

NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA

No.	Court	Parties
2026-0226	IN THE COUNTY COURT AT LAW HARRISON COUNTY, TEXAS	THE STATE OF TEXAS v. RYAN NICHOLS
		Defendant Pro Se
HEARING REQUESTED	EXPEDITED / BEFORE ANY BOND REVOCATION, PLEA SETTING, OR TRIAL	FILED: June 7, 2026

DEFENDANT RYAN NICHOLS'S EMERGENCY MOTION TO QUASH, SET ASIDE, OR REQUIRE THE STATE TO PARTICULARIZE THE DEADLY CONDUCT THEORY; MOTION FOR ELEMENT-SPECIFIC DISCOVERY, IN CAMERA REVIEW, AND EVIDENTIARY HEARING

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Ryan Nichols, Defendant, appearing pro se at this time, and files this Emergency Motion to Quash, Set Aside, or Require the State to Particularize the Deadly Conduct Theory; Motion for Element-Specific Discovery, In Camera Review, and Evidentiary Hearing. The supporting declaration, exhibit document, and proposed order are filed separately so the Court and clerk can treat each filing independently. In support, Defendant respectfully shows the Court as follows:

Table of Authorities and Governing Law

Authority	Point
U.S. Const. amends. I, V, VI, XIV	Speech, due process, notice, confrontation, compulsory process, right to present a defense.
Tex. Const. art. I, sec. 10, 19	Rights of accused and due-course protections.
Tex. Penal Code sec. 2.01	Presumption of innocence and burden of proof beyond a reasonable doubt.
Tex. Penal Code sec. 6.03(c)	Reckless mental state requires conscious disregard of a substantial and unjustifiable risk, viewed from the actor's standpoint.
Tex. Penal Code sec. 9.04	Threats as justifiable force; producing a weapon or making known possession of a weapon can be a threat of force, not deadly force, when the actor's purpose is limited to creating apprehension that deadly force will be used if necessary.
Tex. Penal Code sec. 22.05(a), (c)	Deadly Conduct; recklessness/danger presumption applies when the actor knowingly pointed a firearm at or in the direction of another.
Tex. Code Crim. Proc. arts. 21.02, 21.21	Charging instrument must set forth the offense in plain and intelligible words.
Tex. Code Crim. Proc. arts. 27.08, 27.09	Exceptions to substance and form of indictment or information.
Tex. Code Crim. Proc. art. 39.14	Discovery, inspection, electronic duplication, and production of material evidence.
Brady v. Maryland, 373 U.S. 83 (1963); Giglio v. United States, 405 U.S. 150 (1972)	Exculpatory and impeachment evidence disclosure.

I. Court-Focused Summary

1. This motion is about statutory elements, notice, source-specific proof, and missing objective evidence.
2. This motion uses the State/HCSO alleged wording, not public shorthand. The issue is whether the State can prove the statutory elements of Texas Penal Code section 22.05 from alleged conduct described as raised shirt, display a firearm, and placed his hand upon grip.

3. Defendant denies drawing, pulling, unholstering, pointing, firing, discharging, or verbally threatening anyone with a firearm.
4. Defendant states the pistol stayed holstered the entire time and never even started to come out of the holster.
5. Defendant states his hand went to the holstered pistol during perceived escalation by Jon Costello, after Jon allegedly placed an item down and moved toward Defendant, while another adult was between them and Kacie Costello was trying to restrain Jon.
6. Defendant states he disengaged and called law enforcement himself.
7. The charging narrative has reportedly been repeated publicly as if Defendant pulled the firearm out, unholstered it, pointed it, fired it, shot it, threatened children, or threatened a vehicle. Defendant disputes those higher descriptions and demands the source of each version.
8. Defendant has now identified a screenshot appearing to contain a May 11, 2026 Harrison County Sheriff Brandon J. Fletcher public statement. The visible statement describes the allegation as reaching for a firearm, raising a shirt, and placing a hand upon the grip. It does not visibly allege that Defendant drew, unholstered, pointed, or fired the firearm. The same screenshot includes a public post contrasting that official-style wording with another alleged social-media version claiming the gun was pulled out and pointed at a vehicle with children inside. That inconsistency makes source-specific particularization unavoidable.
9. If the State's actual theory is only that Defendant raised his shirt and placed his hand on a holstered grip, the Court should require the State to explain how that alleged conduct satisfies each element of section 22.05 instead of a different statute or no offense at all.
10. Before any plea pressure, bond revocation, custody decision, evidentiary hearing, or trial, the State should produce the bodycam, CAD, dispatch, 911/non-emergency audio, church cameras, witness statements, and every inconsistent or escalating statement used to support the charge.

