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**AUSTIN POLICE DEPARTMENT  
GENERAL OFFENSE HARDCOPY**

**GO 2009-5072203 (NOT APPROVED)**

**0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL**

**General Offense Information**

Operational status : **SUSPENDED - PENDING PROSECUTORIAL REVIEW**  
Reported on : **Dec-28-2009 (Mon.) 0307**  
Occurred on : **Dec-28-2009 (Mon.) 0307**  
Report submitted by : **AP3108 - FOX, RENEE AVERY**  
Org unit : **SPECIAL INVESTIGATIONS UNIT**  
Location : **11815 JOHNNY WEISMULLER LN**  
Municipality : **AUSTIN** County : **TRAVIS COUNTY**  
District : **DA Beat : 3 Grid : 101**  
Bias : **NONE (NO BIAS)**  
Family violence : **NO**

**Offenses (Completed/Attempted)**

Offense : **#1 0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL - COMPLETED**  
Location : **RESIDENCES**  
Offender suspected of using : **N/A**  
Weapon type : **PERSONAL WEAPONS (HANDS FIST / FEET)**

Offense : **#2 8410 - 0 LEVEL 1 INQUIRY REPORT - COMPLETED**  
Location : **RESIDENCES**  
Offender suspected of using : **N/A**

Offense : **#3 3830 - 0 OFFICER INVOLVED SHOOTING - COMPLETED**  
Location : **RESIDENCES**  
Offender suspected of using : **N/A**

Offense : **#4 4008 - 0 OFFICER INVOLVED INCIDENT - COMPLETED**  
Location : **RESIDENCES**  
Offender suspected of using : **N/A**

Offense : **#5 4010 - 0 OTHER AGENCY INVOLVED INCIDENT - COMPLETED**  
Location : **RESIDENCES**  
Offender suspected of using : **N/A**

**Related Event(s)**

**GO 2009-3620161**

**Related Person(s)**

**VICTIM #1: YORK, KIMBERLY ELAINE SATTERWHITE**  
**(Case Specific Information)**

Sex : **FEMALE**  
Race : **BLACK**  
Date of birth :  
Address : **11815 JOHNNY WEISMULLER LN , AUSTIN , TEXAS 78748-**  
Phone Numbers: **CELL PHONE :**

**Master Name Index Reference**  
**VICTIM #1: YORK, KIMBERLY ELAINE SATTERWHITE**

**AUSTIN POLICE DEPARTMENT  
GENERAL OFFENSE HARDCOPY**

**GO 2009-5072203 (NOT APPROVED)**

**0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL**

Sex : **FEMALE**  
Race : **BLACK**  
Ethnicity : **NON-HISPANIC**  
Date of birth :

**Linkage factors**

Resident status : **RESIDENT OF AUSTIN**  
Statement taken : **YES**  
Type of injury : **APPARENT MINOR INJURY**  
Victim of :  
**0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL - COMPLETED**

Victim's Relationship to Offender: **VICTIM WAS BOYFRIEND/GIRLFRIEND**  
Person's role : **SUSPECT # 1**  
Person's name : **JAMES, ROGER TYRONE**

**SUSPECT #1: JAMES, ROGER TYRONE  
(Case Specific Information)**

Sex : **MALE**  
Race : **BLACK**  
Date of birth : **Dec-27-1971**  
Address : , **AUSTIN , TEXAS**

**Master Name Index Reference**

**SUSPECT #1: JAMES, ROGER TYRONE**

Sex : **MALE**  
Race : **BLACK**  
Ethnicity : **NON-HISPANIC**  
Date of birth : **Dec-27-1971**  
Aliases : **JAMES, ROGER TYRONE**  
: **JAMES, CEDRIC**  
: **JAMES, LAMAR**  
: **JAMES, TYRONE**  
: **JAMES, CEDRIC LAMAR**  
: **JAMES, ROGER**  
: **JAMES, ROGER TYRON**  
: **JAMES, ROGER**  
: **JONES, ROGER TYRONE**

**Linkage factors**

Resident status : **RESIDENT OF AUSTIN**

**WITNESS #1: HICKS, MILTONIA WARD  
(Case Specific Information)**

Sex : **FEMALE**  
Race : **BLACK**  
Date of birth :  
Address : **9019 TEXAS SUN , AUSTIN , TEXAS 78748-**

**AUSTIN POLICE DEPARTMENT  
GENERAL OFFENSE HARDCOPY**

**GO 2009-5072203 (NOT APPROVED)**

**0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL**

Phone Numbers: HOME :  
Additional remarks :

**Master Name Index Reference**

**WITNESS #1: HICKS, MILTONIA WARD**

Sex : **FEMALE**

Race : **BLACK**

Ethnicity : **NON-HISPANIC**

Date of birth :

Aliases : **WARD, MILTONIA**  
: **HICKS, MILTONIA**  
: **HICKS, MILTONIA W**  
: **WARD, MILTONIA**  
: **HICKS, MILTONIA WARD**

**Linkage factors**

Resident status : **RESIDENT OF AUSTIN**

**WITNESS #2: CARTER, MICHAEL LAMONT**  
**(Case Specific Information)**

Sex : **MALE**

Race : **BLACK**

Date of birth :

Address : , **TEXAS**

Phone Numbers: CELL PHONE :

Occupation : **POLICE OFFICER**

Employer : **AUSTIN POLICE DEPARTMENT PO BOX 689001/AUSTIN, TX**

**Master Name Index Reference**

**WITNESS #2: CARTER, MICHAEL LAMONT**

Sex : **MALE**

Race : **BLACK**

Ethnicity : **NON-HISPANIC**

Date of birth :

Aliases : **CARTER, MICHAEL L**  
: **CARTER, MICHAEL L**

**Linkage factors**

Resident status : **UNKNOWN**

Statement taken : **YES**

**WITNESS #3: YOE, ROYDEL JAMES**  
**(Case Specific Information)**

Sex : **MALE**

Race : **BLACK**

Date of birth :

Address : **1711 RUTLAND DR #128 , AUSTIN , TEXAS 78758-**

Phone Numbers: CELL PHONE :

**AUSTIN POLICE DEPARTMENT  
GENERAL OFFENSE HARDCOPY**

**GO 2009-5072203 (NOT APPROVED)**

**0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL**

**Master Name Index Reference**

**WITNESS #3: YOE, ROYDEL JAMES**

Sex : **MALE**

Race : **BLACK**

Ethnicity : **NON-HISPANIC**

Date of birth :

**Linkage factors**

Resident status : **RESIDENT OF AUSTIN**

**WITNESS #4: JONES, RODNEY**

**(Case Specific Information)**

Sex : **MALE**

Race : **WHITE**

Date of birth :

Address : **1911 HEATHWOOD CIR , ROUND ROCK , TEXAS 78664-**

Phone Numbers: HOME : BUSINESS :

**Master Name Index Reference**

**WITNESS #4: JONES, RODNEY**

Sex : **MALE**

Race : **WHITE**

Date of birth :

**Linkage factors**

Resident status : **NONRESIDENT OF AUSTIN**

**WITNESS #5: MOONEY, JASON**

**(Case Specific Information)**

Sex : **MALE**

Race : **WHITE**

Date of birth :

Address : , **AUSTIN , TEXAS**

**Master Name Index Reference**

**WITNESS #5: MOONEY, JASON RANDALL**

Sex : **MALE**

Race : **WHITE**

Ethnicity : **UNKNOWN**

Date of birth :

**Linkage factors**

Resident status : **UNKNOWN**

**WITNESS #6: YATES, KEVIN**

**AUSTIN POLICE DEPARTMENT  
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**GO 2009-5072203 (NOT APPROVED)**

**0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL**

**(Case Specific Information)**

Sex : **MALE**  
Race : **WHITE**  
Address : , **AUSTIN , TEXAS**

**Master Name Index Reference  
WITNESS #6: YATES, KEVIN**

Sex : **MALE**  
Race : **WHITE**  
Ethnicity : **NON-HISPANIC**  
Date of birth :

**Linkage factors**  
Resident status : **UNKNOWN**

**WITNESS #7: HELLMER, JEFF  
(Case Specific Information)**

Sex : **MALE**  
Race : **WHITE**  
Date of birth :  
Address : , **AUSTIN , TEXAS**

**Master Name Index Reference  
WITNESS #7: HELLMER, JEFFREY EDWARD**

Sex : **MALE**  
Race : **WHITE**  
Ethnicity : **NON-HISPANIC**  
Date of birth :

**Linkage factors**  
Resident status : **UNKNOWN**

**WITNESS #8: JOHNSON, CAINE  
(Case Specific Information)**

Sex : **MALE**  
Race : **WHITE**  
Address : , **AUSTIN , TEXAS**

**Master Name Index Reference  
WITNESS #8: JOHNSON, CAINE FITZGERALD**

Sex : **MALE**  
Race : **WHITE**  
Date of birth : .

**Linkage factors**  
Resident status : **UNKNOWN**

**AUSTIN POLICE DEPARTMENT  
GENERAL OFFENSE HARDCOPY**

**GO 2009-5072203 (NOT APPROVED)**

**0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL**

**WITNESS #9: GARRETT, JACKIE  
(Case Specific Information)**

Sex : **FEMALE**  
Race : **WHITE**  
Date of birth :  
Address : , **AUSTIN , TEXAS**

**Master Name Index Reference**  
**WITNESS #9: GARRETT, JACQUELINE PATRICE**  
Sex : **FEMALE**  
Race : **WHITE**  
Date of birth :

**Linkage factors**  
Resident status : **UNKNOWN**

**WITNESS #10: RILEY, CYNDY  
(Case Specific Information)**

Sex : **FEMALE**  
Race : **BLACK**  
Date of birth :  
Address : , **AUSTIN , TEXAS**

**Master Name Index Reference**  
**WITNESS #10: RILEY, CYNTHIA**  
Sex : **FEMALE**  
Race : **BLACK**  
Ethnicity : **NON-HISPANIC**  
Date of birth :  
Aliases : **WRIGHT, CYNDY**  
          : **WRIGHT, CYNDY WRILEY**  
          : **WRIGHT, CYNTHIA RILEY**

**Linkage factors**  
Resident status : **RESIDENT OF AUSTIN**

**WITNESS #11: HERRERA, GEORGE  
(Case Specific Information)**

Sex : **MALE**  
Race : **WHITE**  
Date of birth :  
Address : **191z E WILLIAM CANNON #416 , AUSTIN , TEXAS 78744-**  
Phone Numbers: **HOME :**

**Master Name Index Reference**  
**WITNESS #11: HERRERA, GEORGE D**

**AUSTIN POLICE DEPARTMENT  
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**0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL**

Sex : **MALE**  
Race : **WHITE**  
Ethnicity : **HISPANIC**  
Date of birth :  
Aliases : **HERRERA, DANNY**

**Linkage factors**  
Resident status : **RESIDENT OF AUSTIN**

**WITNESS #12: CHEEKS, SHEDRICK  
(Case Specific Information)**

Sex : **MALE**  
Race : **BLACK**  
Date of birth :  
Address : , **AUSTIN , TEXAS**

**Master Name Index Reference**  
**WITNESS #12: CHEEKS, SHEDRICK PAUL**  
Sex : **MALE**  
Race : **BLACK**  
Date of birth :

**Linkage factors**  
Resident status : **UNKNOWN**

**WITNESS #13: VASQUEZ, TIMOTHY  
(Case Specific Information)**

Sex : **MALE**  
Race : **WHITE**  
Date of birth :  
Address : , **AUSTIN , TEXAS**  
Employer : **AUSTIN TRAVIS COUNTY EMS**

**Master Name Index Reference**  
**WITNESS #13: VASQUEZ, TIMOTHY**  
Sex : **MALE**  
Race : **WHITE**  
Date of birth

**Linkage factors**  
Resident status : **UNKNOWN**

**Case Specific Clothing Details**

**WITNESS #14: MAULDIN, NATHAN  
(Case Specific Information)**

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**0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL**

Sex : **MALE**  
Race : **WHITE**  
Date of birth :  
Address : , **AUSTIN , TEXAS**  
Employer : **AUSTIN TRAVIS COUNTY EMS**

**Master Name Index Reference**  
**WITNESS #14: MAULDIN, NATHAN**

Sex : **MALE**  
Race : **WHITE**  
Date of birth :

**Linkage factors**  
Resident status : **UNKNOWN**

**WITNESS #15: HALLER, LAWRENCE**  
**(Case Specific Information)**

Sex : **MALE**  
Race : **WHITE**  
Date of birth :  
Address : , **AUSTIN , TEXAS**  
Employer : **AUSTIN TRAVIS COUNTY EMS**

**Master Name Index Reference**  
**WITNESS #15: HALLER, LAWRENCE**

Sex : **MALE**  
Race : **WHITE**  
Date of birth :

**Linkage factors**  
Resident status : **UNKNOWN**

**WITNESS #16: MITCHELL, STEPHEN**  
**(Case Specific Information)**

Sex : **MALE**  
Race : **WHITE**  
Date of birth :  
Address : , **AUSTIN , TEXAS**

**Master Name Index Reference**  
**WITNESS #16: MITCHELL, STEPHEN**

Sex : **MALE**  
Race : **WHITE**  
Date of birth :

**Linkage factors**  
Resident status : **UNKNOWN**

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**0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL**

**WITNESS #17: GOEBLER, JAMES ANTHONY  
(Case Specific Information)**

Sex : **MALE**  
Race : **WHITE**  
Date of birth :  
Address : , **AUSTIN , TEXAS**

**Master Name Index Reference**  
**WITNESS #17: GOEBLER, JAMES ANTHONY**  
Sex : **MALE**  
Race : **WHITE**  
Date of birth :

**Linkage factors**  
Resident status : **UNKNOWN**

**WITNESS #18: READ, JENNIFER  
(Case Specific Information)**

Sex : **FEMALE**  
Race : **WHITE**  
Address : , **AUSTIN , TEXAS**

**Master Name Index Reference**  
**WITNESS #18: READ, JENNIFER ANN**  
Sex : **FEMALE**  
Race : **WHITE**  
Ethnicity : **UNKNOWN**  
Date of birth :

**Linkage factors**  
Resident status : **RESIDENT OF AUSTIN**

**WITNESS #19: READ, JEREMY ALAN  
(Case Specific Information)**

Sex : **MALE**  
Race : **WHITE**  
Date of birth :  
Address : , **AUSTIN , TEXAS**

**Master Name Index Reference**  
**WITNESS #19: READ, JEREMY ALAN**  
Sex : **MALE**  
Race : **WHITE**  
Ethnicity : **UNKNOWN**  
Date of birth : .

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**0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL**

**Linkage factors**

Resident status : **RESIDENT OF AUSTIN**

**WITNESS #20: MCINTIRE, DEAN  
(Case Specific Information)**

Sex : **MALE**

Race : **UNKNOWN**

Date of birth :

Address : **2604 MARCUS ABRAM , AUSTIN , TEXAS**

Phone Numbers: HOME : BUSINESS :

**Master Name Index Reference**

**WITNESS #20: MCINTIRE, DEAN**

Sex : **MALE**

Race : **UNKNOWN**

Date of birth :

**Linkage factors**

Resident status : **RESIDENT OF AUSTIN**

**WITNESS #21: HOWERTON, TRACY  
(Case Specific Information)**

Sex : **FEMALE**

Race : **WHITE**

Date of birth :

Address : **11721 JOHNNY WEISMULLER , AUSTIN , TEXAS**

Phone Numbers: HOME :

**Master Name Index Reference**

**WITNESS #21: HOWERTON, TRACY**

Sex : **FEMALE**

Race : **WHITE**

Date of birth :

**Linkage factors**

Resident status : **RESIDENT OF AUSTIN**

**WITNESS #22: CIBULKA, CHRISTOPHER  
(Case Specific Information)**

Sex : **MALE**

Race : **WHITE**

Date of birth :

Address : **11813 JOHNNY WEISMULLER , AUSTIN , TEXAS**

Phone Numbers: HOME : BUSINESS :

**AUSTIN POLICE DEPARTMENT  
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**GO 2009-5072203 (NOT APPROVED)**

**0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL**

**Master Name Index Reference**

**WITNESS #22: CIBULKA, CHRISTOPHER PAUL**

Sex : **MALE**

Race : **WHITE**

Ethnicity : **NON-HISPANIC**

Date of birth :

**Linkage factors**

Resident status : **RESIDENT OF AUSTIN**

**WITNESS #23: OAKS, AMANDA  
(Case Specific Information)**

Sex : **FEMALE**

Race : **WHITE**

Date of birth :

Address : **11916 JOHNNY WEISMULLER , AUSTIN . TEXAS**

Phone Numbers: HOME : BUSINESS

**Master Name Index Reference**

**WITNESS #23: OAKS, AMANDA**

Sex : **FEMALE**

Race : **WHITE**

Date of birth :

**Linkage factors**

Resident status : **RESIDENT OF AUSTIN**

**WITNESS #24: GARZA, CARLOS  
(Case Specific Information)**

Sex : **MALE**

Race : **WHITE**

Date of birth :

Address : **11812 JOHNNY WEISMULLER , AUSTIN , TEXAS**

Phone Numbers: HOME : BUSINESS :

**Master Name Index Reference**

**WITNESS #24: GARZA, CARLOS**

Sex : **MALE**

Race : **WHITE**

Ethnicity : **HISPANIC**

Date of birth :

**Linkage factors**

Resident status : **RESIDENT OF AUSTIN**

**AUSTIN POLICE DEPARTMENT  
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**GO 2009-5072203 (NOT APPROVED)**

**0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL**

**WITNESS #25: MARTINEZ, ESTHER  
(Case Specific Information)**

Sex : **FEMALE**  
Race : **WHITE**  
Date of birth :  
Address : **118000 JOHNNY WEISMULLER , AUSTIN , TEXAS**  
Phone Numbers: HOME :

**Master Name Index Reference  
WITNESS #25: MARTINEZ, ESTHER**

Sex : **FEMALE**  
Race : **WHITE**  
Ethnicity : **HISPANIC**  
Date of birth :  
Aliases : **MARTINEZ, ESTER C**

**Linkage factors**  
Resident status : **RESIDENT OF AUSTIN**

**WITNESS #27: CLANTON, KIMBERLY  
(Case Specific Information)**

Sex : **FEMALE**  
Race : **WHITE**  
Date of birth :  
Address : **2507 JESSE OWENS , AUSTIN , TEXAS**  
Phone Numbers: HOME : BUSINESS :

**Master Name Index Reference  
WITNESS #27: CLANTON, KIMBERLY**

Sex : **FEMALE**  
Race : **WHITE**  
Date of birth :

**Linkage factors**  
Resident status : **RESIDENT OF AUSTIN**

**WITNESS #28: GOMEZ, VICTORIA  
(Case Specific Information)**

Sex : **FEMALE**  
Race : **WHITE**  
Date of birth :  
Address : **2508 JESSE OWENS , AUSTIN , TEXAS**  
Phone Numbers: HOME : BUSINESS :

**Master Name Index Reference  
WITNESS #28: GOMEZ, VICTORIA**

Sex : **FEMALE**  
Race : **WHITE**

**AUSTIN POLICE DEPARTMENT  
GENERAL OFFENSE HARDCOPY**

**GO 2009-5072203 (NOT APPROVED)**

**0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL**

Date of birth : Feb-27-1992

**Linkage factors**

Resident status : **RESIDENT OF AUSTIN**

**WITNESS #29: COPPINGER, CYNTHIA  
(Case Specific Information)**

Sex : **FEMALE**

Race : **WHITE**

Date of birth :

Address : **11818 JOHNNY WEISMULLER , AUSTIN , TEXAS**

Phone Numbers: HOME : BUSINESS :

**Master Name Index Reference**

**WITNESS #29: COPPINGER, CYNTHIA ANNE**

Sex : **FEMALE**

Race : **WHITE**

Ethnicity : **UNKNOWN**

Date of birth :

**Linkage factors**

Resident status : **RESIDENT OF AUSTIN**

**WITNESS #30: DUHON, BARBARA  
(Case Specific Information)**

Sex : **FEMALE**

Race : **WHITE**

Date of birth :

Address : **11801 JOHNNY WEISMULLER , AUSTIN , TEXAS**

Phone Numbers: HOME : BUSINESS :

**Master Name Index Reference**

**WITNESS #30: DUHON, BARBARA**

Sex : **FEMALE**

Race : **WHITE**

Date of birth :

**Linkage factors**

Resident status : **RESIDENT OF AUSTIN**

**JUV-WITNESS #26: RAMIREZ, JAMISON  
(Case Specific Information)**

Sex : **FEMALE**

Race : **WHITE**

Date of birth :

**AUSTIN POLICE DEPARTMENT  
GENERAL OFFENSE HARDCOPY**

**GO 2009-5072203 (NOT APPROVED)**

**0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL**

Address : **2801 MARCUS ABRAMS , AUSTIN , TEXAS**  
Phone Numbers: HOME :

**Master Name Index Reference**  
**JUV-WITNESS #26: RAMIREZ, JAMISON**  
Sex : **FEMALE**  
Race : **WHITE**  
Ethnicity : **HISPANIC**  
Date of birth :

**Linkage factors**  
Resident status : **RESIDENT OF AUSTIN**

**SUBJECT #1: BERRY, JUSTIN**  
**(Case Specific Information)**

Sex : **MALE**  
Race : **WHITE**  
Date of birth :  
Address : , **AUSTIN , TEXAS**  
Occupation : **PEACE OFFICER**  
Employer : **AUSTIN POLICE DEPARTMENT**

