

STATE OF TEXAS}

COUNTY OF TRAVIS}

OFFENSE NO 09-1310302

BEFORE ME, THE UNDERSIGNED AUTHORITY, ON THIS DAY PERSONALLY APPEARED, Michael Te'Ron Franklin WHO AFTER BEING BY ME DULY SWORN, UPON OATH DEPOSES AND SAYS:

MY NAME IS Michael Te'Ron Franklin
MY BIRTH DATE IS 08/30/81
I AM 27 YEARS OLD.
MY TEXAS DRIVER LICENSE NUMBER IS '
I RESIDE AT :
I WORK

MY HOME PHONE NUMBER IS
MY CELL PHONE NUMBER IS
MY WORK PHONE NUMBER IS (see above)

Last night, 05/10/09, I saw Sir while at the Walnut Creek Apartments. I don't know what time this was, but it was dark outside. He told me that he was on the way to see his mom and I was on the way to get in the car with my mother & brother so he said to call him later and I said ok. We didn't have any plans to get together; it was just that we would talk later. I went to the Oasis to eat with my mom and my brother for Mother's Day. I don't know what time this was again, but it was dark and we got home around 11 PM or 12 AM. My mom dropped me and my brother off at the Walnut Creek Apartments and she went home. My brother and I just sat around for a while and then walked around to the backside of the building where our cousin was cooking outside with family and friends. I'm not sure how long we were there but we back to my brother's apartment. My brother got onto the computer and I messed around for a while on the computer as well. I re-heated my nachos and ate and then dozed off for a little bit. I called Sir to see if he was at Ozone (After hours Club off 969). I don't think he answered at first so I drove out there to Ozone. The owner and Sir are good friends and Sir hangs out there often. I got to Ozone maybe around 3 or 4 PM. I wasn't keeping track of the time, so I'm really not sure. When I first got there I didn't see Sir's car b/c he was parked in the grass. I went inside the club and mingled around, but it looked like everyone was winding down and I didn't see Sir. I was looking for Rick (owner) but I didn't find him. I went back outside and was talking to some girls and asked if they had seen Sir and they told me he was in his car asleep. I went over to the car, and Sir was asleep in the driver's seat and "Slick" was asleep in the entire back seat. The doors to the car were locked but the car was running, as well as the air conditioner. The gas was really low so I don't know how long they had been sitting in there. The pull out DVD player was turned on, which is in the middle console area where the stereo is usually located. The vehicle is Sir's car, and he's had it for a couple of months. He bought it from a dealership. It's a tan Mercedes Wagon 320 or 420.

I started banging on the driver's side window and was talking to him from the moon roof. I got him to unlock the car and I was in the front passenger seat trying to get him to get up. I know Sir

MTF

drinks, but I'm sure what he had last night, but he and "Slick" were hard to wake up. I finally got Sir to move over into the passenger side seat so I could drive them home. I don't drink alcohol; I had not had any alcohol that day, so I was sober to drive.

I drove from 969 to Springdale, and then Springdale straight to the Walnut Creek Apartments. I called Sally, Slick's girlfriend, while on the way and she told me to bring him to me, so I knew Slick would stay with her. I was going to stay with my brother and then see if it would be ok for Sir to stay with us as well. Or at least try to find somewhere for him to stay. Right before I pulled into the apartment complex, a police officer I believe pulled out of the Auto Zone parking lot and got behind me. He did not have on his emergency lights, but just followed behind me. I entered the apartment complex and drove through the parking lot to where my brother's building is located. My brother lives in The officer was still behind me with no emergency lights. I knew he was a police officer because he was in one of the old blue and white police cars. I pulled into a parking space, and was facing away from my brothers building. I couldn't park facing his building because that was reserved for residents, so I had to park against the fence, so I wouldn't get towed. I got out of the car and was already getting my key out to my brother's apartment. The officer was parked approximately 6-10 feet, if that from Sir's car. I was parked sand the officer was facing west. His front left bumper was about perpendicular to the back of Sir's car. As soon as I got out of the car, I heard the officer yell at me to I believe "Don't move", or "Put your hands on the car". I think he said both of these things, but I can't remember which one he said first. The officer had his vehicle spotlight facing the car and his flashlight and his taser facing me. It looked like he had his flashlight above what I think was his taser and he was pointing it at me. I believe it was his taser because it was black and look like the end of the barrel was diamond shaped. At first he seemed kind of agile, or aggressive/ancy, like he was nervous at first. I guess because he was by himself and the time of the morning and maybe didn't know how to take the situation at first. I immediately put my hands up, displaying my key in one hand my cell phone in the other. I dropped both of them on the ground and the officer came up to me and had me face Sir's car. He grabbed both of my hands and put them behind my back and held them with his hand. He then patted me down and searched my pockets. He took the stuff I had in my pockets and then put them back after he saw what it was. I had one cell phone in my pocket and one on the ground. I also had my wallet and some loose change. The officer then handcuffs me and tells me that I was good to go and was not under arrest, but he was going to put me in the back of his car until he woke up the other guys and found out what was going on. Before he put me into the car, he asked me if there were any guns, or weapons of any kind in the car. I told him to my knowledge no because I had just got into the car and Sir and Slick had been asleep. He put me in the back passenger seat of the patrol car and shut the door. I'm not sure if the police car was actually running, but I know the windows were rolled up and I didn't feel any air conditioner back there. The officer I believe walks to the back left part of the car, where Slick was and opened the back door. I then noticed a second officer arrive and walk up to the front passenger side, where Sir was sitting. I saw the first officer grab Slick with what I believe was his right hand and he was holding something else, either his flashlight, taser or gun in his left hand. But I'm not 100% sure, about which hand it was, but I think he grabbed with his right one. Slick looked like he passed out or as asleep still at that point. At the same time, the second officer was trying to wake up Sir, by grabbing on him as well. My vision was limited because there was a partition to my left and I had to look over the top of the car to see. The first officer tried to pull him out once, but then Slick fell back into the car with what looked like dead

