to ingress and egress only
- Pedestrians may not stand, gather, or remain in any area that interferes with vehicle flow or creates a safety hazard
- Applies to clearly marked lanes and immediate adjacent areas necessary to maintain safe vehicle movement

General Public Areas (No color)

- Lawful presence and demonstration permitted
- Activities must not:
 - Block or impede access to the courthouse, sidewalks, or parking areas
 - Interfere with courthouse operations or law enforcement activity
 - Obstruct traffic flow or pedestrian movement
 - Create safety hazards
- All activity remains subject to applicable laws and reasonable time, place, and manner restrictions



Zone designations are intended to support safety and operational continuity while preserving lawful public access.

THE STATE OF TEXAS

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COLLIN COUNTY, TEXAS

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VS

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§

KARMELO SINCERE ANTHONY

§

296TH JUDICIAL DISTRICT

ORDER PROHIBITING EXTRAJUDICIAL STATEMENTS

("GAG ORDER")

1. PURPOSE & AUTHORITY

The Court finds that extensive pretrial publicity poses a serious risk to the fairness of the trial. Pursuant to the inherent authority of this Court and consistent with the United States and Texas Constitutions the Court **ORDERS** the following:

2. PARTIES SUBJECT TO ORDER

This Order binds the following individuals and entities ("Covered Persons"):

- All parties to this action and their attorneys;
- Witnesses, expert consultants, agents, and spokespersons;
- Law enforcement personnel, courthouse/court staff, and court-appointed officials.

3. PROHIBITED ACTIVITIES

Unless first approved in writing by the Court, no Covered Person shall make any extrajudicial statement that;

- a. Addresses the character, credibility, expected testimony, guilt, or innocence of any party or witness;
- b. Discusses evidence anticipated to be introduced at trial;
- c. Identifies or comments on jurors, jury selection, or deliberations;
- d. Intends or is likely to influence public opinion or potential jurors.

These restrictions apply to statements made via any public medium, including traditional news outlets and social media.

4. PERMITTED COMMUNICATIONS

Allowed communications include:

- a. Procedural announcements (e.g., hearing schedules, court filings);
- b. Statements required by legal or ethical duties (e.g., advising clients of rights).

5. COURT FINDINGS

The Court finds:

- a. Media coverage has the potential to cause imminent and irreparable harm to the defendant's right to a fair trial;
- b. Alternative measures (venue change, juror screening, sequestration) would be inadequate alone;
- c. Narrowly applied speech restrictions are necessary to protect juror impartiality.

6. DURATION

This Order shall remain in force until verdict or until further written order of this Court.

7. SANCTIONS FOR NON-COMPLIANCE

Any violation may result in contempt, fines, attorney discipline, or other remedies as the Court judges appropriate.

8. NOTICE & CERTIFICATION

Within seven (7) days of this Order, counsel for each party shall serve a copy on all Covered Persons and file a Certificate of Compliance confirming notice.

Filed: July 28, 2025 2:04 PM
Michael Gould
District Clerk
Collin County, Texas
By: Bese, Jaime Deputy



JUDGE JOHN ROACH

7-28-25

July 28, 2025

EXHIBIT 2

Register of Actions (public docket), printed June 26, 2026.

	<i>Supplemental Notice of Media Attendance and Request for Post Trial Exhibits</i>
06/10/2026	Appeals - Filed NOA with the COA <i>and emailed to Court Reporter, CCSO, DA Appeals - Amended Appeal Schedule</i>
06/11/2026	Appeals - Postcard <i>Notice of Appeal filed by 5th COA</i>
06/11/2026	TFDA Indigent Packet - Attorney Appointment Eligible <i>Lara Bracamonte Davila</i>
06/11/2026	Appeals - Filed NOA with the COA <i>and emailed to Court Reporter, CCSO, and DA Appeals - Second Amended Appeal Schedule</i>
06/11/2026	TFDA Indigent Packet - Attorney Appointment Eligible
06/11/2026	Order <i>Order to File and Redact</i>
06/11/2026	Order <i>Order to Seal</i>
06/12/2026	TFDA - Attorney Un-Appointed
06/18/2026	Order
06/22/2026	Motion to Substitute Counsel
06/23/2026	Order to Substitute Counsel
06/23/2026	Appeals - Filed NOA with the COA <i>and emailed to Court Reporter, DA Appeals, and CCSO - Third Amended Appeal Schedule</i>
06/23/2026	Designation of Record On Appeal <i>Appellant's Designation of Matters to be Included in the Clerk's Record</i>
06/23/2026	Designation of Record On Appeal <i>Appellant's Request for Preparation of the Reporter's Record</i>

FINANCIAL INFORMATION

	Defendant Anthony, Karmelo Sincere		
	Total Financial Assessment		434.80
	Total Payments and Credits		129.80
	Balance Due as of 06/24/2026		305.00
06/25/2025	Transaction Assessment		1.00
06/25/2025	Payment	Receipt # DC-26249-2025	(1.00)
06/26/2025	Transaction Assessment		1.00
06/26/2025	Payment	Receipt # DC-26347-2025	(1.00)
06/30/2025	Transaction Assessment		17.00
06/30/2025	Transaction Assessment		1.00
06/30/2025	Payment	Receipt # DC-26781-2025	(18.00)
07/01/2025	Transaction Assessment		1.00
07/01/2025	Payment	Receipt # DC-26849-2025	(1.00)
07/02/2025	Transaction Assessment		7.00
07/02/2025	Payment	Receipt # DC-27202-2025	(7.00)
07/03/2025	Transaction Assessment		1.00
07/03/2025	Payment	Receipt # DC-27427-2025	(1.00)
07/16/2025	Transaction Assessment		1.00
07/16/2025	Payment	Receipt # DC-29326-2025	(1.00)
07/18/2025	Transaction Assessment		10.00
07/18/2025	Payment	Receipt # DC-29570-2025	(10.00)
07/29/2025	Transaction Assessment		6.00
07/29/2025	Payment	Receipt # DC-30954-2025	(6.00)
07/29/2025	Transaction Assessment		3.00
07/29/2025	Payment	Receipt # DC-31017-2025	(3.00)
07/30/2025	Transaction Assessment		11.00
07/30/2025	Payment	Receipt # DC-31141-2025	(11.00)
08/04/2025	Transaction Assessment		1.00
08/04/2025	Payment	Receipt # DC-31764-2025	(1.00)
08/07/2025	Transaction Assessment		17.00
08/07/2025	Transaction Assessment		1.00
08/07/2025	Transaction Assessment		0.60
08/07/2025	Payment	Receipt # DC-32440-2025	(18.60)
08/27/2025	Transaction Assessment		1.00
08/27/2025	Payment	Receipt # DC-35580-2025	(1.00)
04/20/2026	Transaction Assessment		1.00
04/20/2026	Payment	Receipt # DC-16229-2026	(1.00)
04/20/2026	Transaction Assessment		1.00
04/20/2026	Payment	Receipt # DC-16234-2026	(1.00)
04/21/2026	Transaction Assessment		1.00
04/21/2026	Payment	Receipt # DC-16389-2026	(1.00)
06/05/2026	Transaction Assessment		10.00
06/05/2026	Transaction Assessment		9.00
06/05/2026	Payment	Receipt # DC-23049-2026	(19.00)
06/10/2026	Transaction Assessment		305.00
06/17/2026	Transaction Assessment		1.00
06/17/2026	Payment	Receipt # DC-25006-2026	(1.00)
06/17/2026	Transaction Assessment		20.00
06/17/2026	Payment	Receipt # DC-25036-2026	(20.00)
06/18/2026	Transaction Assessment		1.00
06/18/2026	Transaction Assessment		0.20
		Sally Edwards	(1.20)
			1.00

06/19/2026	Payment	Receipt # DC-25388-2026	Arthur Watkins Jr	(1.00)
06/24/2026	Transaction Assessment			3.00
06/24/2026	Transaction Assessment			1.00
06/24/2026	Payment	Receipt # DC-26031-2026	Lashawn Higgins	(4.00)

EXHIBIT 3

Verified transcript of the WFAA-TV interview of Judge John R.
Roach, with the authenticating affidavit of counsel.

TRANSCRIPT OF TELEVISED INTERVIEW

Interview of the Honorable John R. Roach, Judge, 296th Judicial District Court,
by WFAA-TV (Channel 8), aired on or about June 11, 2026

Note: This transcript was prepared from a recording of the interview. Speaker designations are supplied for readability, and the spellings of proper names (including "Karmelo Anthony" and public information officer "Stoler") have been corrected. This transcript is offered in conjunction with actual audio video

[00:00:00] **JUDGE ROACH:** John Roach. J-O-H-N R-O-A-C-H

[00:00:04] **INTERVIEWER:** And, uh, I, I know the answers to that. I know the answer to that question, but I gotta ask it for

[00:00:08] **JUDGE ROACH:** the record. Yeah. 100%. Um.

[00:00:09] **INTERVIEWER:** Uh, you've been on the bench for some time.

[00:00:12] **JUDGE ROACH:** Yep, I've been on the bench for about 20 years.

[00:00:14] **INTERVIEWER:** 20 years. And this is the end.

[00:00:16] **JUDGE ROACH:** Uh, in the six months it'll be in the end.

[00:00:19] **INTERVIEWER:** Did you take on, did you want to take on this trial?

[00:00:22] **JUDGE ROACH:** I wanted, uh, the Collin County judiciary to take on this trial. It was important to me to have somebody from Collin County preside over this, um, Collin County case. So I didn't ask for it. No one, uh... That's not how it works anyway. Yeah. Uh, I didn't ask for it, but I was certainly willing to do it because that was my duty.

[00:00:39] **INTERVIEWER:** In your conversations with, my guess, it's an administrative judge who goes... They, I know they go down the list and they say, "All right, it's your turn, and it's your turn," um, as they go through all the conflicts of judges that may, potential conflicts. When they come and say, "John, it's, this may be yours," your first reaction is?

[00:00:57] **JUDGE ROACH:** I'll take it. Every time I think it's my job. It's my duty. That's what I elected, was elected to do. Yeah. That's the oath that I took, uh, and I'm gonna do my job.

[00:01:07] **INTERVIEWER:** No cons- consultation with your family or- None. No.

[00:01:10] **JUDGE ROACH:** Nope.

[00:01:10] **INTERVIEWER:** And where does that come from?

[00:01:12] **JUDGE ROACH:** I don't know. I think it's just duty. I think duty, whether that's duty in the Marine Corps or just duty to my family and stuff, I take duty really seriously.

[00:01:20] **JUDGE ROACH:** Okay. And I took this job to, to perform that duty, and if that's what I had to do, that's, that's what I have to do.

[00:01:26] **INTERVIEWER:** Did you fully, at the time, grasp the enormity of that decision and, and, and the outside stuff?

[00:01:32] **JUDGE ROACH:** I don't know. I, I think in some ways I did. I think in other ways I didn't. I, um, certainly knew it was a very, very important, uh, case, uh, within our community.

[00:01:41] **JUDGE ROACH:** I didn't think I realized the enormity of the social media and the media, uh, during the trial.

[00:01:48] **INTERVIEWER:** How long have you been prepping for this trial?

[00:01:50] **JUDGE ROACH:** I've been prepping for this trial, uh, with the department, with the Collin County system, with the sheriff's office and everybody for about eight months.

[00:01:57] **INTERVIEWER:** Is that the longest you've ever had to prep?

[00:01:59] **JUDGE ROACH:** 100%.

[00:02:01] **INTERVIEWER:** Why?

[00:02:02] **JUDGE ROACH:** Uh, logistics. Uh, one of the critical pieces of this case were we had minors who were testifying. Uh, prior to me getting the case, we had some of those witnesses doxxed and swatted and revealed on social media. Uh, I didn't want that to add to the already traumatic event they'd been through, and I didn't want them to change their testimony or be uncooperative with people trying to call them to witness out of fear.

[00:02:27] **JUDGE ROACH:** Uh, and so my number one duty at that point in time getting the case was to how do we protect those minors, uh, who are critical to this case to come and testify? I-

[00:02:39] **INTERVIEWER:** I'm sure you, you've already read and know that, uh, one of your fellow judges has already been doxxed and swatted and all the things. Yes.

[00:02:45] **JUDGE ROACH:** I did know that.

[00:02:46] **INTERVIEWER:** And, um, still no reluctance from wanting to take it on?

[00:02:51] **JUDGE ROACH:** None.

[00:02:52] **INTERVIEWER:** Yeah. Um, the decision to not have cameras or any kind of streaming, was that an easy one?

[00:03:01] **JUDGE ROACH:** Yes, it was an easy decision, and I'll tell you why. My primary goal in any case is to make sure that the defendant and the prosecution gets a fair trial, period.

[00:03:12] **JUDGE ROACH:** I have seen from other cases around the country where cameras in the courtroom change the way that the judge acted, uh, the lawyers acted, some of the witnesses acted, and we were not gonna have that here. We were gonna really isolate, um, the purpose for which we were here for, which is to have that fair trial.

[00:03:29] **JUDGE ROACH:** Uh, and cameras in the courtroom did not enter into that equation, uh, at all.

[00:03:34] **INTERVIEWER:** How much, how much grief did you get from, from people around you about that decision?

[00:03:40] **JUDGE ROACH:** I don't know. I don't listen to it. I just, I just flat don't listen to the, to what's going on on the outside. I do what I think is right, uh, no matter what decision that is.

[00:03:49] **JUDGE ROACH:** And I sleep well at night knowing if I follow the law, uh, then everything works out like it's supposed to. And so these outside influences, all the noise from the outside, I really isolated myself from that, in this case and in all cases, and just do my job, uh, the best I can following the law.

[00:04:05] **INTERVIEWER:** How do you think the, uh, uh, I mean, I'm, I'm

[00:04:07] **INTERVIEWER:** We're talking with the attorneys, uh, other attorneys outside of- Uh-huh ... outside of this. How do you think they describe you? Hmm.

[00:04:13] **JUDGE ROACH:** Strict. Uh, no nonsense. Fair. Uh, and, and that to me is the most important part. I know for a fact when I make a decision here, people are unhappy. What I hope is when they walk out the door, that they think they got a fair trial or a fair hearing or a fair something.

[00:04:29] **JUDGE ROACH:** Uh, and if they do that, no matter what they think about me personally, then I've succeeded.

[00:04:34] **INTERVIEWER:** And you're, you're okay with any, any of those characterizations?

[00:04:38] **JUDGE ROACH:** I think they're fair.

[00:04:40] **INTERVIEWER:** Yeah. Um, I, I hate to have to ask about stuff that emerges on social media, but I- Yeah ... but I have to ask it. Uh, and I know you don't know of it, any of it because you, you're not on social medias.

[00:04:53] **JUDGE ROACH:** I'm on it. I mean, I'm an elected official, so I have a Facebook page and stuff. Do I look at it? Do I monitor it? Uh, do I let it impact me? Uh, none. Not at all.

[00:05:04] **INTERVIEWER:** So I have to ask, do you have a personal relationship with the Metcalfs?

[00:05:08] **JUDGE ROACH:** I wouldn't know Mr. Metcalf prior to this trial if he walked up to me and said hello.

[00:05:13] **JUDGE ROACH:** Uh, I don't know the Metcalfs. Um, I sympathize with the Metcalfs and what they've been through and all, but I don't know them personally. Uh, never have.

[00:05:21] **INTERVIEWER:** So these, the, these AI images emerging- Yeah ... of you and, and them at a party or drinking together, all of that- Never

[00:05:27] **JUDGE ROACH:** happened. And that's the problem with social media, isn't it?

[00:05:30] **JUDGE ROACH:** Uh, you, you c- you can't tell what's true and what's not true. I will tell you, I got some reports of some things that were coming out of this courtroom, and I wondered to myself, were they even in the same courtroom that I was? It's that bad, and I think that's tragic because I think really if you just listen to the case based upon the facts, you'd understand it so much better.

[00:05:47] **INTERVIEWER:** Do you think it reinforced your, uh, your decision to not have cameras or, or streaming inside this-

[00:05:53] **JUDGE ROACH:** Sort of. I, I will tell you this. I sometimes I think maybe I should have, at least the audio streamed or something so people could hear it. But at the end of the day, I don't think, no matter what, people are gonna distort whatever happens or whatever they hear into their own agenda.

[00:06:06] **JUDGE ROACH:** And so what's the point? Um, and again, that noise affects people. It affects the fairness of the trial, the safety of the witnesses, the safety of the jury, and those are my primary concerns, not what social media says.

[00:06:19] **INTERVIEWER:** No, the,

[00:06:20] **JUDGE ROACH:** yeah- And it's not my duty. I don't think it's my job to feed social media or the media, uh, stuff.

[00:06:25] **JUDGE ROACH:** I certainly understand the role that media plays in a case like this, um, but I'm not here to feed it, and I took that very, very seriously.

[00:06:33] **INTERVIEWER:** But Judge, when people don't have access to the, the trial or the courtroom- Doesn't it invite speculation?

[00:06:42] **JUDGE ROACH:** Well, uh, sort of, but here's... I got 70 seats in my courtroom, and I had 200 requests by the media to sit in the courtroom.

[00:06:50] **JUDGE ROACH:** So let's say if I just entertain that, the press, then I have nobody from the public watching what's going on in their county. And so I had to do a balance between the media's right to know and to be able to report what's going on, because I think that's

extraordinarily important. Mm. I think it's important that the general public had access to the courtroom and to see what was going on.

[00:07:08] **JUDGE ROACH:** Um, and so I tried to balance all those things with the primary, again, uh, purpose of having a fair trial, and I think I d- I struck that balance pretty well.

[00:07:16] **INTERVIEWER:** But the, the media's right to know is the public's right to know, um, is the public's access. We are the extension of that public.

[00:07:24] **JUDGE ROACH:** I think somebody from the public that would come, wanted to come watch a trial and know that they were excluded from a trial because all the media was there, um, I'd, I beg to differ.

[00:07:35] **INTERVIEWER:** Do you think there was a possibility for a learning experience? I mean, people want... People do not know about how trial works. Mm-hmm. Uh, do you think that this, this may have been an opportunity for people to know how it truly works and that kind of erases some of the, the, the, the, the negative notions of, of, of, of court and trial and justice?

[00:07:53] **INTERVIEWER:** I'm

[00:07:53] **JUDGE ROACH:** doing this interview with you to make sure that people understand how the system works. Uh, and if they really wanted to, and I mean this seriously, if they wanted to, they could have stood in line with everybody else-

[00:08:02] **INTERVIEWER:** Yeah ...

[00:08:02] **JUDGE ROACH:** uh, and had the 27 to 32, uh, public seats that we had in this courtroom that we rotated every day.

[00:08:08] **JUDGE ROACH:** And so was that important to them, uh, they could have made it in here.

[00:08:11] **INTERVIEWER:** How did you plan for some of the outside noise?

[00:08:14] **JUDGE ROACH:** Well, I, we certainly planned with the sheriff's office and the McKinney Police Department and the Allen Police Department and the Frisco Police Department. So those were talks that we were having eight months before the trial, uh, to ensure the safety of the people out in the parking lots.

