

DEPOSITION OF MITCH MURPHY
August 18, 2010

1 Q: Tell us your name?

2 A: My name is Mitch "The Bear" Murphy.

3 Q: Why do they call you "The Bear"?

4 A: I don't know. I've always wondered that myself.

5 Q: Mr. Murphy where do you reside?

6 A: I reside in Bootleg, Lone Star.

7 Q: And just exactly where is Bootleg?

8 A: You're not from around here, are you?

9 Q: No, but I'm asking the questions here. Where is Bootleg?

10 A: It is a few miles west of Armadillo. Maybe 70 miles. Maybe more.

11 Q: What do you do for a living?

12 A: Right now I am a student at Fargo State University in Fargo, Oklahoma.

13 Q: What are you studying there?

14 A: I haven't declared a major yet, and I haven't really found anything that I am terribly
15 interested in.

16 Q: Are you the same Mitch Murphy who is the defendant in this lawsuit?

17 A: Yes, I'm the person who was wrongfully sued.

18 Q: I take it you knew Channing Stockard before the unfortunate accident that you caused?

19 A: I knew Channing Stockard from the time she was in first grade until that unfortunate
20 accident caused by the truck driver.

21 Q: Toward the end of her life, did you have a romantic relationship with Channing
22 Stockard?

23 A: Yes. We had been dating for several months.

24 Q: Had the two of you made any long term plans?

25 A: We were very close.

TESTIMONY OF MITCH MURPHY - 1

DEPOSITION OF MITCH MURPHY
August 18, 2010

1 Q: But my question was whether you two had discussed any long term plans, like marriage?

2 A: We were very close.

3 Q: How was it that you came to be in the car with her on the day of the accident?

4 A: Well, Kim Stockard asked me to go to Armadillo and pick Channing up at the airport
5 there. She had been on a boondoggle to Europe, and she was returning.

6 Q: What exactly did Kim Stockard say to you in dispatching you on this journey?

7 A: Well, Kim said that it would be a great favor to them if I would go pick Channing up
8 because both of them were working and they would have to take off from work to go get
9 her. They knew that I was making some extra money by running errands for people.
10 They thought I might run this errand for them.

11 Q: Were they aware of your relationship with Channing?

12 A: I don't know. It is not like we kept it a secret or anything. But I never picked her up at
13 her house like some kind of formal "date." We usually just met somewhere in the greater
14 Bootleg metropolitan area. I never talked to them about hanging out with her. I don't
15 know what she may have said to them.

16 Q: So you were asked by Kim Stockard to go the airport in Armadillo and pick her up?

17 A: Yes, and Kim said I'd get paid to do this and that I could drive the sports car. It seemed
18 like a perfect situation. I was getting to go see my girlfriend, I was getting paid, I was
19 driving their car. It was all good.

20 Q: So what do you remember about that day in terms of picking Channing up at the airport?

21 A: Well, her flight was on time, we picked up her luggage, we got back in the car. What
22 else is there to know?

23 Q: What do you remember about the accident?

24 A: Oh. We were driving west on Highway 66 on the way back to Bootleg. I was
25 approaching the intersection of Highway 66 and Speedway Road. At that particular

DEPOSITION OF MITCH MURPHY
August 18, 2010

1 point, Speedway Road is on an overpass and Highway 66 dips into an underpass. There
2 is a slight hill just east of the underpass, and as I crested that hill, I could see the tractor
3 trailer unit in the right hand traveled portion of the road.

4 Q: When you crested the small hill, and started down into the underpass, could you clearly
5 see the tractor trailer?

6 A: Yes, I could clearly see the tractor trailer. It was in the right hand traveled portion of the
7 roadway, just as you would expect a moving tractor trailer to be.

8 Q: What did you do next?

9 A: I didn't really think I needed to do much of anything. I was driving along in the right
10 hand traveled portion of the road, the tractor trailer was driving along in the same lane. I
11 thought ultimately I would have to pass him, but not anytime soon.

