

+00:05 1 IN THE UNITED STATES DISTRICT COURT  
 +00:05 2 FOR THE EASTERN DISTRICT OF TEXAS  
 +00:05 3 SHERMAN DIVISION  
 +00:05 4 THE ESTATE OF MONTANA LANCE, §  
 +00:05 5 BY AND THROUGH JASON AND §  
 +00:05 6 DEBORAH LANCE, INDIVIDUALLY §  
 +00:05 7 AND UPON BEHALF OF HIS HEIRS §  
 +00:05 8 VS. CIVIL ACTION  
 +00:05 9 NO. 4:11-CV-00032  
 +00:05 10 LEWISVILLE INDEPENDENT (Judge Schneider/  
 +00:05 11 SCHOOL DISTRICT Judge Mazzant)  
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## TRANSCRIPTION OF NON-STENOGRAPHIC INTERVIEW

FEBRUARY 20, 2012

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+00:05 1 (Beginning of Digital File)  
 +00:00 2 MR. JOHNSON: Good afternoon. It's  
 +00:00 3 Monday, February 21st, 2012.  
 +00:00 4 MRS. [REDACTED]: Actually, Monday,  
 +00:00 5 February 20th.

[REDACTED]

+00:00 6 MR. JOHNSON: Monday, February 20th. I'm  
+00:00 7 sorry. Correct me. Let's start over.  
+00:00 8 It's Monday, February 20th, 2012. And  
+00:00 9 we're here with [REDACTED].  
+00:00 10 [REDACTED], can you just introduce  
+00:00 11 yourself? Tell us your full name.  
+00:00 12 [REDACTED]: I'm [REDACTED]  
+00:00 13 [REDACTED].  
+00:00 14 MR. JOHNSON: All right. And, [REDACTED],  
+00:00 15 how old are you?  
+00:00 16 [REDACTED]: I am 12. I'm 12.  
+00:00 17 MR. JOHNSON: You're 12 years old. And  
+00:00 18 what grade are you in?  
+00:00 19 [REDACTED]: Sixth grade.  
+00:00 20 MR. JOHNSON: Okay. What school do you go  
+00:00 21 to?  
+00:00 22 [REDACTED]: Blalack Middle School.  
+00:00 23 MR. JOHNSON: And I understand that you at  
+00:00 24 one time went to Stewart's Creek Elementary School?  
+00:00 25 [REDACTED]: Yes.

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+00:00 1 MR. JOHNSON: Okay. What grades did you  
+00:00 2 attend Stewart's Creek?  
+00:00 3 [REDACTED]: Third and fourth.  
+00:00 4 MR. JOHNSON: And did you know Montana  
+00:01 5 Lance?  
+00:01 6 [REDACTED]: Yes, I did.  
+00:01 7 MR. JOHNSON: And was he in your class?  
+00:01 8 [REDACTED]: Yes.  
+00:01 9 MR. JOHNSON: Was he in your class in the

[REDACTED]

+00:01 10 fourth grade?

+00:01 11 [REDACTED]: Yes.

+00:01 12 MR. JOHNSON: And was he in your class in  
+00:01 13 the third grade?

+00:01 14 [REDACTED]: Yes.

+00:01 15 MR. JOHNSON: Is that the first time you  
+00:01 16 knew him, was when you started going to Stewart's Creek?

+00:01 17 [REDACTED]: I knew him a little bit  
+00:01 18 before.

+00:01 19 MR. JOHNSON: Okay. But then you were in  
+00:01 20 the same classes he was in the third and fourth grade at  
+00:01 21 Stewart's Creek?

+00:01 22 [REDACTED]: Yes, I was.

+00:01 23 MR. JOHNSON: Okay. Who was your teacher  
+00:01 24 in the fourth grade?

+00:01 25 [REDACTED]: In the fourth grade I had

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+00:01 1 Mrs. Wright.

+00:01 2 MR. JOHNSON: Mrs. Wright. Okay. Okay.

+00:01 3 well, let me ask you a few questions about Stewart's  
+00:01 4 Creek.

+00:01 5 [REDACTED]: Okay.

+00:01 6 MR. JOHNSON: First, were you ever -- were  
+00:01 7 you, [REDACTED], ever bullied at Stewart's Creek?

+00:01 8 [REDACTED]: Yes, frequently.

+00:01 9 MR. JOHNSON: Frequently. And when I say  
+00:01 10 "bullied," what does that word mean to you?

+00:02 11 [REDACTED]: Name-calling, making fun of  
+00:02 12 someone, hurting them, physically touching them.

