



**Oklahoma High School
Mock Trial Program
2021-2022**

**State of Oklahoma
v.
Rossi Upchurch**

Written by:

Todd Murray, Andrea Medley, Orion Strand, Gessica Sewell, Michael Nesser, Amber Brock,
Brittany Hayes, Shea Bracken and Kevin Cunningham

OBA Mock Trial Case Development Committee

The Mock Trial Committee thanks our dedicated Case Development Committee for this exciting original case. We hope you find these materials interesting and educational. This is a work of fiction. While there are some historically accurate names, locations, and events referenced, such uses are for context and history only. Any resemblance to actual persons, living or dead, or actual events that are directly involved in the matter at issue is purely coincidental. Best of luck during the competition!



**OKLAHOMA
BAR FOUNDATION**
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WITNESS AND EXHIBIT LIST

PROSECUTION WITNESSES	DEFENSE WITNESSES
July Jordan	Rossi Upchurch
Officer Kelly O’Purcell	Mel Teller
Penn Everett, Ph.D.	Drue Ellis, M.D.

EXHIBIT*	EXHIBIT NAME
Exhibit 1	Winchester Special Event Permit and Assembly Event
Exhibit 2	Winchester Police Department- Special Event Report
Exhibit 3	Winchester Police Department- Call Report
Exhibit 4	Winchester Police Department- Incident and Investigation Report
Exhibit 5	Images of Scene
Exhibit 6	Images of Counter-Protestor Equipment (from scene)
Exhibit 7	Medical Examiner’s Report on Emma Insons
Exhibit 8	YCS Protest Event Materials
Exhibit 9	AHS1 Counter-Protest Materials
Exhibit 10	State Expert Report: Penn Everett, Ph.D.
Exhibit 11	Defense Expert Report: Drue Ellis, M.D.
*The preceding exhibits may be used by teams in competition. They are pre-marked and are to be referred to by number.	

STIPULATIONS

The State and Defense stipulate to the following facts:

1. There is no issue of jurisdiction or venue.
2. The applicable law is contained in the jury instructions. These may not be read into the record. Pleadings and jury instructions may not be objected to at the trial.
3. The exhibits are true and authentic copies. Their authenticity may not be challenged. Unless stated otherwise, admissibility of exhibits may be challenged on other grounds.
4. The witnesses gave their statements on the dates indicated in the case. Each witness was given the opportunity to review the statement prior to and in preparation for trial.
5. The trial is only addressing the guilt or innocence of the Defendant. The sentencing phase shall take place only if the verdict is guilty. Any reference to possible sentencing, including the range of potential punishment is immaterial and inadmissible.
6. Whenever a rule of evidence requires that reasonable notice be given, it has been given.
7. Miranda rights were administered properly to the Defendant. Defense counsel was present for Defendant's statement.
8. Sawyer Edgar, M.D. the State of Oklahoma's Medical Examiner performed the autopsy as described in the enclosed exhibit. The M.E. is not a witness in this trial and no comments, inferences, or other remarks shall be made by either side of the case on the absence of the Medical Examiner as a trial witness. The respective experts incorporate the M.E. Report into their reports, opinions, and testimony.
9. The conduct of the Winchester Police Department and other responding law enforcement agencies is not at issue in this case. This trial is focused on the guilt/innocence of Defendant, not whether law enforcement person/agencies could have prevented Decedent's death. Law enforcement witnesses may be questioned about actions or omissions in the investigation of the incident and are subject to examination, direct and cross, the same as any other witness.

STATEMENT OF THE CASE

(This is intended as a summary only and not to be used as evidence in the trial)

“A Righteous Riot?”

Citizens have certain rights provided and protected by the Constitutions of the United States and of the State of Oklahoma. Those rights have been fought for, defended, exercised, restricted, and expanded at various times and in varying circumstances since this government was founded. However, these constitutional rights have never existed completely free from all limitations. It has been said that an individual’s freedoms and rights end where another’s begin. This meeting point, between two person’s rights, equally valued, equally protected by the law of the land, equally available for exercise and use, has been and may always be a point of debate, discussion, agreement, disagreement, union or friction. Ideally, this point of friction can result in far-reaching consequences that improve life, liberty and freedom for a person or community. However, at times, that same point of friction can cost life.

October 4, 2020 was a bright, clear, crisp, typical Oklahoma fall day. The sun rose at 7:28 local time and the reported high temperature was a near-perfect 72 degrees. However, the calm and peace of that Sunday morning would be broken within a matter of hours and a life tragically lost. Emma Insons died during a clash between groups that were exercising their constitutional rights as citizens of Oklahoma and these United States. Insons died on or near the main steps of the Winchester Administration Building in downtown Winchester, Oklahoma.

On that day, a public gathering occurred that was planned, organized and hosted by one group seeking to raise awareness for their position against the continued presence of a specific statue and references to a certain person with a complex life story on public property. These protestors were seeking to have the City of Winchester remove a statue and references to that person from public property. The protestors claim that this person was a violent invader who enslaved natives and indiscriminately killed many people. The protest group claims the real story is nothing for a modern city to promote and modern values are undermined by promoting a historical criminal as a folk hero. The protest gathering occurred on public property and, for a time, was peaceful.

As is the case in many situations, a different group of people had a different opinion and sought to present an opposing viewpoint at the same gathering. While the counter-protestor group did not wholly endorse all that the historical figure in question had done in life, they did disagree that the statue and references on Winchester public property should be removed. The counter-protestors appeared at the protest event to, in their words, preserve the community’s history. At some point in time that morning, conflict and violence between the groups occurred. Insons was fatally injured at the exact spot where these two groups were engaged in the highest point of conflict.

This case is a criminal trial focused on the death of Emma Insons on October 4, 2020. The Defendant Rossi Upchurch is accused of committing the crime of Second-Degree Murder under Oklahoma law. The charges have been brought by the Travis County District Attorney on behalf of the State of Oklahoma. Defendant Rossi Upchurch is a member of the group that was counter-protesting the gathering on October 4, 2020. Defendant Upchurch is alleged to have engaged in a riot/illegal assembly, instigated violence with planning and training to inflict bodily harm on another person and that said actions resulted in death.

**IN THE DISTRICT COURT OF TRAVIS COUNTY
STATE OF OKLAHOMA**

STATE OF OKLAHOMA,)	
)	
Plaintiff,)	
)	
v.)	Case No. CF-2021-4
)	
ROSSI UPCHURCH,)	
)	
Defendant.)	

INFORMATION

STATE OF OKLAHOMA, COUNTY OF TRAVIS:

I, Harvey Dyke, the undersigned District Attorney of Travis County, State of Oklahoma, in the name and by the authority, and on behalf of the State of Oklahoma, give information that on or about the 4th day of October 2020, in said County of Travis in the State of Oklahoma, Rossi Upchurch, did then and there unlawfully, willfully, knowingly and wrongfully commit the crime of:

COUNT 1: **MURDER IN THE SECOND DEGREE**, a felony, in violation of Oklahoma State Statute Title 21, Section 701.8 (2), by engaging in the commission of any felony other than the unlawful acts set out in 21 O.S. § 701.7 (B) resulting in the death of Emma Insons by instigating and engaging in a riot with weapons and pre-planning, causing violence against other persons, and inflicting mortal wounds which caused death, contrary to the provisions of section 701.8 of title 21 of the Oklahoma Statutes and against the peace and dignity of the State of Oklahoma.

By: Harvey Dyke
Harvey Dyke, OBA #100
District Attorney in and for
Travis County, State of Oklahoma

LEGAL AUTHORITY

Oklahoma Constitution:

Article 2, Section 1- Political Power-Purpose of government-Alteration or reformation

All political power is inherent in the people; and government is instituted for their protection, security, and benefit, and to promote their general welfare; and they have the right to alter or reform the same whenever the public good may require it: Provided, such change be not repugnant to the Constitution of the United States.

Article 2, Section 3- Right of assembly and petition

The people have the right peaceably to assemble for their own good, and to apply to those invested with the powers of government for redress of grievances by petition, address, or remonstrance.

Oklahoma Statutes:

Title 21, Chapter 24, Section 701.7 – Murder in the First Degree

- A. A person commits murder in the first degree when that person unlawfully and with malice aforethought causes the death of another human being. Malice is that deliberate intention unlawfully to take away the life of a human being, which is manifested by external circumstances capable of proof.
- B. A person also commits the crime of murder in the first degree, regardless of malice, when that person or any other person takes the life of a human being during, or if the death of a human being results from, the commission or attempted commission of murder of another person, shooting or discharge of a firearm or crossbow with intent to kill, intentional discharge of a firearm or other deadly weapon into any dwelling or building as provided in Section 1289.17A of this title, forcible rape, robbery with a dangerous weapon, kidnapping, escape from lawful custody, eluding an officer, first degree burglary, first degree arson, unlawful distributing or dispensing of controlled dangerous substances or synthetic controlled substances, trafficking in illegal drugs, or manufacturing or attempting to manufacture a controlled dangerous substance.
- C. A person commits murder in the first degree when the death of a child results from the willful or malicious injuring, torturing, maiming or using of unreasonable force by said person or who shall willfully cause, procure or permit any of said acts to be done upon the child pursuant to Section 843.5 of this title. It is sufficient for the crime of murder in the first degree that the person either willfully tortured or used unreasonable force upon the child or maliciously injured or maimed the child.
- D. A person commits murder in the first degree when that person unlawfully and with malice aforethought solicits another person or persons to cause the death of a human being in furtherance of unlawfully manufacturing, distributing or dispensing controlled dangerous substances, as defined in the Uniform Controlled Dangerous Substances Act, unlawfully possessing with intent to distribute or dispense controlled dangerous substances, or trafficking in illegal drugs.
- E. A person commits murder in the first degree when that person intentionally causes the death of a law enforcement officer, correctional officer, or corrections employee while the officer or employee is in the performance of official duties.

Title 21, Chapter 24, Section 701.8 – Murder in the Second Degree

Homicide is murder in the second degree in the following cases:

1. When perpetrated by an act imminently dangerous to another person and evincing a depraved mind, regardless of human life, although without any premeditated design to effect the death of any particular individual; or
2. When perpetrated by a person engaged in the commission of any felony other than the unlawful acts set out in Section 1, subsection B, of this act.

Title 21, Chapter 55, Section 1311- Definition of Riot

- any use of force or violence, by three or more persons acting together and without authority of law, is riot. 21 O.S. § 1311.

Title 21, Chapter 55, Section 1312- Penalties for Riot

Every person guilty of participating in any riot is punishable as follows:

1. If any murder, maiming, robbery, rape or arson was committed in the course of sch riot, such person is punishable in the same manner as a principal in such crime.
2. If the purpose of the riotous assembly was to resist the execution of any statute of this state or of the United States, or to obstruct any public officer of this state or of the United States, in the performance of any legal duty, or in serving or executing any legal process, such person shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years and not less than two (2) years.
3. If such person carried at the time of such riot any species of firearms, or other deadly or dangerous weapon, or was disguised, such person shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding ten (10) years and not less than two (2) years.
4. If such person directed, advised, encouraged or solicited other persons, who participated in the riot to acts of force or violence, such person shall be guilty of a felony punishable by imprisonment in the State Penitentiary not exceeding twenty (20) years and not less than two (2) years.
5. In all other cases such person is punishable as for a misdemeanor.

Title 21, Chapter 55, Section 1320.2- Incitement to Riot

- It shall be unlawful and shall constitute incitement to riot for a person, intending to cause, aid, or abet the institution or maintenance of a riot, to do an act or engage in conduct that urges other persons to commit acts of unlawful force or violence.

Title 21, Chapter 55, Section 1320.10- Teaching, Demonstrating or Training in the Use of Firearms, Explosive or Incendiary Devices in Furtherance of Riot or Civil Disorder

- No person, except those specifically authorized by the state or federal government, shall:

1. Teach or demonstrate to any group of persons the use, application or making of any firearm, explosive or incendiary device or application of physical force capable of causing injury or death to a person knowing or intending that such firearm, explosive or incendiary device of application of physical force will be employed for use in, or in furtherance of, a riot or civil disorder; or
2. Assemble with one or more persons for the purpose of training with, practicing with or being instructed in the use of any firearm, explosive or incendiary device or application of physical force capable of causing injury or death to a person, intending to employ such firearm, explosive or incendiary device or application of physical force for use in, or in furtherance of, a riot or civil disorder. Any violation of this section shall be a felony.

JURY INSTRUCTIONS

Oklahoma Uniform Jury Instructions (OUJI):

OUJI-CR 1-8: Opening Instruction:

You have been selected and sworn as the jury to try the case of the State of Oklahoma versus Defendant Rossi Upchurch. The defendant is charged with the Crime of Murder in the Second Degree/Felony-Murder by an Information filed by the State.

The Information in this case is the formal method of accusing the defendant of a crime. The Information is not evidence and the law is that you should not allow yourselves to be influenced against the defendant by reason of the Information.

The defendant has pled not guilty. A plea of not guilty puts in issue each element of the crime with which the defendant is charged. A plea of not guilty requires the State to prove each element of the crime beyond a reasonable doubt.

The defendant is presumed innocent of the crime and the presumption continues unless after consideration of all the evidence you are convinced of guilt beyond a reasonable doubt. The defendant must be found not guilty unless the State produces evidence which convinces you beyond a reasonable doubt of each element of the crime.

Evidence is the testimony received from witnesses under oath, agreements as to fact made by the attorneys, and the exhibits admitted into evidence during the trial.

It is your responsibility as jurors to determine the facts from the evidence, to follow the law as stated in the instructions from the judge, and to reach a verdict of not guilty or guilty based upon the evidence.

OUJI-CR 4-60: Homicide – Causation

No person may be convicted of homicide unless his/her conduct caused the death of the person allegedly killed. A death is caused by the conduct if the conduct is a substantial factor in bringing about the death and the conduct is dangerous and threatens or destroys life.