[00:08:27] **JUDGE ROACH:** They certainly had a right to demonstrate, uh, and all, and I think we struck a very, very good balance to allow them to do that, at the same time, maintaining safety of everybody involved.

[00:08:38] **INTERVIEWER:** Did it affect your day-to-day decisions? It

[00:08:40] **JUDGE ROACH:** didn't. Actually, I didn't. Um, I came in from a different entrance from the courthouse.

[00:08:44] **JUDGE ROACH:** I didn't come in through the front. Um, I couldn't hear any noise at all from my office. Uh, the jurors were not facing the parking lot, so they didn't see anything or hear anything. And I think we did a marvelous job in isolating them and having them concentrate just on what was going on in this courtroom, which was my instruction from the very, very beginning.

[00:09:04] **INTERVIEWER:** What would... What made this trial different?

[00:09:08] **JUDGE ROACH:** I think it started off bad, and I-- it started off bad with the doxing and the swatting of the judge and the parties, the witnesses, and all that stuff. So I think it started off bad, and, and I'm gonna attribute that to social media. And I think social media got it wrong, and i-it is what it is. I think that's something we have to live with these days.

[00:09:28] **JUDGE ROACH:** Um, but I think it's my responsibility and other judges' responsibility to make sure no matter what's going on in social media, that someone can walk in a courthouse and get a fair trial

[00:09:40] **INTERVIEWER:** Did it make it very different when you realized a lot of your witnesses are young witnesses?

[00:09:45] **JUDGE ROACH:** No. Look, I've been doing this for 20 years.

[00:09:47] **JUDGE ROACH:** Uh, a lot of the witnesses come in all shapes and sizes and colors and all, and all that. Mm-hmm. And, um, so that, that was normal for me. What wasn't normal for me is to have those witnesses, um, be intimidated by things being said on social media because those young people rely on social media more than I certainly do.

[00:10:06] **JUDGE ROACH:** Yeah. And so that sure impacted me to make sure that they, uh, did not change their testimony, uh, they were willing to come in and tell the truth, uh, without fear of being doxxed or swatted and stuff. And so I took every precaution that I could, um, consistent with the law to make that happen.

[00:10:23] **INTERVIEWER:** I know Steve brought it up to you, and I know both sides probably brought it up as well.

[00:10:27] **INTERVIEWER:** The AI images of people claiming to be inside this courtroom.

[00:10:30] **JUDGE ROACH:** Yeah, that, that ticked me off a little bit because if you're gonna call yourself the press, then ... And people are gonna depend on you to tell them, uh, what's going on in this courtroom, then you should be telling the truth. And so, uh, Mr. Stoler, our public information officer, brought it to my attention that, uh, some news outlets, uh, were past-posting photos saying, "From inside the courtroom."

[00:10:51] **JUDGE ROACH:** And it wasn't my courtroom, it wasn't the witness, it, it wasn't their testimony, and, uh, that's tragic. Because, again, that just breeds the, the narrative that these

people wanna ... To cultivate in our community to drive a wedge between us, and I think that's terrible.

[00:11:09] **INTERVIEWER:** Since we're on the topic- Yeah ... of, of image-

[00:11:11] **JUDGE ROACH:** Uh-huh

[00:11:12] **INTERVIEWER:** uh, c- can we talk about some of the drawings, uh, of you- Sure. I'll be glad to. Absolutely ... during the sketch artist? What do you think? What do you think?

[00:11:18] **JUDGE ROACH:** Uh, my wife would show me a drawing every once in a while of a court case going on, and I couldn't figure out who the judge was. And all, as an all in serious, uh, they, the sketch artist was awesome.

[00:11:28] **JUDGE ROACH:** She was very sweet. She was here every day, uh, putting her life's work into, into those images. Because we didn't have cameras in the courtroom, that's, that's the only visual that anybody got. She did a marvelous, marvelous job. I think I'm more handsome than what she portrayed, uh, overall, but I'll let, I'll let everybody else figure that out.

[00:11:47] **INTERVIEWER:** Did the jury get it right?

[00:11:48] **JUDGE ROACH:** Yeah, they did. You know why? Because, uh, they were picked based upon the law. Uh, they listened to the facts, um, that happened here in this very courtroom. Uh, and they got a verdict. And so that's the process, and whatever they say, um, they get it right.

[00:12:08] **INTERVIEWER:** There's gonna be a lot of scrutiny over voir dire.

[00:12:10] **JUDGE ROACH:** Mm-hmm.

[00:12:10] **INTERVIEWER:** And you excused, uh, y- you, um, denied, ki- denied the defense, um, a- and th- the dismissing of three jurors who at least identified as African American on their bio forms. Um, what, what did you make of that moment?

[00:12:25] **JUDGE ROACH:** Well, that's not exactly how it works. The defense didn't dismiss them. Uh- Uh,

[00:12:28] **INTERVIEWER:** and I'm sorry, the defense r- raised an objection.

[00:12:30] **JUDGE ROACH:** They raised an objection, yeah. Yeah. They have raised an objection. Like I told you before, as long as I follow the law, uh, I sleep well at night, and I'm telling you, I followed the law in that case. Uh, did I know, well, the, what the perception was gonna be? Sure. I, I knew in the back of my mind what the perception was gonna be, but I'm not here to satisfy perceptions.

[00:12:50] **JUDGE ROACH:** I'm not here to satisfy agendas. I'm not here to do any of those things. I'm here to follow the law, and I did it to a T, and I'm proud of that, very proud of that.

[00:12:59] **INTERVIEWER:** Is this your last big trial?

[00:13:00] **JUDGE ROACH:** It's my last big trial. The sad part about it is, I will tell you before I leave at the end of the year, I'll try a couple more murder cases, for example.

[00:13:08] **JUDGE ROACH:** Uh, the, the parking lot won't be full. Uh, the gallery won't be full of people watching the case, but we still have somebody who's died and someone accused of doing the killing. Uh, and it won't draw the attention that this case did, and their death is no less tragic, uh, than the, the tragic death of the young man, uh, in this case.

[00:13:29] **JUDGE ROACH:** And so, uh, big trial, I guess, from an outside per- outsider's perspective and the- Yeah ... the social media and the media interest in the case. Uh, but crime still happens in Collin County, and every single person deserves to have as fair of a trial that Karmelo Anthony had.

[00:13:49] **INTERVIEWER:** What's your take on Karmelo Anthony?

[00:13:53] **JUDGE ROACH:** I don't know. I, I really don't know. Uh, he- You've had

[00:13:56] **INTERVIEWER:** a lot of defen- you've had a lot of defendants in your courtroom.

[00:13:58] **JUDGE ROACH:** I have had a lot of defendants in my courtroom, and I talked to Mr. Anthony a couple times because I'm legally required to go over some things with him. Uh, he seems like a, a nice young man, um, who committed a crime, and he understands today, uh, more than any day before today, the consequences of committing a crime like, like he did.

[00:14:24] **INTERVIEWER:** Last question.

[00:14:25] **JUDGE ROACH:** Yes, sir.

[00:14:25] **INTERVIEWER:** The future of the justice system

[00:14:31] **INTERVIEWER:** What do you think about it when you realize you have all these social media influencers and citizen journalists?

[00:14:37] **JUDGE ROACH:** I don't know. I, I hope, uh, that the judges that hear cases, hear cases period. I was about to say high-profile cases- Yeah ... but that's not it. It's just any case, um, realizes the importance of their job, and their job is to be fair, uh, to the state and to the defendant, and to protect the people that come before them, and make just and right decisions based upon the law.

[00:15:01] **JUDGE ROACH:** And if we can do that, that's great. Uh, the im- the influence of social media, I think, is gonna continue to impact our communities everywhere, and I hope that, um, we can rely upon our justice system to weed through the noise- Yeah ... and find justice for everybody who comes through our doors.

[00:15:19] **INTERVIEWER:** This is a personal question

[00:15:21] **JUDGE ROACH:** I

[00:15:22] **INTERVIEWER:** wanted to ask you.

[00:15:22] **INTERVIEWER:** Yeah. Okay, sure. Uh, do you understand why the legitimate media had to be a pain in your ass?

[00:15:26] **JUDGE ROACH:** Legitimate media There's this guy named Jobin- ... who I think was probably my, the worst, uh, of all of them. And no, I didn't understand how he could be that way. Um, look, I absolutely understand the media's role in all this.

[00:15:41] **JUDGE ROACH:** I mean, that, it's the First Amendment for a reason. It is absolutely the First Amendment for a reason. Um, but at the same time, a defendant is ri- has a right to a fair trial, and the prosecution has a right to a fair trial. That's also in the Constitution. And so you just have to balance all those interests.

[00:15:57] **JUDGE ROACH:** And, and I'll honestly say I think I balanced it well, and I know I made people mad, but I'm not here to make them happy either. Uh, I hope that the Metcalfs, uh, think that their son, uh, got a fair trial in this courtroom, uh, as do I hope that the Anthony family thinks their son got a fair trial in this courtroom.

[00:16:17] **JUDGE ROACH:** I certainly think he did.

[00:16:18] **INTERVIEWER:** Did you feel the pressure of, of the other courts not being able to operate too?

[00:16:21] **JUDGE ROACH:** So, of course, they're independent elected officials. They don't have ... They can operate if they want to. Yeah.

[00:16:26] **INTERVIEWER:** And they, some of them have-

[00:16:27] **JUDGE ROACH:** Um, they have ...

[00:16:28] **INTERVIEWER:** virtually.

[00:16:28] **JUDGE ROACH:** They have. Um, we were trying to cut down on the sheriff's duty to transporting back and forth and stuff.

[00:16:34] **JUDGE ROACH:** And so I asked them if they could modify, um, the way they are operating in court. Um, they could go to Zoom like we did for- Yeah ... a long time. They could, you know, pick- Yeah ... days that we weren't here, like on that Tue- first Tuesday. Yeah. Um, yeah, but it's up to them. Okay. Um, it helped a lot that they cooperated.

[00:16:52] **JUDGE ROACH:** And by the way, that's one of the messages that I don't think I've been saying enough, is, uh, what we did here was a well-oiled machine. I, I don't see, I, I've never seen a case- Do you

[00:17:02] **INTERVIEWER:** want that on the record?

[00:17:03] **JUDGE ROACH:** Sure. Okay. Yeah, we're rolling. We're rolling. Okay. The case that we tried here in Collin County, uh, was a well-oiled machine.

[00:17:10] **JUDGE ROACH:** I mean, Collin County, it should be the model for high-profile cases from here on out, and that's because we started eight months ago. And I met with anybody from facilities to IT to the audiovisual people to, uh, the sheriff's office. Uh, we constantly came together and met to make sure that, uh, Collin County was gonna be a focus for a minute.

[00:17:34] **JUDGE ROACH:** And we wanted to make sure that the, everybody understood that, number one, don't come around and mess with Collin County. Uh, and because we're here for a job, that job is to make sure that everybody gets a fair trial and everybody's safe. Uh, and we want it to go seamlessly. And one thing that does worry me a little bit is people go, "Oh, this was a five-day case with the evidence.

[00:17:54] **JUDGE ROACH:** Five-day case, it must have been cut and dry." Mm-hmm. Um, I don't know if that's true or not. It was five days because I wasn't wasting anybody's time. Uh, our community needed to heal quickly. Uh, w- they needed this case over, um, one way or another. Uh, but the case had to be fair first. But w- we accomplished that, but it was a gargantuan effort by every single person involved in Collin County and outside Collin County.

[00:18:18] **JUDGE ROACH:** And so we're very, very proud of our county, um, all of our employees, all of our elected officials, all of our judges, um, everybody in getting this case tried quickly, uh, because our community needed it to heal.

[00:18:33] **INTERVIEWER:** Thank you, Judge, for talking with us.

[00:18:34] **JUDGE ROACH:** Uh, sure.

CAUSE NO. 296-83565-2025

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

**AFFIDAVIT OF RUSSELL WILSON II AUTHENTICATING EXHIBITS TO
DEFENDANT’S MOTION FOR NEW TRIAL AND MOTION TO RECUSE**

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared Russell Wilson II, who, being by me duly sworn, deposed and stated:

1. My name is Russell Wilson II. I am over the age of eighteen years, of sound mind, and in all respects competent to make this affidavit. I have personal knowledge of the facts stated herein, and they are true and correct.
2. I am the lead counsel of record for Defendant Karmelo Sincere Anthony in the above-styled and -numbered cause. I make this affidavit to authenticate the following exhibits, each of which I have personally reviewed. The same exhibits are offered in support of both Defendant’s Motion for New Trial and Brief in Support and Defendant’s Verified Motion to Recuse; because the two motions number their exhibits differently, I identify each item by its designation in each motion.
3. The Recording (Motion for New Trial Exhibit 4; Motion to Recuse Exhibit C). After the televised interview of the Honorable John R. Roach, Jr. by WFAA-TV (Channel 8) aired on or about June 11, 2026, I obtained and personally viewed a video recording of it as broadcast and published by WFAA-TV. The video file (“Judge Roach WFAA Interview.mp4”) is a true and accurate copy of that interview as broadcast and published, and it has not been altered, edited, or modified in any way. A copy of the Recording is filed conventionally with the Clerk of this Court on a USB flash drive as an exhibit not amenable to electronic filing, under a Notice of Conventional Filing, and is designated Motion for New Trial Exhibit 4 and Motion to Recuse Exhibit C.
4. The Transcript (Motion for New Trial Exhibit 3; Motion to Recuse Exhibit A). After obtaining the Recording, I caused a written transcript of it to be prepared. The initial draft was generated with the assistance of transcription software. I then listened to the Recording in its entirety and compared the transcript against the Recording word for word, correcting each


discrepancy I identified, and giving particular attention to the passages quoted in the motions. Based on that review, the Transcript is a true and accurate transcription of the words spoken in the Recording. The Transcript is offered as an aid to the Recording and not as a substitute for it; to the extent any discrepancy exists between the two, the Recording controls.

5. The Order Prohibiting Extrajudicial Statements (the attachment to Motion for New Trial Exhibit 1; Motion to Recuse Exhibit B). The document so designated is a true and accurate copy of the Order Prohibiting Extrajudicial Statements ("Gag Order"), signed July 28, 2025 and filed in this cause, which I have reviewed.

6. The Statement to Fox News (Motion for New Trial Exhibit 5; Motion to Recuse Exhibit D). I personally observed and reviewed the written statement of the Honorable John R. Roach, Jr. to Fox News concerning this cause. The document so designated is a true and accurate copy of that statement as published, which I have compared to the statement as published.

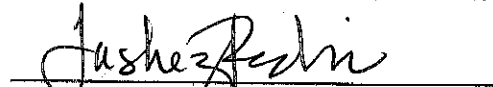
7. The Public Letter (Motion for New Trial Exhibit 6; Motion to Recuse Exhibit E). I personally accessed, observed, and reviewed the public letter of the Honorable John R. Roach, Jr. titled "Thank You Letter from Judge John Roach," dated June 17, 2026, as published on the official website of Collin County, Texas. The document so designated is a true and accurate copy of that letter as published on the County's official website.

FURTHER AFFIANT SAYETH NAUGHT.



Russell Wilson II, Affiant

SWORN TO and SUBSCRIBED before me by Russell Wilson II on the 5th day of July, 2026.



Notary Public, State of Texas

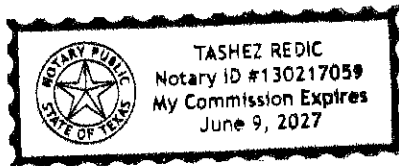


EXHIBIT 4

Video recording of the WFAA-TV interview of Judge John R. Roach.

VIDEO EXHIBIT — filed conventionally on USB with a Notice of Conventional Filing. The verified transcript is Exhibit 3.

EXHIBIT 5

Written statement of Judge John R. Roach to Fox News.



Brooke Taylor ✓

@Brooketaylortv



Judge John Roach tells me he released the evidence because:

“I understood the public’s desire to know what happened in the courtroom. The overwhelming focus on my ruling regarding the media in courtroom was to protect the process, witnesses, and jury. Now that the trial is over, it is important to me to provide transparency.”

6:28 PM · Jun 19, 2026 · **120.1K** Views



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408



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Anthony MNT 00030

EXHIBIT 6

“Thank You Letter from Judge John Roach,” dated June 17, 2026
(Collin County website).



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Thank You Letter from Judge John Roach

Jun 17, 2026 | by Judge John Roach



JOHN R. ROACH, JR.

Judge, 296th Judicial District Court
Collin County Courthouse
McKinney, Texas 75071



Judicial gavel

To the Members of the Collin County Family:

As the presiding judge of the 296th District Court during the recent trial of State of Texas v. Karmelo Anthony, I want to express my sincere gratitude to the countless individuals and agencies whose professionalism, dedication, and cooperation made it possible for the Court to fulfill its most fundamental responsibility: ensuring the fair, orderly, and secure administration of justice.

Trials that attract significant public attention require extraordinary preparation behind the scenes. While much of the public focus is naturally directed toward what occurs inside the courtroom, the truth is that the work of administering justice depends upon the collective efforts of many people, most of whom serve quietly and without recognition.

I extend my deepest appreciation to the Collin County Commissioners Court for its unwavering support and commitment to ensuring that the resources necessary to conduct this proceeding were available. I am equally grateful to our Budget Department, Information Technology Department, Human Resources Department, Auditor's Office, CSCD, Public Works, and Facilities Department, each of which responded to challenges with professionalism, flexibility, and a willingness to do whatever was necessary to meet the moment.

I offer special thanks to the District Clerk's Office and Jury Services staff for their tireless efforts in managing the enormous logistical demands associated with jury selection and trial administration. Their work ensured that citizens called to serve were treated with dignity and respect throughout the process.

I also wish to recognize the extraordinary efforts of the Collin County Sheriffs Office, whose deputies and leadership devoted countless hours to maintaining the safety and security of all participants while preserving the integrity and decorum of the judicial process.

My gratitude extends to the Texas Department of Public Safety and to our law enforcement partners from the McKinney, Allen, Frisco, and Plano Police Departments. Their collaboration, planning, and visible presence provided reassurance and protection to all who entered the courthouse.

I likewise thank the Collin County and McKinney Fire Marshal's Offices for their expertise and assistance in ensuring that appropriate safety protocols and emergency preparations were in place.

I would also be remiss if I did not recognize my fellow judges of Collin County. Throughout these proceedings, they modified already demanding schedules, adjusted their own dockets, and accommodated the unique needs of this case without hesitation. They understood that ensuring the orderly administration of justice in one courtroom often requires sacrifice and flexibility throughout the entire courthouse. Their willingness to loan members of their staffs, including their invaluable bailiffs, provided critical support and exemplified the collegiality, professionalism, and spirit of service that define our judiciary. I am deeply grateful for their friendship, cooperation, and steadfast commitment to our shared mission.

Most personally, I want to recognize the remarkable staff of the 296th District Court. Their long hours, attention to detail, patience under pressure, and steadfast commitment to public service were indispensable. They represented this Court and this county with excellence.

Finally, to everyone else who played a role—whether through planning meetings, operational support, communications, security preparations, technical assistance, administrative coordination, or simply a willingness to answer the call when needed—please know that your contributions mattered. The public often sees only the final product. I had the privilege of witnessing the countless acts of professionalism and teamwork that made that final product possible.