**Master Name Index Reference**  
**SUBJECT #1: BERRY, JUSTIN LEE**  
Sex : **MALE**  
Race : **WHITE**  
Ethnicity : **NON-HISPANIC**  
Date of birth :  
Aliases : **BALLARD, JUSTIN**

**Linkage factors**  
Resident status : **UNKNOWN**

**SUBJECT #2: RAMSEY, THEODORE**  
**(Case Specific Information)**

Sex : **MALE**  
Race : **WHITE**  
Address : , **AUSTIN , TEXAS**

**Master Name Index Reference**  
**SUBJECT #2: RAMSEY, THEODORE RICHARD TED**  
Sex : **MALE**  
Race : **WHITE**  
Date of birth :

**Linkage factors**  
Resident status : **NONRESIDENT OF AUSTIN**

**AUSTIN POLICE DEPARTMENT  
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**GO 2009-5072203 (NOT APPROVED)**

**0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL**

**Related text page(s)**

Document: **SUPPLEMENTS**  
Author: **AP4858 - STEWART, WILLIAM**  
Subject: **WRITTEN BY W. STEWART 4858**  
Related date/time: **Dec-28-2009 0255**

UPON ARRIVAL I BEGAN WALKING DOOR TO DOOR TO ASK IF ANY OF THE NEIGHBORS IF THEY HAD SEEN OR HEARD ANYTHING AS TO THE SHOOTING. THE HA FAMILY SAID THEY DID NOT HEAR OR SEE ANYTHING. I SPOKE WITH THE FATHER AND MOTHER:

HA, NHAC KY A/M DOB     ..     ..  
TRAN, KHANH NGUC A/F DOB :

NEITHER ONE ADMITTED TO HEARING OR SEEING ANYTHING.

NOI

Document: **SUPPLEMENTS**  
Author: **AP4858 - STEWART, WILLIAM**  
Subject: **WRITTEN BY W. STEWART**  
Related date/time: **Dec-28-2009 0255**

THE MARTINEZ HOUSE DID NOT HEAR OR SEE ANYTHING.

NOI

Document: **SUPPLEMENTS**  
Author: **AP4858 - STEWART, WILLIAM**  
Subject: **WRITTEN BY W. STEWART**  
Related date/time: **Dec-28-2009 0255**

MONTALVO, JAVIER ALBERTO H/M DOB 10-22-67,

SAID HE DID NOT SEE ANYONE OR HEAR ANYTHING LAST NIGHT.

NOI

Document: **SUPPLEMENTS**  
Author: **AP5385 - WOYTKEWICZ, STEPHEN**  
Subject: **NEIGHBORS (WOYTKEWICZ #5385)**  
Related date/time: **Dec-28-2009 0255**

ON 12/28/2009 AT APPROXIMATELY 0613 HOURS I ARRIVED ON SCENE IN THE 11800 BLOCK OF JOHNNY WEISMULLER TO ASSIST AT THE SCENE. WHILE ON SCENE, I CANVASED PARTS OF JOHNNY WEISMULLER AND MARCUS ABRAMS STARTING AT ABOUT 0645 HOURS TO INTERVIEW POTENTIAL WITNESSES TO THE INCIDENT. THE ADDRESSES, PERSONS WITH WHOM I SPOKE AND RESULTS ARE AS FOLLOWS IN THE ORDER I CONDUCTED THE INTERVIEWS:

AUSTIN POLICE DEPARTMENT  
GENERAL OFFENSE HARDCOPY

GO 2009-5072203 (NOT APPROVED)

0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL

11806 JOHNNY WEISMULLER-NO ANSWER

11808 JOHNNY WEISMULLER-NO ANSWER

11812 JOHNNY WEISMULLER-NO ANSWER

11814 JOHNNY WEISMULLER-NO ANSWER

11816 JOHNNY WEISMULLER-

MARTIN, ROSALIND W/F SAID SHE GOT HOME AT ABOUT 2330 HOURS ON 12/27/2009 AND WENT TO SLEEP AT ABOUT 0200 HOURS ON 12/28/2009 AND SAID SHE WAS UNAWARE ANYTHING HAPPENED.

11818 JOHNNY WEISMULLER-

COPPINGER, CYNTHIA W/F SAID SHE IS A LIGHT SLEEPER, THAT SHE HEARD TWO GUNSHOTS AND SCREAMING AT AROUND 0330 HOURS. CYNTHIA SAID SHE WOKE UP HER HUSBAND, PAUL, AND LOOKED OUT THE BACK WINDOW AND THEN OUT THE FRONT. CYNTHIA SAID SHE SAW A GUY LYING ON THE STEPS AND HEARD A LADY TO THE EAST OF HER RESIDENCE SCREAMING, "IS HE OKAY?"

COPPINGER, PAUL W/M SAID HE SAW THE SAME AS HIS WIFE, CYNTHIA.

11820 JOHNNY WEISMULLER-NO ANSWER

2803 MARCUS ABRAMS-

WAKRIM, JOSH U/M SAID HE WAS ALSEEP SINCE ABOUT 2200 HOURS ON 12/27/2009 AND WAS UNAWARE ANYTHING HAD OCCURRED. JOSH ALSO SAID HE DID NOT WANT TO WAKE HIS UNIDENTIFIED WIFE AND UNIDENTIFIED CHILDREN, AND THAT NONE OF THEM WERE AWARE OF THE INCIDENT.

2801 MARCUS ABRAMS-

RAMIREZ, JAMISON W/F SAID SHE WAS AWAKE AT ABOUT 0345 HOURS AND LYING DOWN WHEN SHE HEARD A FEW GUNSHOTS AND LOOKED OUT THE WINDOW AND HEARD PEOPLE YELLING. JAMISON SAID SHE JUST SAW FLASHLIGHTS OR CELL PHONE LIGHTS AND NOTHING ELSE.

RAMIREZ, JANICE W/F SAID SHE DID NOT SEE OR HEAR ANYTHING.

11901 JOHNNY WEISMULLER-NO ANSWER

11819 JOHNNY WEISMULLER-

READ, JEREMY W/M SAID HE AND HIS WIFE HAD JUST COME HOME FROM VACATION AND WAS UNLOADING HIS CAR OUTSIDE. JEREMY SAID HE SAW A SHERIFF'S DEPUTY PARKED IN FRONT OF HIS HOUSE AND SAW A GIRL FROM TWO DOORS DOWN WALK UP AND TALK TO THE DEPUTY. JEREMY SAID HE HEARD THE GIRL SAY SHE WAS "JUST LETTING YOU KNOW (SOMETHING ABOUT A GUN)." JEREMY SAID HE WENT INSIDE HIS RESIDENCE AND WAS SITTING IN THE LIVING ROOM. JEREMY STATED HE SAW AT LEAST ONE APD CAR PULL UP AND JEREMY HAD THE DOOR CRACKED. JEREMY SAID HE SAW THE APD GUY AND THE DEPUTY WALK "OVER THERE" AND HEARD THEM YELLING, "GET DOWN". JEREMY SAID HE SAW FLASHES AND SHUT HIS DOOR, SAYING HE THOUGHT HE HEARD TWO SHOTS. JEREMY SAID HE HEARD ONE OF THE OFFICERS SAY,

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"WHERE IS HE? WHERE IS HE?" JEREMY SAID HE HEARD THE GIRL ASK, "HELLO, IS ANYONE THERE?" JEREMY STATED HE COULD NOT SEE THE SUSPECT.

READ, JENNIFER W/F SAID SHE HEARD TWO SHOTS, THE FIRST A SMALLER CALIBER AND THE 2ND SOUNDED LIKE A SHOTGUN.

11817 JOHNNY WEISMULLER-

SMOLIK, NICHOLAS W/M SAID HE WOKE UP TO THE SOUND OF GUNSHOTS, HE HEARD TWO, AND LOOKED OUT THE WINDOW AND SAW COPS AND HIS (SUSPECT) BODY LAYING THERE AND THEY WERE GIVING CPR.

SMOLIK, DONALD W/M SAID HE WAS WATCHING TV WHEN HE HEARD NOISES, A DOOR SLAM AND PEOPLE YELLING. DONALD SAID HE LOOKED OUT THE WINDOW AND HEARD AN OFFICER YELLING, "PUT IT DOWN" OR "GET DOWN". DONALD SAID HE HEARD AT LEAST TWO SHOTS. DONALD SAID HE GOT DOWN AND TOLD THE OTHER GUYS (ROOMMATES) TO GET DOWN.

DUTY, PATRICK W/M SAID HE WAS SLEEPING AND DONALD WOKE HIM UP AND HE HEARD THE SHOTS GO OFF, HE THOUGHT HE HEARD TWO.

BOTH DONALD AND PATRICK SAID THEY THOUGHT THE INCIDENT OCCURRED ABOUT 0300 OR 0330.

11813 JOHNNY WEISMULLER-NO ANSWER. GONE TO WORK ACCORDING TO TCSO DEPUTY HOGE #1113.

I LATER SUBMITTED MY TAPE FOR EVIDENCE AT THE SOUTH SUB EVIDENCE ROOM, WHICH I ACTIVATED WHEN I WAS CONDUCTING INTERVIEWS. I MAY HAVE BEEN TOO FAR FROM MY VEHICLE TO PICK UP THE AUDIO, AS I WAS PARKED NEAR THE OUTER PERIMETER.

N.O.I.

Document: **SUPPLEMENTS**

Author: **AP5929 - JOYNER, TRAVIS**

Related date/time: **Dec-28-2009 0456**

ON 12/28/09 AT APPROXIMATELY 0440 I RESPONDED TO THIS SCENE TO ASSIST WITH THE PERIMETER AND TRAFFIC CONTROL. I BLOCKED TRAFFIC AT THE INTERSECTION OF JOHNNY WEISMULLER AND JAMES BAUSCH LN. I WAITED AT THIS POSITION UNTIL I WAS RELIEVED.

Document: **VICTIM SERVICES**

Author: **AP3788 - GEERHART, CONSTANCE**

Subject: **Crisis Team**

Related date/time: **Dec-28-2009 0548**

12/28/09

ON THIS DATE I RESPONDED TO 11815 JOHNNY WEISMULLER LN. TO ASSIST VS LEAD COUNSELOR J. GARRETT. UPON ARRIVAL I WAS BRIEFED BY GARRETT, WHO REQUESTED

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THAT I MEET WITH KIMBERLY SATTERWHITE ( : HM: CP:  
) , GIRLFRIEND OF THE DECEASED, ROGER JAMES (12/27/71; MS.  
SATTERWHITE CALLED HIM "TYRONE)". PRIOR TO MEETING WITH HER CHIEF ACEVEDO  
INFORMED US THAT MS. SATTERWHITE NEEDED TO BE MOVED TO ANOTHER LOCATION. I  
STATED THAT I COULD TAKE HER TO THE MAIN AND WAS TOLD THAT WOULD WORK.