+00:02 13 MR. JOHNSON: Okay. And were you ever

[REDACTED]

+00:02 14 physically bullied?

+00:02 15 [REDACTED]: Yes, I was.

+00:02 16 MR. JOHNSON: While at Stewart's Creek?

+00:02 17 [REDACTED]: Yes.

+00:02 18 MR. JOHNSON: And you also were name-

+00:02 19 called and that kind of bullying as well?

+00:02 20 [REDACTED]: Yes.

+00:02 21 MR. JOHNSON: Okay. And when you were

+00:02 22 bullied at Stewart's Creek, would you tell the school

+00:02 23 about it?

+00:02 24 [REDACTED]: Yes, I would, but nothing was

+00:02 25 done about it.

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+00:02 1 MR. JOHNSON: And Montana Lance, again,

+00:02 2 was in your class in the third and fourth grade, right?

+00:02 3 [REDACTED]: Yes, he was.

+00:02 4 MR. JOHNSON: And did you ever see Montana

+00:02 5 Lance be bullied? It's okay.

+00:02 6 [REDACTED]: Oh.

+00:02 7 MR. JOHNSON: Was Montana Lance ever

+00:02 8 bullied?

+00:02 9 [REDACTED]: Yes, all the time.

+00:02 10 MR. JOHNSON: Was he bullied in the third

+00:02 11 grade?

+00:02 12 [REDACTED]: Yes, he was. It got worse as

+00:02 13 it got -- as time went by.

+00:02 14 MR. JOHNSON: Okay. So would you say he

+00:03 15 was also bullied in the fourth grade?

+00:03 16 [REDACTED]: Yes. Bad.

+00:03 17 MR. JOHNSON: Was the bullying in the

[REDACTED]

+00:03 18 fourth grade worse than that in the fifth -- in the third  
+00:03 19 grade?  
+00:03 20 [REDACTED]: Yes. It kept getting worser  
+00:03 21 and worser.  
+00:03 22 MR. JOHNSON: Okay. Based on what you  
+00:03 23 saw, did you see -- do you think that the school was  
+00:03 24 doing anything about the bullying?  
+00:03 25 [REDACTED]: No. Usually he was punished.

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+00:03 1 more than the bully.  
+00:03 2 MR. JOHNSON: Okay. And did you ever see  
+00:03 3 Montana Lance -- You described bullying as name-calling  
+00:03 4 and then also physical bullying, getting beat up, or  
+00:03 5 pushed, or punched, or something like that. Did you ever  
+00:03 6 see Montana get called names?  
+00:03 7 [REDACTED]: Yes.  
+00:03 8 MR. JOHNSON: Okay. Did you ever see him  
+00:03 9 get physically bullied?  
+00:03 10 [REDACTED]: Yes.  
+00:03 11 MR. JOHNSON: Okay. Did you ever see him  
+00:03 12 get physically bullied at Stewart's Creek?  
+00:03 13 [REDACTED]: Yes. Mostly at the  
+00:03 14 playground, and in the lunch line.  
+00:03 15 MR. JOHNSON: Okay. On the day of his  
+00:04 16 death was Montana Lance bullied?  
+00:04 17 [REDACTED]: Yes, he was.  
+00:04 18 MR. JOHNSON: Did Montana tell you about  
+00:04 19 that?  
+00:04 20 [REDACTED]: Yes. That is why we were sent  
+00:04 21 to the office.

[REDACTED]

+00:04 22 MR. JOHNSON: Okay. On the day of his  
+00:04 23 death, you were actually in the office at the same time,  
+00:04 24 as Montana Lance? Is that right?  
+00:04 25 [REDACTED]: Yes, I was.

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+00:04 1 MR. JOHNSON: In fact, were you actually  
+00:04 2 in the nurse's office at that time?  
+00:04 3 [REDACTED]: Yes, I was.  
+00:04 4 MR. JOHNSON: Were you in the nurse's  
+00:04 5 office while he was in the bathroom?  
+00:04 6 [REDACTED]: Yes, I was.  
+00:04 7 MR. JOHNSON: Okay. And can you tell us  
+00:04 8 why or how you and Montana ended up in the nurse's  
+00:04 9 office?  
+00:04 10 [REDACTED]: Yes, I can. That -- On the  
+00:04 11 day of his death, me and Montana, in the beginning of the  
+00:04 12 day, was in the breakfast line, and he was called a name.  
+00:05 13 And Montana told the bullies to stop it, and he was  
+00:05 14 shoved into the rods. And so he got his lunch and  
+00:05 15 stormed off and sat by himself at an empty table.  
+00:05 16 So later on that day we had a substitute  
+00:05 17 in our class, and we went to the restroom. And Montana  
+00:05 18 was telling me about what happened.  
+00:05 19 MR. JOHNSON: Was he telling you about  
+00:05 20 being bullied that day?  
+00:05 21 [REDACTED]: Yes. He was telling me about  
+00:05 22 getting shoved into a pole and what happened.  
+00:05 23 MR. JOHNSON: Was he upset about it?  
+00:05 24 [REDACTED]: Yes. Very.  
+00:05 25 MR. JOHNSON: And so Montana was talking