OUJI-CR 4-92: Murder in the Second Degree - Elements:

No person may be convicted of murder in the second degree unless the State has proved beyond a reasonable doubt each element of the crime. These elements are:

First, the death of a human;

Second, occurring as a result of an act or even which happened in the commission of a felony;

Third, caused by the defendant while in the commission of a felony;

Fourth, the elements of the underlying felony is/are alleged to have been in the commission of are as follows:
(Give Elements of Underlying Felony):

OUI-CR 4-93: Murder in the Second Degree – In The Commission Of Defined

A person is in the commission of [Specify Underlying Felony] when he/she is performing an act which is an inseparable part of [Specify Underlying Felony], or which is necessary in order to complete the course of conduct constituting [Specifying Underlying Felony], or when he/she is fleeing from the immediate scene of a/an [Specify Underlying Felony].

OUI-CR-6-57- Introduction

The Defendant is charged with participating and inciting a riot on October 4, 2020 in Travis County, Oklahoma.

OUI-CR-6-58- Participating in Riot

No person may be convicted of participating in a riot unless the State has proved beyond a reasonable doubt each elements of the crime. These elements are:

First, participating with 2 or more other persons;

Second, who are acting together;

Third, without authority of law;

Fourth, in a use of force/violence.

OUI-CR-58A- Participating in Riot-Punishment

If you find beyond a reasonable doubt that the defendant committed the crime of participating in riot, you shall return a verdict of guilty by marking the Verdict Form appropriately.

If you have a reasonable doubt of the defendant's guilt of the charge of participating in riot, or you find that the State has failed to prove each element of the charge of participating in riot beyond a reasonable doubt, you shall return a verdict of not guilty by marking the Verdict Form appropriately.

If you find the defendant guilty, you shall then determine the proper punishment.

If you determine beyond a reasonable doubt that Defendant was carrying a deadly/dangerous weapon at the time of the riot, then the crime of participating in riot is punishable by imprisonment in the penitentiary not exceeding ten years and not less than two.

If you determine beyond a reasonable doubt that Defendant directed/advised/encouraged/solicited other persons, who participated in the riot to acts of force/violence, then the crime of participating in riot is punishable by imprisonment in the penitentiary not exceeding ten years and not less than two.

OUI-CR 6-59-Incitement to Riot- Elements

No person may be convicted of incitement to riot unless the State has proved beyond a reasonable doubt each element of the crime. These elements are:

First, action/conduct;

Second, that with the intent to cause, aid, or assist the initiation/continuation of a riot;

Third, urged other persons;

Fourth, to commit acts of unlawful force/violence;

Fifth, the defendant's act/conduct created a clear and present danger of imminent unlawful action.

A riot is defined as any use of force or violence, or any threat to use force or violence if accompanied by immediate power of execution, by 3 or more persons acting together and without authority of law.

OUI-CR 8-46: Defense of Self-Defense - Justifiable use of Deadly Force

A person is justified in using deadly force in self-defense if that person reasonably believed that use of deadly force was necessary to prevent death or great bodily harm to himself/herself or to terminate or prevent the commission of a forcible felony against himself/herself. Self-defense is a defense although the danger to life or personal security may not have been real, if a reasonable person, in the circumstances and from the viewpoint of the defendant, would reasonably have believed that he/she was in imminent danger of death or great bodily harm.

OUI-CR-8-49: Defense of Self-Defense - Burden of Proof

It is the burden of the State to prove beyond a reasonable doubt that the defendant was not acting in self-defense. If you find that the State has failed to sustain that burden, then the defendant must be found not guilty.

OUI-CR 8-50: Defense of Self-Defense - When Defense not Available

Self-defense is permitted a person solely because of necessity. Self-defense is not available to a person who was the aggressor, provoked another with the intent to cause the altercation, or voluntarily entered into mutual combat, no matter how great the danger to personal security became during the altercation unless the right of self-defense is reestablished.

OUI-CR-8-51: Defense of Self-Defense - Defense Reestablished

A person who was the original aggressor, provoked another with intent to cause the altercation, or voluntarily entered into mutual combat may regain the right to self-defense if that person withdrew or attempted to withdraw from the altercation and communicated his/her desire to withdraw to the other participant in the altercation. If, thereafter, the other participant continued the altercation, the other participant became the aggressor and the person who was the original aggressor, provoked another with the

intent to cause the altercation, or voluntarily entered into mutual combat) is entitled to the defense of self-defense.

OUI-CR-8-52 Defense of Self-defense - No Duty to Retreat

A person who was not the aggressor, did not provoke another with intent to cause an altercation, or did not voluntarily enter into mutual combat has no duty to retreat, but may stand firm and use the right of self-defense.

OUI-CR 9-1: Evidence – Inferences

You should consider only the evidence introduced while the court is in session. You are permitted to draw such reasonable inferences from the testimony and exhibits as you feel are justified when considered with the aid of the knowledge which you each possess in common with other persons. You may make deductions and reach conclusions which reason and common sense lead you to draw from the fact which you find to have been established by the testimony and evidence in the case.

OUI-CR 9-2: Direct Evidence Defined

"Direct evidence" is the testimony of a person who asserts actual, personal knowledge of a fact, such as the testimony of an eyewitness. "Direct evidence" may also be an exhibit such as a photograph which demonstrates the existence of a fact. It is proof which points immediately to a question at issue and which proves the existence of a fact without inference or presumption.

OUI-CR 9-3: Circumstantial Evidence Defined

"Circumstantial evidence" is the proof of facts or circumstances which gives rise to a reasonable inference of other connected facts that tend to show the guilt or innocence of a defendant. It is proof of a chain of facts and circumstances that indicates either guilt or innocence.

OUI-CR 9-4: Direct and Circumstantial Evidence – Weight

The law makes no distinction between the weight to be given to either direct or circumstantial evidence. You should consider circumstantial evidence together with all the other evidence in the case in arriving at your verdict.

STATEMENT OF JULY JORDAN

1 My name is July Jordan. I was born on the Fourth of July, literally. My parents certainly
2 loved this county, apparently enough to name a child for the country's birth month. They told me
3 it was for my birth month too. No matter their motivation, I love them and frankly, it is pretty cool
4 to have fireworks on your birthday every year. Anyway, I was raised in Winchester and am a third
5 generation Oklahoman. Both of my parents are former military, and I am forever grateful to them
6 for many things, but certainly for their sacrifice before bringing me into this world. I'm currently
7 majoring in political science at a local community college. While most of my book-courses are
8 still general education requirements, I've been very intentional about learning outside the walls of
9 our school. I have always wanted to be part of real change in the real world.

10 I have learned plenty about changes, movements, sit-ins, standing up for beliefs, and stories
11 of how progress was made long ago. I fear that the passage of time from those foundational
12 moments of activism and real change in this country has caused many of us to think we could have
13 done what those ancestors did, we take the risks they faced for granted. Maybe some of us who
14 receive the benefits from change without going through the fight for that change, do not appreciate
15 the sacrifice of others. We've become disconnected from the fight. How many of us look back in
16 time from today to say of course I would have stood up for those being oppressed at that time, or
17 we look back from the other side of change and see how clearly some outdated way of thinking or
18 conduct was ignorant and simply wrong. We must not forget that we view the past from today's
19 perspective and standards. It can be easier to see wrongs in hindsight. It is a far more difficult
20 task to see a wrong and stand against the current.

21 It is easy to see in the virtue of change when you are already passed the general acceptance
22 of that change. I do not know whether I would have had the courage and resolve to stand up for

1 the progress and change that was fought for and established through sweat, tears, and, too often,
2 blood. I can only stand up for what I think and believe is right and good in my time now. Let
3 those who follow us view the effects of our work in this time.

4 My parents used to always say that “No one causes waves swimming with the river’s
5 current. Change does not happen until someone stands against the flow and changes the current
6 behind them. Sometimes it is a small, temporary change that gets washed over moments later.
7 However, sometimes you can cause that river to jump its banks and completely change directions.”
8 I remember times as a child when my parents would tuck me in to bed, would tell me stories of
9 visionaries, of people who changed the world through some action that they believed was right,
10 stories of struggle, loss and gain, of legends forged from simple decisions made in a single moment
11 that echoed through time. They would tell me to never be too scared to stand against the current.
12 No matter the result, no matter how long the change lasts, whether the river changes its entire
13 course, or I get swept away, they would tell me to find my place and to take a stand for what I
14 believe is right. I did not understand what they were saying for many years, but I think I now have
15 some sense of what they meant: live for a reason, live for something.

16 Unsurprisingly, I’ve become very involved in local politics and various causes for change.
17 I stay informed on issues facing our neighbors here and far away. The time for change is always
18 now, the time to improve is always now, and I want to play my part in writing a part of this
19 country’s legacy. So many people have sacrificed in so many ways to make this country what it
20 is today, and, more importantly, what it will become in the future. I know I sound like an idealist,
21 but there is no justification for waiting to be a better person, a better human, for waiting to create
22 a better community, or waiting for others to create a better country. I wanted to give this
23 background so that everyone might understand where this movement is coming from, we do not

1 want to ignore history, or certain values for our society. This movement is not looking to ignore
2 the past at all. Rather, we want to recognize the full history of our community, good and bad, with
3 objective accuracy and not a slanted perspective.

4 I'm president of the Young Constitutionals Society and led the YCS protest where and
5 when the tragic situation occurred. The YCS was only there to raise awareness, influence public
6 opinion and work to make Winchester a better place for everyone. Until the counter-protestors
7 showed up, there had been no violence, and everything went exactly as planned. We certainly did
8 not want anyone to die, especially Emma Insons. I invited the public and we welcomed opposing
9 views for a discussion. This debate was not a one for physical conflict. Yet, the actions of that
10 other group were violent, organized, premeditated, contrary to all principles of our rights to protest
11 issues without resorting to violence. It wasn't our fault that this tragedy occurred. Those so-called
12 patriots came intent on causing violence and they succeeded. Their actions resulted in death; they
13 created their martyr, and they seek to now blame others. That group acts as if they hold "justice"
14 in their hands, but when they learn that is not the case and they are still subject to law and order,
15 they seek to distract, blame, and avoid accountability.

16 There is a long history of protest in our country, going all the way back to the Boston Tea
17 Party, protesting the conduct and actions of our original "absent landlord". Those true patriots not
18 only stood against the overwhelming current of a far-reaching empire, but they also stained the
19 water behind them with tea forever leaving their mark across this land. Closer to home, Clara
20 Shepard Luper, an Oklahoma City teacher led the first sit-in demonstration against segregation at
21 Katz drugstore and participated in marches and demonstrations for years. Clara Luper was arrested
22 often as she sought to push for change in public accommodations for others. She stood against the
23 river's current and, while maintaining her adherence to nonviolence, changed many things for

1 others and those who have come after her. Even before her work as a civil rights leader, she was
2 changing currents as the first African American admitted to the graduate history program at the
3 University of Oklahoma in 1951. I am proud to be a part of that legacy in my own small way.

4 Winchester is not alone in working toward recognizing the errors of our past. A sister city,
5 Tulsa, is also coming to terms with its past as it looks into the oral history surrounding mass graves
6 at various sites across the city, following the 1921 Tulsa Race Massacre. While the Winchester
7 matter may never warrant the national attention of the Tulsa Race Massacre, this was still a moment
8 for standing up for what we believed was right. Winchester's embarrassment is in the choice of
9 those it honors with public works of art and public displays of promotion and embellishment.
10 Winchester can be better and should be better. I stood on the steps of that building to call for
11 change in the hope and belief that we should be better and that we can be better as a society for all.

12 Protesting is a right granted by the First Amendment of the United States Constitution.
13 Section III of Article II of the Oklahoma Constitution also guarantees the right of assemble and to
14 petition the government. Even Erik V. King presided over the state constitutional convention and
15 helped write portions of it, if not that section, so don't tell me that we shouldn't have been there
16 that day. King was educated in the law and was involved in local, state, and even federal politics,
17 having unsuccessfully sought nomination for a federal position before his death in his nineties. He
18 seemingly confused notoriety with popularity and was very close to being governor of this young
19 state at one time. He was irascible, extraordinarily colorful, and controversial. He absolutely left
20 a legacy, but that story is not the simple frontiersman who fought for and defended his family and
21 land narrative that many around here still seem to hang on to and promote.

22 The protest started as the hashtag: *#NoKinginOK*. I know it seems strong in a way, but it
23 came to me as I was sitting in the park looking at the statue of King. It was very catchy and

1 certainly induced responses from all corners of this state. Whenever I would see the statue, it
2 would conjure up images of his sordid history. I wondered why we would be honoring such a
3 dishonorable figure. There certainly are others that deserve the honor more than King.

4 For those that aren't aware of King's infamy, he was born circa 1830 in Virginia to a
5 prominent Scottish immigrant family. Short of stature, but well-proportioned with an athletic build,
6 King kept his fiery-red hair long and always wore a large mustache. As a younger man, he
7 sometimes wore a coonskin cap, perhaps in homage to Daniel Boone whom he reportedly held in
8 high regard. His appearance and demeanor always held clear connections to his idealized version
9 of a Viking conqueror, which is not that dissimilar to what we see all over television today.
10 Regardless, he was a colorful person with a colorful life story.

11 King married and migrated to the Territory of present day Oklahoma, circa 1855, having
12 what some would call a frontiersman's spirit. "Westward, ho" to King meant trespass and theft of
13 native lands, of course. He became one of the first widely known white inhabitants in the area and
14 the family lived initially in a dugout before securing slave labor to clear land, build a more
15 "suitable" home, and farm the fertile soil. King also established a relatively short-lived grist mill
16 in the area. King's slave labor was initially purchased from a nearby Native American tribe from
17 prisoners which were captured by the tribe during warfare with another tribe. King's slave holdings
18 grew in number and also included Africans as the years progressed. King's brutal treatment of his
19 slaves is well documented. While King traded with the Native American tribes upon arrival in the
20 area, they had frequent conflicts and all-out warfare was barely avoided on several occasions. Only
21 after the Civil War was King forced to let his slaves go.