MS. SATTERWHITE WAS CRYING WHEN I INTRODUCED MYSELF TO HER. SHE SAID THAT  
SHE HAD TRIED TO GET HIS FAMILY TO COME TAKE HIM BY CALLING THEM WHEN HE  
WAS ACTING AGGRESSIVELY TOWARD HER. SHE SAID THAT HIS MOTHER TOLD HER TO  
DO WHAT SHE NEEDED TO DO. I REASSURED HER THAT SHE HAD DONE THE RIGHT  
THING BY CALLING POLICE AND THAT SHE WASN'T LEFT WITH ANY OTHER OPTION.

I TRANSPORTED MS. SATTERWHITE TO THE MAIN POLICE STATION AND WAS REDIRECTED  
TO THE SIU OFFICES AT MOTOROLA. AS WE DROVE OUT OF THE NEIGHBORHOOD SHE  
ASKED ME TO PULL INTO A CONVENIENCE STORE. THE STORE CLERK WAS STANDING  
OUT FRONT AND SHE TOLD ME THAT SHE WANTED TO GET HIS NAME BECAUSE HE WAS  
THE PERSON WHO HAD LET HER USE THE PHONE EARLIER ON THIS DATE SO THAT SHE  
COULD CALL HIS FAMILY AFTER HE UNPLUGGED THE PHONES. THE STORE CLERK SAID  
HIS NAME WAS GEORGE AND GAVE THE STORE NUMBER AS 282-9478. HE SAID THAT HE  
REMEMBERED MS. SATTERWHITE COMING IN EARLIER.

DURING TRANSPORT MS. SATTERWHITE TOLD ME THAT SHE AND THE SUSPECT HAD BEEN  
TOGETHER FOR 6 YEARS AND THAT SHE WAS PLANNING TO LEAVE HIM BUT HE DID NOT  
KNOW THAT. SHE SAID THAT HE HAS BEEN ABUSIVE TOWARD HER DURING THEIR  
RELATIONSHIP AND THAT SHE DIDN'T WANT TO LIVE WITH IT ANY LONGER. SHE SAID  
THAT HE WOULD ACCUSE HER OF CHEATING ON HIM IF SHE WAS ON THE PHONE WITH A  
MALE. MS. SATTERWHITE STATED THAT HE HAD AN INDECENCY CASE AGAINST HIM  
THAT WAS GOING TO COURT IN MID JANUARY. SHE SAID THAT HE HAD TOLD HER HE  
WASN'T GOING TO BE AROUND THAT LONG. MS. SATTERWHITE SAID THAT SHE BELIEVED  
THERE WOULD BE A NOTE IN THE HOUSE.

I TALKED WITH MS. SATTERWHITE ABOUT DOMESTIC VIOLENCE DYNAMICS. I ASKED  
HER IF SHE HAS EVER TALKED WITH ANYONE ABOUT THE ABUSE. SHE SAID THAT SHE  
TOLD HIS FAMILY ABOUT IT AND THAT HER DAUGHTERS ARE AWARE OF IT TO A  
LIMITED EXTENT. SHE STATED SEVERAL TIMES THAT SHE HAD CALLED HIS FAMILY  
FOR HELP WITH HIM TONIGHT. SHE SAID THAT HIS MOTHER TOLD HER THAT HE  
WOULDN'T DO WHAT SHE TOLD HIM TO DO EVEN IF SHE DID COME OVER. MS.  
SATTERWHITE SAID THAT SHE HAD WANTED TO AVOID CALLING POLICE BUT FELT SHE  
HAD TO BECAUSE SHE WAS AFRAID HE WAS GOING TO CONTINUE BEING VIOLENT. SHE  
SAID THAT AT ONE POINT HE HAD TOLD HER TO GO AHEAD AND CALL POLICE BUT THAT  
HE THEN UNPLUGGED THE PHONES. SHE SAID THAT IS WHEN SHE WENT TO THE  
CONVENIENCE STORE TO CALL HIS FAMILY FOR HELP. I VALIDATED MS.  
SATTERWHITE'S FEELINGS AND REACTIONS AND TRANSITIONED HER TO DET. HAVENS.  
VS G. MAKELKI ARRIVED ON SCENE TO RELIEVE ME. NOI.

Document: **SUPPLEMENTS**

Author: **AP6437 - DEBES, VANCE**

Related date/time: **Dec-28-2009 0736**

I RESPONDED TO THE SCENE OF A DISTURBANCE DOMESTIC (HOT SHOT), AT 11815  
JOHNNY WEISMULLER. AFTER THE OFFICER INVOLVED SHOOTING OCCURRED ON SCENE I  
HELPED SET UP THE CRIME SCENE TAPE AND THEN MADE THE INITIAL SWEEP LOOKING  
FOR VITAL PIECES OF EVIDENCE (I.E. BULLET CASINGS, ETC.) AT THE SCENE.  
AFTER THE PERIMETER WAS MADE SECURE AT THE SCENE I STARTED A CRIME SCENE  
LOG FOR THE SCENE AND LOGGED IN ALL OFFICERS AND PERSONNEL FROM APD AND  
ALSO TCSO OR ANY OTHER AGENCIES.

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AT APPROXIMATELY 7:25 AM I HANDED OVER THE CRIME SCENE LOG TO SGT. EVELETH (D190) AND I CLEARED THE SCENE TO WRITE THIS SUPPLEMENT REPORT. (SEE CRIME SCENE LOG FOR PERSONS ON SCENE).

NOI

Document: **VICTIM SERVICES**

Author: **AP3737 - MAKELKI, GARY G**

Subject: **crisis team**

Related date/time: **Dec-28-2009 0739**

12/28 CRISIS COUNSELORS MAKELKI 3737 AND MARTINEZ V722 RESPONDED TO THE MOTOROLA OFFICE TO RELIEVE CRISIS 11 ON THIS CALL.

WE MET BRIEFLY WITH KIMBERLY SATTERWHITE BEFORE SHE WAS TO GIVE HER STATEMENT.

SHORTLY THEREAFTER HER FAMILY ARRIVED:

FATHER RUBEN SATTERWHITE  
MOTHER NANCY SATTERWHITE  
COUSIN BRENDA ROE  
COUSIN TRACY ROE

WE CONTAINED THEM IN THE LOBBY OF THE BUILDING WHILE BRENDA GAVE HER STATEMENT. WE PROVIDED COUNSELING TO THEM ABOUT THEIR FEELINGS AND THOUGHTS SURROUNDING THE INCIDENT. THEY INDICATED THAT ALL THEY KNEW WAS THAT THE TYRONNE JAMES HAD BEEN SHOT.

THEY WENT ON TO TELL HOW REVERED HE WAS IN THE FAMILY AND LOVED BY ALL. THEY INDICATED THAT KIMBERLY WAS A VERY PRIVATE PERSON AND THEY DID NOT KNOW OF ANY DIFFICULTY THAT THEY HAD BEEN HAVING. THEY WERE VERY BAFFLED AS TO WHY THIS HAPPENED.

HER MOTHER NANCY SATTERWHITE WAS EXTREMELY QUIET THROUGHOUT OUR VISIT WITH THEM.

THEY WERE JOINED BY THE REVERAND ARTHUR MCDONALD WHO PROVIDED MUCH COMFORT TO THEM.

THEY WERE GIVEN INCIDENT NUMBERS AND VICTIM ASSISTANCE BROCHURE.

WE DID EDUCATE THEM AS INVESTIGATIVE PROCESS AND APPROPRIATE WAYS TO DEAL WITH KIMBERLY AND TO LET HER TALK AS SHE BECAME WILLING TO TALK ABOUT THINGS. WE GAVE THEM NO INDICATION OF MR. JAMES' PRIOR INCIDENTS AND ARRESTS NOR ANY DEFINITIVE IDEA AS TO WHETHER HE WAS ALIVE OR DEAD. THEY HAD TALKED TO HIS PARENTS WHO WERE AT THE SCENE.

WE WERE RELIEVED BY CRIS10 PRIOR TO KIMBERLY FINISHING HER STATEMENT AND WE BRIEFED HER AS TO WHAT HAD HAPPENED AND IDEAS AS TO HOW TO DEAL WITH THE FAMILY.

WE CLEARED SHORTLY THEREAFTER. NOI

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Document: **VICTIM SERVICES**

Author: **AP3988 - GARRETT, JACQUELINE**

Related date/time: **Dec-28-2009 0813**

12-27-09

AUSTIN POLICE DEPARTMENT CRISIS TEAM COUNSELOR, JACKIE GARRETT #3988 WAS REQUESTED TO ASSIST OFFICERS WITH A SHOOTING AT 11815 JOHNNY WEIMULLER LN. WHEN I ARRIVED THE OFFICERS ON SCENE REQUESTED THAT I SPEAK WITH KIMBERLY SATTERWHITE . AS I WAS WALKING OVER TO THE PATROL CAR THAT SHE WAS SITTING IN, FAMILY MEMBERS OF THE DECEASED, ROGER JAMES (12-27-71) ARRIVED AND BEGAN ASKING WHAT HAPPENED. THEY WERE INFORMED BY THE SGT ON SCENE THAT ROGER HAD DIED. THEY BECAME HYSTERICAL AND I ATTEMPTED TO HELP THEM UP OFF THE GROUND. IT BECAME APPARENT THAT THEY WERE VERY UPSET AT THE POLICE AND I WAS NOT WELCOME TO STAND AND TALK WITH THEM.

I THEN WENT OVER TO THE CAR WHERE KIMBERLY WAS SITTING AND BEGAN TALKING TO HER. WHEN SHE SAW THE REACTION OF ROGER'S FAMILY SHE ASKED ME IF HE WAS DEAD. KNOWING THAT ROGER'S FAMILY KNEW AND IT WAS OBVIOUS BY THEIR REACTION THAT SOMETHING WAS VERY WRONG. I INFORMED HER THAT HE WAS DECEASED. SHE BECAME HYSTERICAL IN THE BACK OF THE CAR AND SCREAMING. I REMAINED THERE WITH HER UNTIL SHE CALMED DOWN. SHE REQUESTED THAT SHE BE ABLE TO HUG HER MOTHER AND PROMISED NOT TO TALK. I GOT APPROVAL FROM H690 FOR HER TO HUG HER MOTHER, NANCY SATTERWHITE WHO WAS ON SCENE AND WANTING TO BE WITH HER DAUGHTER. I STOOD BY WHILE THEY HUGGED. NO WORDS WERE EXCHANGED BETWEEN THEM. I THEN HAD KIMBERLY GET BACK INTO THE CAR BECAUSE THE DECEASED FAMILY STARTED COMING IN OUR DIRECTION AND I DID NOT WANT THERE TO BE ANY CONFLICT BETWEEN THEM.

