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**For Immediate Release**  
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Today, the Travis County Grand Jury completed its review of the incident on May 11, 2009 at the Walnut Creek Apartments, located at 6409 Springdale Road, which resulted in the death of Nathaniel Sanders II and the injury of Sir Valawrence Smith.

The Grand Jury has determined that no criminal charges will be brought against Austin police officer Leonardo Quintana, the primary officer involved, or either of his back up officers, Austin police officers Alex Hitzelberg and Mohammad Siddiqui.

The 167<sup>th</sup> District Court Grand Jury held over from its regular term to conduct this investigation, which began on July 20. The twelve members met for 27 hours, heard testimony from 19 witnesses, and were assisted by expert testimony concerning ballistics, fingerprints, DNA, bullet trajectories and reconstructions of the scene.

They also viewed a video of the incident, taken from the police unit of officer Alex Hitzelberg, which you will see today.

The video does not visually capture the entire incident, from beginning to end, but it does provide a full audio version of the events. To give the video some context, I will provide a summary of events that have been established during the investigation:

Officer Quintana was assigned to this area, the Northeast sector, for a number of years.

Prior to the May 11 incident, Quintana had received information that the vehicle involved, a tan or gold Mercedes station wagon, had been seen in and around the Walnut Creek Apartments, was possibly involved in criminal activity and that the occupants could be carrying firearms.

In the early morning hours of May 11, Quintana saw the vehicle and followed it into the apartment parking lot. On his radio, he verified the information he had previously received regarding the vehicle.

Fellow officers Hitzelberg and Siddiqui, hearing that Quintana was following the vehicle, proceeded to that location on Springdale Road.

When officer Quintana parked behind the Mercedes station wagon, the driver, Michael Franklin, exited and began walking away from the station wagon. Officer Quintana approached Franklin and eventually detained him in his police vehicle before the back up officers arrived.

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When officers Hitzelberg and Siddiqui arrived, the three approached the Mercedes and determined that there were two individuals remaining in the Mercedes.

Sir Smith, the owner of the vehicle, was asleep in the front passenger seat. Nathaniel Sanders II, also asleep, was in the rear driver's side seat.

Officer Siddiqui took a position nearby the front passenger area while officers Quintana and Hitzelberg went to the rear driver's side to approach the rear passenger, Nathaniel Sanders II.

Quintana opened the door and observed Nathaniel Sanders II. Officer Hitzelberg was standing behind Quintana at this time.

Quintana began attempts to awaken Sanders. When Sanders did wake up, he grabbed Quintana's hand.

Quintana then pulled up Sanders' tee shirt and saw a handgun tucked into the waistband of Sanders' pants.

Both Sanders and Quintana reached for the handgun, briefly pulling back and forth for control of the gun.

Sanders leaned back and away to maintain his control of the gun.

Quintana moved quickly backward, away from the door, and alerted his fellow officers that there was a gun. This is clearly heard on the video when Quintana says, "Pistol, 32, 32."

Quintana moved to the rear of the Mercedes and across the back end of the vehicle, firing three times. Two of the shots entered the back windshield of the Mercedes and the third entered the right rear window of the Mercedes. The first shot struck Nathaniel Sanders II in the left shoulder in the front of his body.

The second went thru the vehicle and lodged in the front control panel.

The third struck Sanders in the left rear portion of his head.

During this time, the front passenger, Sir Smith, awoke and came out of the front passenger seat. He ran, in a crouched position with his hands at his waist, between the vehicles and directly toward officer Quintana, who was still backing away.

As Smith ran toward officer Quintana, Quintana fired twice more. One of these struck Smith in the left upper chest, traveled down his torso and exited his body. The second shot struck the trunk of the vehicle parked next to the Mercedes but did not hit Sir Smith.

The investigation revealed that there were five shots during the incident and all five were fired by officer Quintana.

A handgun with one live round of ammunition was found on the left rear passenger seat where Nathaniel Sanders had been located.

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The Grand Jury worked tirelessly to make a fair and just determination of this tragedy. After a thorough review of all the evidence, the Grand Jury determined that officer Quintana's actions did not violate criminal laws.

This incident was a tragedy for all of us. It was a heartbreaking tragedy for the Sanders family and our hearts go out to them as they grieve the loss of Nathaniel.

I will attempt to answer your questions, bearing in mind that there are pending administrative proceedings against officer Quintana which should commence as early as next week.

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