The administration of justice is one of our community's most solemn responsibilities. This trial demonstrated what can be accomplished when dedicated public servants from different offices and agencies work together toward a common purpose.

Regardless of title or assignment, each of you contributed to ensuring that the process was conducted fairly, safely, and with the dignity our citizens deserve.

It has been one of the great honors of my judicial career to serve alongside individuals of such character and professionalism.

On behalf of the 296th District Court, thank you for your service, your sacrifice, and your unwavering commitment to the people of Collin County.

With sincere appreciation,



Judge John Roach
296th Judicial District Court

Attachments

 [Judge Roach Thank You Letter](#)



Metro: (972) 424-
1460

[Website
Feedback](#)

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EXHIBIT 7

Email of Steve Stoler, Court-Appointed PIO, to Thelma Anderson
(June 5, 2026).

From: Steven Stoler <sstoler@co.collin.tx.us>
Date: Friday, June 5, 2026 at 8:31 PM
To: Thelma Anderson <info@tellalawyergroup.com>
Subject: Anthony Trial Media Coverage

Hi Thelma,

My name is Steve Stoler, The 296th District Court appointed yours truly as the Public Information Officer for the Anthony Trial.

I wanted to take the time to explain the process we followed for media coverage.

To set the stage, there are only about 70 seats in the courtroom. Obviously, with so much interest in the trial both locally and nationally, it is literally impossible to accommodate everyone. The prosecution gets 15 seats for family members. The defense gets 15 seats for their family members. The judge allocated only 9 seats for the media, including one for a courtroom sketch artist. Add court staff and that leaves about two dozen or so seats for the general public. As much as we dislike turning people down, we had no choice.

The Collin County Public Information Officer established an application process more than a month before the trial started. Then he left the County. I came in to pick up where he left off. The deadline for applications was May 20th. We received requests from all over the country from major media outlets, local media and a long list of social media influencers. We chose 8 media outlets for credentials on May 21st. We included the local television stations and newspapers who cover Collin County Courts on a regular basis. We felt that was the fairest route to take. We invited media members who were not approved for credentials to gain access with the general public on a first come first serve basis. We encouraged them to get in line early. Many of them, including some very well known names in the media world like the New York Post, Washington Post and NBC News waited in line with the general public and gained access to the trial.

There is no overflow room.

I'm sorry I can't be more positive about securing a media credential. I wanted to explain how we got to where we are.

I hope you understand.

Warm regards,

Steve

Steve Stoler, Court Appointed Public Information Officer

296th District Court

Judge John Roach, Jr.

EXHIBIT 8

Credentialing and access emails (redacted), arranged
chronologically (Sub-exhibits 8-A through 8-I).

EXHIBIT 8

Credentialing and Courtroom-Access Email Correspondence (Redacted)

Arranged chronologically. Sub-exhibits 8-A through 8-I.

- 8-A Collin County media portal (captured May 22, 2026)**
Media Request Intake Form — The County's public application portal. Request options expressly include "Overflow room access."
- 8-B April 29 & May 8, 2026**
Credentialing Correspondence — Derrick W. Jackson — The credentialing process was changed mid-stream; applicants were told prior submissions "[had] not transferred."
- 8-C May 20, 2026**
Media-Access Allocation — Steve Stoler, Court-Appointed PIO — The judge "allocated access to 9 members of the media," priority to "legacy" outlets; non-approved media were directed to the general public line "first come, first serve."
- 8-D May 20, 2026**
Independent-Journalist Inquiry — The credentialing call was presented publicly as a general call for credentials, then limited to established "legacy" outlets.
- 8-E May 25, 2026**
Overflow Room Eliminated — "There will be no overflow room during the trial."
- 8-F May 25–26, 2026**
Public Note-Taking Barred — Attributed to the Court — "As per Judge Roach, those who do not have media approval and gain access with the general public[] do not have approval to take notes."
- 8-G May 26, 2026**
Sheriff's Office Declines to State Access/Security Protocols — "The Collin County Sheriff's Office does not discuss security protocols, processes, or procedures."
- 8-H May 26 → 28, 2026**
Note Ban Confirmed, Then Reversed — "Note taking is only allowed for approved media," followed two days later by: "You WILL be allowed to take notes with pen/paper during the trial."
- 8-I May 29, 2026**
Overflow Room and Live Feed Announced for the Public — The PIO announced that the general public would "watch a live feed of the jury selection process from the Ceremonial Courtroom" (television monitors; audio provided; pen-and-paper notes permitted), and that once testimony

EXHIBIT 8-A

Media Request Intake Form

Collin County media portal (captured May 22, 2026)

The County's public application portal. Request options expressly include
“Overflow room access.”



Media Request Intake – Trial Coverage

Please complete this form to request media access, credentials, or logistical support for trial coverage. Submission does not guarantee approval. All requests are subject to court rules and credentialing criteria.

* Indicates required question

Outlet Name *

Contact Name *

Email Address *

Phone Number *

Media Type *

Request Type *

- Credential (Courtroom Access)
- Overflow room access
- Live Truck Parking
- Still Photography
- Interviews
- General Inquiry

Requested Dates

Special Requirements/Notes

A request number and a copy of your responses will be emailed to the address you provided.

Submission Date

Date and time will be captured on form submission

EXHIBIT 8-B

Credentialing Correspondence — Derrick W. Jackson

April 29 & May 8, 2026

The credentialing process was changed mid-stream; applicants were told prior submissions “[had] not transferred.”



Updated Media Credential Submission – Action Required for State v. Karmelo Anthony Trial

4 messages

Derrick Jackson <dwjackson@co.collin.tx.us>
To: "Public Relations ." <publicrelations@co.collin.tx.us>

Wed, Apr 29, 2026 at 10:53 AM

Dear Media Representative,

You are receiving this email because you previously submitted a request for media credentials for the upcoming *State v. Karmelo Anthony* trial, scheduled to begin on Monday, June 1, 2026.

We are writing to inform you of an important update to our credentialing process. While we previously accepted submissions through a Google Form, we have since implemented a new internal system to better manage and process media credentials.

Please note: This message is *not* a confirmation of credential approval. Your request is still under review. However, in order to move forward in the consideration process, **we require all applicants—including those who have already submitted—to complete the new internal form.**

It is important to understand that information submitted through the original Google Form has not transferred to this new system. As a result, **failure to complete the updated form may result in your application not being considered.**

Due to the volume of requests and the upcoming trial date, we ask that you complete this form as soon as possible to ensure timely review.

Please use the link below to provide your information:

[Media Request Intake – Trial Coverage - Form](#)

We appreciate your prompt attention to this matter and your cooperation as we transition to this improved system. If you have any questions, please do not hesitate to reach out.

Thank you,

Derrick W. Jackson

Government Information Coordinator

Collin County Administration Building

[2300 Bloomdale Rd., Suite 4156](#)

[McKinney, TX 75071](#)



Office:  | Cell: 

Email: dwjackson@co.collin.tx.us



Anthony MNT 00046

 **Order Regulating Trial Proceedings- FINAL.pdf**
166K

 < >
To: Derrick Jackson <dwjackson@co.collin.tx.us>

Fri, May 8, 2026 at 1:30 PM

I'm reaching out for a quick status update on my media application for the Karmelo Anthony trial (June 1).



As I finalize my travel and lodging for **Nique AT Nite**, I also wanted to ask for the court's latest estimate on the trial's duration. This will help me ensure my logistics are fully secured for the entire proceeding.

Thank you for your assistance.

Best regards,

 *Nique AT Nite*

[Quoted text hidden]

Derrick Jackson <dwjackson@co.collin.tx.us>
To:  < >

Fri, May 8, 2026 at 1:31 PM

The courtroom was made available today to local television affiliates solely for the purpose of capturing footage of the empty courtroom for potential use during the upcoming trial. The courtroom is empty during this designated window, and all access was coordinated directly through the Judge's Bailiff.

To avoid any confusion, this was not an open access opportunity, nor should participation today be interpreted as an indication that any media outlet has been selected or approved for trial credentials. No credentialing decisions have been made at this time.

The deadline to submit credential requests remains Wednesday, May 20. Final credentialing decisions will be communicated on Tuesday, May 26.

I hope this helps clarify the process and timeline moving forward.

Derrick W. Jackson

Government Information Coordinator

Collin County Administration Building

2300 Bloomdale Rd., Suite 4156

McKinney, TX 75071

 Office:  |  Cell: 

 Email: dwjackson@co.collin.tx.us

EXHIBIT 8-C

**Media-Access Allocation — Steve Stoler, Court-Appointed
PIO**

May 20, 2026

The judge “allocated access to 9 members of the media,” priority to “legacy” outlets; non-approved media were directed to the general public line “first come, first serve.”



Anthony Trial - 296th District Court

2 messages

Steven Stoler <[redacted]>
Bcc: [redacted]

Wed, May 20, 2026 at 8:09 AM

Dear friends,

The 296th District Court in Collin County has appointed yours truly as court appointed public information officer for the upcoming Anthony trial.

Please read the attached order regulating trial proceedings, media access, security and courtroom decorum. It clearly details the court's rules/protocol for the trial.

As you know, courtroom space is extremely limited. As a result, the judge has allocated access to 9 members of the media. That said, many of you who applied for access were not approved. We gave priority to "legacy" media outlets who cover Collin County and our courts on a regular basis.

The following organizations are approved for trial coverage. Those of you who were not approved for media access do have the ability to watch the trial as a member of the general public. Seating for the general public is on a first come, first serve basis. Doors will open at 8:50 AM for the public. If a media outlet attends as a member of the general public then the general public rules apply (see attached court order).

- Associated Press
- KDFW-TV
- KXAS-TV
- WFAA-TV
- KTVT-TV
- Dallas Morning News
- Community Impact
- The Daily Mail
- sketch artist (pool)

My email is: [redacted]
Cell: [redacted]

Warm regards,

Steve Stoler
Court Appointed Public Information Officer
296th District Court - Judge John Roach Jr.

Judges Order.pdf
414K

[redacted] <[redacted]>
To: Steven Stoler <[redacted]>

Wed, May 20, 2026 at 9:19 AM

Dear Mr. Stoler,

Thank you for the clarification regarding the selection criteria for the Anthony trial media access.

Cell: [REDACTED]

Warm regards,

Steve Stoler
Court Appointed Public Information Officer
296th District Court - Judge John Roach Jr.

EXHIBIT 8-D

Independent-Journalist Inquiry

May 20, 2026

The credentialing call was presented publicly as a general call for credentials, then limited to established “legacy” outlets.

While I respect the court's desire to work with established media partners, I have to be candid: the application process was presented to the public as a general call for credentials. It is difficult to understand why independent journalists were invited to apply if the selection criteria were strictly limited to "legacy" outlets with a pre-existing history at this courthouse. Many of us spent time preparing our credentials under the impression that the selection would be based on professional merit rather than a pre-existing footprint in this specific district.

As I still intend to cover these proceedings thoroughly, I want to ensure I am fully prepared to operate as a working professional within the public gallery. To that end, could you please clarify a few logistical points?

1. **Electronic Devices:** The Court's order stipulates that electronic devices may be permitted for note-taking purposes, subject to approval by the Court. What is the formal procedure for a working journalist in the public gallery to secure this approval so that I may use a tablet or laptop for silent note-taking?
2. **Queueing Protocols:** Having covered numerous high-profile trials, I know that unstructured "first-come, first-served" public queues for high-interest cases frequently devolve into disorder. When there is no objective system to verify arrival order, disputes are common. Given the heightened racial tensions surrounding this specific case, I am concerned that an unmonitored queue could create a flashpoint for confrontations that compromise courthouse security. To ensure we remain compliant with the rules prohibiting hallway congregation, what specific protocol will the Court or the Sheriff's Office employ to manage this line? Is there a designated, monitored area for the queue to prevent the chaos often associated with unstructured entry?
3. **Information Access:** As an independent journalist, I am committed to fair and accurate coverage. Is there a process or distribution list where those of us not granted "media" status can still receive press releases, schedule changes, or logistical updates throughout the trial?

My goal is to be a well-prepared observer who provides accurate reporting while respecting the decorum of the Court. I appreciate your time and your guidance on how to navigate these logistics.

Best regards,

On Wed, May 20, 2026 at 8:09AM Steven Stoler <[REDACTED]> wrote:

Dear friends,

The 296th District Court in Collin County has appointed yours truly as court appointed public information officer for the upcoming Anthony trial.

Please read the attached order regulating trial proceedings, media access, security and courtroom decorum. It clearly details the court's rules/protocol for the trial.

As you know, courtroom space is extremely limited. As a result, the judge has allocated access to 9 members of the media. That said, many of you who applied for access were not approved. We gave priority to "legacy" media outlets who cover Collin County and our courts on a regular basis.

The following organizations are approved for trial coverage. Those of you who were not approved for media access do have the ability to watch the trial as a member of the general public. Seating for the general public is on a first come, first serve basis. Doors will open at 8:50 AM for the public. If a media outlet attends as a member of the general public then the general public rules apply (see attached court order).

Associated Press
KDFW-TV
KXAS-TV
WFAA-TV
KTVT-TV
Dallas Morning News
Community Impact
The Daily Mail
sketch artist (pool)



From: [REDACTED] <[REDACTED]>
Sent: Friday, May 8, 2026 3:30 PM
To: Derrick Jackson <dwjackson@co.collin.tx.us>
Subject: Re: Updated Media Credential Submission – Action Required for State v. Karmelo Anthony Trial

**** **WARNING:** External Email. Do not click links or open attachments that are unsafe. ****

[Quoted text hidden]

[REDACTED] <[REDACTED]>
 To: Derrick Jackson <dwjackson@co.collin.tx.us>

Wed, May 20, 2026 at 2:35 PM

Dear Derrick,

Thank you for the clarification regarding the selection criteria for the Anthony trial media access.

While I respect the court's desire to work with established media partners, I have to be candid: the application process was presented to the public as a general call for credentials. It is difficult to understand why independent journalists were invited to apply if the selection criteria were strictly limited to "legacy" outlets with a pre-existing history at this courthouse. Many of us spent time preparing our credentials under the impression that the selection would be based on professional merit rather than a pre-existing footprint in this specific district.

As I still intend to cover these proceedings thoroughly, I want to ensure I am fully prepared to operate as a working professional within the public gallery. To that end, could you please clarify a few logistical points?

1. **Electronic Devices:** The Court's order stipulates that electronic devices may be permitted for note-taking purposes, subject to approval by the Court. What is the formal procedure for a working journalist in the public gallery to secure this approval so that I may use a tablet or laptop for silent note-taking?
2. **Queueing Protocols:** Having covered numerous high-profile trials, I know that unstructured "first-come, first-served" public queues for high-interest cases frequently devolve into disorder. When there is no objective system to verify arrival order, disputes are common. Given the heightened racial tensions surrounding this specific case, I am concerned that an unmonitored queue could create a flashpoint for confrontations that compromise courthouse security. To ensure we remain compliant with the rules prohibiting hallway congregation, what specific protocol will the Court or the Sheriff's Office employ to manage this line? Is there a designated, monitored area for the queue to prevent the chaos often associated with unstructured entry?
3. **Information Access:** As an independent journalist, I am committed to fair and accurate coverage. Is there a process or distribution list where those of us not granted "media" status can still receive press releases, schedule changes, or logistical updates throughout the trial?

My goal is to be a well-prepared observer who provides accurate reporting while respecting the decorum of the Court. I appreciate your time and your guidance on how to navigate these logistics.

Best regards,

EXHIBIT 8-E

Overflow Room Eliminated

May 25, 2026

“There will be no overflow room during the trial.”



URGENT: Logistical Compliance & Public Gallery Security Inquiry – State v. Anthony

11 messages

[Redacted] <[Redacted]>

Mon, May 25, 2026 at 8:48 AM

To: sstoler@co.collin.tx.us
Cc: JLPond@collincountytx.gov

Hi Steve,

I am writing to request a direct, individualized response to three critical logistical items regarding the *State v. Anthony* trial proceedings, which I am covering on the ground for **Nique AT Nite**.

Because your recent broadcast updates were sent to a general distribution list, they left several operational questions unanswered for independent journalists operating from the public gallery:

- 1. Electronic Device Approval:** Per Section 2, Page 2 of the Court's Amended Order, electronic devices are permitted for note-taking purposes subject to approval by the Court . As a working journalist sitting in the public gallery, what is the exact formal mechanism to secure this specific judicial approval prior to Monday morning so I can utilize my laptop or tablet silently ?
- 2. Overflow Room Access:** Line 19 of the county's official *Media Request Intake* portal explicitly allows applicants to request "Overflow room access." Is the Court actively utilizing an overflow room with a live video/audio feed for this trial? If so, what is the procedure for independent media to access it?
- 3. Queue Safety & Line Management:** Given the high-profile nature and heightened tensions surrounding this case, an unmonitored, first-come-first-served public queue presents a distinct security vulnerability. What specific protocols are the Court and the Collin County Sheriff's Office implementing to monitor the morning line, verify arrival order, and prevent disorder outside the main entrance?

As my travel and logistical footprints are fully finalized, I appreciate your immediate, direct answers to these items so I can ensure absolute compliance with the Court's decorum .

Best regards,

[Redacted] Journalist & Host, *Nique AT Nite* [Redacted]

texas media intake form.pdf
118K

Steven Stoler <sstoler@co.collin.tx.us>

Mon, May 25, 2026 at 10:05 AM

To: [Redacted] <[Redacted]>

Nique,
I apologize for the delayed response to your specific questions. I will get them answered as soon as possible. There will be no overflow room during the trial.
Thank you for your patience and understanding.
Warm regards,
Steve

Steve Stoler
Court Appointed Public Information Officer
296th District Court
Judge John Roach Jr.

From: [Redacted] <[Redacted]>

EXHIBIT 8-F

Public Note-Taking Barred — Attributed to the Court

May 25–26, 2026

“As per Judge Roach, those who do not have media approval and gain access with the general public[] do not have approval to take notes.”

To: Steven Stoler
Cc: Jessica Pond
Subject: URGENT: Logistical Compliance & Public Gallery Security Inquiry – State v. Anthony

***** **WARNING:** External Email. Do not click links or open attachments that are unsafe. *****

[Quoted text hidden]

Steven Stoler <sstoler@co.collin.tx.us>

Mon, May 25, 2026 at 10:46 AM

To: [REDACTED] <[REDACTED]>

Nique,
 Question #3 should be directed to the Collin County Sheriff's Office. They are responsible for security at the courthouse.
 Thank you,
 Steve

From: [REDACTED] <[REDACTED]>

Sent: Monday, May 25, 2026 10:48:05 AM

To: Steven Stoler

Cc: Jessica Pond

Subject: URGENT: Logistical Compliance & Public Gallery Security Inquiry – State v. Anthony

***** **WARNING:** External Email. Do not click links or open attachments that are unsafe. *****

[Quoted text hidden]

[REDACTED] <[REDACTED]>

Mon, May 25, 2026 at 11:28 AM

To: Steven Stoler <sstoler@co.collin.tx.us>

Cc: JLPond@collincountytx.gov, CCSOPIO@collincountytx.gov

Hi Steve,

Thank you for confirming that there will be no overflow room utilized for this trial. I look forward to your upcoming response regarding the formal mechanism for securing the Court's note-taking device approval per Section 2, Page 2 of the Order.