[REDACTED]

+00:05 1 to you about being bullied that very morning. And is,  
+00:05 2 that why you were sent to the office?  
+00:05 3 [REDACTED]: We were sent to the office for  
+00:05 4 talking.  
+00:05 5 MR. JOHNSON: Okay.  
+00:05 6 [REDACTED]: And so --  
+00:05 7 MR. JOHNSON: But what were you talking  
+00:05 8 about? Just to make -- just to be clear.  
+00:05 9 [REDACTED]: Him being bullied.  
+00:05 10 MR. JOHNSON: Okay. Was Montana telling  
+00:05 11 you about that, or were you talking to him about that?  
+00:06 12 [REDACTED]: He was telling me about it,  
+00:06 13 and I was -- I was talking to him, telling him -- Like,  
+00:06 14 he was talking to me, and I was talking to him about --  
+00:06 15 well, he'd tell me, and I'd, like, answer, respond to  
+00:06 16 what he said.  
+00:06 17 MR. JOHNSON: Okay. So the substitute  
+00:06 18 teacher sent you-all to the office that day?  
+00:06 19 [REDACTED]: Yes, she did.  
+00:06 20 MR. JOHNSON: Okay. Before we go further  
+00:06 21 on that day, let me just talk to you a little bit more  
+00:06 22 about the bullying. You said Montana Lance was bullied  
+00:06 23 in the third grade and the fourth grade, right?  
+00:06 24 [REDACTED]: Yes.  
+00:06 25 MR. JOHNSON: And that it got worse over

+00:06 1 time?

+00:06 2 [REDACTED]: Yes.  
+00:06 3 MR. JOHNSON: Did you feel like the school  
+00:06 4 ever did anything to stop the -- stop the bullies from  
+00:06 5 bullying Montana?  
+00:06 6 [REDACTED]: No. Usually he'd be bullied,  
+00:06 7 and the bullies would be told not to fight. I believe  
+00:06 8 they thought that he would start the fights or something.  
+00:06 9 And they did not do anything about self-defense, so he  
+00:06 10 was bullied, even though he was the one defending  
+00:07 11 himself.  
+00:07 12 MR. JOHNSON: Was Montana ever -- Did you  
+00:07 13 ever see Montana bully anyone?  
+00:07 14 [REDACTED]: No, he never bullied anyone.  
+00:07 15 MR. JOHNSON: Okay. Did you feel like --  
+00:07 16 did you feel that -- did you feel like it was widely  
+00:07 17 known that Montana was being bullied?  
+00:07 18 [REDACTED]: Everyone at the school could  
+00:07 19 say that yes, he was bullied. And it was pretty easy to  
+00:07 20 tell. He'd tell -- he'd tell some people about it, but  
+00:07 21 he was very close about it. He didn't tell very many  
+00:07 22 people about it.  
+00:07 23 MRS. [REDACTED]: Just his close  
+00:07 24 friends.  
+00:08 25 MR. JOHNSON: [REDACTED], we were talking

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+00:08 1 about one particular time when you saw Montana being beat  
+00:08 2 up by bullies. Did you actually see Montana get beat up  
+00:08 3 by bullies at one point?  
+00:08 4 [REDACTED]: Yes, I have.  
+00:08 5 MR. JOHNSON: Okay. And were those people



[REDACTED]  
+00:08 6 that were in your class, or that go to your school?  
+00:08 7 [REDACTED]: They were not -- They were in  
+00:08 8 my class -- me and Montana's class in third grade.  
+00:08 9 MR. JOHNSON: Okay. But they were still  
+00:08 10 kids that went to Stewart's Creek?  
+00:08 11 [REDACTED]: Yes, they were.  
+00:08 12 MR. JOHNSON: Okay. And do you think  
+00:08 13 Montana was afraid of these bullies?  
+00:08 14 [REDACTED]: Yes, I would say that is why  
+00:08 15 he started carrying a pocketknife.  
+00:09 16 MR. JOHNSON: Okay. And when Montana was  
+00:09 17 in the fourth grade, there was an incident where he was  
+00:09 18 attacked by some students on the playground, and then he  
+00:09 19 was sent to DAEP. Do you remember that?  
+00:09 20 [REDACTED]: Yes, I do.  
+00:09 21 MR. JOHNSON: And Montana was sent to DAEP  
+00:09 22 because he had a pocketknife. Do you remember that?  
+00:09 23 [REDACTED]: Yes, I do.  
+00:09 24 MR. JOHNSON: Did Montana ever tell you  
+00:09 25 why he carried the pocketknife to school?