22 Speaking of the American Civil War, depending on where one grew up, that same conflict
23 may be referred to as the "Civil War", the "War Between The States" or, sometimes, the "War of

1 Northern Aggression”. This is a perfect example of how different perspectives can see the exact
2 same event completely differently. To some, the “Civil War” is a misnomer because the South had
3 seceded and was, for that time, a separate nation! What some people see as losing history or efforts
4 to destroy heritage, may actually just be attempts to tell the whole tale. King may have certainly
5 fought to protect his family, land and way of life, but the conduct he engaged in to “protect those
6 values” should be objectively stated and included in the discussion of whether our community
7 should promote a historical figure’s “good” aspects while ignoring the “bad” parts of the story.

8 Once he was at odds with the Native Americans, King encouraged white migration to the
9 area and others followed, establishing a thriving community. He worked some as a surveyor for
10 the government before and during some of the land runs, becoming rich in his own right in the
11 process, perhaps through nefarious means by selling his knowledge to those participating in the
12 runs to secure through bribery the choicest locations.

13 King was an expert sharpshooter and often entertained his family and friends with his
14 shooting skill. He was connected to the Younger outlaws, having met and fought with some of
15 them during the Civil War including during a raid in Lawrence, Kansas, where 200 citizens were
16 killed, and the town looted and burned. In 1868, King was allegedly involved in the Seventh
17 Cavalry Regiment attack on the Cheyenne, which became known as the Massacre of Washita
18 River. During this massacre, soldiers reportedly killed 103 warriors, including Chief Black Kettle,
19 who was shot in the back along with his wife as they were fleeing on horseback. Dozens of women
20 and children were reportedly taken prisoner. This massacre was unwarranted as Chief Black Kettle
21 had previously agreed to cease all hostilities and move his band of the tribe, but that wasn’t good
22 enough. This massacre forced the Cheyenne into an assigned reservation, securing the Tribe’s
23 former land for white settlement. King returned to the area that became modern-day Winchester.

1 Knowing King's history, it is obvious why *#NoKinginOK* became viral. King is not a folk
2 hero; he was a criminal. A modern city like Winchester should be embarrassed by the continuing
3 presence of the King statue and references. The injustice of honoring a man who enslaved both
4 Native Americans and African Americans, treated them harshly, and even murdered them is simply
5 wrong, not to mention his other illegal activities.

6 With the protest, we did everything we were supposed to do. We filed for a permit and it
7 was granted by the City. On October 4, 2020, we assembled around 9 a.m. in the designated
8 location on city property in the park where the statue of King is located, Legionnaire Park. This is
9 precisely where the permit allowed us to assemble. The police even erected temporary barriers to
10 keep our group separated and safe from any motor vehicles using the streets nearby. It was a
11 Sunday morning and we still had around two hundred people participate, although the number
12 varied at different times during the event, of course. We carried signs and banners that we created
13 with various slogans. We were circulating a petition for removal of the statue and only allowed
14 registered voters to sign the petition; we gathered a large number of signatures that day while at
15 the protest, but we were unable to continue after the incident. Some participants chanted "No King
16 in OK" and sang songs like "We Shall Overcome", "Talkin' 'bout a Revolution", and "Lift Every
17 Voice and Sing", at least those are the ones I can recall at this moment.

18 We promoted the petition and protest as best we could. We invited traditional local and
19 state media, although none appeared until after the tragedy. We plugged it on social media. We did
20 communicate with the ACLU, American Civil Liberties Union, during the planning stage and it
21 helped us understand the process to follow. It was a wonderful resource. The ACLU stressed that
22 the protest had to be non-violent and that we had to control our members to ensure that there was
23 no disturbance of the peace. We did that. We stayed in the assembly area and there was no blocking

1 of traffic, at least until the event was disrupted. I took care of drafting the initiative petition, filing
2 the petition with the City of Winchester City Clerk, preparing for a hearing in case the petition was
3 protested within the initial ten-day period after it was filed, and generally prepared the group on
4 what we needed to do to legally collect the required number of signatures to effect change.

5 The trouble began when the counter-protestors appeared and infiltrated our crowd before
6 noon, probably closer to 11 a.m. We certainly had no issue with the appearance of the counter-
7 protestors; after all, one of the goals was to encourage debate amongst the stakeholders. However,
8 the counter-protestors may have felt outnumbered because they only had several small groups,
9 perhaps less than twenty or thirty each. What I did not realize at the time was that those groups
10 had been positioned to minimize disruption until a designated time for them to cut into and through
11 our crowd. They began to get verbally abusive with us because we could easily shout anything
12 they tried to say. Then the counter protestors disappeared and when they reappeared, they were
13 wearing what looked like military equipment and weapons. I don't know where the equipment
14 came from. They had helmets, shields, and combat gear on their arms, torsos, and legs. They
15 looked like some kind of military assault force. I know I was concerned that they were also
16 carrying concealed weapons at this point. Also, I do not agree for a single second, their statements
17 that the equipment was for "self-defense". We did not have any weapons, we had signs, water
18 bottles, and our voices. You must be some kind of fragile person to perceive the items we had as
19 weapons. They ended up crushing someone to death after all, but they want to say we were the
20 threat. I never saw anyone from our group throw anything at them other than some strong verbal
21 language. Now, once they changed into a crushing force and started harming people then we
22 absolutely fought back.

1 I don't know what they thought they were doing, but once in the military equipment, they
2 joined into some kind of dome with shields in all directions. Since the event, I've learned that the
3 formation is a Roman Testudo and involves lots of training and practice. Which means the group
4 practiced doing that before our Event. At some point soon after forming this shield dome, the side
5 closest to where I and other speakers were standing, started to push toward us. They used their
6 shields to push into and through the people who were lawfully assembled to protest that morning.
7 I have no doubt the move was meant to intimidate us, to force us to retreat and disperse. That's all
8 I can imagine was the intent. It was something straight out of the movies.

9 Our peaceful assembly went out the window when that para-military group started crushing
10 people. The event descended into a violent mass of pain and people instigated by a group who was
11 intent on causing harm and chaos. People were literally crushed by their organized, practiced, and
12 pressing force, that did not relent despite the harm and deadly consequences. Our group did push
13 back but only to try and create space to flee the area. I myself was pinned for a time between the
14 people who had been supporting us moments before but were then being crushed against us and
15 the building wall behind me. We could only try and flee to the sides of the on-coming assault and
16 many people were injured because that group, and their leader specifically, succeeded in violently
17 disrupting our peaceful protest. They did not succeed through reason, argument, persuasion, or
18 logic and, frankly, they will not succeed in the long-term. On that one day however, they "won"
19 by using brute force against an unarmed group exercising their constitutional rights.

20 During the assault, Emma Insons was crushed and killed. Panic ensued and everyone not
21 wearing military gear started dispersing in any direction they could reach. The conflict was over
22 in minutes, perhaps no more than twenty minutes once the military gear appeared. Tragically, the

1 police, who were as unaware of the coming problems as we were, arrived too late to stop the
2 injuries and death.

3 The counter-protestors, who I now understand to be members of AIIS1 need to be held
4 accountable for their actions, their leader should be found guilty for what happened. AIIS1 seems
5 to be a militant group that is believed to be financed by national organizations such as the NRA. I
6 did not recognize anyone in that group, and they may all have been from out-of-state invading our
7 town. Possibly people bussed in for political purposes. Regardless, Rossi Upchurch should be
8 held accountable for Emma Insons' death. If Upchurch and AIIS1 had not shown up with military
9 gear and other weaponry, had not inflicted physical force on innocent people, this tragedy would
10 not have occurred.

11 While our petition ultimately did not collect enough signatures during the ninety-day
12 period, I do not think that our time and efforts that day were wasted. Winchester was actively
13 engaged in and continues to be engaged in a broader discussion of its past and future with regard
14 to creating a more inclusive community. Our goal was never to destroy the past, but to simply
15 provide an accurate understanding of our community's history. I will forever look to stand against
16 the current to try and change the flow for what is right and good.

I have given this affidavit of my own free will on November 23, 2020 and certify that my
statements are the truth and I have nothing more to say.

July Jordan

July Jordan

STATEMENT OF ROSSI UPCHURCH

1 My name is Rossi Upchurch. While I wasn't born in Oklahoma, I am very familiar with the
2 State and its history. The Upchurch family tree has several branches that were established around the
3 Tulsa area soon after statehood, so I have always had a connection with this area. I came to Oklahoma
4 after graduating from high school "back east". During high school I was involved in the history club
5 and helped teach self-defense classes to fellow students. I was also a member of the Junior National
6 Rifle Association ("NRA"). My family has a long history of recognizing the importance of upholding
7 and preserving our rights, and for having a passion to learn, appreciate, and preserve history. After
8 coming to Oklahoma, I worked for the Historical Society and was involved in operating the Oklahoma
9 History Center.

10 I became involved in AIIS1 five (5) years ago after completing all of the education and training
11 classes required to become a formal member. I had heard of similar groups, or some arm of a related
12 organization, while in high school. Eventually I found out I was an AIIS1 legacy because parts of the
13 Upchurch family around here had been part of several related organizations over the years. Also, we
14 pronounce the group's name as "A-2-S-1", like the letters and numbers. Anyway, my father and one
15 set of grandparents were all members of a similar organization where I grew up. While I was always
16 interested in joining some part of the organization, my parents really encouraged me by helping make
17 connections to the "higher-ups" of the local chapter. I never knew why my mother wasn't a member,
18 but I do know that all are welcome. Currently, there are around 45 local chapter members here in this
19 part of Oklahoma.

20 After being introduced to a few members and attending an "informational session," I was
21 anxious to join the path to membership. In order to obtain full membership, I attended bi-weekly classes
22 taught by several chapter leaders. Occasionally, members of several national organizations, most of
23 them you have heard of, would attend, speak at classes and otherwise support our local chapter. I am

1 unfamiliar with many of the details of the larger organizations, but understand they have a “big sibling”
2 presence and as members of AIIS1 we support their missions which include protecting gun rights and
3 whatnot. The education classes involved history lessons, political science instruction, and real-world
4 self-defense tactics. We trained on the use of crowd control equipment and gear, shields and helmets.
5 I know a bunch of people see that type of stuff and think we are paramilitary or wannabe soldiers, but
6 every piece of equipment we train on is to protect yourself and those around you. While we try to
7 avoid conflict, we would be fools not to prepare for that possibility. Look, the history of Oklahoma
8 and these United States is not all that peaceful, and this is the home of the free because of the brave-
9 emphasize the “because” please.

10 Although I didn’t grow up in Winchester, it is important that we uphold and preserve the history
11 of Winchester. Just like other communities across this land, our history is what forms the foundation
12 for our way of life. Our history is what gives us the rights we enjoy and the responsibilities we bear
13 today. We all should remember the heroes who came before us, like Erik V. King. Should the story
14 be told more? Yes, absolutely. Should the story be slanted one way or the other? No. Was King a
15 flawed person? Yes, without a doubt. However, honoring the good deeds of someone does not
16 necessarily mean we endorse whatever bad deeds or flaws that person had too. I am not a perfect
17 person, I’ve never met a perfect person, and if we are supposed to only honor those without any flaws
18 or mistakes, then every statue in every corner of this country should be torn down and we should
19 apparently never talk about anyone who has come before us.

20 Have we forgotten that the founding fathers and mothers of this great nation were rebels who
21 fought and killed, who revolted against their leader, and who were very flawed in many ways? Have
22 you ever realized that the reason we get to enjoy the “right to life and liberty” is because enough soldiers
23 from the enemy were killed? YCS, just like every other political organization and group throughout
24 this land likes to exercise the rights that were fought for and frankly paid for in blood. I truly do not

1 mean to be dramatic or insensitive but come on, get real about all of this. Do not go around exercising
2 the rights we all share while ignoring the cost to get here. The rights to free speech and peaceably
3 assemble were established by war and conflict. Yet, I do not see any of these other organizations
4 refusing to exercise their First Amendment rights to assemble, to protest, and otherwise speak freely
5 despite those rights having been established by conflict and war. These beliefs and values are why we,
6 the members of AIIS1, had to be present at the protest that day.

7 Over the summer of 2020, I learned of plans for some kind of protest against the memory and
8 legacy of Erik King. As I mentioned before, King is a local historical figure who fought to establish
9 and preserve many of the personal rights and values we all share today. Our organization was given
10 some information on a protest to remove the statue of Erik V. King in downtown Winchester. Look,
11 anyone who knows the King story is familiar with the complex history of the actual person. There are
12 good actions and some bad actions, but none of us lived in that time and to say what happened under
13 the circumstances our ancestors faced generations ago seems ignorant to me. How on earth could I say
14 today how I would have acted a hundred years ago, especially when my land, my family and my
15 community were under constant threat? All of us who live in this area now are very comfortable and
16 whatever threats we face, for the most part, do not place our lives in danger on a daily basis. There is
17 no reasonable basis to dispute or challenge that this State, this community, and our rights as citizens
18 would not be as strong today if King would have been an idle observer of the wild west. What happened
19 then, allows what happens now.

20 The AIIS1 community made the decision to protect this history that all of us share and we
21 planned and prepared for a counter-protest. We have First Amendment rights to protect and exercise
22 too. The last time I checked, the First Amendment does not just apply to those who want to complain
23 about something. It was therefore mandatory that all AIIS1 members participate in the training and

1 planning of the counter-protest so that we could deliver an effective counter-message in support of
2 preserving the history of the Winchester community.

3 One of our associated national organizations also provided some training materials so that we
4 could become more prepared in advance of the protest. I prepared the AHS1 materials that have been
5 included in this case and are an identified exhibit. Those are my words, and I've poured my heart into
6 the organization, before the incident, during the incident and I will continue to do so regardless of how
7 this proceeding turns out.

8 In the months before October 4th, training occurred at several properties owned by members in
9 and around Travis County. We practiced various scenarios that could arise given that we were going
10 to be presenting an opposing position to what seemed to be a well-planned and organized event. There
11 was no formal test for our members, but it was clear what was expected. Our freedoms and rights are
12 to be protected, preserved, and exercised against threats domestic and foreign. We did watch a few
13 video reenactment's as well, and we performed several "test" crowd control situations. All in all, it was
14 very exciting, and it felt good to know I was a part of preserving the history of this community.

