

STATE OF TEXAS	§	IN THE DISTRICT COURT OF
	§	
v.	§	McLENNAN COUNTY, TEXAS,
	§	
SHAWN OAKMAN	§	19th JUDICIAL DISTRICT

**MOTION FOR CHANGE OF VENUE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW SHAWN OAKMAN, Defendant in the above-entitled and numbered cause, and makes and files this Motion for Change of Venue, and in support thereof shows the following:

I.

The Defendant is under indictment for the SECOND-DEGREE FELONY offense of SEXUAL ASSAULT.

II.

The Court may order a change of venue if the Court finds that “[t]hat there exists in the county where the prosecution is commenced so great a prejudice against him that he cannot obtain a fair and impartial trial.” TEX. CODE CRIM. PROC. art. 31.03(a)(1). A defendant’s motion for change of venue must be supported by the affidavit of the defendant as well as at least two credible residents of the county where the indictment is pending. *Id.*

III.

Additionally, the Court may order a change of venue on its own motion if “the judge presiding shall be satisfied that a trial, alike fair and impartial to the accused and to the State,

cannot, from any cause, be had in the county in which the case is pending.” *Id.* art. 31.01.

#### IV.

Defendant contends that a change of venue is required in his case because of the substantial publicity and media coverage (news media and social media) that has been devoted to the Baylor University football/sexual abuse scandal that erupted in May 2016 with the firing of Baylor Coach Art Briles—a month after Defendant (a former Baylor football player) was arrested on the charges that serve as the basis for the indictment—and has continued to this day with ongoing media coverage of pending civil litigation related to the Baylor scandal.

The substantial publicity regarding the Baylor scandal has recently been exacerbated by the publicity and media coverage (news media and social media) that has been devoted to the plea bargain and sentencing of Jacob W. Anderson in this Court in Cause No. 2016-768-C1 where the Court ultimately granted Mr. Anderson deferred adjudication community supervision on December 10, 2018. As reported, the Court, its staff and the prosecutors were swamped for weeks with innumerable, hostile and threatening telephone calls and emails. And the toxic environment created by the Anderson case caused the Court to postpone a child sexual abuse trial scheduled a week later because of concerns of selecting an unbiased and impartial jury. The publicity surrounding the Anderson case has particularly exacerbated the ongoing publicity regarding the Baylor scandal because of Anderson’s status as a Baylor student and fraternity president at the time of his offense.

V.

Defendant supports this motion with his own affidavit (Exhibit A) as well as the affidavits of Mark Morris, Will Conrad and Guy Cox (Exhibits B, C and D), who are credible residents of McLennan County. Defendant incorporates these Exhibits by reference.

VI.

The Court must change venue because the publicity surrounding the Baylor scandal and exacerbated by the Anderson case has created so great a prejudice against Defendant that he cannot obtain a fair and impartial trial in McLennan County.

Alternatively, the Court should *sua sponte* order a change of venue because “a trial, alike fair and impartial to the accused and to the State,” cannot be had in McLennan County for the same reasons.

**WHEREFORE**, Defendant prays the Court grant this Motion for Change of Venue, order a change of venue on the Court’s own motion, and grant such other relief to which Defendant may show himself justly entitled.

Respectfully submitted,



E. ALAN BENNETT  
SBOT #02140700  
Attorney for Defendant

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**Certificate of Service**

The undersigned counsel hereby certifies that a true and correct copy of this Motion has been served on counsel for the State by personal delivery on January \_\_\_\_\_, 2019.



E. ALAN BENNETT

## AFFIDAVIT OF SHAWN OAKMAN

State of Texas                   §

§

County of McLennan   §

"My name is Shawn Oakman. I am over 18 and capable of making this affidavit. The facts stated herein are true and correct and within my personal knowledge.

"I am the Defendant in Cause No. 2016-1134-C1, State of Texas v. Shawn Oakman.

"I am a former member of the Baylor University football team and am painfully aware of the allegations and accusations that led to the firing of my head coach Art Briles and the ongoing sexual assault scandal and litigation involving the University.

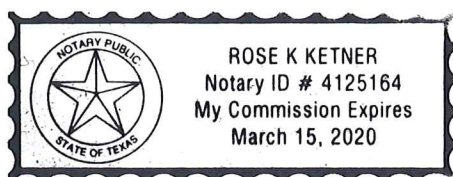
"I am also aware of the substantial coverage and negative publicity and commentary that exists surrounding the allegations against former Baylor student Jacob Anderson and his case.