II. Facts Asserted for This Motion

10. **FACT / NEEDS AUTHENTICATION:** Existing case materials and public reporting have described the allegation as Defendant allegedly raising his shirt and placing his hand on the grip of a firearm. Defendant demands the original charging instrument, probable-cause affidavit, reports, bodycam, CAD, dispatch, and witness statements.
11. **NEEDS AUTHENTICATION / DEFENDANT IDENTIFICATION:** Defendant has identified IMG_4118.jpeg as a screenshot appearing to contain a May 11, 2026 statement under Harrison County Sheriff Brandon J. Fletcher letterhead. The visible statement describes the allegation as reaching for a firearm, raising a shirt, displaying a firearm, and placing a hand upon the grip. The visible statement does not say Defendant drew, unholstered, pointed, fired, or verbally threatened with the firearm. Defendant requests the original HCSO statement, its publication source, drafts, custodian record, and all witness statements used to prepare it.
12. **DOCUMENTED INFERENCE / NEEDS AUTHENTICATION:** The same IMG_4118.jpeg screenshot includes a public post contrasting the apparent HCSO statement with a different alleged social-media version claiming Defendant pulled out the gun and pointed it at a vehicle with children inside. If any officer, witness, Pretrial Services employee, or prosecutor relied on that escalated version, the source video, native post, account data, URL, timestamp, and full context must be produced.
13. **NEEDS AUTHENTICATION / POTENTIAL WITNESS STATEMENT:** Defendant has identified IMG_9175.png, Google Drive file ID 1p6gq7fqIQN1Av7vpOvmn7wnRgkeToI1m, source URL https://drive.google.com/file/d/1p6gq7fqIQN1Av7vpOvmn7wnRgkeToI1m/view?usp=drive_link, as a screenshot of a message attributed to Kacie Costello. Defendant does not

adopt every assertion in the screenshot and disputes any accusation that he initiated a threatening altercation. Defendant offers the screenshot for the specific material portions that appear to state: Lucas spoke to Defendant and Defendant spoke back politely; when the situation de-escalated they planned to get in their vehicle and leave; Defendant made the first call to 911; and Jon then did the same thing after Defendant made clear he was calling.

14. DOCUMENTED INFERENCE: If authenticated, the IMG_9175.png message is material to the State's burden to prove recklessness and imminent danger because it describes polite initial contact, de-escalation, a plan to leave, and Defendant calling 911 first. Those facts, if authenticated and placed in full context, are directly relevant to whether the State can prove that Defendant consciously disregarded a substantial and unjustifiable risk and placed another person in imminent danger of serious bodily injury.
15. NEEDS AUTHENTICATION / NEEDS TRANSCRIPTION: Defendant has identified a May 31, 2026 MP4 video from Google Drive, file ID 1gXR1hqg-YXfmNYu6ZFimH0Upaq1j6-u2, source URL <https://drive.google.com/file/d/1gXR1hqg-YXfmNYu6ZFimH0Upaq1j6-u2/view?usp=sharing>, titled AQMVEstscz0Q-wsNlxx-yJ-5j22fd9zwHLf-wn6-bCAiJme-NuER7HqqcPAR7f7gB_AznIdeUZiKxJNoRtfYZnJR2i0x90WJltiTbobkkQ.mp4. The video visually appears to show Kacie and Jon Costello speaking in a vehicle or parking-lot setting after the incident. Defendant states the audio includes statements about Defendant being slapped in the face with Jesus. Defendant does not ask the Court to decide the audio content from selected stills. Defendant requests native-file preservation, metadata, full audio transcription, speaker identification, and production of the complete video before any person relies on the audio content. The video is material to witness credibility, post-incident narrative, bias, motive, and whether later public statements match earlier statements.
16. RYAN STATEMENT: Defendant was lawfully present at the church and was known by church leadership and family to carry concealed while assisting with church security.
17. RYAN STATEMENT: Defendant did not initiate violence and did not approach the encounter with a firearm in hand.
18. RYAN STATEMENT: Defendant had a pregnant woman and a child nearby and was attempting to leave the church area after services and cleanup.
19. RYAN STATEMENT: Jon Costello escalated verbally and physically, moved toward Defendant, and caused Defendant to believe force might become immediately necessary.
20. RYAN STATEMENT: Kacie Costello publicly stated that Jon was "to the point of getting violent" and that she was trying to keep that from happening. That screenshot is separately filed in the exhibit document as Exhibit C and needs native platform authentication.
21. RYAN STATEMENT: Defendant raised his shirt and placed his hand on the grip of the holstered pistol. The pistol stayed holstered. Defendant did not tighten his grip to draw. Defendant did not draw. Defendant did not point. Defendant did not fire. Defendant did not verbally threaten to shoot anyone.
22. RYAN STATEMENT: After Defendant recognized that the event was being turned into a firearm accusation, he disengaged and called law enforcement.
23. NEEDS AUTHENTICATION: Church-camera footage is central because Defendant states the encounter was captured by church cameras, including the movement, spacing, escalation, and whether the pistol was ever drawn or pointed.
24. NEEDS AUTHENTICATION: The July 13, 2025 bodycam comparison video is not offered as a final trial transcript. It is offered to identify a potentially relevant records source showing law-enforcement treatment of hand-on-gun conduct in a related family conflict. The native bodycam, certified report, and transcript are required before final evidentiary use.

