



## OFFICE OF THE DISTRICT ATTORNEY

P.O. Box 1748, Austin, TX 78767

Telephone 512/854-9400

Telefax 512/854-8994

**MARGARET MOORE**  
DISTRICT ATTORNEY

**MINDY MONTFORD**  
FIRST ASSISTANT

**For Immediate Release**  
November 7, 2017

Contact: Dexter Gilford  
512/854-3270

Travis County District Attorney Margaret Moore today released the following statement:

The Travis County District Attorney's Office has concluded its review of the Austin Police Department's investigation of the facts and circumstances of a 2016 officer-involved shootings involving Morgan Crocker, and determined that the credible investigative facts establish that each officer's use of force was justified under applicable Texas law governing when an officer may use deadly force. In accordance with the Office's policies, District Attorney Margaret Moore will not present this case to a grand jury for possible indictment and has issued a formal declination letter summarizing the facts of the investigation and the legal analysis forming the basis for her decision.

*Officer Brett Fritz (APD #7539) and Officer Bernardo Ramirez (APD #2460) involving Morgan Crocker*

On September 14, 2016, Austin Police Department (APD) officers responded to a 911 suspicious person call to the Sedona Springs Apartments, Austin, Texas. The caller reported a male who was reportedly acting oddly as if he might have been in the process of burglarizing vehicles in the apartment complex's parking lot. When APD officers responded to the call they were unable to locate the suspect. Later that evening, the caller again saw the suspect in the apartment complex's parking lot and made a second 911 call. The caller gave 911 call takers a detailed physical description of the suspect and his location. APD Officer Fritz was the first officer to respond to the call. Upon arrival Officer Fritz saw a male in the parking lot who matched the suspect's description. When he saw Officer Fritz, the suspect—later identified as Morgan Wayne Crocker—attempted to walk behind an SUV parked in the parking lot. Officer Fritz approached the suspect in an attempt to investigate the suspicious person call to which he responded. However, Mr. Crocker began running from Officer Fritz. Officer Fritz began pursuing Mr. Crocker through the apartment complex parking lot and several of its buildings. Officer Fritz noticed that Mr. Crocker was throwing items on the ground as he was being chased. In order to conduct an investigatory detention of Crocker, Officer Fritz deployed his TASER. Officer Fritz's initial TASER deployment was unsuccessful. However, Officer Fritz's second TASER deployment was successful and caused Mr. Crocker to fall in a grassy area adjacent to one of the apartment complex's parking lots. Although he had been tased, Officer Fritz observed Mr. Crocker attempting to remove the TASER prongs and acting as if he intended to continue his flight from Officer Fritz. When Mr. Crocker fell to the ground, Officer Fritz was unable to see Mr.

Crocker's hands although he could see him moving around on the ground. Officer Fritz noticed that Mr. Crocker was now laying on the ground with his back to him, leaning on one of his hands for support. Officer Fritz began issuing commands for Mr. Crocker to show his hands. However, Mr. Crocker gave no indication to Officer Fritz that he intended to comply with his commands.

By this time, additional APD officers had also responded to the call. Among these was Officer Bernardo Ramirez who approached the area where Officer Fritz and Mr. Crocker were then located. Officer Ramirez heard Officer Fritz giving Mr. Crocker commands to show his hands. Officers Fritz and Ramirez, now accompanied by other APD officers, report that as the commands were being given to Mr. Crocker, Mr. Crocker suddenly rolled over facing them and pointing at them a black item he held in his hands—some of the officers recognized the item as a handgun—and began firing several rounds at them. None of the officers were struck by Mr. Crocker's shots. In response, Officers Fritz and Ramirez returned fire at Mr. Crocker who was then still lying in the grassy area, firing a total of fifteen shots between them at Mr. Crocker. Mr. Crocker managed to walk several feet away from the location where he began firing at the officers before he fell between two cars parked in the parking lot. After several attempts to get Mr. Crocker to show his hands, the officers were able to take Mr. Crocker into custody and call EMS to administer medical attention to him. One black handgun was recovered from the location at which Mr. Crocker fell between the cars, which had been underneath him. Mr. Crocker later died from his injuries.

In this case the District Attorney's Office has determined that each officer's use of deadly force was justified under the facts established in the investigation. A full discussion of these facts and the legal analysis forming the basis for the declination letter will be published on the District Attorney's Civil Rights Unit webpage: (<https://www.traviscountytexas.gov/district-attorney/cru>).

Press packets containing documents, audio and video related to this case are available from the District Attorney's Office Reception Desk, located on the first floor of the Criminal Justice Center, 509 West 11th Street.