"The publicity surrounding the Baylor scandal and exacerbated by the Anderson case has created so great a prejudice against me that I cannot obtain a fair and impartial trial in McLennan County."

SIGNED this 21st day of January, 2019.

  
SHAWN OAKMAN

SWORN TO AND SUBSCRIBED BEFORE ME on January 21st, 2019.



  
NOTARY PUBLIC, STATE OF TEXAS

## AFFIDAVIT OF MARK MORRIS

State of Texas           §  
                                  §  
County of McLennan   §

"My name is Mark Morris. I am over 18 and capable of making this affidavit. The facts stated herein are true and correct and within my personal knowledge.

"I am a resident of McLennan County and an attorney practicing both family law and criminal law in this county.

"I am an alumnus of Baylor University and am well aware of the allegations and accusations that led to the firing of head coach Art Briles and the ongoing coverage of the sexual assault scandal and litigation involving the University.

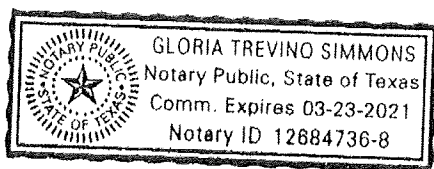
"I am also aware of the substantial coverage and negative publicity and commentary that exists surrounding the allegations against former Baylor student Jacob Anderson and his case.

"The publicity surrounding the Baylor scandal and exacerbated by the Anderson case has created so great a prejudice against Shawn Oakman that he cannot obtain a fair and impartial trial in McLennan County."

SIGNED this 24 day of January, 2019.

  
MARK MORRIS

SWORN TO AND SUBSCRIBED BEFORE ME on January 24<sup>th</sup>, 2019.



  
NOTARY PUBLIC, STATE OF TEXAS



## AFFIDAVIT OF WILLIAM CONRAD

State of Texas           §  
                                  §  
County of McLennan   §

“My name is William Conrad. I am over 18 and capable of making this affidavit. The facts stated herein are true and correct and within my personal knowledge.

“I am a resident of McLennan County and an attorney practicing criminal law in this county.

“I am aware of the allegations and accusations that led to the firing of Baylor University head coach Art Briles and the ongoing coverage of the sexual assault scandal and litigation involving the University.

“I am also aware of the substantial coverage and negative publicity and commentary that exists surrounding the allegations against former Baylor student Jacob Anderson and his case.

“The publicity surrounding the Baylor scandal and exacerbated by the Anderson case has created so great a prejudice against Shawn Oakman that he cannot obtain a fair and impartial trial in McLennan County.”

SIGNED this 24 day of January, 2019.

*William Conrad*

\_\_\_\_\_  
WILLIAM CONRAD

SWORN TO AND SUBSCRIBED BEFORE ME on January 24, 2019.



*Jeffrey Blair-McIver Gewertz*  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

## **AFFIDAVIT OF GUY COX**

State of Texas           §  
                                     §  
County of McLennan   §

“My name is Guy Cox. I am over 18 and capable of making this affidavit. The facts stated herein are true and correct and within my personal knowledge.

“I am a resident of McLennan County and an attorney practicing criminal law in this county.

“I am well aware of the allegations and accusations that led to the firing of Baylor University head coach Art Briles and the ongoing coverage of the sexual assault scandal and litigation involving the University.

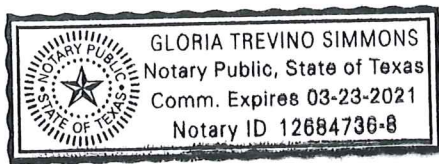
“I was one of the attorneys representing former Baylor student Jacob Anderson against a charge of sexual assault similar to that involved in the Shawn Oakman case. Mr. Anderson’s case was styled The State of Texas v. Jacob W. Anderson, Cause No. 2016-768-C1, and filed in the 19th District Court of McLennan County. As Mr. Anderson’s counsel, I am keenly aware of the substantial coverage and negative publicity and commentary that exists surrounding his case.

"The publicity surrounding the Baylor scandal, and exacerbated by the Anderson case, has created so great a prejudice against Shawn Oakman that he cannot obtain a fair and impartial trial in McLennan County."

SIGNED this 22<sup>nd</sup> day of January, 2019.

  
\_\_\_\_\_  
GUY COX

SWORN TO AND SUBSCRIBED BEFORE ME on January 22<sup>nd</sup>, 2019.



  
\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS