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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 the October 05, 2018 officer involved shooting involving Mark Herrera, and determined that this office declines to prosecute Officers Ryan Mihalik and Erin Littig for their use of force during this incident. In accordance with the office's policies, District Attorney Margaret Moore will not present this case to a grand jury for possible indictment. Mr. Herrera has been charged with Terroristic Threat in two different cases that are pending in misdemeanor and felony court.

This office has a policy of issuing declination letters setting out a thorough factual and legal analysis of any 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, because there are pending criminal cases arising out of these incidents, the accused's right to a fair trial and prosecutorial ethical rules prohibit the release of such information. Therefore, a complete analysis in this case will be published after the criminal matters against Mark Herrera have been resolved.