15 The YCS protestors started promoting their agenda well in advance of the planned protest. I
16 agree it is their right to protest, but Erik V. King is an important figure who ought to be praised. His
17 actions were necessary at the time to establish our rights and I was going to make sure our counter-
18 protest was heard just as loudly as the YCS group. Around 30 of us were able to meet prior to arriving
19 at the site of the protest. There were hundreds of protestors, so needless to say, we were outnumbered.
20 We stood by to observe the protest for a couple of hours, but the crowd started to see that we were not
21 in favor of their position. We started received threats and aggressive movements and actions. So, we
22 fell back and decided to utilize our protective equipment and to unite to provide the most direct
23 response in opposition to the YCS stance.

1 We returned to the assembly with helmets, body armor, and protective shields. Most of us did
2 not carry firearms that day as we did not expect the protestors to become violent and I never would
3 have thought that we were going to be threatened. I was definitely wrong. While I felt like we had
4 properly trained to present our position, once we united our group, we were attacked.

5 Once we were unified, I tried to call out our position on the issue and petition being considered.
6 My calls were drowned out by the protestors and our groups' calls were equally covered by the
7 incoming projectiles that started raining down on us. I was never hit, but I know I heard the sounds of
8 items hitting our shields from all directions and I began to feel the incoming press of the riot. Whatever
9 banter was exchanged between us and the protestors quickly gave way to threats and assaults against
10 us. So, I called out for the group to shift into an exit formation because I wanted to get us out of harm's
11 way. It is nearly impossible to move a completely surrounded Testudo formation through a crowd
12 without conflict, so we very effectively shifted into an arrowhead shape to press through the rioters and
13 reach safety. I was able to see that the surrounding mob was thinnest between us and the Winchester
14 Administration Building, so I directed our group toward that structure.

15 I chose the building as a rally point because it was much taller than the surrounding terrain,
16 would be visible by all members, would provide a backstop against which our group could then turn
17 left or right and would have allowed us to exit the area with minimal resistance. As soon as we shifted
18 and began to move forward, the protestors pushed back and resisted our efforts to get out. We intended
19 to simply divide the crowd, reach the wall and turn to exit the area.

20 I do recall hearing screams and feeling the group's movement slow to a full-stop before we had
21 the chance to turn parallel with the building's wall. I made the call to press forward despite the
22 resistance because of the continuing projectiles that were thrown against us. This all happened so
23 quickly. Emma Insons was on the path to being a full member but had displayed such enthusiasm for
24 the cause that I decided to include her in the counter-protests that day. Nothing went as planned. I

1 know I heard her scream at one point, and I realized that I was directly behind Emma while pushing
2 forward. I have no idea why she was not wearing a helmet, but several members had rushed back to
3 the group and may not have had time to fully prepare. I distinctly recall a moment when I raised my
4 shield to protect a gap that had opened above us. I think a protestor grabbed the top of my shield and
5 drove it straight down where Emma was or maybe I was struck by something through the wall and
6 brought my shield down to protect myself. No matter because the whole situation had deteriorated into
7 chaos by that time. I was trying to protect us while in the middle of a riot. I was trying to get us out
8 of there as quickly as possible.

9 We did not start or cause that riot. The protestors became more violent than we had anticipated
10 and as a group, we had to use more force than anticipated. Plus, we were outnumbered so it was vital
11 that we maintained our formation and pressed through the protestors to safety. The fact that YCS could
12 not handle an opposing viewpoint tells us plenty about the group. They resorted to violence when an
13 opposing voice was presented. They refused to let us leave once the situation became chaotic. They
14 started fighting us and throwing items. They were violent. They were hitting us with fists, signs, wood
15 beams, limbs, and any number of other items that were available. We were defensive. I did not kill
16 Emma Insons, YCS and their rioters did. The last thing I want to say is until the final breath.

I have given this affidavit on December 3, 2020, of my own free will and certify that my
statements are the truth and I have nothing more to say.

Rossi Upchurch
Rossi Upchurch

STATEMENT OF KELLY O’PURCELL

1 This affidavit is submitted in support of a criminal complaint against Rossi Upchurch,
2 charging violations of 21 O.S. § 701.8 of the Oklahoma Statutes. My name is Kelly O’Purcell and
3 I am a police officer with the City of Winchester Police Department. On October 4, 2020, I received
4 the call from dispatch to respond to a reported riot, involving fighting, military persons, weapons,
5 and multiple injuries. Obviously, the call was very serious and multiple agencies were tasked with
6 responding. I can say without any doubt that all law enforcement procedures were followed, we
7 responded as quickly as possible, but the tragic results of that morning occurred before any agency
8 could arrive. Personally, I immediately went full lights and sirens and arrived on scene within a
9 few minutes of receiving the call. I’ve never responded to a riot call, but I know I did everything
10 possible to get to the scene as quickly as I could, we all did.

11 I knew that a protest was taking place at that location on October 4th because an application
12 was submitted to, and approved by, the special events division of the city’s public information
13 department and that office checked with us for any law enforcement issues to address. I did receive
14 and review the application and I prepared the event plan for the department. The event was
15 scheduled for a Sunday and there was nothing to indicate there might be problems or violence.
16 The only preparations for the event that involved law enforcement were the placement of some
17 temporary barricades along the sidewalk to increase visibility and to separate pedestrians from any
18 vehicle traffic that might be on the adjacent road that morning. The protest began at approximately
19 9:00 a.m., and honestly calling that event a “protest” is too strong. The event was permitted for a
20 6-hour duration and was by all indications planned as a peaceful public gathering. Our precinct
21 chief made sure the regular patrol unit was aware of the event just for periodic drive-bys, but no
22 changes were made to the ordinary patrol patterns. We did not have any units stationed at the event

1 itself. A couple of hours after the event began, we got the call of a riot with injuries because some
2 counter-protestors showed up and started fighting.

3 At approximate 11:20 a.m., I received a call from dispatch reporting a riot with injuries at
4 the Winchester Administration building downtown. Upon my arrival at the scene, I saw a chaotic
5 scene with several individuals sitting on the ground with minor injuries. Emergency medical
6 services had been called and arrived just a few seconds after I did. Within moments I was advised
7 that one individual was deceased, and the medical responders were shifting to treat other injuries.
8 The decedent was identified as Emma Insons and I taped off the area due to the traumatic nature
9 of the injuries and events that had transpired. It all seemed very odd to me and one medic
10 mentioned that Insons had been crushed to death. After I confirmed that the activities during the
11 event directly resulted in personal injury and specifically death, I immediately began an
12 investigation.

13 It was very clear that a violence had occurred involving and against private citizens. The
14 scene was near the Erik V. King memorial statue in the Winchester town square. I began talking
15 to witnesses at the scene, including one of the organizers of the protest, identified as July Jordan.
16 July reported that a group of counter-protestors had shown up and started the violence by forcing
17 themselves into the crowd creating a dome of riot shields and eventually charging against the front
18 of the crowd, forcing the principal protestors to be smashed and pinned against the stairs and
19 building wall. July pointed out a group of individuals loosely milling around on the south lawn of
20 the park area and identified them as the instigators of the altercation. I noted that the group was
21 wearing riot gear armor, not unlike what we had as law enforcement. Significantly, I saw and
22 documented multiple riot shields. I recall seeing some of these individuals when I arrived on scene,
23 but I honestly thought they were law enforcement based on the equipment.

1 I observed an individual, later identified as Rossi Upchurch, to be in possession of a riot
2 shield. Upon further investigation, I was able to determine that this group identified themselves
3 as AIIS1 (“A-Two-S-One”), a paramilitary militia and advocacy group which promotes the
4 protection of various constitutional rights, including the Second Amendment, and has been known
5 to provide various kinds of tactical training to its members. Throughout my years on the police
6 force we have been consistently trained and informed on the various militia groups organized
7 across the country, but I had no idea that AIISI had an active presence in our immediate area.
8 We’ve never had an issue with the group or really any interaction with the group prior to this
9 incident. My questioning of several individuals revealed that they had an organized plan to be
10 present for the event, voice their opposition to the protest and peacefully exercise their First
11 Amendment rights. Every one of the members stated that their intent was not to cause violence,
12 but to exercise their rights to peacefully counter protest the event. Immediately, I had doubts on
13 their intentions given the military-styled gear they were wearing but I did not learn much beyond
14 what I felt were talking points on free speech being for all people, not just those who complain.
15 What was very clear was that the group had been planning for this day for several months.

16 Based on the statements of numerous eyewitnesses, my investigation led me to conclude
17 that the leader of the AIISI group’s counter-protest was an individual identified as Rossi Upchurch.
18 Upon positive identification at the scene, I approached Upchurch to discuss what had transpired.
19 Rossi Upchurch was similarly armed with riot gear and had a registered 9mm pistol. No firearms
20 were reported to have been brandished or discharged at any point throughout the incident, but
21 based on the presence of this firearm, confirmation by Upchurch that they were leading the counter-
22 protestors, confirmation by Upchurch that they were directly involved in the conflict and that they
23 were at the focal point of the conflict when and where Insons apparently died, I determined to

1 detain Upchurch. I read Upchurch their Miranda rights, but they declined to give any additional
2 information or statements. At that time, I placed Upchurch into my patrol vehicle, photographed
3 the area and equipment, and concluded my investigation once the Medical Examiner's office had
4 removed Decedent from the scene. By that time, the crowd had dispersed, and the event was
5 essentially over. I really expected to see more items strewn all over the area where the conflict
6 occurred. While the scene was initial chaotic when I arrived, I thought I would see all kinds of
7 items and debris especially once I started hearing the AIIS1 members reports of being assaulted
8 and hit with projectiles by the protestors. Honestly, from what I observed, I did not see anything
9 to substantiate the AIIS1 statements that they had been assaulted by the YCS' protestors, but I
10 admit the conflict was over by the time I arrived.

11 Based off of the above information, your affiant believes that Rossi Upchurch was in
12 violation of Title 21, Section 701.8 of the Oklahoma state statutes (Murder in the Second Degree)
13 and I submit this statement and the referenced documents in support hereof.

I have given this affidavit on December 3, 2020 of my own free will and certify that my
statements are the truth and I have nothing more to say.

Ofc. Kelly O'Purcell

Officer Kelly O'Purcell, #427

STATEMENT OF MEL TELLER

1 My name is Mel Teller. I have lived in Winchester all of my life, and I am saddened to be
2 here today. Saddened to see a young life lost, and sadder still to see this loss turned into a circus
3 act to distract the people from the poison that is killing our country. When I grew up, every child
4 wanted nothing more than a good dog, open land, and freedom. Freedom to explore, to hunt, to
5 climb trees, to make believe, to play and to make your own way as you grew up. Our community
6 used to have pride, used to teach young people to have gratitude for those freedoms and the
7 hardships our ancestors overcame to win them. Nowadays, young people don't know anything
8 about gratitude, they only know how to hit a like button on Instagram or TikTok or whatever the
9 latest media app is. They spend their time consuming on-line content and missing out on real
10 world content. Why care what others like? Go experience the world and find out what you like.
11 Also, I really wish they would stop looking for things to get upset over. Being upset does not make
12 you right. Being right, makes you right.

13 Erik V. King was a hero of the frontier who overcame great odds to establish our rights,
14 our city, and these snowflakes want to tear down his statue and erase him out from history just
15 because he had to get his hands dirty along the way. Do I agree with every decision he made? No.
16 Did he do some bad things? Yes. Would he have done some things differently if he were alive
17 today? Probably. But he was a product of the times he lived in and shouldn't be judged by today's
18 standards. What would you have done in that time if your family, home and way of life were under
19 attack? How can you say today that you would have acted differently back then? Has any single
20 YCS member ever literally built their home from dirt and sod or had to fight on a day-to-day basis
21 to protect themselves or their family? I bet not. It is terrible that Emma Insons died, but what

1 happened to her was an accident and to use that tragedy to perpetuate efforts to obliterate our
2 history and to take away our freedoms is a disgrace.

3 I mean seriously, I've heard the rioters and the media try to blame AIIS1 and paint us as
4 armed instigators disrupting a peaceful protest. Can you believe it? Never mind that we fired no
5 shots, despite being attacked. We did not even bring any weapons. Never mind that they were
6 swarming around us. Never mind that we were greatly outnumbered and merely took a defensive
7 position so that we could safely navigate the swarm of rioters attacking us. Never mind that they
8 decided to press against us rather than let us pass with nobody harmed. They started throwing
9 things and hitting us before we ever started moving to get out of there. Now I wasn't hit with
10 anything and I do not know what was thrown at us, but I heard Rossi's calls and commands that
11 we were being attacked and we reacted accordingly. But does any media outlet dare to tell that
12 side of the story? No. These people want to wield the First Amendment as a sword to promote their
13 agenda, but then cry foul when that same right to speech is presented as a counter-position.

14 The last time I read the actual language the right to free speech does not apply only for
15 those who want to complain about something. We have the same first amendment rights that YCS
16 does, right? AIIS1 has the exact same right to voice opposition to a position that YCS wants to
17 cry out for. We did not have a problem with them exercising their rights, but I absolutely take
18 issue with them inciting violence when we showed up to voice an opposing position. They attacked
19 us; I think. At least, that is what Rossi was yelling just before the riot started.

20 I joined AIIS1 a little over a year ago. Many people don't understand what we're about,
21 and if all you know is what you know is what you hear and see in the media and this charade of
22 justice, then you've got it all wrong. AIIS1 is about preserving the essential American spirit and
23 the rights and freedoms that we all have. The spirit of self-reliance, self-defense, and self-

1 governance that built this country and forged our constitution. Our name comes from Article II,
2 Section 1 of the Oklahoma Constitution, which says that all power belongs to the people, and that
3 our government is for the people – not the other way around.