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+00:09 1 [REDACTED]: Montana told me he was  
+00:09 2 thinking about it, because after the incidents --  
+00:09 3 Originally me and my friend [REDACTED] [REDACTED] were walking  
+00:09 4 home from school, and we went behind this house for a  
+00:09 5 shortcut, and he was being beat up. And he told me he  
+00:09 6 was thinking of bringing a pocketknife to school. But I  
+00:09 7 told him he should not because he could get in trouble.  
+00:09 8 But he did it anyways.  
+00:09 9 MR. JOHNSON: Yeah. Did he tell you --

+00:09 10 so did he actually tell you why he was going to bring the  
+00:09 11 pocketknife?

+00:10 12 [REDACTED]: Yes. So if they ever did it  
+00:10 13 again, he could pull it out and tell them to step off,  
+00:10 14 and threaten them. But this knife was never sharp, so if  
+00:10 15 anything happened, no one would get hurt. He never  
+00:10 16 wanted to hurt anyone. He just wanted to defend himself  
+00:10 17 without hurting himself or anyone else.

+00:10 18 MR. JOHNSON: Okay. Did you ever see  
+00:10 19 Montana get thrown to the ground at school by a bully?

+00:10 20 [REDACTED]: Yes, actually, one time we  
+00:10 21 were all flipped together. Me, my friend [REDACTED]  
+00:10 22 and Montana were all walking out from our school for  
+00:10 23 recess. And we were kind of spread apart, and we were  
+00:10 24 walking. And these -- and [REDACTED] and [REDACTED]  
+00:10 25 [REDACTED], I believe, both walked up behind us. And

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+00:10 1 [REDACTED] went beside my friend [REDACTED] and Montana, and then  
+00:10 2 [REDACTED] came between me and my friend [REDACTED], and they  
+00:11 3 flipped us backwards and walked away. And we were  
+00:11 4 punished.

+00:11 5 MR. JOHNSON: Okay. We're going to get to  
+00:11 6 the -- what happened at the office in a second. But  
+00:11 7 before we do, let me skip ahead.

+00:11 8 After Montana died, do you remember a  
+00:11 9 counselor -- one or more counselors coming to your  
+00:11 10 classroom and talking to the class about what happened?  
+00:11 11 [REDACTED]: Yes, I do. And I remember a  
+00:11 12 very particular one, Dr. Brown, who was very nice. He  
+00:11 13 played with us at recess. He pushed us on the swings --

+00:11 14 MR. JOHNSON: Okay.  
+00:11 15 [REDACTED]: -- and he played with us. And  
+00:11 16 he was very nice about it.  
+00:11 17 MR. JOHNSON: Do you remember -- Did the  
+00:11 18 counselors that came and spoke with you immediately after  
+00:11 19 Montana's death, did they talk to you about bullying?  
+00:11 20 [REDACTED]: Yes, they did. But originally  
+00:11 21 our counselor for our school, Mr. Glass, or Dr. Glass, he  
+00:12 22 talked about bullying but never mentioned Montana's name.  
+00:12 23 MR. JOHNSON: Okay. Did -- And this was  
+00:12 24 right after Montana died?  
+00:12 25 [REDACTED]: Yes. This was -- this was

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+00:12 1 before all the counselors walked in. This was actually  
+00:12 2 about five minutes before the other counselors were let  
+00:12 3 into the room.  
+00:12 4 MR. JOHNSON: Okay. So was Mr. Glass in  
+00:12 5 there by himself? Were there any other teachers in  
+00:12 6 there?  
+00:12 7 [REDACTED]: There was the principal, the  
+00:12 8 vice principal, and a few other teachers.  
+00:12 9 MR. JOHNSON: And Mr. Glass said that --  
+00:12 10 Did he say why he was talking about bullying?  
+00:12 11 [REDACTED]: He said that a former  
+00:12 12 student -- well, not "former" -- a formal -- former  
+00:12 13 student had died. He never even said that it was  
+00:12 14 suicide. He just said has passed away, and -- but he  
+00:12 15 never mentioned Montana's name or said what happened.  
+00:12 16 MR. JOHNSON: Did he say that that's why  
+00:13 17 he was talking about bullying?