Sgt. Pond (CC'd), Per PIO Stoler's directive below, I am directing Question #3 to the Collin County Sheriff's Office.

Given the high-profile nature and heightened public tensions surrounding the *State v. Anthony* trial, what specific protocols is the Sheriff's Office implementing to monitor the morning public queue outside the main entrance, verify arrival order

starting at the 6:00 AM curfew lift, and prevent potential disorder before the doors open at 8:50 AM? Since there is no overflow room, who comes first and honoring first come first serve is crucial. How will this be handled to verify the safety of those of us standing outside in line for hours?

As an independent journalist managing on-the-ground coverage, I appreciate your insight into these safety measures so I can coordinate my team's arrival safely.

Best regards,

[REDACTED] Journalist & Host, *Nique AT Nite* ***

[Quoted text hidden]

Steven Stoler <sstoler@co.collin.tx.us>

Tue, May 26, 2026 at 5:48 AM

To: [REDACTED] <[REDACTED]>

Hi Nique.
 As per Judge Roach, those who do not have media approval and gain access with the general public, do not have approval to take notes.
 My apologies.
 Steve

EXHIBIT 8-G

**Sheriff's Office Declines to State Access/Security
Protocols**

May 26, 2026

“The Collin County Sheriff’s Office does not discuss security protocols,
processes, or procedures.”

From: [REDACTED] <[REDACTED]>
Sent: Monday, May 25, 2026 1:28:46 PM
To: Steven Stoler
Cc: Jessica Pond; CCSO PIO .
Subject: Re: URGENT: Logistical Compliance & Public Gallery Security Inquiry – State v. Anthony

[Quoted text hidden]

CCSO PIO . <ccsopio@co.collin.tx.us> Tue, May 26, 2026 at 7:48 AM
To: [REDACTED] <[REDACTED]>, Steven Stoler <sstoler@co.collin.tx.us>
Cc: "CCSO PIO ." <ccsopio@co.collin.tx.us>

The Collin County Sheriff's Office does not discuss security protocols, processes, or procedures.
Thank you.



Sergeant Jessica Pond, PIO

Public Information Section

Collin County Sheriff's Office

4300 Community Ave.

McKinney, TX 75071

[REDACTED] Main

[REDACTED] Direct

CCSOPIO@COLLINCOUNTYTX.GOV

[Quoted text hidden]

[REDACTED] <[REDACTED]> Tue, May 26, 2026 at 8:14 AM
To: Steven Stoler <sstoler@co.collin.tx.us>

Hi Steve,

Understood on the electronic devices and laptops.

To clarify on the note-taking itself: does Judge Roach's directive prohibit **traditional pen-and-paper note-taking** by members of the public gallery as well, or are physical notebooks and pens permitted inside?

I want to ensure absolute compliance with the physical decorum of the room on Monday morning.

Best regards,

[REDACTED] Journalist & Host, *Nique AT Nite*

[Quoted text hidden]

Anthony MNT 00059

EXHIBIT 8-H

Note Ban Confirmed, Then Reversed

May 26 → 28, 2026

“Note taking is only allowed for approved media,” followed two days later by: “You WILL be allowed to take notes with pen/paper during the trial.”

Steven Stoler <sstoler@co.collin.tx.us>

Tue, May 26, 2026 at 8:40 AM

To: [REDACTED] <[REDACTED]>

Note taking is only allowed for approved media.

From: [REDACTED] <[REDACTED]>

Sent: Tuesday, May 26, 2026 10:14:35 AM

To: Steven Stoler

[Quoted text hidden]

[Quoted text hidden]

Steven Stoler <sstoler@co.collin.tx.us>

Thu, May 28, 2026 at 8:02 AM

To: [REDACTED] <[REDACTED]>

Hi Nique!

I have an update for you.

You WILL be allowed to take notes with pen/paper during the trial.

Warm regards,

Steve

From: Steven Stoler

Sent: Tuesday, May 26, 2026 10:40:35 AM

To: [REDACTED]

[Quoted text hidden]

[Quoted text hidden]

[REDACTED] <[REDACTED]>

Thu, May 28, 2026 at 9:50 AM

To: Steven Stoler <sstoler@co.collin.tx.us>

Hi Steve,

Thank you for the update and the clarification on the note-taking protocols. I appreciate you looking into that for me.

See you at the courthouse.

Best,

[REDACTED]

[Quoted text hidden]

Steven Stoler <sstoler@co.collin.tx.us>

Thu, May 28, 2026 at 4:18 PM

To: [REDACTED] <[REDACTED]>

Looking forward to meeting you, Nique!

From: [REDACTED] <[REDACTED]>

Sent: Thursday, May 28, 2026 11:50:04 AM

EXHIBIT 8-I

Overflow Room and Live Feed Announced for the Public

May 29, 2026

The PIO announced that the general public would “watch a live feed of the jury selection process from the Ceremonial Courtroom” (television monitors; audio provided; pen-and-paper notes permitted), and that once testimony began the proceedings would continue “following the same procedures.”



nique laclaire <[REDACTED]>

Anthony Trial

1 message

Steven Stoler <sstoler@co.collin.tx.us>

Fri, May 29, 2026 at 2:25 PM

Dear friends,

For those of you who did not receive approved media access to the Anthony trial, you will have an opportunity to access the proceedings with the general public on a first come first serve basis.

Jury selection will begin at 9:00 Monday morning. The media and general public will have an opportunity to watch a live feed of the jury selection process from the Ceremonial Courtroom, located on the first floor of the courthouse. Television monitors will be set up there. There's a fixed camera in the jury pool room. You won't see much, but you will be able to hear the proceedings with the audio that's provided. As you know, there is no recording available and electronic devices are strictly prohibited. You will be allowed to bring in pen and paper to take notes.

Since general public access is first come first serve and space is limited, try to arrive as early as possible. The general public will enter the courtroom at 8:50AM.

Once testimony begins Thursday, the proceedings will take place in the 296th District Courtroom on the second floor of the courthouse, following the same procedures.

Thank you for your cooperation.

Warm regards,

Steve Stoler

Court Appointed Public Information Officer

296th District Court

State v. Karmelo Sincere Anthony — Cause No. 296-83565-2025
296th Judicial District Court, Collin County, Texas

EXHIBIT 9

Sgt. Davis conversation regarding admission of the media and the public
— cell-phone video, transcript, and authenticating affidavit.

*VIDEO EXHIBIT — the cell-phone video is filed conventionally on USB with a
Notice of Conventional Filing. The transcript and the authenticating
affidavit of Tametra Carter follow this sheet.*

Defendant's Motion for New Trial — Index of Exhibits

IMG_2912

[00:00:00] **Sergeant Davis:** Hey, I'm doing all right Sergeant Davis with Collin County Sheriff's Office. Hey. Um, is there a reason for you being here, right here?

[00:00:06] **Temetra Carter:** I was waiting for the... 'Cause I know y'all gon- So I didn't know how y'all was gonna do it today, so I wanna do, I wanna just follow however [00:00:15] y'all gonna do it to get in the courthouse.

[00:00:17] **Sergeant Davis:** Okay. You would have to follow the same thing what we tell everybody else. You can park anywhere else, but you cannot sit. You, this is a construction. In the, in the- Yeah.

[00:00:23] **Temetra Carter:** Okay.

[00:00:23] **Sergeant Davis:** Because-

[00:00:24] **Temetra Carter:** So just go down there to that church, how, how was

[00:00:26] **Sergeant Davis:** it sir? You can go to the church. You can go... I mean, it's up to the church to call on.[00:00:30]

[00:00:30] **Temetra Carter:** So are y'all letting media in, like y'all did yesterday?

[00:00:33] **Sergeant Davis:** Me- media is allowed at 4:30 only, um, with their proof of media license.

[00:00:39] **Temetra Carter:** Yeah, 'cause yesterday they had people that wasn't the media in there. Yes. We're

[00:00:42] **Sergeant Davis:** trying to fix that.

[00:00:43] **Temetra Carter:** Thank you so much [00:00:45] 'cause-

[00:00:45] **Sergeant Davis:** But it is really hard to

[00:00:47] **Temetra Carter:** determine ... I was here at 4, I was here at 4:30 and I'm the first person in line, and I go in and they, it's already a 23- Yeah, we're, we're trying to-

[00:00:55] **Temetra Carter:** 27 people in the public line. Yeah. So I'm like, "Oh my God."

[00:00:58] **Sergeant Davis:** I understand. And it, [00:01:00] it's really hard for us to determine who's what, and they, people print out whatever and make themselves like they are media, and it's hard for us to determine that.

[00:01:08] **Temetra Carter:** Right.

[00:01:08] **Sergeant Davis:** But I would recommend either the, the church there, there's also, uh, Life Path there.

[00:01:14] **Sergeant Davis:** [00:01:15] Um...

[00:01:16] **Temetra Carter:** And then we come in, come up at f- uh, 5:30. 6.

[00:01:19] **Sergeant Davis:** At 6? 6 is when they allow civilians to come in, non-media people. Okay. However, like I said, it's really hard. You can circle back and kinda keep driving up and down and see what's going on. But we [00:01:30] are only allowing media at 4:30, 'cause they come on at 5:00- Yeah

[00:01:33] **Temetra Carter:** um,

[00:01:34] **Sergeant Davis:** to do their live

[00:01:35] **Temetra Carter:** whatever. 'Cause I just noticed like 27, 27 people in the public line. Yes. And I was the first one in the gate, and I'm like, "So how'd they-" Right. So they must have come in as media. [00:01:45]

[00:01:45] **Sergeant Davis:** I, I'm assuming so. I don't know. I wasn't here yesterday.

[00:01:47] **Temetra Carter:** But today y'all checking badges.

[00:01:49] **Sergeant Davis:** They, they should be.

[00:01:50] **Sergeant Davis:** I don't know. Um, that is what we were told. We're supposed to check for media, and it's hard for us to even check badges. Sometimes they'll show us just cameras, and that's what we have to [00:02:00] go with. I don't know. It's hard to determine. '

[00:02:02] **Temetra Carter:** Cause if that's the case, I'm an independent journalist 'cause I could, I report on my, on my channel and my stuff.

[00:02:09] **Sergeant Davis:** Yeah. That's, that's including the, um-

[00:02:12] **Temetra Carter:** Independent journalism ...

[00:02:13] **Sergeant Davis:** right. Like, your TikTok and all [00:02:15] that. No, that's not what we're allowing in. Mm-hmm. We're doing just media media, not like- Yeah, '

[00:02:19] **Temetra Carter:** cause I seen a couple of them- Not saying that you're not important. That's not- Uh, a couple of them in there that are independent, and they got in first.

[00:02:25] **Sergeant Davis:** Yeah. I'm not sure how that's, that's all happening. But I know for sure we are trying to keep people out [00:02:30] until 6:00 AM. Even media, we were trying to do that, but some of them have, um, gotten approval.

[00:02:39] **Temetra Carter:** Okay.

[00:02:40] **Sergeant Davis:** I don't know how. I don't know what. From what I know, 4:30 is only media. [00:02:45] 6:00 AM is, um, p- Uh, what you call it?

[00:02:49] **Sergeant Davis:** Um, rest of the civilians, but that's- So

[00:02:52] **Temetra Carter:** I'ma be, me and that white car that just drove off, we gonna be the first ones. And it sh- it, I'm hoping that there don't be a line, 'cause [00:03:00] yesterday I was like, "How they, they even get in?" Yeah. So I'm guessing-

[00:03:03] **Sergeant Davis:** We're trying to hold off people leaving, lining up up there.

[00:03:06] **Temetra Carter:** Okay.

[00:03:06] **Sergeant Davis:** That, that's, that's our biggest issue- Okay ... because they were lining up before 6:00 AM. Yeah, that's

[00:03:10] **Temetra Carter:** what happened.

[00:03:10] **Sergeant Davis:** Right. So we're gonna keep them off- Okay ... the pathway. Uh, [00:03:15] and everybody's gonna have to line up-

[00:03:16] **Temetra Carter:** At si- at 6:00 ... at 6:00,

[00:03:17] **Sergeant Davis:** and you guys get there.

[00:03:19] **Temetra Carter:** See, that's, that's the point. That's what we're shooting for.

[00:03:20] **Temetra Carter:** Like, everybody remain in they car until 6:00. Until 6:00. And we can run up there and see who get there first, but hopefully no- Hopefully nobody

[00:03:27] **Sergeant Davis:** gets trampled over, right.

[00:03:27] **Temetra Carter:** Yeah, no pushing, no shoving.

[00:03:29] **Sergeant Davis:** Right. Exactly. You know,

[00:03:29] **Temetra Carter:** [00:03:30] we're not gonna do that. 'Cause,

[00:03:30] **Sergeant Davis:** yeah, let's hope not.

[00:03:31] **Temetra Carter:** Right.

[00:03:32] **Sergeant Davis:** Um, but yes. I, I would recommend- Hey

[00:03:34] **Sergeant Davis:** going up, yeah ...

[00:03:35] **Temetra Carter:** that window don't go down.

[00:03:36] **Sergeant Davis:** You're fine. Um, rec- anywhere else, if you need to drive up and down periodically, by all means.

[00:03:42] **Temetra Carter:** Um, I'll stay back there.

[00:03:43] **Sergeant Davis:** Yeah,

[00:03:43] **Temetra Carter:** either

[00:03:43] **Sergeant Davis:** way.

[00:03:44] **Temetra Carter:** I, I... That's fine. Yeah. [00:03:45] I'll stay back there at the

[00:03:46] **Sergeant Davis:** church. But there's plenty of places for you to park. Just hang out there, and then- Yes, ma'am

[00:03:48] **Sergeant Davis:** you can even drive by and make a look and be like, "Okay, well, they're letting cars in," you know, whatever it is. I don't- Yes, ma'am. 6:00 AM is when it's supposed to be, but I don't... Again, I'm just following the rules as well, okay?

[00:03:59] **Temetra Carter:** Yes,

[00:03:59] **Sergeant Davis:** ma'am. [00:04:00] Okay. That's

[00:04:00] **Temetra Carter:** fine.

[00:04:00] **Sergeant Davis:** Thank you so much. I will... You're welcome.
[00:04:15] [00:04:30] [00:04:45] [00:05:00]

[00:05:11] **Temetra Carter:** Today [00:05:15] [00:05:30] [00:05:45]

[00:05:47] **Temetra Carter:** Okay, so they got me, they got me lining up doing the same thing that they claim- that, that, that we did yesterday. The same thing. So [00:06:00] I'm hoping I get in. It was a white Jeep that was, that was parked in Kylie Jenner parking lot like me, but y'all heard what she said. So now today it's supposed to [00:06:15] be no lining up until 6:00.

[00:06:17] **Temetra Carter:** So I'ma go up there around maybe 5:30, and I'm gonna ask her, "So where are we lining up? Are we lining up in the courthouse or on that little walkway [00:06:30] like we did yesterday?" If it's the walkway, I'm shooting there fast as I can. I'ma try to run real fast. I'm sure I can run faster than some people. I'm sure.

[00:06:44] **Temetra Carter:** I'm hope- [00:06:45] I'm hoping. I'm hopeful. So...
And I'ma try to be one of the first ones in the parking lot so I can get the closest
parking. So yeah, we'll see

CAUSE NO. 296-83565-2025

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

AFFIDAVIT OF TAMETRA CARTER AUTHENTICATING VIDEO RECORDING
AND TRANSCRIPT OF CONVERSATION WITH SERGEANT DAVIS

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned authority, on this day personally appeared Tametra Carter, who,
being by me duly sworn, deposed and stated:

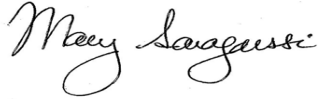
- 1. My name is Tametra Carter. I am over the age of eighteen years, of sound mind, and in
all respects competent to make this affidavit. I have personal knowledge of the facts stated
herein, and they are true and correct.
2. On or about June 6, 2026, during the trial of State v. Karmelo Sincere
Anthony, I was present at the Collin County Courthouse seeking to attend the proceedings.
While there, I had a conversation with a Collin County Sheriff’s Deputy who identified herself as
Sergeant Davis concerning the admission of the media and the public to the trial, including the
times at which media and members of the public were permitted to line up and enter.
3. I recorded that conversation on my cellular telephone as it occurred. The video file,
identified as “Tametra Carter,” is a true and accurate recording of that conversation, and it has
not been altered, edited, or modified in any way. A copy of that recording is filed conventionally
with the Clerk of this Court on a USB flash drive as an exhibit not amenable to electronic filing.
4. I have reviewed the written transcript prepared from that recording. I compared the
transcript against the recording, and the transcript is a true and accurate transcription of the
conversation, with the speakers correctly identified as Sergeant Davis and me (Tametra Carter).
5. The transcript is offered as an aid to the recording and not as a substitute for it. To the
extent any discrepancy exists between the transcript and the recording, the recording controls.

FURTHER AFFIANT SAYETH NAUGHT.

[Handwritten signature in blue ink]
Tametra Carter, Affiant

State of New York
County of Kings

SWORN TO and SUBSCRIBED before me by Tametra Carter on this 6th day of July, 2026.
This electronic notarial act involved a remote online appearance involving the use of communication technology.



Notary Public

Notarized online using audio-video communication technology

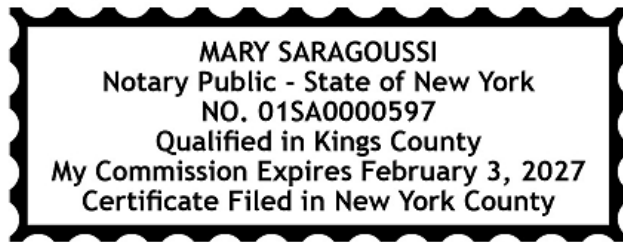


EXHIBIT 10

Affidavit of trial counsel Mike Howard (signed and notarized).

CAUSE NO. 296-83565-2025

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

AFFIDAVIT OF MIKE HOWARD

STATE OF TEXAS §
COUNTY OF DALLAS §

BEFORE ME, the undersigned notary public, on this day personally appeared Mike Howard, who, being by me duly sworn, deposed and stated as follows:

1. I, Mike Howard, am at least 18 years of age, of sound mind, and I am competent and qualified to make this affidavit. I have personal knowledge of the facts stated herein and that they are true and correct. I declare that:
2. I was the trial counsel – supported by second-chair co-counsel Toby Shook, third-chair co-counsel Tasha Gupta, and briefing/appellate co-counsel Michael Mowla – who represented Karmelo Anthony in cause number 296-83565-2025. Leading up to the June 1, 2026, trial of this case, the defense and prosecution reached an agreement where the prosecution and defense jointly agreed to not raise any alleged character, reputation, or extraneous offense(s)/bad act(s) evidence relating to Mr. Anthony as well as Austin Metcalf and Hunter Metcalf during the trial (hereinafter referred to as the “agreement”).
3. The lead prosecutor in the case, Bill Wirskye, brought up the possibility of the agreement a number of times well before the agreement was discussed in detail and eventually reached. When mentioning a proposed agreement, Mr. Wirskye proposed that we “try the case clean” which he defined as “based only on what happened under the tent that day” (under the Memorial High School tent at Kuykendall Stadium on April 2, 2025) and not go into character, reputation, or extraneous offense and/or bad act evidence applicable to either Austin and Hunter Metcalf or Karmelo Anthony.
4. On May 5, 2026, Mr. Shook and Mr. Wirskye discussed this proposed agreement by phone. During that phone call, Mr. Shook and Mr. Wirskye discussed the evidence of character, reputation, and extraneous offense/bad conduct as it applied to both the Metcalf twins and Karmelo Anthony. Mr. Wirskye reiterated that he would be “happy to try this without getting into character at all, just on what happened the day of the track meet.”