III. Argument

A. The State must prove the statutory elements of Deadly Conduct, not a public retelling or escalated label.

The State may not prosecute Defendant based on social-media labels, rumor, or escalated public retellings. The State must identify the exact conduct, witness, source, and statutory element being relied upon.

Texas Penal Code section 22.05 does not create a Deadly Conduct presumption because a holstered pistol became visible. It does not create a presumption because a shirt was raised. It does not create a presumption because a hand touched a holstered grip.

The Legislature wrote the presumption in section 22.05(c) narrowly. Recklessness and danger are presumed when the actor knowingly pointed a firearm at or in the direction of another. Defendant denies that happened.

The difference between a holstered pistol and a pointed firearm is not a technicality. It is the core difference between the actual charged element and a public narrative.

B. The Sheriff Fletcher statement narrows the known official narrative and exposes the source-chain problem.

Defendant has identified a screenshot appearing to contain a Harrison County Sheriff Brandon J. Fletcher public statement dated May 11, 2026. That visible statement describes the allegation as reaching for a firearm, raising a shirt, and placing a hand upon the grip. It does not visibly allege drawing, unholstering, pointing, firing, or a verbal threat.

The same screenshot includes a public post stating that another social-media video allegedly claimed Defendant pulled out the gun and pointed it at a vehicle with children inside, followed by the question, "Which one is it?" That is precisely the problem this motion addresses: a narrow official-style statement became an escalated public allegation.

If the apparent HCSO statement is the official version, then the State should be required to explain whether it is prosecuting hand-on-holstered-grip conduct as Deadly Conduct. If the State instead intends to use a pulled/pointed/vehicle/children version, then it must identify the source, witness, recording, and exact statement supporting that version.

The original HCSO statement, its drafts, publication logs, source reports, witness statements, bodycam, and any public videos or posts reviewed by law enforcement are Article 39.14, Brady, Giglio, impeachment, and notice materials.

C. The Kacie Costello message makes de-escalation and 911-call sequencing material.

Defendant has identified IMG_9175.png, a screenshot of a message attributed to Kacie Costello. The visible message states that Lucas spoke to Defendant and Defendant spoke back politely; that when the situation de-escalated they planned to get in their vehicle and leave; that Defendant made the first call to 911; and that Jon then did the same thing after Defendant made clear he was calling.

Defendant does not ask the Court to decide final credibility from a screenshot. Defendant asks the Court to preserve, authenticate, and require production of the native message and full surrounding thread because the words de-escalated, planned to leave, and Ryan made the first call to 911 go directly to imminence, recklessness, witness credibility, and the source of any later escalated claim.

If an alleged complainant or witness described the situation as de-escalated and planned to leave before Defendant called 911, the State must explain how it will prove beyond a reasonable doubt that Defendant recklessly placed another in imminent danger of serious bodily injury.

The May 31, 2026 MP4 video linked in Google Drive is another source record requiring preservation and transcription. Defendant states the video contains parking-lot statements by Kacie and Jon Costello. The audio should not be summarized by assumption. It should be produced in native form, transcribed, authenticated, and tied to exact speakers and timestamps before hearing or trial use.