12 Q: How fast were you going?

13 A: I was going 70 mph.

14 Q: What was the speed limit in that area?

15 A: It was 65 mph.

16 Q: So you were speeding?

17 A: I was going 5 mph over the speed limit.

18 Q: What happened next?

19 A: Well, Channing was talking on her cell phone to somebody, maybe her mom or dad, but
20 I'm not sure. I heard her say "Wow, we're going a 105 feet per second."

21 Q: Are you sure she said feet per second?

22 A: Yes, she was always using expressions like that. She was really into mathematics and
23 physics and she liked to talk about how many feet per second you were going instead of
24 how many miles per hour. She was just a nerd like that.

25 Q: What happened next?

DEPOSITION OF MITCH MURPHY
August 18, 2010

1 A: I heard her say "Hey Mitch, things can happen pretty fast," so I glanced over at her and
2 she was looking at me kind of suggestively. And she was touching the top button of her
3 blouse. She was a big tease, but that's as far as it ever went.

4 Q: Can you identify Exhibit 6?

5 A: Yes, that's a Facebook message she posted from London and my reply. Says basically
6 the same thing. I was trying to ignore her. Maybe not all that successfully.

7 Q: Then what happened?

8 A: Then I looked back at the road and realized the truck was completely stopped in the right
9 hand traveled portion of the road. I tried to grab the brakes, but it was too late.

10 Q: What do you remember next?

11 A: I remember coming to consciousness and there was an officer talking to me. I remember
12 he was asking me if I was alright. I don't remember my answer.

13 Q: Now backing up just a little, when you first crested this small rise before the underpass,
14 and you observed the tractor trailer in the right hand travel portion of the road, did you
15 see any emergency flares behind the tractor trailer?

16 A: No, I did not.

17 Q: Did you see any of those reflective triangles behind the tractor trailer?

18 A: No, I did not.

19 Q: Did you see any flashing warning lights on the back of the trailer?

20 A: No, I did not.

21 Q: Were you injured in the accident?

22 A: Just bruises and the like. Recovered pretty fast.

23 Q: Were you hospitalized?

24 A: Only overnight for observation.

25 Q: Did anyone come see you while you were in the hospital?

TESTIMONY OF MITCH MURPHY - 4 REVISED

DEPOSITION OF MITCH MURPHY
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1 A: Yes, I recall Trooper Jensen being there, like in the middle of the night it seems. I woke
2 up and saw this figure standing over my bed.

3 Q: Did Trooper Jensen ask you any questions at that time?

4 A: Yes, Jensen asked me how the accident happened and what I remembered and all.

5 Q: Did Trooper Jensen ask you anything else?

6 A: Yes, Jensen asked me how I could possibly have screwed up so bad and killed the best
7 looking woman in all of Bootleg.

8 Q: What did you say?

9 A: I told Jensen to get out of my room, that I wasn't going to talk in a hospital room.

10 Q: Did Jensen say anything else to you that night?

11 A: Yeah, Jensen said sooner or later I'd have to pay for what I'd done.

12 Q: Can you identify Exhibit 7?

13 A: Yes, it's a copy of a text message from Officer Jensen to me. As you can see, Jensen
14 wanted me to come in and give a sworn statement concerning my actions in killing
15 Channing.

16 Q: Did you respond to this message?

17 A: Yes. I texted back that I would not be coming in to give a sworn statement because my
18 lawyer advised me to take the Fifth. At least, that's what I meant to say. Looks like it
19 came out a little different from that.

20 Q: Were you ever charged with anything beyond the failure to control speed and failure to
21 keep a proper lookout?

22 A: No, the grand jury met and no-billed me on the negligent homicide charges that Jensen
23 tried to get put on me.

24 Q: Did you get any tickets in connection with this accident?
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DEPOSITION OF MITCH MURPHY
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1 A: Yeah, Jensen showed up the next morning and slapped two tickets down on my hospital
2 tray. Said I could chew on those while I ate my eggs.

3 Q: What was the disposition of the two tickets Trooper Jensen gave you in connection with
4 this accident?

5 A: I plead nolo contendere and was put on deferred adjudication for a period of 12 months.
6 Served it out without incident.

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