I THEN SAT IN THE CAR WITH KIMBERLY AND OFFERED HER SUPPORT. SHE STATED THAT ROGER HAD BEEN, "ACTIN A FOOL" ALL DAY. SHE STATED THAT SHE CALLED HIS FAMILY MEMBERS TO COME AND GET HIM ON SEVERAL OCCASIONS. SHE STATED THAT SHE CALLED HIS BROTHER AND HE HUNG UP ON HER. SHE CALLED HIS MOTHER AND REPORTED THAT HE WAS ACTING CRAZY AND SHE NEEDED TO COME GET HIM. SHE STATED THAT HIS MOTHER TOLD HER TO CALL THE POLICE IF SHE NEEDED TO. SHE STATED THAT SHE CALLED HIS FAMILY MEMBERS AND THAT SHE EVEN WENT TO A PAY PHONE AT ONE POINT TO CALL HIS FAMILY TO COME BECAUSE HE HAD HER CELL PHONE. SHE STATED THAT WHEN SHE RETURNED HOME THAT HE ASSAULTED HER AND SHE CALLED THE POLICE. SHE STATED THAT SHE SNUCK OUT THE BACK OF THE HOUSE AND WENT AROUND TO THE FRONT TO WAIT FOR OFFICERS TO ARRIVE. SHE STATED THAT WHEN THE POLICE GOT THERE THEY KNOCKED AND KNOCKED ON THE FRONT DOOR BUT HE WOULD NOT ANSWER. SHE STATED THAT ROGER KNEW THAT SHE CALLED THE POLICE AND TOLD HER THAT HE WAS NOT GOING WITH THEM NO MATTER WHAT. SHE STATED THAT HE TOLD HER THAT HE WOULD MAKE THEM SHOOT HIM BEFORE HE WENT TO JAIL. SHE INSISTED THAT THERE MUST BE A SUICIDE NOTE INSIDE THE RESIDENCE THAT HE LEFT BEHIND TO EXPLAIN WHY HE CAME TO THE DOOR WITH A GUN. SHE ALSO STATED THAT HE HAS BEEN DEPRESSED FOR A WHILE OVER SOME ON GOING LEGAL MATTERS AND WAS SUICIDAL. SHE SAID THIS ARREST FOR FV WOULD HAVE BEEN A SLAP ON THE WRIST COMPARED TO WHAT HE HAD GOING ON RIGHT NOW WITH OTHER LEGAL ISSUES.

AT THIS POINT I STEPPED OUT OF THE CAR TO MEET WITH CRIS11 WHO HAD ARRIVED ON SCENE. I ALSO INFORMED CHIEF ACEVADO THAT HAD ARRIVED ON SCENE ABOUT WHAT KIMBERLY TOLD ME. I WAS INSTRUCTED TO MOVE KIMBERLY TO A SAFE LOCATION WHERE SHE COULD GIVE HER STATEMENT ABOUT WHAT HAPPENED TONIGHT. KIMBERLY IS WORRIED THAT ROGER'S FAMILY WILL BLAME HER FOR EVERYTHING THAT HAPPENED. I NORMALIZED HER REACTIONS TO THE INCIDENT AND TALKED ABOUT COPING SKILLS AND

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HOW TO TAKE CARE OF HERSELF.

CRIS11 TRANSPORTED KIMBERLY TO THE FV OFFICE WHERE SHE WAS INTERVIEWED. I REMAINED ON SCENE TO PROVIDE SUPPORT TO THE OFFICER INVOLVED IN THE SHOOTING AND TO OTHER POLICE OFFICERS THAT NEEDED ASSISTANCE. I ALSO PROVIDED COFFEE, A WARM CAR TO SIT IN, AND RIDES TO THE RESTROOM AT THE EXXON AT MANCHACA AND SLAUGHTER FOR ROGERS FAMILY AS REQUESTED BY ASSISTANT CHIEF ROBINSON.

I WAS CLEARED FROM THE SCENE BY COMMANDER O'BRIAN. NOI

Document: **VICTIM SERVICES**

Author: **AP3988 - GARRETT, JACQUELINE**

Related date/time: **Dec-28-2009 0813**

12-27-09

AUSTIN POLICE DEPARTMENT CRISIS TEAM COUNSELOR, JACKIE GARRETT #3988 WAS REQUESTED TO ASSIST OFFICERS WITH A SHOOTING AT 11815 JOHNNY WEIMULLER LN. WHEN I ARRIVED THE OFFICERS ON SCENE REQUESTED THAT I SPEAK WITH KIMBERLY SATTERWHITE AS I WAS WALKING OVER TO THE PATROL CAR THAT SHE WAS SITTING IN, FAMILY MEMBERS OF THE DECEASED, ROGER JAMES ARRIVED AND BEGAN ASKING WHAT HAPPENED. THEY WERE INFORMED BY THE SGT ON SCENE THAT ROGER HAD DIED. THEY BECAME HYSTERICAL AND I ATTEMPTED TO HELP THEM UP OFF THE GROUND. IT BECAME APPARENT THAT THEY WERE VERY UPSET AT THE POLICE AND I WAS NOT WELCOME TO STAND AND TALK WITH THEM.

I THEN WENT OVER TO THE CAR WHERE KIMBERLY WAS SITTING AND BEGAN TALKING TO HER. WHEN SHE SAW THE REACTION OF ROGER'S FAMILY SHE ASKED ME IF HE WAS DEAD. KNOWING THAT ROGER'S FAMILY KNEW AND IT WAS OBVIOUS BY THEIR REACTION THAT SOMETHING WAS VERY WRONG. I INFORMED HER THAT HE WAS DECEASED. SHE BECAME HYSTERICAL IN THE BACK OF THE CAR AND SCREAMING. I REMAINED THERE WITH HER UNTIL SHE CALMED DOWN. SHE REQUESTED THAT SHE BE ABLE TO HUG HER MOTHER AND PROMISED NOT TO TALK. I GOT APPROVAL FROM H690 FOR HER TO HUG HER MOTHER, NANCY SATTERWHITE WHO WAS ON SCENE AND WANTING TO BE WITH HER DAUGHTER. I STOOD BY WHILE THEY HUGGED. NO WORDS WERE EXCHANGED BETWEEN THEM. I THEN HAD KIMBERLY GET BACK INTO THE CAR BECAUSE THE DECEASED FAMILY STARTED COMING IN OUR DIRECTION AND I DID NOT WANT THERE TO BE ANY CONFLICT BETWEEN THEM.

I THEN SAT IN THE CAR WITH KIMBERLY AND OFFERED HER SUPPORT. SHE STATED THAT ROGER HAD BEEN, "ACTIN A FOOL" ALL DAY. SHE STATED THAT SHE CALLED HIS FAMILY MEMBERS TO COME AND GET HIM ON SEVERAL OCCASIONS. SHE STATED THAT SHE CALLED HIS BROTHER AND HE HUNG UP ON HER. SHE CALLED HIS MOTHER AND REPORTED THAT HE WAS ACTING CRAZY AND SHE NEEDED TO COME GET HIM. SHE STATED THAT HIS MOTHER TOLD HER TO CALL THE POLICE IF SHE NEEDED TO. SHE STATED THAT SHE CALLED HIS FAMILY MEMBERS AND THAT SHE EVEN WENT TO A PAY PHONE AT ONE POINT TO CALL HIS FAMILY TO COME BECAUSE HE HAD HER CELL PHONE. SHE STATED THAT WHEN SHE RETURNED HOME THAT HE ASSAULTED HER AND SHE CALLED THE POLICE. SHE STATED THAT SHE SNUCK OUT THE BACK OF THE HOUSE AND WENT AROUND TO THE FRONT TO WAIT FOR OFFICERS TO ARRIVE. SHE STATED THAT WHEN THE POLICE GOT THERE THEY KNOCKED AND KNOCKED ON THE FRONT DOOR BUT HE WOULD NOT ANSWER. SHE STATED THAT ROGER KNEW THAT SHE CALLED THE POLICE AND TOLD HER THAT HE WAS NOT GOING WITH THEM NO MATTER WHAT. SHE STATED THAT HE TOLD

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HER THAT HE WOULD MAKE THEM SHOOT HIM BEFORE HE WENT TO JAIL. SHE INSISTED THAT THERE MUST BE A SUICIDE NOTE INSIDE THE RESIDENCE THAT HE LEFT BEHIND TO EXPLAIN WHY HE CAME TO THE DOOR WITH A GUN. SHE ALSO STATED THAT HE HAS BEEN DEPRESSED FOR A WHILE OVER SOME ON GOING LEGAL MATTERS AND WAS SUICIDAL. SHE SAID THIS ARREST FOR FV WOULD HAVE BEEN A SLAP ON THE WRIST COMPARED TO WHAT HE HAD GOING ON RIGHT NOW WITH OTHER LEGAL ISSUES.

AT THIS POINT I STEPPED OUT OF THE CAR TO MEET WITH CRIS11 WHO HAD ARRIVED ON SCENE. I ALSO INFORMED CHIEF ACEVADO THAT HAD ARRIVED ON SCENE ABOUT WHAT KIMBERLY TOLD ME. I WAS INSTRUCTED TO MOVE KIMBERLY TO A SAFE LOCATION WHERE SHE COULD GIVE HER STATEMENT ABOUT WHAT HAPPENED TONIGHT. KIMBERLY IS WORRIED THAT ROGER'S FAMILY WILL BLAME HER FOR EVERYTHING THAT HAPPENED. I NORMALIZED HER REACTIONS TO THE INCIDENT AND TALKED ABOUT COPING SKILLS AND HOW TO TAKE CARE OF HERSELF.

CRIS11 TRANSPORTED KIMBERLY TO THE FV OFFICE WHERE SHE WAS INTERVIEWED. I REMAINED ON SCENE TO PROVIDE SUPPORT TO THE OFFICER INVOLVED IN THE SHOOTING AND TO OTHER POLICE OFFICERS THAT NEEDED ASSISTANCE. I ALSO PROVIDED COFFEE, A WARM CAR TO SIT IN, AND RIDES TO THE RESTROOM AT THE EXXON AT MANCHACA AND SLAUGHTER FOR ROGERS FAMILY AS REQUESTED BY ASSISTANT CHIEF ROBINSON.

I WAS CLEARED FROM THE SCENE BY COMMANDER O'BRIAN. NOI

Document: **SUPPLEMENTS**

Author: **AP6299 - MOONEY, JASON**

Related date/time: **Dec-28-2009 0938**

SEE STATEMENT GIVEN TO SIU ON DECEMBER 28, 2009.