4 As citizens, we have the right to demand that our government serve us, and if it isn't serving
5 us, we have the right to demand change. We're not a bunch of armed nuts trying to overthrow the
6 government. We are pro-government, so long as that government is exercising the power of the
7 people, for the people and by the people. Power constitutionally protected for us. We are engaged
8 citizens who band together to let the politicians know that we are here, that we are watching them,
9 and that we will hold them accountable if they try to sell out our country or our freedoms. We
10 aren't tied to one political party – there's plenty to complain about on both sides of the aisle. We
11 also are not a bunch of uneducated imbeciles blindly following some bully. Such incendiary
12 rhetoric is a thinly veiled attempt to blindly dismiss us as people instead of responding to what we
13 actually stand for. If you cannot effectively respond to what your opponent's position is, then
14 attack your opponent directly. That is a pathetic argument that shouldn't persuade even a
15 minimally educated listener. Part of the foundation of this country is a well-educated populace
16 and AIIS1 educates our members.

17 The instruction we give new members of AIIS1 is better than any college courses on
18 American history, political science, government and, some basic constitutional law thrown in. We
19 teach new members the history of this country from the values of the founding families to the
20 stories of those who have maintained their sacred duty to call the government to account when it
21 oversteps its bounds. We try to teach the good and the bad in all points of instruction. Was this
22 country founded with a goal of freedom for all? Yes, but was there actually freedom for all along
23 the way- No. Is this great union perfect? No, but we should strive and work toward that goal.

1 Mistakes have been made and wrongs have occurred. However, we will not stop fighting the war
2 because there have been lost battles. We are not some water-downed group that tries to influence
3 others by mischaracterizing the truth or massaging history to suit current purposes. Along with
4 preserving our heritage and our values, we also teach our members about preserving ourselves.

5 The group can be like a family, and we won't let others hurt our family. Just like King had
6 to, we will fight back when attacked. We prepare for a fight, but do not seek out conflict. We are
7 a small group, so it is important that we stay organized in order to be safe and make our voices
8 heard. This is especially true when we appear for public events. Organized crowd movements are
9 certainly part of our group's training. Being too dispersed in a crowd will dilute the impact of our
10 messaging and presence. So, to work through various possibilities while still reaching our
11 objectives, we would train and practice. Exactly like every sports team does in every sport.

12 We would often engage in paintball games to simulate scenarios where our group was
13 moving into a crowd, through a crowd, and out of a crowd with varying degrees of resistance. We
14 also practiced scenarios involving our group being under attack. In the weeks before the King
15 protest, we knew that we would be outnumbered and that the rhetoric surrounding King was
16 inflammatory, so we practiced what we would do if we faced trouble. We worked on staying
17 joined as a group, we worked on entry and exit routes, we designated safe areas/rally points if
18 anyone got separated, then we worked on our messaging.

19 Do you know that one story of the turtle and the rabbit? The turtle was slow but steady and
20 unwavering. The rabbit was fast and all over the place. I think the turtle won, but there is a deeper
21 lesson in that story. The turtle is resistant to outside influences, defensive, while the rabbit is quick
22 to reach a target, offensive. AHS1 developed a crowd interaction tactic that involved both
23 defensive and offensive movements from this story. Depending on the primary goal, whether

1 defensive or offensive, we could execute group formations to be defensive or offensive, and
2 transition between either, depending on how the surrounding circumstances changed. We were
3 very good in the weeks leading up to October 2020 and I could tell the AIIS1 leadership, Rossi
4 specifically, was very focused on executing this tactic without any loss of shield wall integrity.
5 We even got to where we could make the transition from defense to offense “completely blind” to
6 whatever threats were facing us just beyond our united shields. It was very comforting to be able
7 to move in unison and get away from threats. Obviously, given what happened when we were
8 attacked on October 4th our practice probably saved others from harm.

9 We never endorsed all that King did, but we absolutely endorsed the goals and values that
10 were lived out by that figure in that time. Was King a perfect person? No, absolutely not. None
11 of us are. But, did King protect family, faith and the right to carve out a living? Absolutely.
12 Therefore, we wanted to voice our opposition to the calls to completely remove the figure and all
13 references from public property across Winchester. We are in favor of a comprehensive telling of
14 the story-the good and the bad but looking to tear down good people for bad things is not the way,
15 in our view, to move forward. Bad actions should not absolutely negate good actions and good
16 acts do not necessarily make up for bad conduct.

17 When we announced that we would be appearing for the King event and would be
18 protesting against removal of the statue, some donors – I don’t know who – provided us with
19 protective gear in case we were attacked. Given what happened, I am grateful for the donation –
20 there may have been so many more injuries if we didn’t have protection. One morning for our
21 training session there were crates of equipment that had been delivered and we were like kids on
22 Christmas morning opening all kinds of cool gifts, gadgets, and gear. There were full outfits,
23 shields, helmets, padded gloves, padding for torso, legs, arms, and batons. Obviously, all of the

1 equipment was for self-defense and that was what our leaders relayed to us over and over. Before
2 the event we discussed not wearing full protective gear at first, because that might give the wrong
3 impression, but if there was trouble, we would fall back, gear up and return in a defensive formation
4 similar to a Roman Testudo – where the shields are locked together to form a protective wall. This
5 is the turtle formation I mentioned earlier. Ultimately, we were attacked and had to react to get
6 out of a hostile environment.

7 The Testudo is a defensive formation of interlocking shields that provides protection for
8 the shield-bearer as well as adjacent soldiers. The strength of the formation lies in the united fronts
9 and presents an unbroken, and unbreakable, wall on all directions. With overlapping shields, all
10 members in the cohort would be protected from projectiles thrown by an enemy force-or, in this
11 instant, by a rioting mob. On command, our group could unite to form a shield wall in seconds,
12 and we were so well-trained that we could march as a unified force without needing to see where
13 we were being directed. In battle, you did not break the shield wall to peek where you were headed,
14 and we were all trained to instinctively rely of the commands called out by our leaders.

15 We also practiced shifting from the defensive Testudo formation to an arrowhead formation
16 in order to push our way out of a crowd and to reach safety, if necessary. This is the rabbit
17 formation I mentioned before. The arrowhead was critical on October 4, 2020 because we ended
18 up surrounded and were being attacked from all directions-at least that is what I thought was
19 happening given the commands we were receiving. Again, once you are locked into the shield
20 wall, you do not break that formation to check your surroundings because there could be threats in
21 any direction and you never expose your brother or sister on either side to threats simply because
22 you want to see what is happening. Getting yourself hurt is one thing but doing something that
23 gets your neighbor hurt is a whole different level of screwing up. The arrowhead formation

1 involves a shift in one side of the Testudo outward and a corresponding narrowing of the other
2 sides of the shell so that a focal point is created. From this positioning, the environment ahead of
3 the group can be pierced and separated to allow movement of the group into and through the
4 resisting force. We were trained on this maneuver so that the group could move to a point of safety
5 if we ever became pinned down.

6 It all went wrong at the King event because the rioters were so hell-bent on shutting us
7 down that instead of doing the logical thing and letting us through, they decided to surround us,
8 push up against our shields and try to squeeze us into submission. Once we got near the steps of
9 the civic building where the protestors were gathered, you can see the steps in some photographs
10 taken after the event, we were called into Testudo formation. I guess Rossi recognized a threat to
11 the group and we took a defensive posture in response. I took my place in the wall and ended up
12 being on the side facing the steps. I remember hearing shouts and yelling from all directions, but
13 I honestly thought there would have been things hitting my side of the formation. I heard the call
14 for incoming projectiles, and we tightened our locked shields instinctively, but I never heard
15 anything hitting our shields. At some point, the call was made to evade the attack and we shifted
16 into an arrowhead on my side of the formation. We shifted in a matter of seconds and were ordered
17 to move forward. I remember thinking that was an odd shift and movement given that we were
18 heading directly toward the steps where the protestors had focused their presence, but again, in the
19 heat of battle, you do not second-guess your instructions. We shifted, we moved, we relied on
20 training and our leader.

21 I remember sensing the group shift into positions behind me as I extended with my side of
22 the shell. I then remember feeling the press forward as we were moved away from whatever threat
23 was behind us and toward safety-or what I thought was safety. We moved toward the steps fluidly

1 and I thought the crowd must have dispersed ahead of us-which was the right thing to do so that
2 we could get out of there quickly. However, the second after that thought entered my head, there
3 was a huge crushing force of resistance in front of me along with the pressing force of our group
4 behind me. It felt like we hit a wall, but those behind me were still getting orders to press forward.

5 That was the moment when I heard screaming all around me. Apparently, what I thought
6 was a wall, was actually the crowd of protestors trying to move out of our way but being pinned
7 in by whatever it was they were facing-barricades, concrete walls, steps, or something. I knew the
8 city building was behind them and I thought we were going to move to that wall, then turn left or
9 right to exit the area. However, we stayed in the arrowhead formation and kept pressing forward.
10 It seemed like minutes passed and I know I was being crushed, but the protestors should have
11 moved out of the way or let us through. There was no give either ahead of us or from behind us,
12 that feeling must be what a rugby scrum is like- you know that reference right? The part of rugby
13 where the teams lock arms with each other and then lock heads and shoulders with the opposing
14 group and then they seem to just start pushing and trying to drive the other team back. I was never
15 scared, but I was worried that we were becoming greater targets the longer we stayed in one spot.
16 So, I kept pushing forward and I kept being pushed from behind in the same direction. Even though
17 I never felt anything hit me and do not remember any sounds like things hitting us, I recall hearing
18 the incoming projectiles warning and the continued forward arrowhead press call. In the moment
19 I did not realize that people were being crushed and that Insons was dying next to me. I heard
20 Insons screaming, I think, and I heard calls for help from Insons and others outside our shields.
21 There was nothing we could do though. There was no where to go, no where to release and I was
22 not about to pull back and expose others to the threats from those rioters. I am kind of surprised
23 there were not more injuries.

1 Don't get me wrong, one life lost is one too many, but dying for a just cause may not be all
2 that bad. No matter though because our group isn't to blame for any injuries and death. We were
3 trying to get out of harm's way. Rather than take responsibility for their role in what happened,
4 the rioters just continue to spread false information and now they are charging someone with a
5 crime just for loving America, exercising the rights we all have, and acting in self-defense. Rossi
6 saved lives that day. Yes, not every life was saved, but I absolutely believe other lives were saved
7 by our actions. Our group was under attack, at least that was what we were being told at the time.
8 Regardless, we were exercising our rights and were defending ourselves while trying to leave the
9 area.

10 We did nothing wrong. We were trained for the event, we were prepared for the event, we
11 were present to voice our opposition to those efforts to completely wipe away history and we were
12 there exercising the power of the people. The AHS1 movement will continue because there are
13 always going to be threats to this country, both foreign and domestic, and we must exercise the
14 constitutional powers granted to us all or else they will be washed away, just like the protestors
15 sought to wash away King's legacy. I think I'm supposed to add, until the final breath. Thank you.

I have given this affidavit of my own free will on November 25, 2020 and certify that my
statements are the truth and I have nothing more to say.

Mel Teller

Mel Teller

STATEMENT OF PENN EVERETT

1 I am Penn Everett. I am a doctor retained in this case for the Prosecution, the State of
2 Oklahoma. My education, degrees, accomplishments, publications, and all other background to
3 support my expert opinions in this case are set forth in my final report. Respectfully, please look
4 to my report for such information as I'd rather not take up your time or my time restating those
5 qualifications here. On the matter at hand, Emma Insons was subjected to significant external
6 pressures, both anterior and posterior, and died from compression asphyxia.

7 This injury occurs when respiration is prevented by external pressures on the body. Usually
8 this occurs when external forces compress the torso or chest with resulting internal injuries. Insons
9 was crushed to death when pinned between the people pressing from behind and the opposing
10 resistance of the persons and building wall at the front. Insons may have survived if either sides
11 of that pinch point had been removed or reduced enough. The medical evidence observed and
12 established by the Sawyer examination supports only this conclusion. While I would incorporate
13 my full report for comprehensive details on my findings and conclusions, allow me the opportunity
14 to make several points:

15 First, as to the cranial injury that was present and seems to be the focus of Ellis, while
16 significant, it was not fatal. Drue is simply incorrect, again. Even if a concussion had occurred
17 from the impact to Insons' head, but there was no loss of consciousness. The internal structures
18 of the head were intact and without penetrating injury. Similarly, there is no evidence of sufficient
19 damage to the brain to support and conclude that any adverse effects to consciousness were present
20 with reasonable medical certainty. Contrary to Ellis' position, there is too much evidence
21 supporting continued body functions after the head injury to opine Insons was deceased before the
22 crushing injuries occurred.

1 Second, persons familiar with Insons and who were relatively close at the time of injury,
2 heard screams and vocalizations that they attributed to Insons. These screams and vocalizations
3 occurred while the highest points of conflict were occurring and Insons was apparently still
4 engaged in the struggle. Had Insons been rendered unconscious, then they certainly would not
5 have been physically able to push forward and would have been “dead-weight”. Additionally, the
6 absence of external material in the lungs does not support the lack of lung functioning. Not all air-
7 borne particulates make it into the lungs. More importantly, Insons was crushed to death and
8 whatever air may have been inside the lungs would have been expelled by the crushing forces.
9 Complete injury-related pneumothorax occurred. In lay terms, both lungs were completely
10 collapsed.

11 Third, the blunt force pressures to the posterior aspect of the body combined with similar
12 external pressure being exerted against the anterior aspect significantly restrained, and may have
13 completely restricted, the natural flow of blood throughout the body. Once circulation is
14 restrained, clotting being immediately. Also, blood, even as a “liquid” contains many solid bodies
15 that all begin to “sink” once flow is restricted. As flow is restricted, blood begins to settle in the
16 lowest parts of the internal structures of the body and the body itself. The autopsy report supports
17 continued blood flow up to the point in time when the combined anterior and posterior external
18 blunt force pressures exceeded the body’s resistance and fatal injuries occurred. Blood flow did
19 not stop when the Decedent’s head was struck, this supports my determination that that specific
20 injury was not the cause of death.

