



Trial Court Case Preview

Please note that the following ONLY applies to TRIAL COURT. Appellate Court will hear a separate fact pattern this year.

TRIAL COURT PREVIEW:

On February 28th, 1993, the attention of the entire world was focused on a tiny town in the middle of Texas called Waco. On Day 1, federal ATF agents armed with a search warrant attempted to enter the compound-style home of a group of religious followers of a man named David Koresh. This group later came to be known as the Branch Davidians. The failed service of the warrant led to a deadly shootout and a 51 day standoff. On day 51, the ATF and FBI injected flammable tear gas into the compound. A fire of unknown origins ignited the gas leading to the deaths of 76 Branch Davidians.

This year, you will step into this epic yet tragic piece of Texas history and try one of the several lawsuits that resulted from the siege on the compound. Our trial will be set in 1994, the year after the siege – meaning the dates in the case packet will remain in the past. Our trial will focus on “Day 1.”

In the fall of 1992, an intrepid journalist at the hometown newspaper, the Waco Tribune Herald, accepted the assignment of writing a series of articles on the Branch Davidians and their “Sinful Messiah” leader. Although the series was completed earlier, the Waco Tribune Herald held the series from publication until February 27th, 1993. The following morning, just as the Texas sun was rising over the dreary plain, acting on a tip, members of the media flooded the dusty roads surrounding the compound, attempting to find a good location to watch the action. Unfortunately, one member of the media stopped a mail man to ask for directions to the compound and in the conversation he told the mail man that the ATF was on their way. It later turned out that the mail man was David Koresh’s brother-in-law.

The plaintiff is an individual ATF agent name John Risenhoover. He has filed this lawsuit against Cox publishing, the parent company of the Waco Tribune Herald, claiming that the media’s actions provided the Branch Davidians time before the raid to rush to arms before the arrival of the federal agents. Plaintiff admits that the Branch Davidians were the main cause of the injuries to the ATF agents. However, plaintiff claims that the media’s reckless behavior makes them liable for a percentage of the harm suffered.

More than likely, plaintiff’s attorneys will call the plaintiff himself, Phillip Chojnacki (Hoy-nah-ski), and David Thibodeau (Tib-eh-dough). Defendant will likely call Randy Preddy, Mark England and James Peeler.

You are free to study outside material regarding the history of the Branch Davidians and the 1993 raid. Also, you can interview the adults in your life to see what they remember. But, you will not be allowed to bring in any outside facts or evidence for our trial. You will be excited to know that Baylor Law School has loaned us a collection of resources from the original trial. Because our case packet was written from that case file, you will have access to facts and evidence that might not be otherwise accessible to the average person. The release of the case packet has been delayed this year due to COVID-19. We hope to have it to you sometime in mid to late September.