+00:13 18 [REDACTED] He said -- yes, that was why  
+00:13 19 he was talking about bullying, but he never said who it  
+00:13 20 was or what happened.  
+00:13 21 MR. JOHNSON: Okay. And what did he tell  
+00:13 22 you about bullying that you can remember?  
+00:13 23 [REDACTED]: He told us that it would no  
+00:13 24 longer be tolerated, which it was tolerated. They didn't  
+00:13 25 do anything about it for quite a while after the

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+00:13 1 incidents. And even now it's still not fully,  
+00:13 2 nontolerated. And he told us that bullying was a bad  
+00:13 3 thing. He had us watch some videos about bullying. And  
+00:13 4 he -- And later on, after that, when the other teachers  
+00:13 5 came in, they gave us these grief boxes and everything,  
+00:13 6 that had a mouse and (unintelligible) in it.  
+00:13 7 MR. JOHNSON: And so this -- All this  
+00:13 8 conversation that you had with Mr. Glass, or Mr. Glass  
+00:13 9 came and talked to your class, it was the week after  
+00:14 10 Montana died, right?  
+00:14 11 [REDACTED]: This was actually the day  
+00:14 12 after.  
+00:14 13 MR. JOHNSON: The day after Montana died.  
+00:14 14 So the day after Montana died Mr. Glass came into your  
+00:14 15 class, and he said that a student had passed away, right?  
+00:14 16 MRS. [REDACTED]: Pay attention.  
+00:14 17 MR. JOHNSON: It's okay. We have a dog  
+00:14 18 under the table here.  
+00:14 19 So Mr. Glass came into your class the day  
+00:14 20 after Montana died, right?  
+00:14 21 [REDACTED]: Yes, he did.

+00:14 22 MR. JOHNSON: And he said a student had  
+00:14 23 passed away, right?  
+00:14 24 [REDACTED]: Yes.  
+00:14 25 MR. JOHNSON: He didn't mention Montana's

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+00:14 1 name?  
+00:14 2 [REDACTED]: No, he did not.  
+00:14 3 MR. JOHNSON: But he said a student had  
+00:14 4 passed away, and he said that -- and then he said that if  
+00:14 5 there was any bullying that was -- He said that the  
+00:14 6 students should stop bullying, or --  
+00:14 7 [REDACTED]: Yes, he said it wouldn't be  
+00:14 8 tolerated; that bullying will be stopped, and you will be  
+00:14 9 punished for doing it. But it was not. We were bullied.  
+00:14 10 MR. JOHNSON: And you were there the rest  
+00:14 11 of the fourth-grade year, right?  
+00:15 12 [REDACTED]: Yes, I was.  
+00:15 13 MR. JOHNSON: And did bullying continue?  
+00:15 14 [REDACTED]: Bullying continued. It didn't  
+00:15 15 bound because the bullies -- because it was all the same  
+00:15 16 until his funeral, when some of the bullies talked about  
+00:15 17 that they did bully him. They admitted it, they cried,  
+00:15 18 and they talked about how sorry they were. It went down  
+00:15 19 after that, but it never stopped. And I believe now it  
+00:15 20 still hasn't stopped fully.  
+00:15 21 MR. JOHNSON: Why do you think that?  
+00:15 22 [REDACTED]: Because I've talked to some of  
+00:15 23 my friends, and some of the same kids are still bullying.  
+00:15 24 MR. JOHNSON: Okay. Well, let's talk  
+00:15 25 about the day of Montana's death. You already talked

[REDACTED]

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+00:15 1 about how you ended up in the office. And you ultimately  
+00:15 2 ended up in the nurse's office, right?  
+00:15 3 [REDACTED]: Yes, I did.  
+00:15 4 MR. JOHNSON: Why were you in the nurse's  
+00:15 5 office?  
+00:15 6 [REDACTED]: As I said -- Did I already  
+00:15 7 talk about we went to the office?  
+00:15 8 MR. JOHNSON: Yeah.  
+00:15 9 [REDACTED]: Well, he was already in the  
+00:15 10 restroom in the nurse's office, because we were not  
+00:16 11 allowed to leave the nurse's office -- the office. So we  
+00:16 12 had to go to the restroom in the nurse's office. And  
+00:16 13 when I got in there, he was in there, so she told me to  
+00:16 14 sit down and wait for him to get out.  
+00:16 15 MR. JOHNSON: Okay. Let me just back up  
+00:16 16 and go over that and make sure I understand. You were in  
+00:16 17 the office because the substitute teacher had sent both  
+00:16 18 you and Montana there, correct?  
+00:16 19 [REDACTED]: Yes.  
+00:16 20 MR. JOHNSON: And after you were sent  
+00:16 21 there, you needed to go to the bathroom?  
+00:16 22 [REDACTED]: Yes.  
+00:16 23 MR. JOHNSON: And is it -- Are you saying  
+00:16 24 that the school -- they wouldn't let you go to a normal  
+00:16 25 bathroom?