21 Finally, I want to specifically incorporate here, the citations from my report and reliance
22 on studies focused on determining the structural integrity of the human body and specifically,
23 the resistance to external pressures. As stated in my report, the threshold for fatal crushing injuries

1 is around 600 pounds of force. However, Insons was subjected to anterior and posterior crushing
2 forces and resistance. Also, the chest injuries were a significant factor in the fatal results that
3 occurred on October 4, 2020. Without providing too much detail outside of my report, let me state
4 that Insons suffered a flail chest injury. In very simplistic terms, as the structure of the chest and
5 ribs is compromised through increasing fractures, the resistance to external forces is drastically
6 reduced. An intact rib cage and chest structure is surprisingly resistant to being crushed. However,
7 the second that Insons' ribs began to break, and the external pressures continued, not even needing
8 to increase, the threshold from survivable injury to fatal result was crossed.

9 In my opinion and with a reasonable degree of medical certainty, Emma Insons died from
10 the crushing injuries. The head injury was not sufficient to cause death and probably did not even
11 result in any degree of incapacitation. On the other hand, the torso and chest compression injuries
12 were sufficient to cause death. Insons was crushed to death and there is evidence that Insons was
13 conscious for a time.

I have given this affidavit on February 4, 2021 of my own free will and certify that my
statements are the truth and I have nothing more to say.

Penn Everett, Ph.D.
Penn V. Everett, Ph. D.

STATEMENT OF DRUE ELLIS

1 Good afternoon, my name is Drue Ellis, and I have determined that Emma Insons died from
2 a blunt force trauma impact to the top of the head resulting in a loss of consciousness and
3 subsequent death. The Decedent's body was also subjected to multiple blunt force traumatic
4 impacts and was, in simple terms, crushed. I do not dispute the presence of these injuries and do
5 not dispute that the medical evidence establishes that such forces were presented against
6 Decedent's body. In my opinion however, Decedent had already died or was already beyond
7 saving, even if emergency medical treatment could have been provided in the moments prior to
8 the crushing injuries. In other words, the crushing injuries and resulting trauma to Decedent's
9 body did not cause death. Somewhat mercifully, Decedent was already unconscious and would
10 have been unaware of the subsequent crushing injuries inflicted on the body. No additional pain,
11 discomfort or suffering was present as the fatal injury had already materialized.

12 Insons' internal bleeding, hemorrhaging, as observed in Dr. Sawyer's report is consistent
13 with heart function having ceased prior in time to the application of blunt forces to the torso and
14 chest specifically. My review of Dr. Edgar's exam and findings shows that while some internal
15 bleeding was present, the amount was far less than the volume required for the condition to have
16 resulted in death. This is especially true because blood begins to clot and be pulled "down" by
17 gravity as soon as circulation stops. In lay terms, if Insons' heart had still been functioning when
18 the crushing forces were applied, then there would been more loss of blood within and throughout
19 the internal structures of the body.

20 The heart is by design in a location of maximum structural protection as provided by
21 surrounding bones, fluids, and tissues and would have maintained some degree of functionality
22 once the crushing forces were applied. For some period of time, the heart would have continued

1 pumping blood out through the circulatory system and the wounds that compromised that system
2 would have allowed blood to escape the system-which would have resulted in far more blood loss
3 than observed by Edgar.

4 I directly disagree and take issue with the opposing witness' position that the crushing
5 forces in this matter were sufficient to restrict or otherwise affect the actual flow of blood within
6 the body. The mechanics of that result are nearly impossible from the facts of this incident.
7 Restricted blood flow across and throughout a body would require complete impingement of most,
8 if not all, circulatory arteries and veins at nearly the same time. This sort of trauma has only been
9 found in industrial incidents or similar instances where massive mechanical forces are applied to
10 the human body. Situations like heavy equipment, tools, support structures, steel beams, or large
11 motor vehicles, are always involved in direct and near immediate application of force to the human
12 body. Imagine a scenario where the victim's body, or some part, is completely pinned against a
13 solid structure or otherwise crushed between two solid surfaces.

14 A complete impingement sufficient to restrict internal blood flow is rare and would not be
15 present in this matter. Insons' body was crushed but the forces were applied over a "prolonged"
16 time and increased "gradually" until the internal structures were compromised. Please note that I
17 speak of "prolonged" and "gradually" as medical terms in reference to the progression of physical
18 injuries on the body. I am mindful that Insons' injuries were sustained within a short time, but the
19 medical evidence would have to show a far different progression of injuries and resulting damage
20 in order for the opinion of Everett to be correct.

21 I wish to incorporate here my report which contains additional details and support for my
22 findings and conclusions. In reaching my opinions, I have reviewed certain exhibits from the case
23 file, those are identified and listed in my report. As for my background, training, instruction and

1 practical application, I would refer to the same report, like Everett did. My final statement is this:
2 Emma Insons died from a blunt force impact to the head and not from the crushing injuries that
3 occurred later.

I have given this affidavit on February 16, 2021, of my own free will and certify that my statements are the truth and I have nothing more to say.

s/ D. Ellis
Drue Ellis, M.D.

EXHIBIT 1
Special Event and Assembly Permit for Day of Incident

City of Winchester Oklahoma
Special Event and Assembly Permit

Page 1

Applications processed in the order received/Preference given to long-standing events.

Event: Young Constitutionalists Society- Gathering to Petition for Change

Expected number of participants: 100-200, including YCS members and general public

Event coordinator(s): July Jordan

Contact Information: (580) 580-050#; julyjordan@YCS.org.

Event Start: Day/Date October 4, 2020 Time 9:00 a.m.

Event End: Day/Date October 4, 2020 Time 3:00 p.m.

Setup: Day/Date October 4, 2020 Time 8:30 a.m.

Teardown: Day/Date October 4, 2020 Time 4:00 p.m.

Street Closure Times (if applicable)

Closure: Day/Date N/A Time N/A

Reopening: Day/Date N/A Time N/A

Event description (activities, exact location or address, route of procession, etc.) Please also submit an event site map.

The YCS seeks to raise public awareness and petition for change regarding the City's memorialization of Erik V. King as a historical figure with a complex past and to discuss removal of the statue and all references to Erik King on City property. The true story of Erik King includes wrongs and crimes that should preclude the City's broad endorsement of the figure as some kind of aspirational legend. YCS will gather members and invite the general public to gather on public property near the City's administration building to hear various speakers on the issue, to discuss the issue among the crowd and to sign a petition for change to be submitted for consideration by the City. Law enforcement presence not requested. First Amendment gathering will be peaceful and all funds need to go to cause for event, not administration of event.

Is this an annual event? Not yet If Yes, how many years? N/A

How many vendors will sell items at your event (retail, food, beverages, etc.)? No vendors expected

Please note: the deadline for the food vendor list is no less than ten (10) business days prior to the event.

Event Includes: (please check all that apply)

Page 2

_____ Block party _____ Street closure X Assembly Event (First Amendment)

_____ Beverage sales _____ Procession _____ Residential area

_____ Alcohol sales _____ Parade X Non-residential area

_____ Food sales X Amplified sound _____ Parklet

_____ Merchandise sales _____ Live entertainment _____ Athletic event

_____ Street activities _____ Electrical wiring/generator(s) _____ Filming

Number of tents: _____ Size of tent(s): _____

Primary contacts (during event):

Name: July Jordan

Name: _____

Phone: See above

Phone: _____

Email: See above

Email: _____

Event Coordinator Signature: July Jordan

(By signing this permit, the event coordinator and their organizing partners agree to abide by the applicable general rules of application listed and the applicable laws referenced under City of Winchester Municipal Code Chapters 10 and 13)

Return to: Special Events- Public Information & Marketing, 16 East El-E Lane, Winchester, OK
Email: specialevents@winchester.ok.gov Office: (580) 885-999#

SPECIAL EVENTS OFFICE USE

Staff Comments

Approved. Minimal police presence in the area as no crowd control anticipated, no street closures requested, and public buildings closed for day of gathering.

Special Events Office Approval: Approved by W. City Clerk on September 16, 2020

GENERAL RULES FOR APPLICATION

- A revocable permit can be approved for a recurring event on multiple dates in the same calendar year if no changes are made to the site plan or participants
- A special event permit can be approved for a recurring event on multiple dates in the same calendar year if no changes are made to the site plan or participants
- A revocable right-of-way use permit is required to block pedestrian or vehicular traffic
- Runs and walks under 350 runners should not include major streets as a part of their route. We encourage the use of City park or lake properties for these events.
- Noise Permit suggested for sound amplification.
- Traffic control devices must be placed according to the Manual of Uniform Traffic Control Devices and any additional City requirements.
- Notification and postings are required for **all** events.
- When required, the Winchester Police Department must be contacted to arrange for escorts and other event-related traffic control.
- Applicants must remove all trash immediately following their event.
- When required, metered parking must be reserved through Public Transportation & Parking.
- Entrance fees cannot be charged for admission to events on City rights-of-way (City streets, sidewalks, alleys or easements)
- No event signs or placards may be permanently posted (in the ground or on poles)
- **Rights-of-way must not be altered.** Streets, sidewalks, trees, plants, and buildings must be protected from damage during your event.
- **Streets must not be painted.** Handheld chalk and/or tape are the only allowed means of marking start lines, finish lines, route markers, or event boundaries.
- Events must be accessible to persons with disabilities.
- A permit does not give permission to trespass on private property. You will need to show proof that you have permission to use private property.
- Events are processed on a first-come, first-serve basis. If a scheduling conflict occurs, preference will be given to previously permitted annual events operating on the usual event date(s) and/or time(s).
- Winchester City must not be included as a sponsor of your event.
- Your permit may be revoked if any of the following issues are identified by City staff: fraud, misrepresentation, imminent threat to public health, safety, and/or welfare. As a result of revocation, future permit requests may be denied.

EXHIBIT 2

Winchester Police Department- Special Event Report



WINCHESTER POLICE DEPARTMENT

2 Main St.
Winchester, Oklahoma 71234
Phone: (580) 555-1911

Special Event Report

Report Date: September 18, 2020

Event Date/Time/Duration: October 4, 2020 from 8:30 to 16:00

Event: First Amendment gathering by Young Constitutionalists Society to circulate petition for signatures to remove City references to Erik V. King- statue in Legionnaire's Park and other references on City property

Location: Public grounds and steps of Winchester City Administration Building near downtown.

Police presence requested: No, event planners have not requested any officers other than minimal traffic control/street crossing, no crowd control anticipated, and public buildings will be closed to public for the day.

Assets prepositioned/deployed: Minimal, on-duty officer will monitor general area and be available to help with increased pedestrian presence. No street closures have been requested and none are needed. Temporary barriers to be placed between adjacent road and public grounds to increase awareness for any drivers in the area to possible increased pedestrian presence. No disruptions in traffic anticipated.

SPECIAL EVENTS OFFICE USE

Staff Comments:

Minimal resources needed for Event based on subject matter, details provided by organizing contact and entity, and facts set out in permit form. Traffic barrier to be in place overnight/before 8:00 on October 4, 2020. Otherwise, the on-duty officer, will monitor the general area per usual patrol and contact dispatch for any change in conditions.

Special Events Office Approval: Approved W. Police Dept. Clerk Date: September 18, 2020

EXHIBIT 3
Call Report



WINCHESTER POLICE DEPARTMENT

2 Main St.
Winchester, Oklahoma 71234
Phone: (580) 555-1911

OFFICIAL CALL REPORT

Date Reported: October 4, 2020
Time Reported: 11:20

WCPD Complaint No.: 10042020-01

CALL DATA

Incident type: Riot-violence, fighting, and personal injuries

Location of Occurrence: City Administration Building Grounds- Stairs and Plaza

Type of Premise: Government Building and Grounds- All events occurred on public property

Responding Officer: Officer Kelly O'Purcell #427- Initial officer on scene

Reporting Party: Multiple-several 911 calls regarding riots, fighting, and multiple injuries

Initial Investigation Data

Identification of Unresponsive Person: Emma Insons, other injured persons in immediate area

Method of Identification: Driver's license found on body; also confirmed by persons present

Apparent Injury and Method: Blunt Force Trauma-Crush Wounds. Unresponsive Person was involved in rioting and appears to have been directly between the opposing crowds.

Time of Injury: Exact time- Unknown; Estimated time - between 11:00 and 11:50 (when crowds dispersed)

Persons Present at Scene

Name: Rossi Upchurch
Contact Information: Refused to Provide

Name: Mel Teller
Contact Information: 123 Every Road, Winchester, Oklahoma

Name: July Jordan- Event Organizer
Contact Information: 247 Belle Starr Rd., Winchester, Oklahoma 74023

Suspect(s)

Name: **Rossi Upchurch**- person involved in inciting violence and riot and potentially directly behind Decedent Emma Insons at the time of highest conflict, rioting, and crowd panic as reported by eyewitnesses. This person was also carrying military-grade equipment including a "riot shield" which was reportedly used along with others to drive into and through a crowd of counter-protestors.

Narrative

Dispatch received a call at approximately 11:20 on October 4, 2020 for a riot near Legionnaire's Park on the grounds of the Winchester Administration Building. I responded and was the first to arrive. Scene was chaotic with many people in the area, multiple injuries noted, and one unresponsive person found near the top of the stairs on the side of the Admin. Bldg. where the riot was reported. Emergency medical services assessed unresponsive person, attempted minimal resuscitation but unresponsive person was declared deceased, and the scene was preserved pending an initial investigation.

Several individuals initial misidentified as law enforcement based on crowd-control gear and equipment on their persons and in their possession. Initial interviews identified presence of different groups- YCS as protestors and AIIS1 as counter-protestors. Groups were involved in a violent clash several hours after the protest event planned and properly permitted by YCS began on that day around 9:00 a.m. The AIIS1 members arrived, observed the protest for some time, reported being assaulted by YCS' members and withdrew to equip the riot-gear observed and documented. According to both groups, the AIIS1 members returned and pushed into the center of the protest gathering, forming a circular dome with overlapping riot shields-tactically this is referred to as a Testudo ("Turtle") formation. This tactic involves significant coordination among the individuals involved and is clear evidence of preparation and planning.

The AIIS1 members shifted into what was described as an arrowhead formation that was then directed toward the YCS' speakers. This moving shield wall was pushed into and against YCS' persons and the public in attendance, resulting in a crushing of persons between the shield wall and the wall of the administration building. The YCS representative reports AIIS1 was intentionally moving to crush people and forcefully stop the protest. The AIIS1 members report being attacked and hit with projectiles, resulting in the movement to flee out of the protest gathering to safety.

The injuries, including a single fatality, occurred at the focal point between the arrowhead and the protestors who were pinned against the building wall. Reportedly, Rossi Upchurch led the AIIS1 group, gave the directions for the Testudo and arrowhead formations, instructed the movements that resulted in the highest conflict and was directly involved in the focal point where Decedent was killed. I will supplement this narrative with any reports and statements generated as part of an investigation or subsequent charges.

I, Officer Kelly O'Purcell, prepared this Call Report on October 4-5, 2020.

Reporting Officer: Ofc. Kelly O'Purcell

Supervising Officer: Sergeant Tywin L.

EXHIBIT 4
Investigation Report



WINCHESTER POLICE DEPARTMENT

2 Main St.
Winchester, Oklahoma 71234
Phone: (580) 555-1911

OFFICIAL INCIDENT AND INVESTIGATION REPORT
Homicide Division

Case Number: 20201004-01-F
Date of Call/Event: October 4, 2020, 11:20
Reporting Officer: Kelly O'Purcell, #427
Investigating Officer: Kelly O'Purcell, #427
Investigation Division: Homicide, Riot
Address of Scene: City Administration Building- stairs and grounds, downtown Winchester, OK

Information from Call Report- General Description of Scene and Events:

Grounds of Winchester Administration Building, including main entrance steps. Event was properly permitted by YCS and was conducted without incident until disrupting counter-protestors arrived. Event was permitted to be open to the public. Reportedly, counter protestors arrived, observed event, left for a short period of time, but returned donning military-grade crowd control gear and equipment. This equipment is widely recognized and referred to as "riot gear" and is commonly implemented by law enforcement in times of extreme public unrest, rioting, threats to other persons and property. The counter-protestors separated into multiple groups that then penetrated and divided the crowd and united together in a circular shields facing outward near the center of the crowd. The YCS Organizer's requests and pleas with the crowd to refrain from any conflict or violence did not result in a favorable outcome. Within several seconds, the disruptors' circular formation shifted into a point that was directed toward the YCS speakers and organizer who were on the top stair. Apparently on command, the disruptors marched "forward" and drove the point of the formation into and against the YCS speakers, organizer, and others without any attempt to disperse or exit the area of conflict. Decedent Emma Insons was caught in the direct conflict point and was crushed to death.

Dispatch started receiving 911 calls once the disruptors united into a circular formation. Emergency services, local and county law enforcement, were immediately notified, but were unable to arrive prior to the injuries and loss of life identified herein. The Medical Examiner's office was contacted as soon as the responding paramedics had assessed and triaged Decedent's injuries. Additional law enforcement secured the area, isolated and interviewed witnesses, and eventually identified and detained Rossi Upchurch.

- Photographs of scene taken personally are separately marked and incorporated here by reference.
- Photographs of counter-protestor's equipment and gear taken personally are separately marked and incorporated here by reference.

Witnesses: Multiple. Primary witnesses are:

- Rossi Upchurch-Suspect, AIIS1 member
- July Jordan- Organizer, YCS
- Mel Teller- AIIS1 member

Victim: Emma Insons, identification confirmed by documentation and witness. Body not moved, until taken by Medical Examiner due to circumstances of incident.

INVESTIGATION AND CONCLUSION

Weapon: Riot Shield and associated equipment. Intended for self-defense style, crowd control, but can be used to divide and disperse unlawfully assembled crowds. This equipment is similar to what we have back at the station and is functionally equivalent to what our SWAT team and the County Emergency Special Forces implement for serious threat calls.

Fingerprints on Weapon:

Fingerprints matched Rossi Upchurch and equipment found on Rossi's person.

Injuries to Victim:

Apparent trauma to head, chest and torso. No vital signs noted.

Blood Testing:

None by Winchester Police, body taken by Medical Examiner for investigation.

Conclusion:

Rossi Upchurch killed Emma Insons by inciting and participating in a riot with organized tactics, equipment, and preplanning to infiltrate the YCS event, disrupt and disperse crowd through use of physical force. Upchurch was providing verbal commands and instructions for the disrupting group, later identified as the AIIS1 group. Upchurch was directly involved in pressing against the protestors as part of some organized and orchestrated shield wall tactics. Upchurch is reported to have continued pressing and commanding others to continue pressing against the protestors (YCS members) crushing the same, including Decedent Emma Insons, despite screams and calls to cease and back away from point of conflict. Apparently, Upchurch may have struck Insons on the head with a riot shield and then continued pressing "forward" toward the YCS organizer as Decedent was being crushed to death between the respective crowds. Rossi Upchurch was and is the prime suspect.

Photos from Investigation:

1. Scene
2. Equipment used by Counter-protestors: Riot Shield, Helmet, Body Protection

I, Officer Kelly O'Purcell, Badge #427, prepared this Investigation Report on October 27, 2020.

Reporting Officer: Ofc. Kelly O'Purcell

Supervising Officer: Sergeant Tywin G.

EXHIBIT 5

Images of Area of protest and incident



EXHIBIT 6

Images of Counter-Protest Equipment

- 2 Shields recovered (one from Upchurch photographed below)- over 20+ observed at scene



- 1 Tactical Black Helmet recovered (above) - over 20+ observed at scene
- Decedent and Upchurch were wearing similar tactical body armor, depicted below (Chest/Torso on left; legs on right):



- Decedent was not wearing a helmet when identified

EXHIBIT 7
Medical Examiner Report

AUTOPSY AND CONCLUSION REPORT



Board of Medicolegal Investigations
Office of the Chief Medical Examiner
1115 West 17th Street
Tulsa, Oklahoma 74107
(981) 555-5890 Phone
(981) 555-9451 Fax

CERTIFICATION

I hereby certify that this document is a true and correct copy of the original document.

By: Sawyer Edgar

Date: October 6, 2020

REPORT OF AUTOPSY

Decedent: Emma Insons

Birth Date: June 29, 2000

Case: #210158-F

Type of Death: Blunt Force Trauma

ID By: Visual Recognition and Driver's License

Autopsy Performed by: Sawyer Edgar, M.D.

PATHOLOGIC DIAGNOSES

- I. Blunt Force Trauma- Multiple Locations and Directions
 - a. Chest/Torso-Compressed bilateral lungs, multiple fractures of ribs with penetrating injuries to lungs as noted
 - b. Head/Skull-Blunt impact to superior cranium resulting in traumatic nondisplaced fracture of coronal suture

CAUSE OF DEATH: Multiple Blunt Force Trauma, Traumatic Compressional Asphyxia

MANNER OF DEATH: Traumatic; Unnatural; Accident/Homicide

The facts herein are true and correct to the best of my knowledge and belief.

Sawyer Edgar, MD

OCME, Central Division

October 6, 2020 9:00 AM

Sawyer Edgar, M.D.-Forensic Pathologist

Location of Autopsy

Date and Time of Autopsy

MEDICOLEGAL INVESTIGATION

I. CIRCUMSTANCES OF DEATH:

This twenty (20) year old person reportedly died from being hit and crushed during a protest and resulting riot on October 4, 2020.

II. AUTHORIZATION:

The postmortem examination is performed under the authorization of the Office of the Chief Medical Examiner, Central Division, Oklahoma

III. IDENTIFICATION:

Body identified by visual recognition of family, and by Driver's License located on the body

POSTMORTEM EXAMINATION

I. CIRCUMSTANCES OF THE EXAMINATION:

The postmortem examination of Emma Insons is performed at the Office of the Chief Medical Examiner, Central Division, OKC, Oklahoma on October 6, 2020 at 09:00 hours.

II. CLOTHING AND PERSONAL EFFECTS:

- a. Cargo pants-light brown
- b. Black long-sleeved shirt
- c. Brown wallet in right-rear pants pocket- Driver's License located and kept with body
- d. Pants pockets contained several small rings, looped zip ties, multiple keys and a business card with instructions if arrested by police
- e. Brown hiking boots with white socks
- f. White undershirt
- g. Several pieces of military-style protective gear and equipment were reported to have been on Decedent at the scene but were removed prior to this examination: those items were torso/chest tactical vest, padded arm and legs coverings.

III. EXTERNAL EVIDENCE OF RECENT MEDICAL THERAPY: Minimal- limited CPR performed at scene due to suspicious nature of death and absence of vital signs

IV. COLLECTIONS: Scalp-hair sample, oral swab, nasal swab, finger-nail swabs left and right hands, and a tissue sample from the interior lung surface were procured and analyzed- all unremarkable.

EXTERNAL EXAMINATION

The body is that of a well-developed, 5-foot 6-inch, 110-pound person who appears the reported age of 20 years old. The body is refrigerated, well preserved, and not embalmed. Rigor mortis is fully developed. Livor mortis is purple, posterior and relatively fixed, some displacement is noted. The scalp has brown straight hair in a normal distribution. The irides are brown. Corneas are clear. Bilateral subconjunctival

hemorrhaging noted. The conjunctivae have no petechiae. External auditory canals are unremarkable. Nasal septum and nasal bones are intact. Teeth are natural and in good repair. Oral mucosa is remarkable for hematoma and presence of blood on observed surfaces.

External neck is symmetrical, but external chest deformities noted consistent with significant crushing forces to anterior and posterior places of torso. Multiple rib fractures and complete compromise of the skeletal rib cage expected based on external observations. Additionally, posterior and anterior hematomas of varying sizes observed. Abdomen is fairly soft. No gross deformities observed. Back is symmetrical. Extremities have no deformities. Arms have no track marks. Wrists have no scars and fingernails are maintained and intact. Scratches noted on hands and fingers.

EXTERNAL EVIDENCE OF INJURY

Superior cranial fracture noted along the coronal suture. Minor abrasions are noted along the fingers, arms, neck and face. Gross deformities noted to chest and torso consistent with crushing injuries.

INTERNAL OBSERVATIONS

HEART

The pericardium is a smooth, glistening, intact membrane, and the pericardial cavity, itself, has been compromised with loss of normally present fluid. The heart weight is normal for the noted age and has unremarkable configuration. The location is close to expected, but the surrounding trauma and displaced structures makes affirmative location impossible. The four cardiac chambers do not contain mural thrombi or thromboemboli, but there is blood clotting noted to the posterior sides of all heart structures-this is consistent with the body primarily being in a supine position since the time of death. Clotting begins almost immediately once normal circulatory functioning is compromised or ceases. Coronary arteries arise and distribute normally with no significant atherosclerosis. Chambers and atrial appendages are unremarkable, but displacement is possible. Myocardium is intact, rubbery, and colored as expected post-mortem. Papillary muscles and chordae tendineae are intact and unremarkable. The vena cava and major tributaries are widely patent.

NECK

The soft tissues of the neck, including strap muscles and large vessels, are unremarkable for structural notes. The tongue shows evidence of hematoma and the presence of superficial blood (clotting). Hyoid bone, thyroid cartilage, and larynx are intact, but slight anterior displacement is noted.

CHEST/RIBS

Because of the reported situation from the scene, particular review of the chest and ribs was performed with the following observations: beginning with the superior structures moving from the posterior to the anterior aspect, both clavicles (left and right) are displaced upward without fracture noted; the superior sternum structure is unremarkable, inferior fractures noted where the xiphoid process connects to the sternum body; no fractures noted in ribs 1 through 3, displacement is noted; multiple fractures, nondisplaced and displaced, are noted in multiple locations across ribs 4, 5, and 6, including penetrating lung wounds involving fragments of ribs 5 and 6, suspected, but unable to positively confirm due to surrounding trauma; Ribs 7 through 9 have similar fractures, nondisplaced and displaced, with fragmentation occurrence increasing distally closer to the connection with costal cartilage; costal cartilage is fairly intact but is displaced due to multiple displaced rib fractures as noted. Pleural cavities compromised and significant internal

hemorrhaging noted throughout observed area. The torso injuries are consistent with crushing of the body from blunt forces to the anterior and posterior of the body.

LUNGS

Complete bilateral injury-related pneumothorax. Visceral pleurae are smooth, glistening and intact with minimal anthracosis and no bleb formation. No external materials identified on visceral pleura. However, pneumothorax and related traumatic injuries have compromised all structures and a full analysis is impossible. Pulmonary arterial tree is impinged and compromised structurally. Multiple intercostal muscles are torn and significant damage consistent with blunt force trauma to the anterior and posterior of the chest/torso area.

BRAIN AND MENINGES

Blunt impact to superior cranium resulting in traumatic nondisplaced fracture of coronal suture noted. Evidence of minimal subdural hematoma noted. Closed head injury suspected.

VERTEBRAE

Movement in cervical structures consistent with crushing injuries; but no fractures noted.

TOXICOLOGY

Screens unremarkable. All other lab work, tests, and screens were negative and within normal range.

OPINION

Cause of death is combined multiple blunt force traumas to the head, neck, torso and chest with resulting loss of oxygen, compression asphyxia, and internal loss of blood, internal hemorrhaging. Duration of time between injury and death- between 2-4 minutes.

Sawyer Edgar, MD
Sawyer Edgar, M.D.

EXHIBIT 8
Protest Event Materials

Young Constitutionalists Society

Event: October 4, 2020- Winchester Administration Building-Legionnaire Park.

Purpose: Raise awareness and invite the public into a discussion on removing the statue of Erik V. King and all promotional references to the same from City property. We will be circulating a petition for signatures from those who wish to join the cause.

Winchester, Oklahoma is a wonderful place to live, work, and raise a family. All of us want to make our community a better place for all persons. Recognizing the truth of historical figures and acknowledging the complex history of the human experience is necessary for us to appreciate each other and move toward that better future. If you want to make the future better for yourself, for others, and for your family, please come join us on October 4, 2020.

This will be a family-friendly event, but please note the subject matter and resulting discussion may include historical events of a mature nature. The truth of Erik V. King's life is not peaceful, and we intend to provide all in attendance with a comprehensive understanding of the conduct and actions that actually occurred.