NOI

J.MOONEY

Document: **SUPPLEMENTS**

Author: **AP6461 - JOHNSON, CAIN**

Related date/time: **Dec-28-2009 0942**

SEE STATEMENT GIVEN TO SIU ON DECEMBER 28, 2009.

C.JOHNSON

NOI

Document: **SUPPLEMENTS**

Author: **AP3951 - MCCARTER, MICHAEL**

Subject: **Veh Hom Supplement**

Related date/time: **Dec-28-2009 1003**

ON 12-28-09 AT APPROXIMATELY 5AM I WAS PAGED TO CONTACT SERGEANT SHIRLEY

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WITH SPECIAL INVESTIGATIONS. I CALLED SERGEANT SHIRLEY AND I WAS ADVISED OF AN OFFICER-INVOLVED SHOOTING IN SOUTHWEST AUSTIN. I ADVISED HIM THAT I WOULD BE RESPONDING TO THE SCENE. DETECTIVE ROBERSON AND I ARRIVED ON SCENE AT APPROXIMATELY 7AM. I WAS MET BY COMMANDER BAKER AND DETECTIVE VETRANO WHO BRIEFED ME ON WHAT WAS NEEDED FROM US. WE WERE CALLED TO THE SCENE TO FORENSICALLY MAP THE EVIDENCE WHICH INCLUDED THE STREET, THE HOUSES, VEHICLES AROUND THE HOME, AND ANY EVIDENCE OF VALUE AS DECIDED BY THE LEAD INVESTIGATOR. DETECTIVE ROBERSON AND I MAPPED THE SCENE USING THE SOKKIA TOTAL STATION. UPON COMPLETION OF SCENE MAPPING AT APPROXIMATELY 9AM, I RETURNED TO THE VEHICULAR HOMICIDE OFFICE TO DOWNLOAD THE SCENE FILES AND ENTER THIS SUPPLEMENT. THE DIAGRAM HAS YET TO BE COMPLETED.

Document: **SUPPLEMENTS**

Author: **AP2202 - YATES, CARL KEVIN**

Subject: **Supplement**

Related date/time: **Dec-28-2009 1117**

ON 122809 AT APPROXIMATELY 0255 DISPATCHED TO FAMILY DISTURBANCE CALL AT 11815 JOHNNY WEISMULLER. SEE WRITTEN STATEMENT GIVEN TO SIU FOR FURTHER DETAILS.

NOI

Document: **VICTIM SERVICES**

Author: **AP5251 - FULLILOVE, DONNA**

Related date/time: **Dec-28-2009 1122**

12-28-2009

APD VICTIM SERVICES COUNSELOR FULLILOVE RELIEVED COUNSELOR MAKELKI ON A FAMILY VIOLENCE/SHOOTING. UPON ARRIVAL MAKELKI ADVISED ME THAT KIMBERLY STATTERWHITE

WAS PROVIDING A STATEMENT TO DETECTIVES. KIMBERLY'S FAMILY WAS WAITING FOR HER. I SPOKE WITH THEM ABOUT WAYS THEY COULD BE SUPPORTIVE OF KIMBERLY AND ANSWERED THEIR QUESTIONS ABOUT ABUSIVE RELATIONSHIPS. THEY STATED THEY WOULD DO WHAT EVER WAS NECESSARY TO BE SUPPORTIVE OF KIMBERLY. AFTER KIMBERLY PROVIDED HER STATEMENT I BRIEFLY SPOKE WITH HER ABOUT HER NATURAL SUPPORT SYSTEM AND COPING STRATEGIES THAT SHE MAY EMPLOY. SHE SAID SHE HAD A STRONG SUPPORT SYSTEM IN HER FAMILY AND CHURCH. SHE EXPRESSED THE DESIRE TO CONTACT ROGER JAMES FAMILY. I SUGGESTED SHE WAIT UNTIL SHE COULD GET SOME REST. SHE STATED SHE WOULD. AT THE TIME WE TALKED KIMBERLY DID NOT EXPRESS ANY CONCERNS FOR HER SAFETY HOWEVER, WE TALKED ABOUT SAFETY PLANNING. I ENCOURAGED KIMBERLY TO CONTACT VICTIM SERVICES FOR ADDITIONAL INFORMATION AND REFERRALS.

I LATER CONTACTED KIMBERLY'S MOTHER NANCY SATTERWHITE AND ADVISED HER THAT KIMBERLY'S HOUSE HAD BEEN RELEASED BY OFFICERS. NOI

Document: **SUPPLEMENTS**

Author: **AP4669 - GOLDMAN, AXEL**

Related date/time: **Dec-28-2009 1315**

ON 12/28/09 I RESPONDED TO AN OFFICER INVOLVED SHOOTING AT 11815 JOHNNY WEISMULLER TO RELIEVE NIGHTSHIFT OFFICERS.

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UPON ARRIVAL, I POSITIONED MY VEHICLE AT MARCUS ABRAMS AND JOHNNY WEISMULLER AND ASSISTED AS NEEDED WITH THE CRIME SCENE LOG, PAINTING 4 PATROL VEHICLES, AND DOING A ROUGH SKETCH OF THE CRIME SCENE.

I STAYED ONSCENE UNTIL TOLD TO SECURE.

Document: **SUPPLEMENTS**

Author: **AP4940 - OLDHAM, KRISTINA**

Related date/time: **Dec-28-2009 1336**

ON 12/28/09, AT 0810, I REPLACED OFFICER BARRETT #6150 ON THE OUTER PERIMETER AT MARCUS ABRAMS BLVD AND RAYMOND CEWRY FOR A PERSONAL BREAK. I WAS THERE FOR ABOUT 20 MINS WHEN D190 ADVISED TO COME IN CLOSER AND TAKE DOWN SOME CRIME SCENE TAPE.

OFFICER BARRETT ARRIVED BACK AROUND 0830 AND TOOK OVER MY POSITION ON THE INNER PERIMETER.

NOI.

Document: **SUPPLEMENTS**

Author: **AP3758 - HIPOLITO, ANTHONY**

Related date/time: **Dec-28-2009 1350**

ON 12/28/09 I WAS DISPATCHED TO 11815 JOHNNY WEISMULLER ON AN OFFICER INVOLVED INCIDENT. UPON MY ARRIVAL I ASSISTED IN SECURING THE OUTSIDE PERIMETER. I ALSO WAS ABLE TO IDENTIFY THE FOLLOWING NEIGHBORS:

11812 JOHNNY WEISMULLER

GARZA, CARLOS H/M  
MARROQUIN, JACLYN H/F

GARZA STATED THAT HIM AND HIS GIRLFRIEND WERE ASLEEP AND HEARD A LOUD BANG AROUND 315PM. HE DID NOT LOOK OUT THE WINDOW AND DID NOT SEE ANYTHING.

11813 JOHNNY WEISMULLER

CIBULKA, CHRISTOPHER W/M

CIBULKA STATED THAT HE HEARD TWO GUNSHOTS AT APPROX 320AM AND LOOKED OUTSIDE. HE DID NOT SEE ANYTHING BUT HEARD SIRENS SO HE WENT BACK TO BED.

I STAYED ONSCENE AND ASSISTED WITH THE CRIME SCENE UNTIL RELEASED BY LT CURTIS.

NOI

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**GO 2009-5072203 (NOT APPROVED)**

**0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL**

Document: **SUPPLEMENTS**

Author: **AP1468 - ROBINSON, PATTI GAY**

Related date/time: **Dec-28-2009**

ON MONDAY, 12-28-09, AT APPROX 3:39AM, I WAS PAGED BY COMMUNICATIONS REGARDING AN OFFICER INVOLVED SHOOTING AT 11815 JOHNNY WEISMULLER IN WHICH BOTH TCSO AND APD RESPONDED. AT APPROXIMATELY 3:50AM I WAS CONTACTED BY APD COMMANDER JULIE O'BRIEN WHO ADVISED THAT APD OFFICER JUSTIN BERRY AND TCSO DEPUTY THEODORE RAMSEY HAD RESPONDED TO A FAMILY DISTURBANCE AT THE LISTED ADDRESS AND SUBSEQUENTLY FIRED ONE ROUND EACH AT A SUBJECT WHO WAS PRONOUNCED AT THE SCENE.

I ARRIVED AT THE SCENE AT APPROXIMATELY 4:35AM AND CONTACTED APD OFC MOONEY WHO REQUESTED THAT I TAKE THE DECEDENT'S DRIVER'S LICENSE TO APD SGT HELMER WHO WAS INSIDE THE CRIME SCENE. I TOOK CUSTODY OF THE DL ISSUED TO JAMES, ROGER B/M 12-27-71, 11706 BUDLEY DEGROOT, AUSTIN, TEXAS AT APPROX 4:42AM. AS I PROCEEDED INTO THE CRIME SCENE, 2 TCSO OFFICERS HAD ARRIVED AND NEEDED AN ESCORT INTO THE CRIME SCENE. THEY WERE IDED AS TCSO SGT JONES (IAD) AND TCSO DET CANTY (IAD).

WE PROCEEDED INTO THE CRIME SCENE FROM THE SOUTHWEST CORNER, CHECKING IN WITH THE OFFICERS AT THE INNER PERIMETER. I LOCATED APD SGT HELMER INSIDE THE PERIMETER AND HANDED OVER JAMES' DL TO HIM AT APPROX 4:48AM.

I REMAINED AT THE SCENE UNTIL APPROX 9:48AM SPEAKING WITH APD AND TCSO OFFICERS AND JAMES' FAMILY MEMBERS.

Document: **SUPPLEMENTS**

Author: **AP2513 - HELLMER, JEFFREY E**

Related date/time: **Dec-28-2009**

ON 12/28/09, AT APPROX. 3AM, I RESPONDED TO A DISTURBANCE AT 11815 JOHNNY WEISMULLER. SEE STATEMENT PROVIDED TO SIU FOR DETAILS.

Document: **SUPPLEMENTS**

Author: **AP1378 - SHIRLEY, RICHARD ALLAN**

Related date/time: **Dec-29-2009 1248**

ON 12/28/2009 AT APPROXIMATELY 3 A.M. I WAS AT THE HOMICIDE OFFICE ON A SEPERATE INCIDENT WHEN I WAS NOTIFIED OF AN OFFICER INVOLVED SHOOTING AT 11815 JOHNNY WEISMULLER LANE NEAR THE SOUTH CITY LIMITS. I WAS ADVISED THAT AN APD OFFICER AS WELL AS A TRAVIS COUNTY SHERIFF'S DEPUTY HAD FIRED SHOTS AT THAT ONE SUBJECT WAS DECEASED. I WAS ADVISED THE OFFICERS WERE RESPONDING TO AN ASSAULT WITH INJURY INVOLVING FAMILY VIOLENCE AND THAT THE SUSPECT HAD POINTED A GUN AT OFFICERS. THERE WAS SOME CONFUSION FROM THE CALL HISTORY AND WHAT I WAS NOW HEARING CONCERNING THE TYPE WEAPON. THE CALL HISTORY INDICATED THE SUSPECT HAD A RIFLE BUT THE NEW INFORMATION WAS THAT IT WAS A SEMI-AUTO HANDGUN.

