

CAUSE NO. D-1-GN-24-002866

KAREN WILSON and ERIC WILSON,
Individually and as Representatives of the
Estate of ANNA MORIAH WILSON,
deceased,

Plaintiffs,

vs.

KAITLIN MARIE ARMSTRONG,

Defendant.

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IN THE DISTRICT COURT

OF TRAVIS COUNTY, TEXAS

200TH, DISTRICT COURT
_____ JUDICIAL DISTRICT

PLAINTIFFS' ORIGINAL PETITION

Plaintiffs Karen Wilson and Eric Wilson, Individually and as Representatives of the Estate of Anna Moriah Wilson, deceased, complain of Defendant Kaitlin Marie Armstrong and for cause of action would respectfully show as follows:

I. DISCOVERY CONTROL AND RELIEF SOUGHT

1. Plaintiffs request that discovery be conducted under Discovery Control Plan Level 3, as set forth in Rule 190.4 of the Texas Rules of Civil Procedure. This is a wrongful death case. The injuries to Plaintiffs are serious and have permanent effect. At the time of filing this lawsuit, Plaintiffs seek monetary relief over \$1,000,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment and post-judgment interest in accordance with TRCP §47 (c)(5), however Plaintiffs will ultimately ask that a jury determine the full value and extent of damages. Plaintiffs reserve the right to amend this petition, including this provision, as the case continues.

II. PARTIES

2. Plaintiffs Karen Wilson and Eric Wilson are individuals who reside in Caledonia County, Vermont.

3. Defendant Kaitlin Marie Armstrong is an individual, incarcerated in Cooke County, Texas and may be served with process by serving her at the Gatesville Correctional Facility - Dr. Lane Murray Unit, 1916 North Hwy 36 Bypass, Gatesville, TX 76596, or wherever she may be found.

III. JURISDICTION AND VENUE

4. Jurisdiction is proper in this Court because the suit arises under the laws of The State of Texas and because Plaintiffs have suffered damages within the jurisdictional limits of the Court.

5. Venue is proper in Travis County, Texas under Section 15.002(a)(1) of the Texas Civil Practice and Remedies Code, as Travis County was the county in which all or a substantial part of the events or omissions giving rise to the claim occurred.

6. Venue is proper in Travis County, Texas under Section 15.002(a)(2) of the Texas Civil Practice and Remedies Code, as Travis County was the county of residence for Defendant Kaitlin Marie Armstrong at the time this action accrued.

7. Venue is also proper in Travis County, Texas under Section 15.005 of the Texas Civil Practice and Remedies Code, because Plaintiffs' claims against Defendant arise from the same transaction or occurrence, or series of transactions or occurrences.

IV. BACKGROUND FACTS

8. The worst day in the lives of Plaintiffs Karen and Eric Wilson and their son Matt Wilson was May 12, 2022. That is the day they learned that Defendant Kaitlin Marie Armstrong

shot and killed their only daughter, Anna Moriah Wilson, affectionally known as “Mo”, while she was staying at the home of her friend, Caitlin Cash, in Austin, Texas.

9. On May 10, 2022, Anna Moriah Wilson arrived in Austin, Texas, from Colorado, where she was picked up by her friend Caitlin Cash. Ms. Wilson took this trip to Austin, Texas to compete in a bicycling race in Hico, Texas the following weekend. During her visit, Ms. Wilson would stay at the home of Caitlin Cash.

10. On the morning of May 11, 2022, Ms. Wilson informed Caitlin Cash that she was going to spend the afternoon with Colin Strickland, a fellow cycling acquaintance based in Austin, Texas.

11. That afternoon at approximately 5:55 P.M., Colin Strickland picked up Ms. Wilson from the residence of Caitlin Cash on his motorcycle and the pair then went for a swim at Deep Eddy Pools. After swimming, Ms. Wilson and Colin Strickland went to Pool Burger for dinner. Upon completion of their dinner, Colin Strickland drove Ms. Wilson back to the residence of Caitlin Cash.

12. Colin Strickland and Ms. Wilson returned to Caitlin Cash’s home at approximately 8:36 P.M. Moments later at approximately 8:37 P.M., unbeknownst to Ms. Wilson, surveillance footage captured video of Kaitlin Marie Armstrong, driving past an adjacent property.

13. Upon information and belief, Defendant Kaitlin Marie Armstrong had been stalking the neighborhood around Caitlin Cash’s residence throughout the late afternoon or evening hours of May 11, 2022 and was parked nearby when Colin Strickland and Ms. Wilson returned to the home. Colin Strickland dropped Ms. Wilson off and rode away on his motorcycle.

14. Thereafter, Defendant Kaitlin Marie Armstrong broke into Caitlin Cash’s home and shot Anna Moriah Wilson three times, twice in the head and once in the chest.