□

+00:16 1 [REDACTED]: No, they would not. And I  
+00:16 2 believe if they would have, none of this would have

[REDACTED]

+00:16 3 happened.

+00:16 4 MR. JOHNSON: So they -- If you had to go

+00:16 5 to the bathroom and you were in there, they made you go

+00:16 6 into the nurse's bathroom?

+00:16 7 [REDACTED]: Yes.

+00:16 8 MR. JOHNSON: Okay. And you were not

+00:16 9 allowed to leave and go down the hall to the normal

+00:16 10 bathroom?

+00:16 11 [REDACTED]: No, even though it was

+00:16 12 actually right across -- They did not trust us to go in

+00:16 13 there. And the only reason that this really was able to

+00:17 14 happen was that there's a hook above -- in the nurse's

+00:17 15 office on the ceiling. So --

+00:17 16 MR. JOHNSON: Okay.

+00:17 17 [REDACTED]: -- if we were in a normal

+00:17 18 bathroom, it wouldn't have happened.

+00:17 19 MR. JOHNSON: Okay. So it's your

+00:17 20 understanding that when you were in that office, when you

+00:17 21 had been sent to the office, that you were not allowed to

+00:17 22 go to any bathroom except the bathroom in the nurse's

+00:17 23 office?

+00:17 24 [REDACTED]: Yes, that is true.

+00:17 25 MR. JOHNSON: And Montana was sent at the

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+00:17 1 same time? Did you understand that he would not be

+00:17 2 allowed also to go to any other bathroom?

+00:17 3 [REDACTED]: Yes. No one in school was

+00:17 4 allowed to, if you were in the office.

+00:17 5 MR. JOHNSON: Okay. And so when you were

+00:17 6 in the office, Montana had already gone into the nurse's

[REDACTED]

+00:17 7 bathroom, right?

+00:17 8 [REDACTED]: Yes, he was already in there.

+00:17 9 MR. JOHNSON: Okay. And did you ever hear

+00:17 10 any noises coming out of the bathroom?

+00:17 11 [REDACTED]: For the first few while, it

+00:17 12 was normal, nothing. And then after about five minutes,

+00:17 13 there was kicking on -- there was kicking, there was

+00:18 14 activity. For about 15 minutes. And she -- he said he'd

+00:18 15 be right out. And she asked for an answer, and after

+00:18 16 that for -- Yeah.

+00:18 17 MR. JOHNSON: Okay. And then -- And so

+00:18 18 he was in there for -- After about 15 minutes there was

+00:18 19 no more sounds coming out of the bathroom?

+00:18 20 [REDACTED]: No, it was silent. There was

+00:18 21 no activity. And she asked for an answer, and there was

+00:18 22 no answer. She was, I believe, worried, and at the same

+00:18 23 time very aggravated about what was going on. And she

+00:18 24 didn't even call the janitor and even get the door open,

+00:18 25 for 15 minutes after no answer.

19

+00:18 1 MR. JOHNSON: So are you saying that

+00:18 2 Montana was in the bathroom for 15 minutes, and after 15

+00:18 3 minutes there were no more sounds? Right?

+00:18 4 [REDACTED]: Yes.

+00:18 5 MR. JOHNSON: And then after there were no

+00:18 6 more sounds, there was an additional 15 minutes, at

+00:18 7 least?

+00:18 8 [REDACTED]: Yes.

+00:18 9 MR. JOHNSON: Until a janitor was called?

+00:18 10 [REDACTED]: Yes. And the janitor did not

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[REDACTED]

+00:19 11 have a key.

+00:19 12 MR. JOHNSON: Okay. Did the nurse have a  
+00:19 13 key to the door?

+00:19 14 [REDACTED]: No one in the school had a key  
+00:19 15 to the door, even though there was a key slot.

+00:19 16 MR. JOHNSON: And when the janitor was  
+00:19 17 called, about how long did it take for him to get there,  
+00:19 18 once he was called?