5. On May 8, 2026, the defense and prosecution teams met in the Collin County grand jury room. The prosecution team gave us a document entitled “State’s Notice of Intent to Use Extraneous Offenses” (hereinafter “State’s notice”) and we gave to them a document entitled “Anthony’s Motion in Limine Regarding the Admissibility of Pertinent Character-Trait Evidence, Evidence under the ‘Ambiguous Aggressor Rule’, and Evidence under Tex. Code Crim. Proc. Art. 38.36” (hereinafter “Defense notice”). After tendering to each other our respective extraneous filings/briefings, we then discussed the proposed agreement, which Mr. Wirskye referred to as a “gentlemen’s agreement.” Mr. Wirskye outlined the proposed agreement as follows: both sides try the case without character, reputation, or extraneous evidence for either the Metcalf twins or Karmelo Anthony, and “just try the case based on what happened under the tent” (and during another description during that meeting, “what happened on the day of the incident”). Seeking clarification, I asked, and Mr. Wirskye confirmed, that this would mean that the defense would not go into evidence relating to the Metcalf twins’ character, reputation, and extraneous offense(s)/act(s) related to violence and bullying (inclusive of discipline and writeups in the Metcalf twins’ school records within this framework) as well as racism; in exchange, the prosecution would not go into character, reputation, and extraneous offense(s)/act(s) evidence relating to Karmelo Anthony (inclusive of the contents of Karmelo Anthony’s cell phone and school disciplinary records). At this meeting, I sought clarification on how this agreement would work practically, specifically, how to handle the possibility of “opening the door” to this evidence from either side. During this meeting, Mr. Wirskye repeatedly expressed his concern that the defense would “kick open its own door” by asking questions of witnesses that would delve into issues restricted by the agreement. I asked about specific statements made by witnesses interviewed by police (and captured by video) on the day of the incident, where those witnesses discussed the Metcalf twins being “passionate,” “triggered,” and “not tolerating being disrespected,” et cetera. Mr. Wirskye eventually agreed that questions narrowly tailored to ask about specific statements the witnesses made to police about the incident under the tent on April 2, 2025, (including statements just described about the mindset and actions of the parties involved in the incident) would not constitute “kicking open your own door” and thus would not violate our proposed “agreement.” During this meeting, we discussed the terms of the agreement being that testimony from eye witnesses from under the Memorial tent on April 2, 2025, and who were discussing the facts of what happened under the Memorial tent on April 2, 2025, would be permissible, and that neither side would go into character, reputation, or extraneous evidence for either the Metcalf twins or Karmelo Anthony. During this meeting, I also asked about the agreement regarding the possibility of the defense calling experts. The prosecutors only discussed how the agreement would apply to defense experts during the sentencing phase, so I asked how the possibility of the defense calling experts to testify during the guilt/innocence phase would impact the proposed agreement. The prosecutor team replied that they had not considered us calling experts to testify during the

guilt/innocence phase. They stated that if the defense called experts to testify regarding Mr. Anthony's epilepsy or about a "fight or flight" response, they considered expert testimony "like that" to violate the agreement and thus open the door to character, reputation, and extraneous offense/act evidence.

6. On May 11, 2026, Mr. Wirskye, Dewey Mitchell, Mr. Shook, and I discussed the proposed agreement again by phone. I informed the prosecution that we had an informal agreement on the proposed agreement but that we needed to have a final conversation with Mr. Anthony and his parents to confirm the final agreement. During this phone conversation, Mr. Wirskye confirmed that the agreement would extend to the sentencing phase of trial as well. Mr. Wirskye said that would mean that, in accordance with the agreement, the prosecution would quickly rest its sentencing case-in-chief without going into any of the allegations listed in the State's notice. Mr. Wirskye said, however, that he would not allow a "false impression" to be presented to the jury by a defense witness (and that if such a thing occurred, he would respond by going into character, reputation, and extraneous evidence from the State's notice). After the defense asked about an Anthony family member testifying at sentencing, Mr. Wirskye agreed that the agreement would cover Mr. Anthony's mother testifying "to the standard, 'I love my son, please show him mercy' type testimony," but no further.
7. On May 21, 2026, the defense and prosecution teams met with Judge Roach in his chambers. During that meeting, both sides explained the agreement to the judge, describing it again as both sides agreeing not to go into "character, reputation, or extraneous evidence as it applies to both sides during both guilt/innocence and sentencing phases, as long as no doors are opened or false impressions given." We agreed that the best way to document such an agreement would be for the defense to draft and file a motion in limine applying to character, reputation, and extraneous evidence applicable to all witnesses (so it would cover both the Metcalf twins and Mr. Anthony, but if made public, would not trigger reporting in the media about "bad act" evidence specific to certain witnesses, thus endangering a fair trial). On May 21, 2026, I drafted the motion in limine as described above and sent it to Mr. Wirskye by email (it was hand-delivered to the judge on the opening day of trial).

The Defense's Understanding of the Agreement

8. The defense understood the agreement with the prosecution to cover all witnesses who could be called to testify by either the prosecution or defense about the incident that occurred between Mr. Anthony and the Metcalf twins and their teammates under the Memorial tent on April 2, 2025. As every description by Mr. Wirskye described the agreement to allow for testimony about "what happened under the tent" and Mr. Anthony was obviously a witness to "what happened under the tent." by the plain meaning of the language Mr. Wirskye repeatedly used, the defense always understood the agreement to cover Mr. Anthony's potential testimony just as it would any other eyewitness to the

incident under the tent on April 2, 2025. Following the plain meaning of Mr. Wirskye's words in describing the agreement, the defense understood the agreement to cover testimony by eyewitnesses such as the Memorial students underneath the tent at the time of the incident, Hunter Metcalf, students outside the Memorial tent who looked over and witnessed the incident, and Karmelo Anthony.

9. This understanding of the agreement was further confirmed by events that occurred after the motion in limine memorializing the agreement was drafted and tendered to the prosecution. On May 29, 2026, after a meeting with Judge Roach, the prosecution, and the defense to discuss how trial security would be handled, the parties discussed the timing of the state's case-in-chief and when the defense's case-in-chief would start. Mr. Wirskye informed the court and defense that he estimated it would take three days for the state to present its case-in-chief (which would have ended sometime on Saturday, June 6, 2026). In response, I voiced concern to the judge in front the prosecution team that some of the witnesses the defense anticipated calling to testify were unavailable on Saturday, June 6th. I explained that, like in any case, I would not know until the final moment whether we would call our client for sure, but that if the prosecution rested sometime Saturday and the judge forced us to call witnesses immediately on Saturday, I may not have enough witnesses available to fill up a full day of testimony Saturday. I explained that, if this happened, it would force me to call my client out of order (the defense plan was to call all our fact witnesses first to establish certain facts and then conclude by calling our client to testify as our last witness).
10. On Friday, June 5, 2026, (the second day of testimony during the state's case-in-chief), I checked in with Mr. Wirskye about how he was proceeding and whether he would end up taking more or less time to present his case-in-chief than he had initially estimated. Mr. Wirskye informed me that he was moving more quickly than he had initially estimated, so the prosecution was on track to rest its case-in-chief midday Saturday. In this conversation with Mr. Wirskye, I again brought up the fact that several defense witnesses were unavailable on Saturday and, if the judge proceeded with his plan to force the defense to call witnesses immediately upon the prosecution resting in order to have a full day of testimony on Saturday, we might be forced to call our client out of order. This time, I did not preface this statement with the perfunctory "like in any case, I won't know if I am going to call my client at the last minute" because I was not on the record and was speaking frankly with opposing counsel. I was very plain about the defense's intention to call Mr. Anthony to testify and how the judge's proposed schedule requirements were going to force us to call Mr. Anthony out of order. I don't independently recall what time on Friday, June 5th this conversation with Mr. Wirskye occurred, but it must have occurred just before noon because I then sent an email to Michael Mowla describing the problem we were facing and asking Mr. Mowla to draft a brief for us to argue to the judge that he couldn't force us to call our client out of order.

11. Throughout the morning and early afternoon of Saturday, June 6th, Mr. Shook and I repeatedly checked in with Mr. Wirskye to get updated estimates of when he might rest his case-in-chief, each time referring to how the judge's plan was going to force us to call our client out of order.
12. Besides the defense team repeatedly mentioning in front of Mr. Wirskye and the rest of the prosecution team that we intended to call our client to testify (even if it meant it would be out of order), Mr. Wirskye's own actions and arguments made it clear that he knew full well that we intended to call Mr. Anthony to testify. Even before both sides tendered their notices of and arguments in favor of the admissibility of character, reputation, and extraneous evidence pertaining to the other side's witness(es), Mr. Wirskye made references to understanding that the defense sought to introduce character and reputation evidence about Austin and Hunter Metcalf that was uncommunicated/unknown to Mr. Anthony, via the "ambiguous aggressor rule" from *Torres v. State*, 71 S.W.3d 758 (Tex. Crim. App. 2002). The ambiguous aggressor rule and the admissibility of uncommunicated character and reputation evidence of the decedent in a murder case are all part of a self-defense argument. *Torres* discusses in depth how the ambiguous aggressor rule allows the defense to put on uncommunicated character and reputation evidence before or after the defendant testifies. Mr. Wirskye repeatedly brought up *Torres* in discussions with the defense team in the months leading up to the trial, stating that while he thought the judge would "rule correctly" and not allow the evidence, he conceded that character evidence could be allowed. This repeated discussion of *Torres* and how it may apply to the trial showed that Mr. Wirskye was well aware of at least the possibility of Mr. Anthony testifying in order to argue self-defense. This was the entire purpose of the "agreement," in that it provided value to the prosecution (limiting the defense from presenting damaging character and reputation evidence against Austin and Hunter Metcalf), and the defense. From the defense's perspective, the entire agreement centered around the defendant testifying without impeachment by character, reputation, and extraneous evidence in exchange for the defense not seeking to introduce character, reputation, and extraneous evidence against the Metcalf twins. Furthermore, any competent criminal trial lawyer knows that for a self-defense argument to have any chance of succeeding, the defendant must testify. For all these reasons, the defense always understood the agreement to include Mr. Anthony's testimony free of impeachment by character, reputation, and extraneous offense/bad act evidence, just like every other witness either side could call to testify about what happened "under the tent that day."

The Defense's Reliance on the Agreement

13. Throughout the trial, the defense revised its trial strategy in reliance upon the agreement. Absent the agreement, the defense intended to cross-examine each Memorial student witness the prosecution called about Austin and Hunter Metcalf's character and reputation for violence, for being bullies, and for racism. The defense also intended to cross-examine

these witnesses about various statements they had made to the police on April 2, 2025, regarding Austin and Hunter Metcalf being easily “triggered,” “having a loud mouth,” being “passionate,” not allowing themselves to be “disrespected.”

14. Some specific examples include:

“[Austin’s] a really big guy” and “he’s kind of like the aggressive guy on the team.”

“[Austin] got the same way that he got during the altercation, is the same way he got with some of us,” and “the Melo kid something or whatever and then he just, Austin kind of got triggered.”

“Austin and Hunter they’re not going to let you disrespect them;” and “Austin...he’s like a big guy so nobody really wants to fight him;” and “Austin’s really a passionate guy,” and Jose told police about Austin’s history of fighting and almost getting kicked off the football team for fighting.

“I’ve known Austin for a while and if Austin is about to get into a fight, you can tell.”

“[Austin] can be a bit aggressive at times” and “he has a bolder mouth sometimes.”

15. If the prosecution did not call any of these witnesses, the defense was ready to call them during the defense’s case-in-chief and question them as hostile witnesses. Furthermore, the defense intended to call witnesses familiar with Austin and Hunter Metcalf’s reputation for violence and bullying. The defense intended to call witnesses who themselves were victims of the Metcalf twins’ violence and bullying. The defense intended to question Memorial High School teachers about the Metcalf twins’ disciplinary history contained in their school records which corroborated their character for violence and bullying. And finally, the defense intended to elicit testimony about the Metcalf twins’ arrest for racist graffiti.
16. In good faith reliance upon the agreement, the defense did none of this. The defense even limited its questioning of witnesses about statements they had made about the Metcalf twins (being “triggered”, “having a loud mouth”, being “passionate,” et cetera) that had been deemed to be allowed under the agreement in an abundance of caution to avoid opening the door. Furthermore, because the prosecution had made it very clear that the defense calling any psychology-related expert would open the door to character, reputation, and extraneous evidence pertaining to Karmelo, the defense chose not designate any experts and ultimately chose not to call as a witness a neuropsychologist to discuss how Mr. Anthony’s epilepsy impacted his perception of threat and response (as that is relevant to self-defense) and a forensic psychologist to discuss both brain development of a 17-year-old, as well as the “fight or flight” response as it applied to Mr. Anthony’s actions.

17. As a result of this revision in defense strategy, the defense did not go into these subjects during voir dire or opening statement. Without such an agreement (or if the defense had suspected that the state would violate the agreement), the defense would have explored these subjects during voir dire and would have introduced these topics during its opening statement.
18. In sentencing, in reliance upon the agreement, the defense did not designate an expert who was ready to testify regarding mitigation (i.e., a risk assessment and psychological profile of Mr. Anthony). Furthermore, in reliance upon the agreement, the defense severely limited its available character witnesses to just 3 questions of Mr. Anthony's mother which had been previously agreed upon by the prosecution. Other than general character testimony and pleas for mercy, in reliance upon the agreement, the defense also did not go into substantial family violence Mr. Anthony had witnessed and been a victim of in his home.

Notification of Breach of the Agreement

19. On Saturday, June 6, 2026, after the prosecution rested its case-in-chief, the defense called witnesses Adam Linwood, Jeremiah Smith, and Jose Andres Ramos Mora before ending the day in the late afternoon/early evening.
20. On Monday, June 8, 2026, the defense resumed its case-in-chief, calling Brendan Stephens and Brennen Lacey. The defense's next planned witness, _____ had been avoiding the defense's subpoena and kept changing the time he told us he would arrive at the courthouse. Accordingly, after Mr. Lacey's testimony, we took a break at 10:50 am to see if _____ had arrived.
20. During the 10:50 am break, in the back hallway outside the judge's chambers, the Judge asked us for an update about timing (how many more witnesses, et cetera). I explained that the next witness the defense had planned to call was a Centennial High School coach. Mr. Wirskye asked what the coach would testify to that did not pertain to Mr. Anthony's character. I explained that this coach had witnessed Mr. Anthony's seizures, so he would testify about Mr. Anthony's epilepsy based on his personal knowledge. Mr. Wirskye then argued that testimony about epilepsy was irrelevant at guilt/innocence and, to the extent it was relevant, would open the door to character, reputation, and extraneous evidence against Mr. Anthony (in plain terms, it would breach the agreement). I stated that I disagreed (explaining how it was relevant to Mr. Anthony's state of mind pertaining to self-defense and that it did not relate to character, reputation, or extraneous evidence in any way), but Judge Roach agreed with Mr. Wirskye that he thought testimony about epilepsy was not relevant during guilt/innocence and would open the door to character, reputation, and extraneous evidence. Based on this, I informed the court that I would not call the coach and that I anticipated having one or two more witnesses before I would call Mr. Anthony. In response to the judge's question about likelihood of Mr. Anthony testifying, I told the

judge that we would need to confer with Mr. Anthony about his 5th Amendment decision regarding testifying, but that I was 99% sure that he would, in fact, testify.

21. After the break, back in court before the jury, to give [redacted] more time to arrive at court, we then called Frisco Police Department Detective Riley to testify. After Detective Riley finished testifying, I then decided not to call [redacted] as a witness, and we broke for lunch early around 11:17 am, and the prosecution and defense teams stayed behind to talk to the judge outside the jury's presence.
22. On the way back to chambers, Mr. Wirskye mentioned to Mr. Shook that – from his perspective – I had already opened the door to character, reputation, and extraneous evidence pertaining to Mr. Anthony by saying that Mr. Anthony “was a member of the chess club” during my opening statement (I did not say anything about a chess club at any time; during my opening I said that Mr. Anthony played chess during my background description of him and his hobbies). Mr. Wirskye also stated that – from his perspective – the agreement did not cover “a testifying defendant.” Mr. Shook alerted me, and Mr. Wirskye, Mr. Mitchell, Mr. Shook, and I stood in the well of the courtroom and Mr. Wirskye repeated these statements, adding that the prosecution never thought that the defense would call Mr. Anthony to testify. Back in the judge's chambers, Mr. Wirskye repeated his assertion that the agreement between the prosecution and defense “never contemplated a testifying defendant.” He elaborated, stating that he had never thought we were calling Mr. Anthony as a witness. He also repeated his claim that I had already “violated the agreement” during my opening statement by saying that Mr. Anthony was a member of the chess club. It is important to note that this was the first time Mr. Wirskye mentioned that he believed I had violated the agreement days earlier by mentioning that Mr. Anthony played chess during my opening statement. Although the prosecution and defense teams had conferred many times throughout the prosecution's case-in-chief about various issues, this was the first time Mr. Wirskye brought up this assertion.
23. Judge Roach told both the prosecution and defense teams that my mentioning chess during the opening statement definitely did not open the door to character, reputation, and extraneous evidence applicable to Mr. Anthony. The parties argued about whether the agreement between the parties covered Mr. Anthony's testifying. The prosecution repeated their position that it did not, and that if we called Mr. Anthony to testify, character, reputation, and extraneous evidence pertaining to Mr. Anthony were in play. Furthermore, Mr. Wirskye stated at that time that, the prosecution already having rested, character, reputation, and extraneous evidence pertaining to Austin and Hunter Metcalf was not relevant. When Mr. Shook and I mentioned the ambiguous aggressor rule from *Torres*, Mr. Wirskye argued that *Torres* did not apply because it was not ambiguous who the first aggressor was; that the first aggressor was clearly Austin Metcalf. At this point, the discussion devolved into a shouting match.

