



**OFFICE OF THE  
DISTRICT ATTORNEY**

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May 22, 2018

Brian Manley- Chief of Police  
Austin Police Department  
P.O. Box 689001  
Austin, Texas 78768-9001

**LETTER DECLINING PROSECUTION AFTER INVESTIGATION**

*Re: Officer-Involved Shooting on December 15, 2017, by Austin Police Department Officer Alfredo Delvalle involving Aubrey Garrett (DOB 4/17/1967).*

Dear Chief Manley:

The Office of the Travis County District Attorney ("District Attorney") has reviewed the Austin Police Department Special Investigation Unit (APD SIU) investigation of the above-referenced matter and concluded our independent review of the officer-involved shooting in which Austin Police Department Officer Alfredo Delvalle fired his pistol at Aubrey Garrett while responding to a 911 disturbance call. Aubrey Garrett was struck once and survived his injuries. This letter is to inform you that, after reviewing the facts and circumstances surrounding Mr. Garrett's shooting, the District Attorney declines to prosecute Officer Alfredo Delvalle for his actions during this incident.

The District Attorney monitored and reviewed the investigation of the Austin Police Department in this incident pursuant to the officer-involved shooting protocol that is posted on its official website. A copy of this letter will also be posted on the District Attorney official website.<sup>1</sup>

Aubrey Garrett has been charged with Murder subsequent to this incident, and his case is pending in felony court.

The Civil Rights Division of this Office has a policy of issuing declination letters setting out a thorough factual and legal analysis of the officer-involved shooting where the elected District Attorney has determined a grand jury review of the officer's use of force is not necessary. However, when there are pending criminal cases arising out of these incidents as in this case, prosecutorial ethical rules and the accused's right to a fair trial prohibit the release of such information.<sup>2</sup> Consequently, our more comprehensive analysis will be published after the criminal matter against Aubrey Garrett is resolved.

Very truly yours,

A handwritten signature in black ink that reads "Margaret Moore". The signature is written in a cursive, flowing style.

Margaret Moore

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<sup>1</sup> <https://www.traviscountytexas.gov/district-attorney/cru>

<sup>2</sup> Texas Disciplinary Rules of Professional Conduct 3.07(a). "The Rules of Professional Conduct state that trial attorneys have a duty to ensure a trial free from the taint of publicity by specifically prohibiting a lawyer from making statements that may materially prejudice an adjudicatory proceeding," Edward L. Wilkinson, *Legal Ethics & Texas Criminal Law* 86 (2006) (citing Tex. Disciplinary R. Prof'l Conduct 3.07 (a) & cmt 1).