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Travis County District Attorney Rosemary Lehmborg issued the following statement:

Today a Travis County Grand Jury has determined that no indictments will be issued in the shooting death of Roger Tyrone James. The incident happened in the early morning hours of December 28, 2009, just inside the Austin city limits.

Shortly before 3 a.m., Austin Police Department (APD) dispatch received a 911 call from Kimberly York, who reported that James had physically assaulted her in her home at 11815 Johnny Weissmuller Lane. Ms. York was locked in a bathroom when she made the 911 call but ran out of the house before officers arrived.

Two APD officers, Michael Carter and Justin Berry, and Travis County Sheriff's deputy Theodore Ramsey responded to the domestic violence call. Ramsey arrived first and talked with the victim who told him that she had been hit in the head several times and Ramsey saw a bump on her forehead. York also told the deputy that there was a gun inside the house, but that it was unloaded and the clip to the gun was somewhere in the garage.

When Carter and Berry arrived, they were briefed by Deputy Ramsey and all three officers approached the home to make contact with James. The APD officers approached the front door and knocked and Ramsey went to the rear of the home. The officers knocked on the door and identified themselves as police officers several times and asked James to come out and talk to them.

While APD officer Carter was at the front door, he saw James look out of the blinds of a narrow window by the front door and heard James say something like, "Y'all better back up." Carter began running for cover and James opened the door and extended his arm out with a gun in his hand. James was told to drop the gun, but instead closed the door and went back into the house.

Moments later, James walked out of the house with the gun in his hand and pointed it at the officers, who had positioned themselves behind two pickup trucks in the driveway of the house next door. They continued to tell James to drop the weapon and when he moved the gun in the direction of the officers, Deputy Ramsey shot him with a shotgun. Officer Berry also fired his weapon, but the shot did not hit James.

Emergency medical services were called, and one of the officers administered CPR on James, but he was pronounced dead at the scene.

The Travis County Medical Examiner performed an autopsy and found that James died as a result of a shotgun wound to the chest. The toxicology report showed James had a blood alcohol content of .22, nearly three times the legal limit.