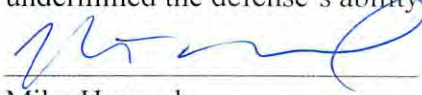
Impact on the Defense Case

24. After the breakdown of the agreement, the defense and prosecution teams agreed to take 10 minutes to cool off before attempting to renegotiate parameters for how the agreement could extend to Mr. Anthony's testimony, should the defense now choose to call him. After the 10-minute cooling-off period, Mr. Wirskye and I met in open court (outside the presence of the jury and without the public in the room) to discuss possible parameters for the agreement covering Mr. Anthony's testimony. Given Mr. Wirskye's expansive view of what he considered would open the door to character, reputation, and extraneous evidence pertaining to Mr. Anthony – especially his repeated claim (even after the judge stated otherwise) that even my mention of playing chess opened the door to character – I resolved that my only choice was to go over my planned outline of Mr. Anthony's direct examination line by line with Mr. Wirskye to determine what would and would not, in Mr. Wirskye's view, open the door. I have never taken such a drastic step of previewing my strategy and even my questions with a prosecutor, but as a defense team, we agreed that we had no other option if we wanted to try to reach an agreed understanding with Mr. Wirskye of how the renegotiated agreement would cover Mr. Anthony's testimony.
25. As I went through my outline with Mr. Wirskye standing, reading the outline over my shoulder, Mr. Wirskye declared various subjects that, in his view, would open the door to character, reputation, and extraneous evidence pertaining to Mr. Anthony. During this discussion, Mr. Wirskye repeated his claim that my earlier mention of chess opened the door. While I disagreed with all of Mr. Wirskye's assertions of subjects that would open the door, I agreed to cut them from my questioning in the hopes of salvaging the agreement to keep Mr. Anthony's extraneous offenses out if he testified. At the end of this discussion, with the understanding that Mr. Wirskye would extend me leeway to lead Mr. Anthony more than normal through certain aspects of the testimony in an abundance of caution to avoid opening the door, Mr. Wirskye and I informed Judge Roach that we had come to an agreement as to how the renegotiated agreement would cover Mr. Anthony's testimony. We then summarized the process we had just gone through and our renegotiated agreement on the record.
26. Prior to breaking to allow the defense to retire to the defense room to discuss the issue with Mr. Anthony and his parents, Judge Roach informed us that he was aware of no mechanism at his disposal to enforce the agreement between the parties. Furthermore, Judge Roach informed us that he saw no way for Mr. Anthony to testify without the door being opened (for example, if he said that he brought the knife by accident or said that he was scared, et cetera, that this would almost certainly open the door to character, reputation, and extraneous evidence of some sort). To clarify the issue, I proposed the hypothetical scenario that if Mr. Wirskye claimed that the agreement had been breached in some way, if I and even the judge felt that Mr. Wirskye was operating in bad faith, that the judge was stating that he could not enforce the agreement, would have to make a ruling based on the

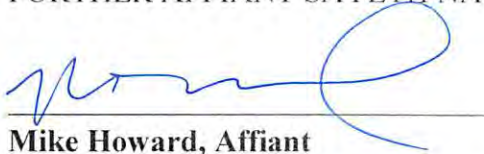
Texas Rules of Evidence alone, and that in all likelihood the door would have been opened. Judge Roach confirmed that this was the case. We then broke to discuss the issue with our client. Judge Roach gave us approximately 10 minutes to explain the breakdown of the agreement and the proposed resolution with our client before the judge brought Mr. Anthony in for an on-the-record admonishment.

27. During the initial (pre-admonishment) meeting with Mr. Anthony and his parents, I did my best to explain everything that had just happened (with the help of Mr. Shook and Ms. Gupta). We then returned to the courtroom for Judge Roach to admonish Mr. Anthony about his 5th Amendment rights and also to explain that if he testifies, Judge Roach believed he had no mechanism to enforce the agreement between the parties and would rule on the rules of evidence alone as to whether the door had been opened. Judge Roach then gave us 10 minutes to discuss his 5th Amendment rights with Mr. Anthony and help him ultimately decide whether he would testify. I asked for additional time to have such a complicated discussion with a 19-year-old in the most stressful situation of his life, but Judge Roach declined to extend our time beyond 10 minutes. Again, we did our best to explain everything – the pros and cons of testifying versus not testifying, the likelihood of winning on self-defense if he testified versus if he did not, the likelihood of whether we would get instructions in the jury charge on the lesser-included charges of manslaughter and criminally negligent homicide if he did and if he did not testify, and the likelihood of whether we could get instructions in the sentencing jury charge, if we got there, on sudden passion if he did and if he did not testify.
28. During this discussion, beyond all of the above, the most complicating factor of all was whether Mr. Wirskye would claim that we had opened the door and then bring in Mr. Anthony's extraneous offenses/bad acts, character, and reputation. Based on his actions and claims – specifically his repeated assertions, even after the judge had firmly disagreed, that I had opened the door by even mentioning chess as well his general claim that the agreement had never contemplated Mr. Anthony testifying (despite the plain meaning of the words Mr. Wirskye himself repeatedly used to describe the agreement) – the defense team felt strongly that the risk of Mr. Wirskye claiming the door had been opened was too high. This was amplified by the fact that Judge Roach made it clear that, should Mr. Wirskye claim a breach of the agreement, he felt he was unable to enforce it and that in all likelihood, the door would have been opened. At the end of 10 minutes, despite our request for additional time, Judge Roach called us back to the courtroom to announce Mr. Anthony's decision and proceed with trial.
29. Ultimately, Mr. Anthony chose not to testify. This 180-degree change in the defense strategy was the direct consequence of the breach of the agreement. The breach of the agreement affected all aspects of the defense case. By the time that the agreement was breached, it was too late to change our approach in voir dire and opening, too late to ask different questions of the prosecution's witnesses, and too risky to re-call those witnesses

to ask questions that would risk the prosecution deciding we had opened the door. It greatly hampered our strategy during sentencing, causing us to decide not to call witnesses we otherwise would have called and severely limiting the questions asked of the one witness we did, in fact, call. The prosecution's breach of the agreement directly and significantly undermined the defense's ability to present a complete defense.

30. 
Mike Howard

FURTHER AFFIANT SAYETH NAUGHT.



Mike Howard, Affiant

Trial Counsel for Defendant Karmelo Sincere Anthony

SUBSCRIBED AND SWORN TO before me by Mike Howard on this 5TH day of JULY, 2026, to certify which witness my hand and official seal.


Notary Public, State of Texas

My commission expires: 8/8/2027



State v. Karmelo Sincere Anthony — Cause No. 296-83565-2025
296th Judicial District Court, Collin County, Texas

EXHIBIT 11

Certification of undersigned counsel regarding the June 29, 2026
conference and the oral sealing of the court file.

Defendant's Motion for New Trial — Index of Exhibits

CAUSE NO. 296-83565-2025

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

CERTIFICATION OF COUNSEL

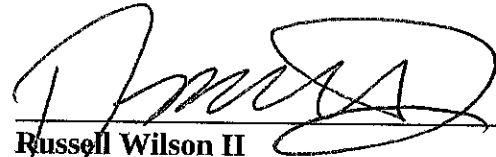
I, Russell Wilson II, certify and state as follows:

1. I am one of the attorneys of record for Defendant Karmelo Sincere Anthony on his post-conviction motion for new trial in the above-captioned cause, and I am licensed to practice law in the State of Texas (State Bar No. 00794870). I was substituted in as counsel on June 23, 2026. I make this certification of my own personal knowledge, and the facts stated below are true and correct.
2. On June 29, 2026, I attended a conference with the Court in this cause. Counsel for the State and co-counsel for the Defendant were also present.
3. At that conference, the Court advised the parties that the entire court file in this cause had been sealed by oral order. The Court advised that the file was, in essence, maintained as a paper court file that was not available to the public, and that it was kept for inspection in the Court's chambers rather than in the District Clerk's public file.
4. The Court advised that there was no written order sealing the court file. No public notice, open hearing, or findings accompanied the sealing, and I am aware of no written order authorizing it.
5. The Court would not permit me to review the court file unless I first agreed not to disclose the information contained in it, and the Court would not provide unconditional access to the file. I responded that I could not agree to withhold information that I had not yet seen.
6. I left the conference without reviewing the court file, and I advised the Court that I would be back in touch with it.
7. I informed the Court that I intended to file a motion for new trial. I further advised the Court that I had not yet decided whether to file a motion to recuse.
8. This certification recounts certain statements made and events that occurred at that conference. It is not intended as, and does not purport to be, a complete recitation of the discussion with the Court. It is offered for the limited purpose of establishing the

necessity of an evidentiary hearing and of addressing the availability of the court file to counsel during the period for filing Defendant's Motion for New Trial.

I declare under penalty of perjury under the laws of the State of Texas that the foregoing is true and correct.

Executed on the 5th day of July, 2026.



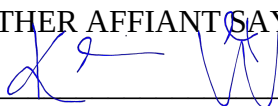
Russell Wilson II
State Bar No. 00794870
The Law Office of Russell Wilson II
1910 Pacific Avenue, Suite 12050
Dallas, Texas 75201
(469) 573-0211
Counsel for Defendant

EXHIBIT 12

Affidavit of Keyerria “Kee” West (member of the public excluded
from the trial).

9. I returned to seek access on June 6, 2026, and gained entry, but was later physically removed by Officer Hunt, a police officer assigned to courthouse security.
10. I was removed after making a non-violent, factual, and protected statement inside the courtroom.
11. Officer Hunt falsely accused me of “inciting violence,” but I did not raise my voice, threaten anyone, or engage in any disruptive behavior.
12. My removal occurred publicly, in view of multiple courthouse police officers and staff. I filed a complaint documenting: removal without lawful cause, false allegations made against me, failure to recognize protected speech, retaliatory enforcement inconsistent with courthouse policy, and public removal intended to intimidate or silence an observer.
13. After my removal, my son also attempted to enter the courthouse on June 6, 2026.
14. He was wearing a shirt with expressive content. He was asked to turn his shirt inside out by a courthouse security officer and complied.
15. After passing through the security area, he attempted to use the restroom but was denied access by Head Security Officer Hammock/Hammond.
16. There was no signage restricting restroom use, no posted policy, and no legitimate security concern.
17. My son was denied by the same officer who denied me access on June 1, 2026.
18. I filed a complaint documenting this as retaliation toward a minor and misuse of authority.
19. During the time I was present, I observed a pattern of targeted behavior by courthouse security police officers, including: inconsistent enforcement of rules, retaliatory conduct, personal hostility, attempts to restrict access without cause, and targeting both my son and me.
20. During the time I was present at and around the courthouse, I observed no disturbance, security incident, or disruptive conduct by members of the public that would explain or justify excluding the public from the proceedings.

FURTHER AFFIANT SAYETH NAUGHT.



Keyerria “Kee” West, Affiant

State of New York
County of Kings

SUBSCRIBED AND SWORN TO before me by Keyerria “Kee” West on this 2nd day of
July, 2026.

Mary Saragoussi

Notary Public, State of New York

Notarized online using audio-video communication technology



EXHIBIT 13

Declaration of Jacqueline Denise Yon (member of the public
excluded from the trial).

CAUSE NO. 296-83565-2025

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

AFFIDAVIT OF JACQUELINE DENISE YON

STATE OF North Carolina §
COUNTY OF Wake §

BEFORE ME, the undersigned notary public, on this day personally appeared Jacqueline Denise Yon, who, being by me duly sworn, deposed and stated as follows:

I. Background and Personal Knowledge

- 1. My name is Jacqueline Denise Yon. I am over the age of eighteen, of sound mind, and fully competent to make this declaration. I have personal knowledge of the facts stated below, each of which is true and correct.
2. I am a member of the public. I traveled from North Carolina to attend the trial in State v. Karmelo Sincere Anthony, a matter of substantial public interest, in support of the Defendant and to observe the proceedings. I had no role in the case.
3. The statements below are based on my own observations during my efforts to attend the proceedings, except where I state that I was informed of a fact by others.

II. The Proceedings I Sought to Attend

- 1. I arrived in the Dallas area on June 3, 2026. I hoped to attend the trial beginning with the first day of testimony, after jury selection.
2. On June 4, 2026, the first day of testimony, I went to the Collin County courthouse to observe the proceedings.

III. June 4, 2026: Only Approximately Twenty-Seven Members of the Public Were Admitted

- 1. I arrived at the courthouse at approximately 8:00 to 8:30 a.m. There was no line outside the courthouse, so I went inside and upstairs, where I found a long line of members of the public — approximately eighty to one hundred people. I took my place at the back of the line, and others continued to line up behind me.
2. I briefly left the line to use the restroom and returned at approximately 9:00 a.m. When I returned, I saw that the line was dispersing. Only approximately twenty-seven members of the public were admitted into the courtroom, and I was not among them.

IV. An Overflow Room Had Been Used, but the Rule Changed That Morning

- 1. Before June 4, I was informed by friends who had attended that court staff had been admitting members of the public into an overflow room, and had been letting in as many


people as there were seats available. On June 4, that practice changed: I understood that the rule had been changed that morning so that only approximately twenty-seven people would be admitted, and no overflow room was made available to the many others who sought to attend.

V. I Was Unable to Attend, and the Restriction Continued

1. I remained at the courthouse but was unable to gain entry on June 4, 2026.
2. I spoke with a couple of sheriff’s deputies to ask why more members of the public were not being admitted. I was told that this was simply the rule for that day. As far as I was able to determine, the same restriction remained in place for the rest of the week. The deputies told me that if a person left after the lunch recess and did not return, another person might be admitted in their place; but given how strict the rules were, I did not attempt to gain entry in that manner.
3. Because of these conditions, I decided to spend the remainder of the week outside the courthouse, with the other members of the public who had gathered there and were unable to get in.
4. I was informed by other members of the public that some of them had arrived at the courthouse as early as 3:00 or 4:00 a.m. and still had not been able to gain entry.

VI. Conditions I Observed

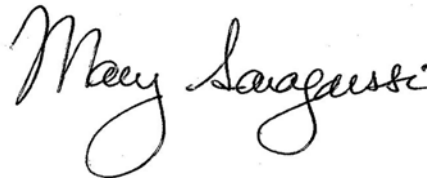
1. During the times I was present at and around the courthouse, I did not observe any disturbance, security incident, or disruptive conduct by members of the public that would explain or justify excluding the public from the courtroom.

FURTHER AFFIANT SAYETH NAUGHT.

Jacqueline Denise Yon, Affiant

State of New York
County of Kings

SUBSCRIBED AND SWORN TO before me by Jacqueline Denise Yon on this 2nd day of July, 2026, to certify which witness my hand and official seal.

Notary Public, State of New York
My commission expires: 02/03/2027



Notarized online using audio-video communication technology



EXHIBIT 14

Declaration of Teera Allen (member of the public excluded from the trial).

6:00 a.m. time the judge's instructions had set for access to the property. I pointed this out to two deputies, whose names I understood to be Hunt and, I believe, Holcomb.

3. I stayed in line that day but was not able to get inside the courtroom. When I asked about an overflow room, I was told that the courtroom where the trial was taking place was the only room that did not have video-conferencing (Zoom) capability or the ability to record, and that this was given as the reason no overflow feed was provided. Jury selection had taken place in a different courtroom. Other attendees and I asked whether we could be seated in the room we had used on Monday and Wednesday in order to listen to the proceedings, but we were told no, and that the judge had said there was no overflow room.

IV. Friday, June 5, 2026: An Uncontrolled Line and Claims of Media Status

1. On Friday, June 5, 2026, I arrived at the courthouse at approximately 6:04 a.m. There was no direction given to arriving members of the public. I asked the deputies how they were controlling the line, because people were walking up and joining others they knew who were already in line, and some people were displaying a badge and claiming to be media even though credentialed media should not have been standing in the public line.
2. The deputies told me that they did not have instructions on how to control the line, that it was up to the attendees how they lined up, and that they were only to keep things calm. Each day, a group of people claimed to be media but did not appear to be credentialed media — they may have operated social-media platforms, but did not have a media pass. The nine individuals who held designated media passes would arrive later, obtain their passes, and go directly into the courthouse without waiting in the public line.

V. I Was Excluded on Thursday and Friday

1. On both Thursday, June 4, and Friday, June 5, 2026, I was not able to gain entry to the courtroom. On each day I waited until after the lunch recess, but I remained too far down the line to have any realistic opportunity to be admitted.

VI. Saturday, June 6, 2026: A Public Number System That Was Not Honored

1. On Saturday, June 6, 2026, I was at the courthouse at approximately 4:00 a.m., waiting and driving around the property. The parking lot was barricaded so that cars could not enter as they had before. At approximately 5:30 to 5:40 a.m., I noticed a line beginning to form outside the entrance to the courthouse, so I was dropped off at the corner in order to join the line.
2. The officers told another attendee that if the attendees created a number system, the officers would honor it, and that this was how attendees would be admitted. The attendees then created a number system, and under it I was number fifteen. When we were told we could enter, however, everyone ran to the courthouse and the number system was not honored. Court staff admitted the first twenty-seven people; I was the person immediately after the twenty-seventh. I was ultimately able to get in after the lunch recess.

VII. The Allocation of Passes and the Media Line-Cutting

1. From my understanding, there were nine media passes and twenty-seven passes for members of the public. Credentialed media, press, and news personnel had designated passes and did not have to stand in line. On multiple occasions, individuals who operated social-media platforms told the deputies that they were media and were allowed to move to the front of the line, ahead of members of the public. Attendees objected to the deputies that persons claiming to be media should not be standing in the public line, and that if they were in the public line they should not be permitted to cut ahead; each time, the deputies responded that they had been instructed only to keep things calm and did not know how to control the line.

VIII. Conditions I Observed

1. During the times I was present at and around the courthouse, I did not observe any disturbance, security incident, or disruptive conduct by members of the public inside the courthouse that would explain or justify excluding the public from the courtroom. Over the course of the week, I was able to observe the jury-selection proceedings twice, and I was able to enter the trial itself only on Saturday, June 6, after the lunch recess, for approximately three to four hours.

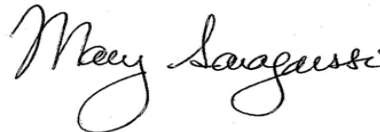
FURTHER AFFIANT SAYETH NAUGHT.

Teera Allen, Affiant

State of New York
County of Kings

SUBSCRIBED AND SWORN TO before me by Teera Allen on this 2nd day of July, 2026, to certify which witness my hand and official seal.

Notary Public, State of New York
My commission expires: 02/03/2027



Notarized online using audio-video communication technology

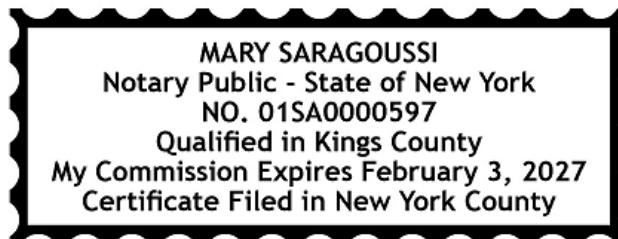


EXHIBIT 15

Declaration of Tametra Carter (member of the public excluded from
the trial).