UPON MY ARRIVAL AT THE SCENE I OBSERVED NUMEROUS APD PERSONNEL AND WELL AS TCSO DEPUTIES AT THE SCENE. CHIEF ACEVEDO WAS AT THE SCENE AS WELL AS SEVERAL ASSISTANT CHIEFS AND COMMANDERS. I SPOKE TO CORPORAL YATES WHO ADVISED ME THAT OFFICERS HAD RESPONDED TO A DISTURBANCE AT THE LOCATION. TCSO DEPUTY RAMSEY WAS CLOSE BY AND RESPONDED AS WELL ARRIVING AT THE SCENE

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BEFORE APD OFFICERS ARRIVED. SHORTLY THEREAFTER APD OFFICER BERRY AND CARTER ARRIVED. THE OFFICERS SPOKE TO THE FEMALE VICTIM OF THE DISTURBANCE WHO WAS OUTSIDE OF THE RESIDENCE WHEN THEY ARRIVED. SHE EXPLAINED TO THEM THAT HER BOYFRIEND ASSAULTED HER AND WAS STILL IN THE HOUSE. SHE STATED TO THEM THAT SHE HAD A HANDGUN IN THE HOUSE AND THE MAGAZINE FOR THE GUN WAS IN THE GARAGE SOMEWHERE. SHE DID NOT KNOW IF HER BOYFRIEND HAD GOTTEN THE GUN AND MAGAZINE OR NOT. OFFICERS HAD APPROACHED THE RESIDENCE AND ATTEMPTED TO VERBALLY GET COMPLIANCE FROM THE SUSPECT. SUSPECT EXITED THE RESIDENCE WITH A GUN AND THEN WENT BACK IN. OFFICERS TO BETTER DEFENSIVE POSITIONS AND SHORTLY THEREAFTER THE SUSPECT CAME OUT AGAIN AND POINTED THE WEAPON AT THEM. DEPUTY RAMSEY FIRED ONE TIME FROM HIS SHOTGUN AND OFFICER BERRY FIRED ONE TIME FROM HIS HANDGUN. THE SUSPECT WENT DOWN AND OFFICER BERRY INITIATED CPR ON HIM WITHOUT SUCCESS.

I PROVIDED THIS INFORMATION TO SIU DETECTIVES S. BENNINGFIELD AND C. VETRANO. I ADVISED ADDITIONAL SIU DETECTIVES THAT WITNESSES WOULD BE SENT TO THE SIU OFFICE TO GIVE STATEMENTS. I SPOKE TO TCSO DETECTIVES AND TEXAS RANGERS WHO WERE JOINTLY WORKING THE INVESTIGATION WITH OUR PERSONNEL. IT WAS DECIDED A MULTI-AGENCY INVESTIGATION WOULD BE CONDUCTED WITH APD AS THE LEAD. I PROVIDED FURTHER GUIDANCE TO INVESTIGATIVE PERSONNEL AND WELL AS CSU PERSONNEL. I CONSULTED WITH A.D.A. CLAIRE DAWSON-BROWN AND MY CHAIN OF COMMAND CONCERNING THE DETAILS GATHERED THUSFAR. UPON COMPLETION OF THE CRIME SCENE INVESTIGATION I WENT TO THE SIU OFFICES. A AFTER ACTION MEETING WAS CONDUCTED WITH ALL AGENCIES INVOLVED IN THE INVESTIGATION. ADDITIONAL WITNESSES NOT YET INTERVIEWED HAD BEEN IDENTIFIED AND ASSIGNMENTS WERE MADE FOR FURTHER INVESTIGATIVE FOLLOW-UP.

Document: **SUPPLEMENTS**

Author: **AP3106 - HERNANDEZ, ANGELA DENISE**

Related date/time: **Dec-30-2009 1601**

ON 12/29/09, I WAS ASKED TO ASSIST WITH THIS CASE BY DETECTIVE BENNINGFIELD, THE LEAD INVESTIGATOR.

8:21 AM, I RECEIVED AN EMAIL FROM DETECTIVE CLIFF ROGERS ASKING IF EITHER DETECTIVE HAVENS OR MYSELF COULD ADD CRIME ANALYST SHEILA HARGIS TO THE ORIGINAL CASE NUMBER, 09-3620161, SINCE IT WAS PRIVATIZED.

8:47 AM, I ADDED HARGIS TO THE REPORT AND SEND HER AN EMAIL NOTIFYING HER.

9:04 AM, DETECTIVE BENNINGFIELD ASKED ME IF I COULD ALSO ADD KATHERINE MEADOR WITH THE MULTI-MEDIA LAB TO THE REPORT AS WELL. I ADDED MEADOR AND SENT HER AN EMAIL NOTIFYING HER.

DETECTIVE BENNINGFIELD ASKED IF I WOULD ASSIST HER BY CREATING A NOTEBOOK, ORGANIZING THE INFORMATION TO DATE AND CREATING A SPREADSHEET WITH ALL OF THE INVOLVED OFFICERS AND WITNESSES, WHICH I COMPLETED BY THE END OF THIS SAME DATE.

11:15 AM, SGT. SHIRLEY ASKED IF I WOULD HELP HIM BY WORKING ON THE OPEN RECORDS REQUEST FOR THIS CASE. HE SENT AN EMAIL WITH THE DETAILS. I FOUND THAT WE NEEDED TO PROVIDE A COPY OF THE REPORT TO CITY LEGAL AND GET COPIES OF OFFICER BERRY AND OFFICER CARTER'S IN-CAR VIDEOS TO PIO.

12:39 PM, I SENT AN EMAIL TO KATHERINE MEADOR ASKING FOR A COPY OF OFFICER BERRY AND OFFICER CARTER'S IN-CAR VIDEOS FOR AN OPEN RECORDS REQUEST.

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1:04 PM, MEADOR SENT AN EMAIL ADVISING THE COPIES OF BERRY AND CARTERS IN-CAR VIDEOS WERE READY TO BE PICKED UP.

12/30/09 AT 11:24 AM, I CALLED TCLEOSE TO GET THE TRAINING RECORDS FOR OFFICER JUSTIN BERRY AND TCSO DEPUTY THEODORE RAMSEY.

11:29 AM, KIMBERLY ETHERIDGE WITH TCLEOSE EMAILED BOTH BERRY AND RAMSEY'S TRAINING RECORDS. THESE WERE ADDED TO THE ORIGINAL CASE FILE AND SAVED WITH MY EMAILS RELATED TO THIS CASE.

11:55 AM, I EMAILED ALLEN SMILEY WITH THE CITY ATTORNEY'S OFFICE A COPY OF THE ORIGINAL REPORT PURSUANT TO THE OPEN RECORDS REQUEST THAT SGT SHIRLEY ASKED ME TO WORK ON. SMILEY REPLIED THAT HE WAS ABLE TO OPEN THE REPORT.

I THEN CALLED HELENA WRIGHT WITH PIO, WHO SENT THE OPEN RECORDS REQUEST TO FIND OUT WHO TO TAKE THE IN-CAR VIDEO TAPES TOO. WE AGREED THAT I WOULD DROP OFF BERRY AND CARTER'S IN-CAR VIDEO TAPES TO HER THE FOLLOWING DAY, 12/30/09.

2:45 PM, I ASSISTED DETECTIVE HAVENS AND UPLOADED THE THREE OF HIS BELOW INTERVIEWS TO NETTRANSCRIPTS FOR TRANSCRIPTION;

- INTERVIEW WITH OFFICER JUSTIN BERRY
- INTERVIEW WITH OFFICER MICHAEL CARTER
- 3 INTERVIEWS WITH KIMBERLY SATTERWHITE

5:30 PM, WHILE STILL AT THE OFFICE, I RECEIVED A CALL FROM SGT. SHIRLEY WHO ASKED ME TO PULL OFFICER JUSTIN BERRY'S IN-CAR VIDEO TAPE AND SEE IF I COULD FIND HOW LONG IT TOOK FROM THE TIME THE DECEDENT RETREATED BACK INTO THE RESIDENCE AND WHEN THE FIRST GUN SHOT WAS FIRED. I WATCHED AND LISTENED TO THE TAPE AND HEARD THE FOLLOWING;

03:14:16 "POLICE, OPEN THE DOOR"  
03:14:20 "Y'ALL BETTER BACK UP"  
03:14:25 YELLING BEGINS BY THE OFFICERS, "DROP THE WEAPON"  
03:14:30 "10-32, 10-32"  
03:14:32 HEAR WHAT SOUNDS LIKE A DOOR SLAM  
03:14:53 FIRST SHOT FIRED.

I IMMEDIATELY CALLED SGT. SHIRLEY BACK AND NOTIFIED HIM THAT IT WAS 21 SECONDS BETWEEN THE TIME THAT IT APPEARED THE DECEDENT RETREATED BACK INTO THE RESIDENCE AND WHEN THE FIRST GUN SHOT WAS FIRED.

12/31/09 AT 9:40 AM, I DROPPED OFF OFFICER JUSTIN BERRY AND OFFICER MICHAEL CARTER'S IN-CAR VIDEOS TO HELENA WRIGHT WITH PIO. THE ORIGINAL SIU RELEASE FORM WAS PLACED INTO THE ORIGINAL CASE FILE THIS SAME DATE.

1:58 PM, DETECTIVE CLIFF ROGERS ASKED IF I WOULD WORK ON THE GUN TRACE SINCE I HAD ACCESS TO THE INFORMATION, ETRACE;  
WWW.ATFONLINE.GOV/ETRACE/TRACE. ROGERS PROVIDED ME WITH THE MAKE, MODEL AND SERIAL NUMBER ON THE PISTOL AND I LOCATED THE REST :

LORCIN L380  
SERIAL NUMBER 020763  
.380 CALIBER  
MIRA LOMA, CALIFORNIA  
SEMI-AUTOMATIC

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BLK GRIP/CHROME BARRELL

2:26 PM, I CALLED THE ATF NATIONAL LOCATION AND I WAS TOLD THAT MY LOGON/PASSWORD HAD EXPIRED 12/02/09. I SENT THE INFORMATION TO HAVE IT RESTORED AND CALLED TEXAS RANGER GARTH DAVIS TO SEE IF HE COULD ASSIST WITH THE GUN TRACE.

3:06 PM, I SENT DAVIS AN EMAIL WITH THE PISTOL INFORMATION AND HE WAS GOING TO FORWARD IT TO RANGER CODY MITCHELL WHO IS ASSISTING WITH THIS CASE TO GET THE TRACE STARTED.