15. On May 11, 2022, at approximately 9:56 P.M., APD Officer Martin Salinas responded to an urgent welfare check call at 1708 Maple Avenue in Austin, Texas. Upon arrival, Officer Salinas located the caller, Caitlin Cash, inside the residence performing CPR on Anna Moriah Wilson. Ms. Wilson was quickly transported from the scene by EMS but would be pronounced deceased at 10:10 P.M. While still at the scene, Officers noted multiple fired cartridge cases on the floor near where Ms. Wilson's body was found but no fire arm was located in Ms. Cash's house. Additionally, officers noted that Ms. Wilson's bicycle was missing from the garage.

16. After gathering and reviewing surveillance footage from properties adjacent to the home of Caitlin Cash, officers were able to identify Defendant Kaitlin Marie Armstrong's 2012 Jeep Grand Cherokee as being in the vicinity immediately prior to Ms. Wilson's murder.

17. On May 12, 2022, Officers assigned to the Lone Star Fugitive Task Force located Defendant Kaitlin Marie Armstrong's 2012 Jeep Grand Cherokee outside the home of Colin Strickland. Soon after locating Defendant Armstrong's vehicle, Officers from the Lone Star Fugitive Task Force discovered that Defendant Armstrong had an outstanding Class B warrant for her arrest. Thereafter, Defendant Armstrong was apprehended and transported to the Austin Police Department Homicide Unit for questioning by Detective Katy Conner. However, during the interview Detective Conner was informed that the outstanding warrant was not valid, due to an error in Defendant Armstrong's date of birth, and thus Defendant Armstrong was free to leave.

18. Despite being told that she was free to leave, Defendant Armstrong elected to stay and speak with Detective Conner. While being questioned, Defendant Armstrong admitted that she was aware of Ms. Wilson's death, but she did not provide any further details. Detective Conner then presented Defendant Armstrong with surveillance footage of her vehicle outside of Caitlin Cash's residence minutes before the murder occurred. Defendant Armstrong was not able to

explain why she was in the area and did not make any denials surrounding the statements presented to her.

19. On May 17, 2022, a Sig-Sauer P365 9mm, Serial number 66B870292, belonging to Defendant Armstrong was recovered from the home of Colin Strickland. Evidence during Defendant Armstrong's criminal trial found that the microscopic traces on the rounds used to kill Ms. Wilson were significantly similar to those fired from Defendant Armstrong's recovered firearm.

20. On May 19, 2022, Defendant Kaitlin Marie Armstrong sold her Jeep for cash and boarded a plane from Austin to New York City, where she allegedly rendezvoused with her sister to obtain her sister's passport to board an international flight from Newark, N.J. to Costa Rica.

21. Defendant Kaitlin Marie Armstrong was eventually apprehended by United States Marshalls in Santa Teresa, Costa Rica, and subsequently extradited to the United States, on June 29, 2022.

22. The criminal jury trial against Defendant Kaitlin Marie Armstrong, titled *The State of Texas v. Kaitlin Armstrong* (Cause No. D-1-DC-22-301129), began on October 30, 2023; wherein Defendant was charged with first degree murder.

23. On November 16, 2023, the jury rendered a guilty verdict and Defendant Kaitlin Marie Armstrong was convicted of first-degree murder. Defendant Armstrong has been sentenced to 90 years in prison.

V. CAUSES OF ACTION

24. Plaintiffs reallege and incorporate by reference the preceding paragraphs for all purposes, the same as if set forth at length herein.

A. Negligence and Gross Negligence against Defendant Kaitlin Marie Armstrong

25. At the time of the firearm discharge and the injury to Anna Moriah Wilson occurred, Defendant Kaitlin Marie Armstrong was handling her firearm negligently, unlawfully, wantonly and recklessly and in violation of laws, statutes and ordinances intended to protect people like Anna Moriah Wilson. Defendant Kaitlin Marie Armstrong's reckless and unlawful conduct described herein constituted negligence and gross negligence.

26. Exemplary damages. Plaintiffs' injuries resulted from Defendant Kaitlin Marie Armstrong's gross negligence, which entitles Plaintiffs to exemplary damages under Texas Civil Practice § 41.003(a)(3).

27. Each of the foregoing acts or omissions of Defendant Kaitlin Marie Armstrong, singularly or in combination with others, constituted negligence, gross negligence and was a proximate cause of the above-referenced occurrence and death of decedent Anna Moriah Wilson and the harm sustained by Plaintiffs.

B. Assault by Defendant Kaitlin Marie Armstrong

28. The shooting of Anna Moriah Wilson three times by Defendant Kaitlin Marie Armstrong on the date of the incident constitutes assault, pursuant to Texas Penal Code Section 22.01(a)(1).

29. On the date of the incident, Defendant Kaitlin Marie Armstrong acted intentionally, knowingly, and recklessly when she broke into the home where Anna Moriah Wilson was staying, pointed a gun at her, and then discharged three rounds into her body. It was Defendant Kaitlin Marie Armstrong's conscious objective or desire at the time she discharged the gun to cause grievous bodily injury or death to Anna Moriah Wilson.