+00:19 19 [REDACTED]: About five minutes. He put a  
+00:19 20 key in the key socket. The key did not work. And they  
+00:19 21 had to jiggle the knob, and they kept jiggling and  
+00:19 22 nothing happened. At that point I was told to go back to  
+00:19 23 the detention room I was in and sit back down.

+00:19 24 MR. JOHNSON: And so after the nurse  
+00:19 25 couldn't get the door open, she called the janitor,

20

□  
+00:19 1 right?

+00:19 2 [REDACTED]: Yes.

+00:19 3 MR. JOHNSON: And then the janitor tried  
+00:19 4 to get it open but couldn't, right?

+00:19 5 [REDACTED]: No.

+00:19 6 MR. JOHNSON: And then -- was that  
+00:19 7 correct? That the janitor couldn't get it open at first?

+00:19 8 [REDACTED]: Yes. He was reduced to using  
+00:19 9 a screwdriver to get the door open.

+00:19 10 MR. JOHNSON: Now, did you actually see  
+00:19 11 him open the door?

+00:20 12 [REDACTED]: No, I did not. I was in the  
+00:20 13 other room.

+00:20 14 MR. JOHNSON: Because -- So after  
Page 17

[REDACTED]

+00:20 15 they tried -- after the janitor tried to get it open but  
+00:20 16 couldn't, then you were told to leave the room?  
+00:20 17 [REDACTED]: Yes.  
+00:20 18 MR. JOHNSON: And you left the room?  
+00:20 19 [REDACTED]: Yes.  
+00:20 20 MR. JOHNSON: I mean, you did what they  
+00:20 21 told you to do?  
+00:20 22 [REDACTED]: Yes.  
+00:20 23 MR. JOHNSON: Okay. Good. And then were  
+00:20 24 you still in the office area whenever the door was  
+00:20 25 opened?

21

[REDACTED]: Yes. The office is a little  
+00:20 2 room, and there's a detention room in the very back. And  
+00:20 3 from there, when the door was open and this -- I was  
+00:20 4 (unintelligible).  
+00:20 5 MR. JOHNSON: But you didn't see anything  
+00:20 6 inside the door, right?  
+00:20 7 [REDACTED]: No, I did not.  
+00:20 8 MR. JOHNSON: Okay. Did you ever see  
+00:20 9 Montana again?  
+00:20 10 [REDACTED]: Yes, I did, later on that day.  
+00:20 11 MR. JOHNSON: Okay. Where --  
+00:20 12 [REDACTED]: But --  
+00:20 13 MR. JOHNSON: -- did you see him later on  
+00:20 14 that day?  
+00:20 15 [REDACTED]: I did not see him face to  
+00:20 16 face. I did not ever see him face to face again --  
+00:20 17 MR. JOHNSON: Okay.  
+00:20 18 [REDACTED]: -- while he was alive.

[REDACTED]  
+00:21 19 MR. [REDACTED]: He saw his body on the  
+00:21 20 gurney.

+00:21 21 MR. JOHNSON: Okay. Okay. [REDACTED], a  
+00:21 22 few more specific questions about when you were in the  
+00:21 23 nurse's office. First, you were -- while Montana was in  
+00:22 24 the bathroom -- the nurse's bathroom, you were actually  
+00:22 25 sitting in the nurse's office, right?

22

□  
+00:22 1 [REDACTED]: Yes, I was.

+00:22 2 MR. JOHNSON: And did you ever -- at some  
+00:22 3 point did you see the nurse try to open the door herself?

+00:22 4 [REDACTED]: Yes.

+00:22 5 MR. JOHNSON: And did she -- How did she  
+00:22 6 try to open the door?

+00:22 7 [REDACTED]: She walked up to it and she  
+00:22 8 jiggled the knob. She tried to twist it.

+00:22 9 MR. JOHNSON: It was -- Was it locked?

+00:22 10 [REDACTED]: It was locked from the inside.

+00:22 11 MR. JOHNSON: Okay. And then later you  
+00:22 12 said the janitor was called in. Do you remember that?

+00:22 13 [REDACTED]: Yes, he was.

+00:22 14 MR. JOHNSON: And when he was called in,  
+00:22 15 he tried to open the door too, right?

+00:22 16 [REDACTED]: Yes, he did.

+00:22 17 MR. JOHNSON: And did you -- what did  
+00:22 18 he look -- what did it look like he tried to open the  
+00:22 19 door with?