CAUSE NO. 296-83565-2025

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

AFFIDAVIT OF TAMETRA CARTER

STATE OF Texas §
COUNTY OF Dallas §

BEFORE ME, the undersigned notary public, on this day personally appeared Tametra Carter, who, being by me duly sworn, deposed and stated as follows:

I. Background and Personal Knowledge

- 1. My name is TAMETRA CARTER. I am over the age of eighteen, of sound mind, and fully competent to make this declaration. I have personal knowledge of the facts stated below, each of which is true and correct.
- 2. I am a member of the public. I had no role in the case. I sought to observe the trial proceedings in this matter, which were of substantial public interest.
- 3. The statements below are based on my own observations and on emails I sent and received during my efforts to attend the proceedings.

II. The Proceedings I Sought to Attend

- 1. I went to the Collin County Courthouse on June 4, June 5, and June 6, 2026, in an effort to observe the trial proceedings.
- 2. On June 4, 2026, I arrived at approximately 6:00 a.m. There was already a line of members of the public waiting to enter the courthouse. Because of the limited number of public seats available, I was unable to obtain a seat in the courtroom that day.
- 3. I understood that the court’s order set a specific time for the admission of the general public.

III. Events of June 5, 2026

- 1. On June 5, 2026, I arrived at approximately 4:30 a.m. and was among the first members of the public to arrive.
- 2. When I arrived, I was informed that I could not remain at the courthouse because it would not open until approximately 6:00 a.m. Members of the public were directed to wait at a nearby church until we were allowed to return.
- 3. Before leaving the courthouse area, a member of the media recorded my initials and advised me that I was number seven on the personal list he was maintaining of early arrivals.

4. At approximately 5:30 a.m., members of the public returned to the courthouse. I was the first vehicle waiting to enter the parking lot, and additional vehicles lined up behind me.
5. Before 6:00 a.m., the sheriff's deputies temporarily moved away from the entrance. After hearing the vehicles behind me honk, I believed we were being allowed to enter and slowly pulled forward. When I saw the deputies returning, I immediately stopped because I did not want to enter before I was authorized to do so.
6. After I stopped, two vehicles behind me were involved in a traffic collision near the entrance to the courthouse parking lot. Law enforcement responded to the collision, and afterward we were instructed to proceed into the parking lot.
7. After parking, I attempted to approach the courthouse but was instructed to return to a stop sign and line up there. By the time I reached that location, approximately twenty or more people were already standing ahead of me even though I had arrived among the first members of the public that morning. I ultimately found myself approximately thirty-fifth in line.
8. I explained to one of the sheriff's deputies that I had arrived early and did not understand how I had lost my place in line. I asked whether the line could be organized according to the order in which people had arrived, but my concerns were not addressed.
9. I then spoke with the same media representative who had recorded my initials earlier that morning. He confirmed that I was number seven on the list he had created. He attempted to explain this to the lead sheriff's deputy, whom I believe was named Brasco or Brosco. The deputy did not recognize the list and directed that I be removed from the line after believing that I had skipped ahead.
10. Because only approximately twenty-seven seats were available to members of the public, being removed from the line prevented me from observing the morning proceedings on June 5, 2026.

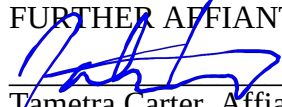
IV. Events of June 6, 2026

1. On June 6, 2026, I arrived at approximately 3:00 a.m. Because there was no official numbering system maintained by the court, members of the public created and maintained our own numbering system while waiting in line in an effort to preserve the order in which people had arrived.
2. To the best of my knowledge, I still possess a photograph documenting the public numbering system that was used that morning.
3. Members of the public were instructed to walk, not run, when approaching the courthouse.
4. On June 6, 2026, I was admitted to the courtroom and was able to observe the proceedings.

V. Summary

1. Based on my personal observations, there was no official system in place to preserve the order in which members of the public arrived at the courthouse on June 5. As a result, despite arriving among the first members of the public and being identified as number seven by the media representative's list, I lost my place in line and was unable to observe the morning proceedings.
2. On June 6, members of the public created and maintained our own numbering system while waiting in line because no official numbering system had been established.

FURTHER AFFIANT SAYETH NAUGHT.

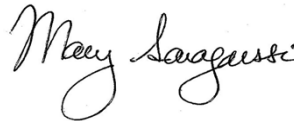


Tametra Carter, Affiant

State of New York
County of Kings

SUBSCRIBED AND SWORN TO before me by Tametra Carter on this 2nd day of July, 2026, to certify which witness my hand and official seal.

Notary Public, State of New York
My commission expires: 02/03/2027



Notarized online using audio-video communication technology



EXHIBIT 16

Declaration of Bridget Smith (member of the public excluded from
the trial).

CAUSE NO. 296-83565-2025

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

AFFIDAVIT OF BRIDGET SMITH

STATE OF Texas §
COUNTY OF Dallas §

BEFORE ME, the undersigned notary public, on this day personally appeared Bridget Smith, who, being by me duly sworn, deposed and stated as follows:

I. Background and Personal Knowledge

- 1. My name is Bridget Smith. I am over the age of eighteen, of sound mind, and fully competent to make this affidavit. I have personal knowledge of the facts stated below, each of which is true and correct.
- 2. I am a member of the public. I had no role in the case. I sought to observe the trial proceedings in this matter, which were of substantial public interest.
- 3. The statements below are based on my own observations and on emails I sent and received during my efforts to attend the proceedings.

II. The Proceedings I Sought to Attend

- 1. I went to the Collin County courthouse to observe the proceedings on June 1, June 4, June 5, and June 6, 2026.
- 2. On June 1, 2026, I attended for the jury-questionnaire session. I understood that the questionnaires would be completed that day and that jury selection would begin later that week. When I arrived, I asked the court coordinator where members of the public would be permitted to observe and whether any accommodation would be available, given the significant public interest in the case. Officers led us to a room to sit, and it was my understanding — and everyone else’s — that we would be able to view the jury selection from there. We sat in the room for about an hour and began to ask questions, and someone came in and told us that jury selection was being held upstairs while we were all downstairs. We got up to see for ourselves and found a room full of people down the hallway; out of what appeared to be roughly six hundred people, we saw only a handful of Black people. One of the officers from the room where we had been seated came and told us we could not be down there and that we needed to go back, because they did not want us to “taint the jury pool.” I responded that, if that was the concern, I did not understand why White Lives Matter had been allowed to pass out propaganda about the case to people going in — a paper using the wording “Austin’s Murder” — which I was concerned would already taint the pool. We were sent back to the room, where we were not permitted even to view the

proceedings on a television, and we were told we would not be seeing anything. In effect, we would be sitting in the room the entire day for no reason, and no one was going to notify the people sitting there. We let the others know, and most people left, deciding to return on Wednesday or Thursday.

3. I understood that the court's order set a specific time for the admission of the general public. We were told we had a time to get into the room and that we could not bring phones in, and people were even moved around in seating — only for us to learn on our own that they were going to allow us to sit there all day and view nothing.

III. The Court Provided an Outside Viewing Location During Jury Selection, Then Eliminated It

1. The courthouse was closed on June 2, 2026. Jury selection began on June 3, 2026.
2. On June 3, 2026, I decided not to attend jury selection but to attend on the first day of opening argument, which was Thursday.
3. On June 4, 2026, the first day of testimony, the court eliminated the additional viewing location. From that point forward, public access was limited to approximately twenty-seven seats inside the courtroom. No overflow room, alternative viewing area, audio feed, video feed, or other accommodation was provided. When we arrived, there was a very long line of people, in two lines — one for the people on the media list and the other for everyone else. When they cut it off at twenty-seven people, we asked whether there was an overflow room, and we were told no.

IV. Public Seating Was Far Below the Demand, and Access Was Determined by a Pre-Dawn Line

1. Public seating inside the courtroom was limited to approximately twenty-seven seats.
2. Although the court's order stated a time for public admission, in practice admission was determined by how early a person arrived and that person's place in an informal line, not by the time stated in the order. Members of the public began arriving as early as 4:00 a.m. to 5:00 a.m. to compete for the few available seats, and those who arrived after the line had formed often had little or no realistic opportunity to be admitted.

V. I Was Excluded From the Proceedings on June 4, June 5, and the Morning of June 6

1. On June 4, 2026, I was unable to gain entry to the courtroom and was excluded from that day's proceedings. I stayed in the parking lot with others who had been turned away. Some people left; some had driven in from other states and, deciding they would not have an opportunity to observe, made plans to travel back home.
2. On June 5, 2026, I again attempted to attend and was again unable to gain entry because of the limited seating and the admission process. We learned that when people took breaks, they were told someone else could take their spots, so we went up to try to obtain a spot; but only about six or seven seats were available for passes. As a result, some of those who had

been waiting were able to go in, while some of the people who had left on their breaks were not able to regain access.

- 3. On June 6, 2026, I did not make it to the courthouse, but other people who had come with us decided to go and keep us updated.

VI. Conditions I Observed

- 1. During the times I was present in and around the courthouse, I did not observe any disturbance, security incident, or disruptive conduct by members of the public that would explain or justify excluding the public from the courtroom. Yet I watched court personnel remove people to whom they had given passes over small, petty matters. One of the male reporters from South Carolina, who had been present from the beginning, was made to leave, as was another woman who had been inside. In my observation, neither of them did anything to warrant removal, and I believe the reporter’s rights were violated, because they attempted to tell him what he could and could not say, and when he tried to assert his rights in a public courthouse, they told him to leave.

VII. Summary

- 1. On June 4, June 5, and the morning of June 6, 2026, I and other members of the public were unable to observe the proceedings. The seats available to the public were few; the additional viewing location used during jury selection was discontinued once testimony began; and my ability to observe the proceedings was significantly curtailed as a result of the limited seating, the elimination of the overflow room, and the manner in which access was administered.

FURTHER AFFIANT SAYETH NAUGHT.

Bridget C Smith
Bridget Smith, Affiant

State of New York
County of Kings

SUBSCRIBED AND SWORN TO before me by Bridget Smith on this 2nd day of July, 2026, to certify which witness my hand and official seal.

Notary Public, State of New York
My commission expires: 02/03/2027

Mary Saragoussi

Notarized online using audio-video communication technology



EXHIBIT 17

Declaration of Toni Toussaint (member of the public excluded from
the trial).

CAUSE NO. 296-83565-2025

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

AFFIDAVIT OF TONI TOUSSAINT

STATE OF Louisiana §
COUNTY OF Baton Rouge §

BEFORE ME, the undersigned notary public, on this day personally appeared Toni Toussaint, who, being by me duly sworn, deposed and stated as follows:

I. Background and Personal Knowledge

1. My name is **TONI TOUSSAINT**. I am over the age of eighteen, of sound mind, and fully competent to make this declaration. I have personal knowledge of the facts stated below, each of which is true and correct.
2. I am the grandmother of Karmelo Anthony. I attended the trial proceedings in this matter as a family member of the defendant.

II. Family Seating Was Limited to Eight Seats

1. Before the trial began, my daughter, told me that access to the courtroom would be limited for family members. I subsequently learned that the family was limited to a total of eight seats in the courtroom. I understood that the remaining seats were reserved for journalists who had been individually selected to attend, and for members of the general public.

III. Family Members Were Required to Register in Advance

1. In order to attend, family members were required to arrive at the courthouse by 8:00 a.m. and to obtain badges. In addition, a family member's name had to be placed on a list the day before in order to be admitted the following day. Before we left the courthouse each day, court staff would ask whether we intended to return the next day so that our names could be added to the following day's list.

IV. My Attendance and the Exclusion of Other Family Members

1. Because I was able to secure one of the eight family seats, I was able to be present inside the courtroom each day of the trial. My husband, Karmelo's grandfather, was not able to attend because of the eight-seat limit on family access. Karmelo's aunts, among others, were likewise not able to attend for the same reason.

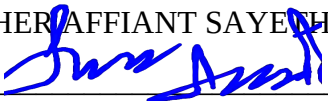
V. Restrictions on Conduct Inside the Courtroom

1. The judge instructed attendees that we could not speak while inside the courtroom, and we were told that if we did so, we could be held in contempt. We were also told that if we made a facial expression, we would be removed from the courtroom.

VI. Conditions I Observed

1. Family access to the courtroom was limited to eight seats total, which I understood to have been allocated among Karmelo's many family members, alongside seats reserved for selected journalists and the general public. Although I was able to attend each day of trial, the eight-seat limit meant that other close family members—including Karmelo's grandfather and aunts—were not able to attend at all. Attendance also required advance registration each day and compliance with strict conduct rules inside the courtroom, including a prohibition on speaking and a warning that visible facial expressions could result in removal.

FURTHER AFFIANT SAYETH NAUGHT.

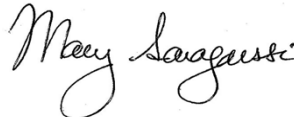


Toni Toussaint, Affiant

State of New York
County of Kings

SUBSCRIBED AND SWORN TO before me by Toni Toussaint on this 2nd day of
July, 2026, to certify which witness my hand and official seal.

Notary Public, State of New York
My commission expires: 02/03/2027



Notarized online using audio-video communication technology

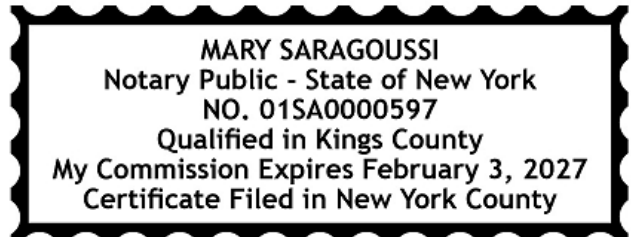


EXHIBIT 18

Declaration of Thelma Anderson, with the June 5, 2026 PIO email
(also Exhibit 7).

service or holdover room. This arrangement allowed members of the public who could not fit inside the courtroom to observe the proceedings and reasonably accommodated the substantial public interest in the case.

7. On June 4, 2026, the first day of testimony, the court eliminated that additional viewing space and limited public access to approximately twenty-seven seats inside the courtroom. No overflow room, alternative viewing area, or additional accommodation was provided. Public access was thereafter limited exclusively to the small number of seats inside the courtroom.

IV. Access Was Determined by a Pre-Dawn Line, Not the Scheduled Admission Time

8. Although the court's order specified a time for public admission, the practical reality was very different. Individuals began arriving at the courthouse during the early morning hours, often between 4:00 a.m. and 5:00 a.m., to try to secure one of the limited seats. The process became comparable to a race for access, with members of the public competing for a very small number of seats. Those who arrived after the unofficial line had formed often had little or no realistic opportunity to gain admission, regardless of the time stated in the court's order.
9. In practice, access was determined not by the scheduled admission time but by how early a person arrived and whether the person was able to secure a favorable place in line. This system effectively excluded many members of the public from observing a trial that had generated substantial public interest.

V. I Was Excluded on June 4 and June 5

10. Because of these restrictions, I was unable to gain entry to the courtroom on June 4, 2026. If there had been an overflow room I would have gone to the overflow room.
11. On June 5, 2026, I again attempted to attend the proceedings but was unable to gain entry because of the limited seating and admission procedures.

VI. My Request for an Alternative Viewing Location Was Denied

12. Recognizing the severe limitations being imposed, I submitted an application seeking media credentials and also requested that the court provide an alternative viewing location for members of the public. My request was intended to address the obvious capacity problem and to restore a level of access similar to what had been provided during jury selection on June 3. My request was denied.
13. The process for seeking relief was itself problematic. Collin County's electronic filing system did not provide a mechanism for filing applications related to courtroom access in a

criminal proceeding. Because the matter was a criminal case rather than a civil action, there was no designated filing category available through the standard e-filing portal, and I could not formally file the application through the court's electronic filing system.

14. Instead, I was instructed that such requests had to be submitted by email directly to the court coordinator, who would then forward the request to the Public Information Office for review and response. This procedure left no transparent or clear avenue for members of the public to formally seek judicial review of the access restrictions.
15. On June 5, 2026, I received an email from Steve Stoler, who identified himself as the Public Information Officer appointed by the 296th District Court for this trial, responding to my inquiry about media coverage and courtroom access. In that email, Mr. Stoler explained that the courtroom held only about seventy seats; that the prosecution and defense families each received fifteen seats; that the judge allocated only nine seats for the media, including one for a courtroom sketch artist; and that, after court staff, only about two dozen seats remained for the general public. He further stated, "There is no overflow room." A true and correct copy of that email, which I received and retained in the ordinary course, is attached as Exhibit A.
16. Throughout that email, Mr. Stoler described the courtroom-access decisions in the collective first person. He wrote that he wished to explain "the process we followed for media coverage"; that "[w]e chose 8 media outlets for credentials"; that "[w]e invited media members who were not approved for credentials to gain access with the general public"; that "[w]e encouraged them to get in line early"; and that, "[a]s much as we dislike turning people down, we had no choice." The email's repeated use of "we" reflected my understanding that the selection of who would be admitted to observe the trial, and the denial of access to others, were administered by the Public Information Officer rather than determined by the Court in open court and on the record.
17. The explanation I received — those accommodations had been limited to local media organizations covering the case — did not, based on my observations of who was receiving access, appear to fully account for all individuals who had received accommodations or special access. Regardless, my request for an alternative viewing location was denied.

VII. Note-Taking Restriction

18. The original guidance provided to individuals seeking access indicated that members of the public would not be permitted to bring notepads or pens into the courtroom. Although the court later modified this restriction and ultimately permitted notepads and pens, the original prohibition reflected the broader pattern of limiting public observation.

VIII. June 6: Excluded Despite Arriving Early

19. On Saturday, June 6, 2026, I returned to the courthouse and arrived early to try to secure one of the available seats. By that point, courthouse personnel and sheriff's deputies had implemented a line system for admission. I initially obtained a position near the front of the line and reasonably believed that I would be admitted.
20. The line process, however, lacked transparency and consistency. During the waiting period, individuals were permitted to move ahead of others who had already been waiting for several hours. As a result, despite having arrived early and secured a favorable position, my place in line significantly changed, and I ultimately found myself approximately thirty-fifth in line even though only twenty-seven seats were available to the public. I was again excluded from the morning proceedings.
21. After I was excluded from the morning proceedings on June 6, 2026, I remained at the courthouse for several hours. Had an overflow room been provided, I would have gone to it and observed the proceedings from there; instead, I waited in the hallway for a considerable time with no access to the courtroom.
22. In each instance in which I was excluded, I could observe that additional members of the public were excluded along with me.
23. I was ultimately admitted to the courtroom in the afternoon of June 6, 2026, at approximately 2:00 to 3:00 p.m., but only after substantial portions of that day's proceedings had already occurred, so that I was able to observe only a portion of the defense's case.

IX. Conditions I Observed

24. During the times I was present in and around the courthouse, I did not observe any disturbance, security incident, or disruptive conduct by members of the public that would explain or justify excluding the public from the proceedings.

X. Summary

25. While the courtroom may have been technically open to the public, meaningful public access was severely restricted in practice. Access depended upon arriving before dawn, enduring hours of waiting, navigating an informal and often changing line process, and competing for a very limited number of seats. The court's decision to discontinue the overflow viewing room that had been used during jury selection further exacerbated these problems, and requests for reasonable accommodations and alternative viewing arrangements were denied despite the obvious demand and the court's own prior use of an auxiliary viewing room during voir dire.