We do not seek to destroy the past or dismiss the sacrifices made by so many people to establish and uphold the rights and freedoms we all enjoy now. We want to make things right and inclusive for all persons in our community through exercising those rights and freedoms that were paid for by our ancestors. YCS seeks to live out this position and October 4, 2020 will be the next opportunity for all to join us in making our community better for all persons.

Please contact July Jordan with any questions: (580) 580-050#; julyjordan@YCS.org. Also, please reach out with any questions on the Petition for Change that will be presented at the October 4, 2020 event.

Never be afraid to stand up for what you believe is right and good

- This gathering is a First Amendment event that is protected under the Constitutions of Oklahoma and the United States of America.
- YCS is absolutely against violence and all attendees for the Event agree to assemble peacefully, speak and listen respectfully, and, under no circumstances, act violently.
- Our individual rights extend to the point where they meet our neighbor's same rights.

EXHIBIT 9
Counter-Protest Materials

AIIS1
~until the final breath~

WE ARE AIIS1- “ARTICLE II, SECTION 1”. WE SUPPORT AND DEFEND THE FREEDOMS ON WHICH OUR GREAT COUNTRY AND THIS STATE WERE FOUNDED. WE SUPPORT AND DEFEND THE POWER OF THE PEOPLE TO GOVERN THEMSELVES. AIIS1 IS AN OKLAHOMA-BASED GROUP OF PATRIOTS WHO ARE UNITED WITH OTHERS ACROSS THESE UNITED STATES. TOGETHER WE ALL SEEK TO UPHOLD THE CONSTITUTION AND DEMAND ADHERENCE THERETO:

Article II, Section 1- Political power of government is inherently in the people, government is instituted for our protection, security and to promote our general welfare, and we have the right to alter or reform the same whenever the public may require.

THIS COUNTRY IS TO BE GOVERNED BY THE PEOPLE, FOR THE PEOPLE AND **WE ARE THOSE PEOPLE**. WE DO NOT ASCRIBE TO ANY PARTICULAR POLITICAL PARTY, CURRENT OR PAST. WE ADHERE TO THE CONSTITUTION AND WILL HONOR THE SACRIFICE AND WILL BEAR THE OBLIGATION OF RIGHTEOUS ADHERENCE FROM THIS DAY FORTH, UNTIL THE FINAL BREATH.

We have recently become aware of a new attempt to erase history, to undermine the values and principles we all value and protect, an effort to rewrite history to de-emphasize a past patriot’s contribution to this community. We are calling all member patriots to stand up to preserve this community’s history. One of Winchester’s founders, Erik V. King, is still being attacked today- over a hundred years after death. King fought for freedom and established in this wild land that right for us. We are planning a counter-presence for the protest scheduled for October 4, 2020 in downtown Winchester:

- Planned presence to include use and implementation of all “defensive” gear and crowd influence methods.
- Continued training and review of defensive formations with additional real-world scenarios to be added based on location and specifics of protest environment.
- Protesting group is relatively small and should not be capable of resisting planned infiltration movements:
 - **Turtle and the Hare-2020 plan enacted.**
 - **Mandatory Member participation, Contingent Pledge participation**

Contact Rossi Upchurch and stay tuned through sanctioned AIIS1 channels for specific information. Come, join us, unite with us, stand up for your freedoms and values, protect and exercise your constitutional rights.

~until the final breath~

EXHIBIT 10
Everett Report- State's Expert

I, Penn Everett, Ph.D., have been designated an expert by the State of Oklahoma regarding the pending charges filed in Travis County, State of Oklahoma v. Rossi Upchurch, CF-2021-4. The following statement is a true and accurate recording of my qualifications and my involvement in this matter:

QUALIFICATIONS:

1990	Bachelor of Science in Forensic Pathology from Canyon Ridge University
1994	Master's Degree of Science in Criminal Forensic Investigations with specialization in Homicide Pathology from Canyon Ridge University
1997	Doctoral Degree in Forensic Pathology from Canyon Ridge University specialization in Crime Scene Investigation
1997-2005	Assistant Medical Examiner for Oklahoma Attorney General's Office
2005-2007	Associate Medical Examiner for Oklahoma Office of Chief Medical Examiner
2007-Present	Private Medical Examiner, Forensic Examiner

DOCUMENTS REVIEWED: I have reviewed completely and wholly the following exhibits:

Ex. 3: Winchester Police Department Call Report

Ex. 4: Winchester Police Department Investigation Report

Ex. 5: Photographs of Scene

Ex. 6: Photographs of Military Equipment used by Rossi Upchurch

Ex. 7: Medical Examiner's Report on Emma Insons

Ex. 11: Report from Drue Ellis

PUBLICATIONS AND MEMBERSHIP ORGANIZATIONS

25 papers in forensic investigation journals and magazines. Eight (8) time guest author for article in annual publication issued by Pathology Societies in 20 States. Author of weekly blog on advancements in pathology science. Former member of peer-review committee that publishes, approves and authors a bi-annual hardback and on-line update with articles on varying forensic pathology topics- often used in continuing medical education programs for State's Boards of Medicine.

CERTIFICATION

American Board of Forensic Pathologists, June 2000

The following professional assessment is my opinion on this matter after reviewing my research, publications, various other authorities, review of the documents identified above, and through conversation with attorneys for the State. This opinion is entirely my work, and while I rely on other science, research, the opinions to this case are mine and mine alone, free from any outside influence.

PROFESSIONAL ASSESSMENT

In compression asphyxia, respiration is prevented by external pressures on the body. It is usually due to external force compressing the trunk due to heavy weight over chest/abdomen and is associated with internal injuries. In the present case, the victim, Emma Insons was crushed to death by being pinned at the convergence point between persons pushing behind and the persons pinned against the wall of a building in front of Insons. The medical evidence supports only this conclusion.

First, the cranial injury was significant and may have resulted in a concussion, but there was no loss of consciousness and that injury was certainly not fatal. There is too much evidence supporting continued body functions after the reported head impact to conclude Insons was deceased before the crushing injuries occurred.

Second, there is evidence that persons familiar with Insons and close in proximity to Insons heard screams and vocalizations that they attributed to Insons at and while the highest points of conflict were occurring. The absence of external material in the lungs does not support the lack of lung functioning. The body has natural filters that catch particulates, dust, soot, pollen, other allergens, etc. and prevent them from reaching the internal lung surfaces. Insons was crushed to death and both lungs reached complete injury-related pneumothorax (collapsed lungs). Essentially, Insons' last breath was squeezed out of both lungs and the lungs would not have reinflated after the external forces were reduced because death had occurred.

Third, studies on compression asphyxia have established a general range for survivability depending on the relative weight of the compression to the body. For examples, a fully loaded soft drink vending machine, weighing 1,100 pounds falling over would be fatal. Similarly, a car crushing someone when a jack collapses or the impact of a steering wheel slamming against a person's chest in a high-speed collision can be fatal. However, experiments focused on arrest-related injuries at the University of Pangea showed that a prone subject with hands restrained behind their back could withstand 225 pounds of weight on the back and still breathe just fine. Other data from similar studies shows that about 400 pounds on the chest was survivable because of diaphragmatic breathing, with communication still possible, but at 600 pounds the pressure can become fatal. Part of the contributing mechanism of compression death is flail chest which involves the fracturing of adjacent ribs that cause segments of the rib cage to break free and move independent of the chest wall. This significantly reduces the structural integrity of the skeletal structures protecting the lungs and therefore as more ribs are broken the chance of fatal crushing increases exponentially. Here, multiple ribs were noted to be fractured with multiple fractures along each rib structure and multiple displacements were noted. Multiple bone fragments were broken completely free from the surrounding support structure and several fragments appear to have punctured the lungs. As such, Insons most certainly sustained a flail chest injury. The combined effect of anterior and posterior blunt force pressures, along with the flail chest condition, presented under the circumstances of the incident would have exceeded whatever structural resistance, if any, may have been present.

CONCLUSION:

Emma Insons' death was the result of the crushing injuries described and identified above. The head injury was non-fatal and, alone, would have been survivable. As the evidence and findings from my review of the autopsy show, the only complete theory of death is injury/traumatic-compression asphyxia. In my opinion, the Decedent was killed as a direct result of the continuation of anterior and posterior blunt force pressures. Circulatory functioning was restricted or stopped due to these pressures. Had the pressures been reduced in either direction prior to the flail chest damage, Decedent would have likely survived. The autopsy findings are consistent with this conclusion and the police investigation offers further support. Insons would have certainly been seriously injured, but the application of reasonable emergency medical intervention and treatment would have provided sufficient stabilization for survivability to be the more-likely outcome.

Penn Everett, Ph.D.

Penn V. Everett, Ph. D.

EXHIBIT 11
Ellis Report- Defense's Expert

I, Drue Ellis, M.D. have been designated as an expert witness by the Defendant in the criminal charge filed in Travis County, State of Oklahoma v. Rossi Upchurch, CF-2021-04. This statement, as drafted, revised and authorized personally, is a true and accurate recording of my qualifications and my involvement in this matter:

QUALIFICATIONS:

- 1974 Bachelor of Science focus on Forensic Science (Minor in English Literature) from University of Cornwell**
- 1978 Medical School at University of Cornwell**
- 1978-1981 Clinical Internship (multi-year retention) Southern Medical Institute and Clinic at the University of Cornwell**
- 1982 Completed Medical School at University of Cornwell**
- 1982-1995 Clinical Physician at Ellis Clinic in Vancouver, BC Canada and Dallas, Texas**
- 1995-2005 Associate Professor of Medicine, Department of Medicine for University of Southern Pangea**
- 2005-Present Professor and Lead Researcher, Department of Medicine for University of Southern Pangea**
- 2012-Present Forensic Medical Consultant- retained for Professional evaluations and opinions**

Books and Publications:

45 published articles and papers in various journals and magazines across the United States and Canada. Contributing author for quarterly Medicine and Us publication issued by Joint Societies for Advancement of Medical Research. Recipient of many grants from the American Medical Association and the National Institute of Health.

PROFESSIONAL AFFILIATIONS

American Medical Association
National Institute of Health
Canadian Society of Clinical Medicine

DOCUMENTS REVIEWED: I have reviewed completely and wholly the following exhibits:

Ex. 3: Winchester Police Department Call Report

Ex. 4: Winchester Police Department Investigation Report

Ex. 5: Photographs of Scene

Ex. 6: Photographs of Military Equipment used by Rossi Upchurch

Ex. 7: Medical Examiner's Report on Emma Insons

Ex. 10: Report from Penn Everett

The following professional assessment is my opinion on this matter after reviewing my research, publications, various other authorities, review of the documents identified above, and through conversation with counsel for Defendant. This opinion is entirely my work, and while I rely on other science and research, the opinions to this case are mine and mine alone, free from any undue influence.

PROFESSIONAL ASSESSMENT

First, Emma Insons certainly died on October 4, 2020. Second, Insons died during an incident that appears to have been mutual fighting and/or physical combat. Third, I do not dispute that Insons body was subjected to significant crushing injuries consistent with being pinned between the described crowds of people. There is certainly evidence of crushing to the front and back of Insons' body. However, in my professional opinion, Insons was unconscious and was already deceased or beyond the point of recovery when the blunt forces exceeded the body's structural resistance and protection. Insons was rendered unconscious from a blunt force impact to the head that led to death. Insons was not crushed to death, Insons was struck on the skull, rendered unconscious and the body was unable to recover from that specific injury.

I did not perform an autopsy and I do not need to perform one to reach my conclusions. I am relying on the autopsy performed by Dr. Edgar, the documents and information gathered as part of this case and my professional training and experience. In my opinion and to a reasonable degree of medical certainty, the evidence supports only this conclusion. The State's witness is twisting facts toward a conclusion that supports conviction. The medical evidence and observations pertinent to this matter are:

- Evidence of blunt force trauma to the top of the head-consistent with a downward strike from a solid object with a narrow width such that the force was applied in a narrow manner directly into the skull and causing a critical fracture of the skull.
- The absence of significant internal blood loss from the subsequent crushing injuries supports the finding that the heart has ceased functioning at the time of the internal torso and chest injuries.
- While there are extensive crushing injuries and evidence of significant internal damage to the body's structures and organs, no critical organs were sufficiently compromised to be fatal.
- There is no evidence to support vocalization at the time of the crushing injuries to the chest and torso. If the lungs were functioning in the moments of and during the crushing injuries such that defendant was able to vocalize, then there would have been some evidence of debris, dust, or some material external to the body that would have been inhaled with the final breath. Instead, the lungs were unremarkable for

any external materials and therefore not functioning at the time of the crushing injuries.

- While the decedent's brain was not examined in detail for concussion, I believe Decedent was rendered unconsciousness from a significant blunt force impact to the top of Decedent's head.

CONCLUSION

I submit this conclusion based on a reasonable degree of medical and investigation certainty and, while subject to change as discovery continues, affirm that Emma Insons died from blunt force trauma to the head/skull, resulting in unconsciousness and death. Decedent was subjected to significant blunt force trauma from the front and behind the body at or near the time of death. However, based on the medical evidence identified above, Decedent was deceased or was beyond the point of saving at the time of the crushing injuries. To be clear, the crushing injuries did not cause death. The absence of significant internal blood loss is consistent with the heart having stopped prior to the time of the crushing injuries. Also, there is no significant evidence to support that Decedent was conscious and able to vocalize or scream at the time of the crushing injuries-as suggested by the State's professional witness. The medical evidence shows that Decedent was already unconscious. I simply disagree that there is evidence to support vocalization by Decedent at the time when the body was being crushed.

My training, experience, and instincts require me to look for the theory of death that is most complete. In this investigation, the theory that is more established by the evidence is blunt force trauma to the head and skull as the cause of death. While I do concede there are facts and some evidence that support the State's conclusion, overall, the evidence must be seen to support death from blunt force trauma to the head/skull. In my professional opinion, Emma Insons died from an incapacitating and ultimately fatal impact to the head. The medical evidence available does not support that Decedent was crushed to death, as set forth by the opposing witness.

s/ D. Ellis
Drue Ellis, M.D.