weight. The Officer grabbed him again, but I don't know if it was with both hands. I saw Slick's body jerking from side to side like the officer was pulling on him. Slick appeared like he was still unconscious. I then saw Slick's upper part of his body fall out of the car to the left, because the officer was pulling him, but it looked like dead weight. Then suddenly Slick jumped, like he woke up or was startled and in one motion drew his shoulders in towards his torso and he looked like he either fell or pulled himself back into the car. I then immediately heard one gunshot at first and then about 5 more seconds later, which sounded to me like they were all from the same gun. After the first gunshot, I ducked down in the police car because I didn't know what was going on. I was then able to move around and look up when I saw like 3 more officers surrounding the car with their guns drawn. I looked up to see one of the other officers shooting his gun in the direction of the car where Sir was sitting. The officer had the gun in his right hand, with his arm extended, and his left hand was supporting his right. He then moved his left hand near the left side of his waist. Sir was already out of the car and dropped to the ground and started flopping like he had been shot. This officer did not look like the officer that had put me in his car, but this happened so fast so it could have been him. I could hear Sir yelling, "ah, ah, ah". I looked back over to Slick and saw that the left side of his head was bleeding, and the blood looked pink in color. An officer grabbed Slick and pulled him out of the car to the ground. After that, I didn't see too much because I was in the car. I yelled at one of the officers that I needed some air and one of them came over and rolled my window down. He was an older white male. I asked what happened, but he really couldn't tell me. About 4-5 minutes after my window was rolled down a little ways, I heard Sally yell, "Slick". I saw the top of Slick's head raise up and then I saw officers push him back down to what looked like to stabilize him. When he raised his head, it was near the front left part of the police car. I saw the left side of his head, which was bloody.

From where I was sitting and what I heard, it only seemed like Slick was shot once, but I don't know about Sir. I have known Sir since he started boxing, which would have been around 2000. I know Sir does not carry guns because he's really good with his hands. I just met Slick about 4-6 weeks ago. I met him while outside at the Walnut Creek Apartments, because I knew his aunt, Treece. I've seen him everyday outside at the apartments, but we've only been in a car together maybe 4 times.

The first officer is described as a Hispanic male, 5'8 to 5'9, late 20's to early 30's. He did not have any facial hair and had on a baseball style black and white cap.

The second officer who was trying to wake up Sir is described as a White male, tall, like 6'1 to 6'2 and was bald. He looked a little older than the first officer, so was maybe early 30's. I remember I could see him over the top of Sir's car.

I CAN READ AND WRITE THE ENGLISH LANGUAGE AND I HAVE READ THIS STATEMENT. IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. I MAKE THIS STATEMENT FREELY AND VOLUNTARILY.

I HAVE BEEN INFORMED THAT UNDER THE PENAL CODE OF THE STATE OF TEXAS, SECTION 37.02: A PERSON COMMITS THE OFFENSE OF PERJURY IF, WITH INTENT TO DECEIVE AND WITH THE KNOWLEDGE OF THE STATEMENTS MEANING, HE/SHE MAKES A FALSE STATEMENT UNDER OATH OR SWEARS TO THE TRUTH OF A FALSE STATEMENT PREVIOUSLY MADE; AND THE STATEMENT IS REQUIRED OR AUTHORIZED TO BE MADE UNDER OATH.



AFFIANT

SUBSCRIBED AND SWORN TO BEFORE ME, BY THE SAID, Michael Te'Ron Franklin ON THIS 11TH DAY OF May 2009.



PEACE OFFICER IN AND FOR THE
STATE OF TEXAS