+00:22 20 [REDACTED]: He took a key off of -- He  
+00:22 21 took his key ring off his pants. He took a key -- quite  
+00:22 22 a few keys, and he stuck it in there and twisted on the

[REDACTED]

+00:22 23 button. None -- He only had about five keys, and none  
+00:22 24 of the keys fit them. And they were all different keys.  
+00:23 25 They weren't even the same kind of keys, so --

□

23

+00:23 1 MR. JOHNSON: And how long would you say  
+00:23 2 it was total from the time that Montana went into the  
+00:23 3 bathroom until the time that you heard the screams and  
+00:23 4 the door was open? How long a period was that that  
+00:23 5 Montana was actually in the bathroom?

+00:23 6 [REDACTED]: In the bathroom, about 45  
+00:23 7 minutes to an hour.

+00:23 8 MR. JOHNSON: Okay. And how long was it  
+00:23 9 between the time that the nurse first tried to open the  
+00:23 10 door the way you told us and when you heard the screams,  
+00:23 11 and the door was opened?

+00:23 12 [REDACTED]: 10 minutes.

+00:23 13 MR. JOHNSON: About 10 minutes? Okay.

+00:23 14 (Recorder stopped and restarted)

+00:24 15 [REDACTED]: It's recording.

+00:24 16 MR. JOHNSON: Okay. [REDACTED] you had  
+00:24 17 stated earlier that you had watched the janitor try to  
+00:24 18 open the door unsuccessfully with keys, right?

+00:24 19 [REDACTED]: Yes.

+00:24 20 MR. JOHNSON: Now, when he was -- could  
+00:24 21 not open the door with the keys, what did -- what did  
+00:24 22 they do with you? Did you stay there and watch them?  
+00:24 23 [REDACTED]: No. After he could not get it  
+00:24 24 open, they sent me back to the room. But they --  
+00:24 25 Apparently they got the door open after I walked out,

[REDACTED]

□

+00:24 1 because there's three desks before the detention room,  
+00:24 2 and I didn't even make it past the second one before I  
+00:24 3 heard a loud screech-scream. And that made me jump,  
+00:24 4 because I thought either the nurse or Montana was hurt.  
+00:24 5 And I heard screaming, "Call 911."  
+00:25 6 MR. JOHNSON: Okay.  
+00:25 7 [REDACTED]: Oh --  
+00:25 8 MR. JOHNSON: And then what were you --  
+00:25 9 And then were you allowed to stay in the detention room,  
+00:25 10 or what were you told to do?  
+00:25 11 [REDACTED]: I was told immediately that I  
+00:25 12 must leave the -- I made it back to my detention room  
+00:25 13 and sat down. At that point I was a little shaky. And  
+00:25 14 my assistant principal, Ms. Teddy, ran in and told me I  
+00:25 15 had to go back to class. I tried to gather myself. She  
+00:25 16 said, "I'll have a teacher -- Gather yourself." She  
+00:25 17 said, "Run to class. If a teacher tells you to slow  
+00:25 18 down, tell them Ms. Teddy told you to." And I went back  
+00:25 19 to class.  
+00:25 20 MR. JOHNSON: Okay. When -- Jumping back  
+00:25 21 just a little bit, when the nurse called the janitor, did  
+00:25 22 the nurse call the janitor -- did you see the nurse call  
+00:25 23 the janitor on her phone in her office?  
+00:25 24 [REDACTED]: No, he has a walkie-talkie.  
+00:25 25 He -- She had to walk out of the office and use one of

□

+00:25 1 the front desk's walkie-talkies.  
+00:25 2 MR. JOHNSON: Okay. So at that point she

+00:25 3 left the nurse's office and went out to the main office

+00:25 4 and got a walkie-talkie?

+00:25 5 [REDACTED]: Yes.

+00:26 6 MR. JOHNSON: Okay. All right. Thank

+00:26 7 you.

+00:26 8 (End of Digital File)

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+00:26 1 I, JOE L. CREWS, a Certified Shorthand Reporter in

+00:26 2 and for the State of Texas, hereby certify to the

+00:26 3 following based on representations made on the video file

+00:26 4 and in writing:

+00:26 5 That the transcript of the video file of the

+00:26 6 conversation represents a true and accurate

+00:26 7 transcription, to the best of my ability, of the video  
+00:26 8 file.  
+00:26 9 I further certify that I am neither counsel for,  
+00:26 10 related to, nor employed by any of the parties or  
+00:26 11 attorneys in the above-captioned action, and further that  
+00:26 12 I am not financially or otherwise interested in the  
+00:26 13 outcome of the action.  
+00:26 14 Given under my hand of office this the 21st day of  
+00:26 15 February, A.D. 2012.  
+00:26 16  
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