30. Defendant Kaitlin Marie Armstrong's action of shooting Anna Moriah Wilson constitutes indirect physical contact. Furthermore, this indirect contact caused Anna Moriah Wilson to suffer physical injuries and subsequent death.

31. Exemplary damages. Plaintiffs' injuries resulted from Defendant Kaitlin Marie Armstrong's gross negligence, which entitles Plaintiffs to exemplary damages under Texas Civil Practice § 41.003(a)(3).

32. Each of the foregoing acts or omissions of Defendant Kaitlin Marie Armstrong, singularly or in combination with others, constituted assault and was a proximate cause of the above-referenced occurrence and death of decedent Anna Moriah Wilson and the harm sustained by Plaintiffs.

C. Plaintiff's Wrongful Death and Survival Claims

33. Plaintiffs Karen Wilson and Eric Wilson, Individually and as Personal Representatives of the Estate of Anna Moriah Wilson, deceased, are the statutory beneficiaries of Decedent and are entitled to bring these causes of action against Defendant pursuant to the Texas Wrongful Death Act, as codified in Section 71.001 of the Texas Civil Practice & Remedies Code, and pursuant to Section 16.0045 of the Texas Civil Practice & Remedies Code. Plaintiffs' claims under these Sections are brought to provide compensation for losses sustained because of their daughter's assault and death. Further, pursuant to the Texas Survival Statute, Texas Civil Practice & Remedies Code Section 71.021, Plaintiffs, as heirs and representatives of the Estate of Anna Moriah Wilson, seek damages incurred by her due to the injuries she sustained and death as a result of her murder. All conditions precedent to the filing of this lawsuit bringing said causes of action have been performed or have occurred.

VI. DAMAGES

34. Plaintiffs allege that the acts and omissions of Defendant were a proximate cause of their damages.

35. As a result of the acts and omissions of Defendant that caused the death of their daughter, Plaintiffs have sustained and suffered severe and significant damages. Plaintiffs hereby make claims for all past and future damages recoverable under Texas law and pursuant to the Wrongful Death Act in an amount within the jurisdictional limits of the Court and which the jury deems just and fair, to include, but not limited to, the following:

- a. All reasonable and necessary funeral and burial expenses of Anna Moriah Wilson;
- b. The mental anguish, including emotional pain, torment and suffering experienced from the death of Anna Moriah Wilson, past and future, by Plaintiffs Karen Wilson and Eric Wilson;
- c. The pecuniary loss suffered, including the loss of care, support, maintenance, advice, attention, counsel, guidance, protection, and reasonable contribution of pecuniary value that has and would, in reasonable probability, have been received by Plaintiffs Karen Wilson and Eric Wilson from the Decedent, Anna Moriah Wilson;
- d. The loss of society and companionship representing the positive benefits flowing from the love, comfort, companionship and society that Plaintiffs Karen Wilson and Eric Wilson have suffered and would have, with reasonable probability, experienced if Anna Moriah Wilson had lived;
- e. The conscious pain and suffering and mental anguish sustained by Anna Moriah Wilson prior to her death; and

f. All other damages available to Plaintiffs under Texas law.

36. The amount of Plaintiffs' damages is substantial and well in excess of the jurisdictional minimum of this Court. Many of the elements of damage, including the loss society and companionship representing the positive benefits flowing from the love, comfort, companionship and society cannot be determined with mathematical precision. Furthermore, the determination of these elements of damages are pecuniary within the province of the jury. Plaintiffs do not at this time seek any certain amount of damages for any of these particular elements of damages, but would instead rely upon the collective wisdom of the jury to determine an amount that would fairly and reasonably compensate Plaintiffs.

VII. EXEMPLARY DAMAGES

37. Furthermore, the Defendant is liable for exemplary damages caused by her gross neglect and gross negligence which was a proximate cause of the injuries and resulting death of Anna Moriah Wilson and the resulting damages to her parents.

VIII. JURY DEMAND

38. Plaintiffs demand a jury trial and tender the appropriate fee with this petition.

IX. PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiffs Karen Wilson and Eric Wilson, Individually and as Representatives of the Estate of Anna Moriah Wilson, deceased, request that Defendant be cited to appear and answer and that on final trial, Plaintiffs have judgment against Defendant, jointly and severally, for an amount within the jurisdictional limits of the Court, together with prejudgment and post judgment interest as provide by law, and costs of court. Plaintiffs further pray for any other and further relief, at law or in equity, to which they may be justly entitled.

Dated: May 6, 2024

Respectfully submitted,

HOWRY BREEN & HERMAN, L.L.P.

A handwritten signature in black ink, appearing to read "Randy Howry", is written over a horizontal line.

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Caitlin Baker on behalf of Randy Howry

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Filing Description: PLAINTIFFS' ORIGINAL PETITION

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