D. A holstered firearm touched during perceived escalation is not automatically Deadly Conduct.

Section 22.05(a) requires reckless conduct that places another in imminent danger of serious bodily injury. Recklessness under section 6.03(c) must be assessed from the actor's standpoint and requires conscious disregard of a substantial and unjustifiable risk that is a gross deviation from ordinary care.

From Defendant's standpoint, the evidence to be produced will matter: who moved first, who was trying to restrain whom, where the child and pregnant woman were located, who had distance, who had a path to leave, who placed an item down, who stepped toward whom, what was said, whether any threat was made, whether a weapon was drawn, and whether Defendant disengaged and called law enforcement.

If the State is claiming that merely making a holstered pistol visible converted a defensive posture into Deadly Conduct, then the State must particularize that theory now. Defendant is entitled to prepare to meet the exact theory, not a moving target.

E. If the State is relying on a display theory, it must say so instead of disguising another statute as Deadly Conduct.

Texas has a separate disorderly-conduct provision addressing display of a firearm in a public place in a manner calculated to alarm. That is a different statute, with different words, different proof, and different defenses.

Defendant does not concede disorderly conduct. Defendant specifically disputes that his purpose was calculated to alarm. Defendant's position is that he reacted defensively to perceived escalation, did not threaten anyone, did not pursue anyone, did not draw, did not point, disengaged, and called law enforcement.

The State should not be allowed to import a display theory into a Deadly Conduct charge without identifying the statutory theory and facts.

F. The State must identify who was allegedly placed in imminent danger and by what act.

The phrase "another" is not enough where the narrative has expanded publicly to include Jon Costello, Kacie Costello, children, a vehicle, church members, or unnamed bystanders. Defendant is entitled to know who the State claims was placed in imminent danger of serious bodily injury.

For each alleged person, the State should identify the act, distance, line of sight, witness statement, video, and timing. A general claim that a firearm was visible does not answer whether any person was placed in imminent danger of serious bodily injury under section 22.05(a).

If the State relies on the statutory presumption in section 22.05(c), the State must identify the evidence that the firearm was knowingly pointed at or in the direction of another. Defendant denies any such pointing.

G. The objective evidence is element evidence, not collateral discovery.

Bodycam, CAD, dispatch audio, 911/non-emergency audio, church camera footage, officer notes, and witness statements are central to the elements. These records determine the timeline, who

called first, what was reported, what officers were told, whether accounts changed, and whether later public accusations match the original statements.

If the bodycam or church cameras show no drawn firearm, no pointed firearm, no pursuit, no verbal threat, no imminent danger, or witness inconsistency, that evidence is Brady, Giglio, Article 39.14, impeachment, and element-negating material.

The case should not proceed to plea pressure, custody, revocation, or trial while the State withholds the very records that prove or disprove the statutory elements.

H. The July 13, 2025 comparison evidence requires production and transcript before final use.

Defendant has identified a July 13, 2025 bodycam comparison involving alleged hand-on-gun conduct by another person in a related conflict. Defendant states that Harrison County officials, including Lt. Ron England and Captain Clayton, treated that conduct as not a threat. That assertion is a Ryan Statement until authenticated by native bodycam, report, transcript, and witness testimony.

The comparison does not ask this Court to decide a separate case inside this motion. It shows why particularization matters. If the State claims a hand on a holstered firearm is Deadly Conduct in this case, then prior law-enforcement treatment of materially similar conduct may become relevant to impeachment, equal treatment, officer credibility, probable cause, and the reasonableness of Defendant's understanding.

Defendant asks the Court to order production or in camera review of the July 13 bodycam, reports, and officer notes if the State, HCSO, Pretrial Services, or any witness relies on that incident or uses firearm-related threat language against Defendant.

I. The charging instrument must be plain, intelligible, and particularized enough to defend.

A criminal information must set forth the offense in plain and intelligible words. A charge that leaves Defendant guessing whether the State means hand-on-grip, display, drawing, unholstering, pointing, vehicle danger, threat to children, threat to adults, or public alarm does not provide usable notice.

Defendant cannot prepare cross-examination, subpoenas, preservation demands, expert review, or trial defense while the State keeps the theory elastic.

The Court should quash or set aside any charging instrument that fails to allege an offense or fails to provide plain, intelligible notice. At minimum, the Court should require the State to particularize the theory and produce the evidence before any critical proceeding.