26. As a result, members of the public, including me, were repeatedly denied the ability to observe significant portions of a criminal trial of substantial public interest. The cumulative effect of these restrictions was to substantially impair the public's ability to monitor, observe, and evaluate the proceedings.

FURTHER AFFIANT SAYETH NAUGHT.



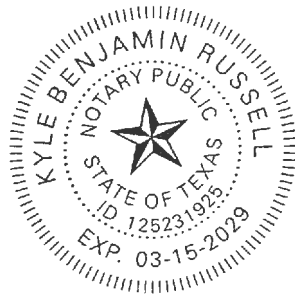
Thelma Anderson, Affiant

SUBSCRIBED AND SWORN TO before me by Thelma Anderson on this 3rd day of July 2026, to certify which witness my hand and official seal.



Notary Public, State of Texas

My commission expires: 3-15-2029



From: Steven Stoler <sstoler@co.collin.tx.us>
Date: Friday, June 5, 2026 at 8:31 PM
To: Thelma Anderson <info@tellalawyergroup.com>
Subject: Anthony Trial Media Coverage

Hi Thelma,

My name is Steve Stoler, The 296th District Court appointed yours truly as the Public Information Officer for the Anthony Trial.

I wanted to take the time to explain the process we followed for media coverage.

To set the stage, there are only about 70 seats in the courtroom. Obviously, with so much interest in the trial both locally and nationally, it is literally impossible to accommodate everyone. The prosecution gets 15 seats for family members. The defense gets 15 seats for their family members. The judge allocated only 9 seats for the media, including one for a courtroom sketch artist. Add court staff and that leaves about two dozen or so seats for the general public. As much as we dislike turning people down, we had no choice.

The Collin County Public Information Officer established an application process more than a month before the trial started. Then he left the County. I came in to pick up where he left off. The deadline for applications was May 20th. We received requests from all over the country from major media outlets, local media and a long list of social media influencers. We chose 8 media outlets for credentials on May 21st. We included the local television stations and newspapers who cover Collin County Courts on a regular basis. We felt that was the fairest route to take. We invited media members who were not approved for credentials to gain access with the general public on a first come first serve basis. We encouraged them to get in line early. Many of them, including some very well known names in the media world like the New York Post, Washington Post and NBC News waited in line with the general public and gained access to the trial.

There is no overflow room.

I'm sorry I can't be more positive about securing a media credential. I wanted to explain how we got to where we are.

I hope you understand.

Warm regards,

Steve

Steve Stoler, Court Appointed Public Information Officer

296th District Court

Judge John Roach, Jr.

EXHIBIT 19

The Court's Charge to the Jury (guilt-innocence).

State of Texas
v.
Karmelo Sincere Anthony

§
§
§

In the 296th
Judicial District Court
of Collin County, Texas

JURY INSTRUCTIONS

Members of the jury:

Karmelo Sincere Anthony, the defendant, stands charged by indictment with the offense of murder, alleged to have been committed on or about April 2, 2025, in Collin County, Texas. To this charge, the defendant has pleaded not guilty.

The law requires that I submit the following instructions to you in this case. These instructions contain all the law necessary to enable you to reach a verdict. If any evidence was presented to raise an issue, the law on that issue must be provided. You are to read these instructions as a whole.

The law applicable to this case is as follows:

Presumptions and Burden of Proof

All persons are presumed to be innocent, and no person may be convicted of an offense unless each element of the offense is proved beyond a reasonable doubt. The law does not require the defendant to prove his innocence or produce any evidence at all. The presumption of innocence alone is sufficient to acquit the defendant, unless you are satisfied beyond a reasonable doubt of the defendant's guilt after careful and impartial consideration of all the evidence in this case.

The burden of proof in all criminal cases rests upon the State throughout the trial and never shifts to the defendant. The prosecution has the burden of proving the defendant guilty, and it must do so by proving each and every element of the offense charged beyond a reasonable doubt. If the State fails to meet its burden, you must acquit the defendant.

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

Term Definitions

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

“Deadly weapon” means anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.

“Individual” means a human being who is alive.

“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.

Offense Definitions

A person commits murder if he intentionally or knowingly causes the death of an individual.

A person also commits murder if he intends to cause serious bodily injury and commits an act clearly dangerous to human life that causes the death of an individual.

A person commits manslaughter if he recklessly causes the death of an individual.

Mental State Definitions as to Murder

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

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

Murder

Now bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt, that on or about April 2, 2025, in Collin County, Texas, the defendant, Karmelo Sincere Anthony, did intentionally or knowingly cause the death of an individual, namely, Austin Metcalf, by stabbing Austin Metcalf with a knife, a deadly weapon, OR with intent to cause serious bodily injury to Austin Metcalf, an individual, did commit an act clearly dangerous to human life by stabbing Austin Metcalf with a knife, a deadly weapon, that caused the death of Austin Metcalf, then you will find the defendant committed murder as charged in the indictment.

If you do not so believe, or if you have a reasonable doubt thereof, you will next consider whether he committed the lesser-included offense of manslaughter.

Mental State Definition as to Manslaughter

A person acts recklessly, or is reckless, with respect to the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that 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.

Manslaughter

Now bearing in mind the foregoing instructions, if you find from the evidence beyond a reasonable doubt, that on or about April 2, 2025, in Collin County, Texas, the defendant, Karmelo Sincere Anthony, did recklessly cause the death of an individual, namely, Austin Metcalf, by stabbing Austin Metcalf with a knife, a deadly weapon, then you will find that the defendant committed manslaughter as included in the indictment.

If you do not so believe, or if you have a reasonable doubt thereof, you will acquit the defendant and say by your verdict "not guilty."

If you find the defendant committed murder or manslaughter beyond a reasonable doubt, you will next consider whether he acted in self-defense.

Self-Defense – Deadly Force

You are instructed that a person is justified in using force against another when and to the degree he reasonably believes the force is immediately necessary to protect himself against the other's use or attempted use of unlawful force.

The use of force against another is not justified:

- (1) in response to verbal provocation alone; or
- (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.

A person is justified in using deadly force against another:

- (1) if the person would be justified in using force against the other; and
- (2) when and to the degree the person reasonably believes the deadly force is immediately necessary to protect himself against the other's use or attempted use of unlawful deadly force.

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 and the finder of fact, when determining whether the actor reasonably believed that the use of deadly force was necessary, may not consider whether the actor failed to retreat.

Where there is more than one assailant, the defendant has the right to act upon the hostile demonstration of either one or all of them and to assault either one

...them, if it reasonable appears to him that they are present for the purpose and acting together to take his life or to do him serious bodily injury.

“Reasonable belief” means a belief that would be held by an ordinary and prudent person in the same circumstances as the defendant.

“Deadly force” means force that is intended or known by the person using it to cause, or in the manner of its use or intended use is capable of causing, death or serious bodily injury.

You are further instructed that it is your duty to consider all relevant facts and circumstances surrounding the alleged killing and the previous relationship existing between the accused and the deceased, if any, together with all relevant facts and circumstances going to show the condition of the mind of the accused at the time of the alleged offense.

Now, therefore, bearing in mind the foregoing definitions and instructions, if you believe from the evidence beyond a reasonable doubt that the defendant, in Collin County, Texas, on or about April 2, 2025, did commit murder or manslaughter, but you further find from the evidence, or have a reasonable doubt thereof, that the defendant reasonably believed that deadly force when and to the degree used, if it was, was immediately necessary to protect himself against the use or attempted use of unlawful deadly force by Austin Metcalf or others with him; you will acquit the defendant and say by your verdict “not guilty.”

You are further instructed, however, that if you believe from the evidence beyond a reasonable doubt that at the time and place in question Austin Metcalf or others with him were not using or attempting to use unlawful deadly force on the defendant, or that the defendant did not reasonably believe that his use of deadly force was immediately necessary, then you will find against the defendant on his plea of self-defense.

In deciding whether the State has proved that the defendant did not reasonably believe his use of deadly force was necessary, you must not consider any failure of the defendant to retreat that might be shown by the evidence if you find both (1) the defendant did not provoke Austin Metcalf, the person against whom the defendant used deadly force; and (2) the defendant was not engaged in criminal activity at the time he used the deadly force. If you do not find both 1 and 2, you may consider any failure of the defendant to retreat that might be shown by

the evidence in deciding whether the defendant reasonably believed that the use of deadly force was necessary.

If you find and believe from the evidence beyond a reasonable doubt that the defendant, immediately before the difficulty did some act, used some language, or both with the intent to produce the occasion to bring on the difficulty and kill Austin Metcalf, and that such conduct was reasonably calculated to, and did, provoke a difficulty, and that in response to this provocation Austin Metcalf attacked the defendant, or reasonably appeared to attack him or to be about to attack him, and that the defendant then killed Austin Metcalf in pursuance of his original design, if you find there was such; or produced a necessity for taking the life of Austin Metcalf, you will find against the defendant's claim of self-defense.

Evidentiary Instructions

At times throughout the trial, the Court has been called upon to pass on the question of whether or not certain offered evidence might properly be admitted. You are not to be concerned with the reasons for such rulings and are not to draw any inferences from them. Whether offered evidence is admissible is purely a question of law. In admitting evidence to which an objection is made, the Court neither determines what weight should be given such evidence nor passes on the credibility of the witness. As to any offer of evidence that has been rejected by the Court, you, of course, must not consider the same. As to any question to which an objection was sustained, you must not conjecture as to what the answer might have been or as to the reason for the objection.

The fact that the defendant has been arrested, confined, or indicted for, or otherwise charged with the offense gives rise to no inference of guilt at his trial.

You are instructed that you may consider all relevant facts and circumstances surrounding the killing and the previous relationship existing between the accused and the deceased, if any, together with all relevant facts and circumstances going to show the condition of the mind of the accused at the time of the offense alleged in the indictment.

You are instructed that the defendant may testify in his own behalf if he chooses to do so, but if he elects not to do so, that fact cannot be taken by you as a circumstance against him or prejudice him in any way. The defendant has elected not to testify, and you are instructed that you cannot and must not refer to or allude

throughout your deliberations or take it into consideration for any
whatsoever.

Concluding Instructions

You are charged that it is only from the witness stand that the jury is permitted to receive evidence regarding the case, and no juror is permitted to communicate to any other juror anything he may have heard regarding the case from any source other than the witness stand.

In deliberating on this case, you are not to refer to or discuss any matter or issue not in evidence before you. Further, you shall not talk about this case to anyone not of your jury.

You are the exclusive judges of the facts proved, of the credibility of the witnesses, and of the weight to be given to the testimony, but you are bound to receive and to follow the law from the Court.

After you have retired to consider your verdict, no one has any authority to communicate with you except the bailiff who has you in their charge. You may communicate with this Court in writing, signed by your foreperson, through the bailiff who has you in their charge. Do not attempt to talk to the bailiff, the attorneys, or the Court concerning any question you may have.

After argument of counsel, you will retire and select one of your members as your foreperson. It is the duty of your foreperson to preside at your deliberations and to vote with you in arriving at a verdict. Your verdict must be unanimous, and after you have arrived at your verdict, you may use one of the forms attached by having your foreperson sign the particular form that conforms to your verdict.

Honorable John R. Roach, Jr.
Presiding Judge
296th Judicial District Court
Collin County, Texas

VERDICT SHEET

We, the jury, find the defendant guilty of murder, as charged in the indictment.

FOREPERSON

OR

We, the jury, find the defendant guilty of manslaughter, as included in the indictment.

FOREPERSON

OR

We, the jury, find the defendant not guilty.

FOREPERSON

EXHIBIT 20

Affidavit of Nakia Washington (member of the public who attended;
excluded from June 4 and June 5 morning proceedings).

CAUSE NO. 296-83565-2025

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

AFFIDAVIT OF NAKIA WASHINGTON

STATE OF Ohio §
COUNTY OF Hamilton §

BEFORE ME, the undersigned notary public, on this day personally appeared Nakia Washington, who, being by me duly sworn, deposed and stated as follows:

I. Background and Personal Knowledge

- 1. My name is NAKIA WASHINGTON. I am over the age of eighteen, of sound mind, and fully competent to make this declaration. I have personal knowledge of the facts stated below, each of which is true and correct.
- 2. I am a member of the public. I had no role in the case. I sought to observe the trial proceedings in this matter, which were of substantial public interest. I traveled from Cincinnati, Ohio, to Dallas, Texas, arriving on May 29, 2026, specifically to attend the proceedings.
- 3. The statements below are based on my own observations made during my attendance at the Collin County courthouse on June 1, June 3, June 4, June 5, June 6, June 8, and June 9, 2026.

II. The Proceedings I Sought to Attend

- 1. I went to the Collin County courthouse to observe the proceedings on June 1, June 3, June 4, June 5, June 6, June 8, and June 9, 2026.
- 2. On June 1, 2026, I attended the jury questionnaire session. Upon arriving, I was in the wrong area of the courthouse. A sheriff’s deputy stopped me and directed me to the Memorial Room, where members of the public would be permitted to observe. Deputies present indicated they were uncertain whether we would be able to view anything but advised us to wait. After approximately two hours, at around noon, screens in the Memorial Room came on and we were able to observe the judge speaking to the prospective jurors via live video and audio feed. The process that day was straightforward and without difficulty.
- 3. The court’s order set a specific time for the admission of the general public. In practice, however, access on later dates was governed not by that time but by a person’s place in an informal line that began forming well before that hour.

III. The Court Provided an Outside Viewing Location During Jury Selection, Then Eliminated It

- 1. The courthouse was closed on June 2, 2026. Jury selection began on June 3, 2026.

2. On June 3, 2026, the court again made available an additional viewing location outside the courtroom where members of the public could observe the proceedings. Court personnel referred to it as the Memorial Room, but it functioned as an auxiliary viewing courtroom: it was a separate courtroom that held approximately sixty members of the public and provided a live video and audio feed into the Central Jury Room, allowing those present to observe the jury selection proceedings. The line on June 3 was short, entry was without difficulty, and I was admitted without issue.
3. On June 4, 2026, the first day of testimony, I and others who had arrived and waited in line were informed, only after arriving, that the overflow viewing room would not be made available for the remainder of the trial. From that point forward, public access was limited to approximately twenty-seven seats inside the courtroom. No overflow room, alternative viewing area, audio feed, video feed, or other accommodation was provided to those who could not obtain one of those seats.

IV. Public Seating Was Far Below the Demand, and Access Was Determined by a Pre-Dawn Line

1. Public seating inside the courtroom was limited to approximately twenty-seven seats.
2. Although the court's order stated a time for public admission, in practice, admission was determined by how early a person arrived and that person's place in an informal line, not by the time stated in the order. Members of the public began arriving as early as 4:00 a.m. to 4:30 a.m. to compete for the few available seats, and those who arrived after the line had formed often had little or no realistic opportunity to be admitted. The line process was inconsistent from day to day, at times chaotic, and on multiple occasions generated visible tension and disputes among those waiting.

V. I Was Excluded From the Proceedings on June 4, June 5, and the Morning of June 6

1. On June 4, 2026, I was unable to gain entry to the courtroom and was excluded from the morning proceedings. After the line dispersed and most members of the public departed, I chose to remain at the courthouse on my own. At approximately 2:00 p.m., Sheriff Hunt approached me, as I was one of only two or three individuals still waiting, and informed me that seats had become available. He escorted me inside and I was admitted to the afternoon proceedings. By that time, a substantial portion of the day's proceedings had already taken place.
2. On June 5, 2026, I arrived at approximately 5:50 a.m. Members of the public were already present and a line had begun to form. A traffic accident near the courthouse entrance caused additional disruption as people arrived. Deputies directed those of us who had exited our vehicles to form a line on the grass in front of the courthouse steps, and then subsequently to form a line at the courthouse door. The process was chaotic and generated tension. Several verbal altercations occurred among members of the public. One individual was removed from the line by a deputy and informed he would not be permitted to enter the courthouse that day after a dispute arose over individuals associated with the Metcalf

family being permitted to move ahead in line without being directed to the back. At 7:00 a.m., the first twenty-seven individuals were counted out, escorted inside, and issued badges. The remaining members of the public were permitted to wait in the courthouse corridor, where a bench across from the courtroom held approximately eight or nine individuals who were next in line as seats became available. I was admitted to the courtroom after the lunch recess, at approximately 1:00 p.m. Substantial portions of the morning proceedings had already occurred by the time I entered.

3. On June 6, 2026, I arrived in the area surrounding the courthouse at approximately 4:30 a.m. Members of the public were not permitted onto courthouse grounds until 6:00 a.m. At that time, a line was formed on the grass in front of the courthouse. I was among the first twenty-seven individuals counted out. Those twenty-seven of us were escorted to form a line near the courtroom door, while the remaining individuals were directed to the opposite side of the building. Deputies stated this separation was intended to reduce the disputes and line-skipping that had occurred on prior days. I was admitted to the courtroom that morning and was present for the morning proceedings on June 6.
4. On June 8, 2026, I arrived at approximately 4:15 a.m. A line had already begun forming on the sidewalk outside the courthouse entrance, though we were not permitted onto courthouse grounds until 6:00 a.m. Several individuals with independent media credentials attempted to use those credentials to advance in line. Deputy Holcomb did not permit this, enforced the order of the line as formed, and instructed individuals not to run. Those of us identified as the first twenty-seven were given business cards to identify our place, which we surrendered upon entering the courthouse. I was admitted that morning.
5. On June 9, 2026, I arrived at approximately 4:30 a.m. and found the line already extending down the sidewalk. I was the thirty-first person to arrive. A friend who held a position ahead of me in line offered to switch places with me, which placed me at number twenty-seven. That day the court counted out the first twenty-six individuals; however, I was admitted to the courtroom that morning and was present for the return of the verdict.

VI. Conditions I Observed

1. During the times I was present in and around the courthouse, I did not observe any disturbance, security incident, or disruptive conduct by members of the public inside the courthouse that would explain excluding the public from the courtroom. The verbal altercations I witnessed occurred outside the building, in the line, prior to admission. Once admitted, those present in the gallery and waiting areas conducted themselves appropriately.

VII. Summary

1. On June 4 and June 5, 2026, I was excluded from the morning proceedings on both days. On each of those days I was ultimately admitted in the early afternoon, after a substantial portion of the day's proceedings had already taken place. The seats available to the public were few; the additional viewing location used during jury selection was discontinued once

testimony began, without prior notice; and my ability to observe the full proceedings on those days was significantly curtailed as a result of the limited seating, the elimination of the overflow room, and the manner in which access was administered. On the days and portions of days I was admitted, I observed proceedings that were conducted in an orderly fashion, and I witnessed no conduct that would have justified restricting public access to the courtroom.

FURTHER AFFIANT SAYETH NAUGHT.

Nakia Washington
Nakia Washington, Affiant

State of New York
County of Kings

SUBSCRIBED AND SWORN TO before me by Nakia Washington on this 2nd day of July, 2026, to certify which witness my hand and official seal.

Notary Public, State of New York
My commission expires: 02/03/2027

Mary Saragoussi

Notarized online using audio-video communication technology



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Russell Wilson on behalf of Russell Wilson

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Status as of 7/7/2026 11:50 AM CST

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