IV. Element-Specific Particularization Requested

Defendant asks the Court to order the State to answer the following in writing and tie each answer to a witness, statement, report, video, photo, screenshot, bodycam segment, church-camera clip, CAD entry, dispatch record, 911/non-emergency recording, public post, or other identified source:

50. Does the State allege Defendant drew the pistol from the holster?
51. Does the State allege the pistol ever began to come out of the holster?
52. Does the State allege Defendant pointed the pistol at or in the direction of another person?
53. Does the State allege Defendant pointed the pistol at or in the direction of a vehicle?
54. Does the State allege Defendant fired the pistol?
55. Does the State allege Defendant verbally threatened to shoot, kill, injure, or harm anyone?
56. Does the State allege Defendant pursued anyone?
57. Does the State allege Defendant blocked anyone from leaving?

58. Does the State allege the only firearm-related conduct was raising a shirt and placing a hand on a holstered grip?
59. Which exact person or persons were allegedly placed in imminent danger of serious bodily injury?
60. What exact act allegedly placed each person in imminent danger?
61. What exact witness first supplied each allegation?
62. What exact statement, bodycam segment, report, or video supports each allegation?
63. Which source, if any, claimed Defendant pulled the firearm out, unholstered it, pointed it, fired it, shot it, threatened children, or threatened a vehicle?
64. Did any witness provide a version inconsistent with the final charging theory?
65. Did any officer, prosecutor, records custodian, Pretrial Services employee, or third-party source review public posts or videos before bond conditions or revocation decisions were made?
66. Does the State contend Defendant was unlawfully possessing the firearm at the church? If so, identify the statute, order, posted notice, or bond condition relied upon.
67. Does the State contend Defendant was not permitted by church leadership to carry concealed as church security? If so, identify the witness and statement relied upon.

V. Relief Requested

70. Quash or set aside any charging instrument that fails to allege an offense, fails to identify the conduct constituting Deadly Conduct, or fails to provide plain and intelligible notice.
71. Alternatively, order the State to particularize the Deadly Conduct theory in writing before any plea setting, bond-revocation hearing, evidentiary hearing, or trial.
72. Order the State to identify whether it alleges drawing, unholstering, pointing, firing, verbal threat, pursuit, blocking, public alarm, or only hand-on-holstered-grip conduct.
73. Order the State to identify every witness, statement, video, photo, screenshot, bodycam segment, report, CAD entry, dispatch recording, church-camera clip, and public post supporting each alleged statutory element.
74. Order immediate production under Article 39.14 of bodycam, dashcam, CAD, dispatch, 911/non-emergency audio, radio traffic, reports, officer notes, church-camera footage, witness-provided media, public posts reviewed by law enforcement or the State, and inconsistent statements.
75. Order the State and HCSO to produce and authenticate the original May 11, 2026 public statement or press release attributed to Sheriff Brandon J. Fletcher, including publication source, drafts, revisions, source reports, source witness statements, social-media/public-information postings, and any communications used to prepare or approve it.
76. Order in camera review of any item the State claims cannot be immediately produced because of redaction, active investigation, privilege, or third-party sensitivity.
77. Order preservation of all native files, metadata, timestamps, URLs, account identifiers, audit logs, church-camera exports, bodycam retention records, and original file names.
78. Preclude the State, absent prior disclosure and source identification, from using argumentative labels or escalated descriptions such as pulled the firearm out, unholstered it, pointed it, fired it, shot it, threatened children, or threatened a vehicle unless those descriptions are tied to identified source evidence.
79. Set this motion for expedited hearing before any custody, bond-revocation, plea, or trial proceeding.
80. Grant all further relief to which Defendant may be justly entitled.

Respectfully submitted,

/s/ Ryan Nichols
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Certificate of Conference

Defendant is appearing pro se and has not yet received a complete verified service list for this criminal matter. Defendant will confer where required and practicable. Because the relief sought concerns liberty, constitutional notice, discovery, bodycam/church-camera evidence, and pretrial conditions, Defendant requests prompt consideration and the earliest available hearing.

Certificate of Service

I certify that a true and correct copy of this filing was served through eFileTexas and/or by email on the State of Texas, the Harrison County Criminal District Attorney or prosecutor/counsel of record, and any other party or counsel of record on June 7, 2026.

/s/ Ryan Nichols
Ryan Nichols

Signed by:



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6/7/2026