01/04/10 AT 11:54 AM, RANGER CODY MITCHELL SENT AN EMAIL THAT HE SPOKE WITH ATF AND IT WAS BEING TAKEN CARE OF. HE ADVISED HE WOULD GET THE INFORMATION TO US AS SOON AS HE RECEIVED IT.

01/13/10, I WAS ASKED BY DETECTIVE RENEE FOX IF I WOULD ASSIST HER WITH AN INTERVIEW WITH THE DECEDENTS FAMILY ON THIS SAME DATE. AT 4 PM, MYSELF AND DET FOX MET AT 810 E. SLAUGHTER LANE #106 AND MET WITH BRENDA JAMES (MOTHER), CATINA JAMES (SISTER) AND TONYA JAMES (SISTER). THIS MEETING WAS DIGITALLY AUDIO RECORDED AND BEGAN AT APPROXIMATELY 4:10 PM.

PLEASE REFER TO THE AUDIO RECORDING OF THE INTERVIEW AND/OR THE TRANSCRIPTION FOR DETAILS.

02/01/10, I SAVED MY EMAILS RELATED TO THIS CASE ONTO A CD AND PLACED THE CD WITH THE ORIGINAL CASE FILE.

Document: **SUPPLEMENTS**

Author: **AP4885 - VETRANO, CHRISTOPHER**

Related date/time: **Feb-03-2010**

02-03-10

I WAS REQUESTED BY DET. BENNINGFIELD TO CONTACT ONE OF THE PHONE NUMBERS CONTACTED FROM KIMBERLY SATTERWHITE YORKS CELLULAR PHONE ON THE DAY OF THE INCIDENT. I CONTACTED HARVEY CRIDDLE AT THE CONVERSATION WAS RECORDED ON A DIGITAL AUDIO RECORDER. CRIDDLE PROVIDED HIS INFORMATION AS FOLLOWS:

HARVEY EUGENE CRIDDLE  
10501 ROSE HAVEN, HOUSTON TX 77051  
TXDL  
CELL MOM

CRIDDLE ADVISED THAT HE HAD RECEIVED TO PHONE CALLS FROM ROGER TYRONE JAMES AT APPROXIMATELY AROUND 0230 HOURS ON THE DAY OF THE INCIDENT.

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DURING THE FIRST PHONE CALL, JAMES WAS BEING BELLIGERENT AND ASKING WHO CRIDDLE WAS TO KIMBERLY SATTERWHITE YORK. CRIDDLE STATED THAT HE ADVISED JAMES THAT IT WAS NONE OF HIS BUSINESS AND DID NOT SAY ANYTHING ELSE BECAUSE HE DID NOT WANT TO CAUSE MORE PROBLEMS. CRIDDLE STATED THE CALL ENDED WHEN HE HUNG UP ON JAMES. JAMES CALLED AGAIN AND AGAIN WAS BELLIGERENT. CRIDDLE ADVISED HE DID NOT SAY ANYTHING AND ENDED THE CALL BY HANGING UP. CRIDDLE STATED HE KNEW WHO WAS CALLING BECAUSE HE WAS CALLING FROM KIMBERLY SATTERWHITE YORK'S PHONE.

CRIDDLE THEN ATTEMPTED TO CONTACT KIMBERLY SATTERWHITE YORK VIA TELEPHONE APPROXIMATELY ONE HOUR LATER. HE THEN SENT A TEXT MESSAGE A LITTLE LATER AGAIN TRYING TO CONTACT HER.

CRIDDLE ADVISED THAT HE WAS AWARE OF THE INCIDENT BECAUSE KIMBERLY SATTERWHITE YORK HAD CONTACTED HIM AROUND 1100 TO 1300 HOURS ON THE DAY OF THE INCIDENT. CRIDDLE STATED THAT SHE INFORMED HIM OF THE INCIDENT. CRIDDLE STATED HE BELIEVED HE RECEIVED THE CALLS FROM ROGER TYRONE JAMES BECAUSE HE WAS DRUNK AGAIN AND JAMES AND KIMBERLY SATTERWHITE YORK HAD ALTERCATIONS BEFORE. CRIDDLE STATED THAT KIMBERLY SATTERWHITE YORK ADVISED HIM THAT JAMES HAD GONE THROUGH HER CELLULAR PHONE WHEN SHE WAS ASLEEP AND THIS IS WHY HE RECEIVED THE CALLS FROM JAMES. CRIDDLE STATED HE HAD NEVER PERSONALLY MET JAMES.

CRIDDLE ADVISED HE HAS KNOWN KIMBERLY SATTERWHITE YORK FOR APPROXIMATELY TWO TO TWO AND ONE-HALF YEARS. HE MET AND BECAME FRIENDS WITH HER WHEN SHE WORKED AT MILLER. CRIDDLE IS A TRUCK DRIVER AND AN ASSISTANT PASTOR. CRIDDLE BEGAN DATING KIMBERLY SATTERWHITE YORK APPROXIMATELY ONE YEAR AFTER THEY MET. CRIDDLE STATED THAT KIMBERLY SATTERWHITE YORK DATED JAMES PRIOR TO THEIR RELATIONSHIP. CRIDDLE ALSO STATED THAT HE AND KIMBERLY SATTERWHITE YORK ARE STILL CLOSE FRIENDS AND THAT HE TALKS TO HER APPROXIMATELY EVERY OTHER DAY.

THE AUDIO WAS UPLOADED TO NET TRANSCRIPTS FOR TRANSCRIPTION.

Document: **SUPPLEMENTS**

Author: **AP1254 - PEDRAZA, ERNESTO**

Subject: **Entered by AP1378**

Related date/time: **Mar-22-2010 0935**

IN 12/28/2009 I WAS ADVISED OF A SHOOTING INVOLVING AN APD OFFICER ON WEISMULLER STREET IN SOUTH AUSTIN. THE WATCH COMMANDER CONTACTED ME AND I NOTIFIED COMMANDER JOHNSON AND AC JEFF ADICKES. I RESPONDED TO THE LOCATION AND MET WITH AC ADICKES AND COMMANDER JOHNSON. MY RESPONSIBILITY WAS TO SUPPORT PATROL AND COMMANDER JOHNSON. I DIDN'T TAKE ANY OTHER ACTION.

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**Follow Up Report(s)**

**Follow Up # 1**

**Assignment Information**

Assigned to **AP2453 - BENNINGFIELD, SANDRA** Rank : **DETECTIVE**

Org unit : **SPECIAL INVESTIGATIONS UNIT**

Capacity : **LEAD INVESTIGATOR**

Assigned on **Dec-29-2009 (Tue.) 0026** by **AP1378 - SHIRLEY, RICHARD ALLAN**

Report due on **Feb-22-2010 (Mon.)**

**Submission Information**

Submitted on **Mar-22-2010 (Mon.) 1543**

Follow Up completed : **NO**

**Related text page(s)**

Document: **INVESTIGATOR'S REPORT**

Author: **AP2453 - BENNINGFIELD, SANDRA**

Related date/time: **Feb-16-2010**

09-5072203

ON 12-28-09 AROUND 3:30AM I WAS NOTIFIED VIA PAGER TO RESPOND TO 11815 JOHNNY WEISMULLER IN REFERENCE TO AN OFFICER INVOLVED SHOOTING. I LEFT MY RESIDENCE AROUND 3:50PM AND RESPONDED TO THE SCENE. I CONTACTED APD COMMUNICATIONS AND ADVISED THEM THAT I WOULD BE ENROUTE TO THE SCENE. I ARRIVED ON SCENE AT APPROXIMATELY 4:34 AM. IT WAS A CLEAR COLD NIGHT. WHEN I ENTERED THE CRIME SCENE AND I GAVE MY NAME AND ASSIGNED UNIT TO A PATROL OFFICER WHO WAS KEEPING A CRIME SCENE LOG. I THEN CONTACTED SGT. SHIRLEY. HE ADVISED ME THAT I WOULD BE PRIMARY AT THE SCENE AND THE LEAD INVESTIGATOR OF THE INCIDENT. I WAS INFORMED THAT ONE APD OFFICER FIRED ONE SHOT AND ONE TCSO DEPUTY FIRED ONE SHOT WITH HIS SHOT GUN. I WENT TO FIND OUT WHERE THE OFFICERS INVOLVED IN THE INCIDENT WERE LOCATED. I WAS INFORMED THAT OFC. BERRY WAS IN A PATROL UNIT WEST OF THE CRIME SCENE AND OFC. CARTER WAS IN ANOTHER VEHICLE. I WAS ADVISED BY CPL. YATES THAT OFC. BERRY SHOT ONE ROUND AND OFC. CARTER DID NOT FIRE HIS WEAPON. CPL. YATES FURTHER EXPLAINED TO ME THAT A TCSO DEPUTY, DEPUTY RAMSEY, FIRED ONE SHOT GUN ROUND. DEPUTY RAMSEY WAS IN ANOTHER PATROL UNIT.

CHIEF ACEVADO ADVISED ME AND DET. VETRANO THAT THE DECEDENTS NAME WAS ROGER JAMES 12-27-71. I WAS LATER GIVEN JAMES DRIVERS LICENSE BY SGT. HELLMER. THE FOLLOWING INFORMATION WAS ON HIS DRIVERS' LICENSE:

ROGER TYRON<sup>E</sup> JAMES R/M 12-27-1971  
CDL NUMBER  
11706 BUDLEY S DEGROOT

I INTRODUCED MYSELF TO OFC. BERRY AND OFC. CARTER.

AROUND 4:47AM CHIEF ACEVADO AND DET. BOWEN TOOK OFC. BERRY TO USE THE BATHROOM. I ASK THAT OFC. BERRY NOT WASH HIS HANDS AFTER USING THE BATHROOM SO WE COULD STILL DO THE FIREARM RESIDUE TEST ON OFC. BERRY'S HANDS. I WAS ADVISED BY DET. MIKE BOWEN THAT OFC. BERRY HAD ALREADY WASHED HIS HANDS EARLIER DUE TO THE FACT THAT OFC. BERRY PREFORMED CPR ON JAMES AND OFC. BERRY HAD JAMES'S BLOOD ON HIS HANDS. I TOLD DET. BOWEN THAT I

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UNDERSTOOD BUT IN ORDER TO PREVENT ANY FURTHER EVIDENCE FROM BEING WASHED OFF I DIDN'T WANT HIM TO WASH HIS HANDS FROM THIS POINT ON.

I WAS TOLD BY LT. STEVE BARNES THAT BOTH OFC. BERRY AND OFC. JOHNSON PREFORMED CPR ON JAMES. I NOTICED WIPES ON THE GROUND AROUND THE VEHICLE THAT OFC. BERRY WAS SITTING IN. A VISUAL INSPECTION OF THESE WIPES SHOWED BLOOD ON THEM. I WAS LATER TOLD BY OFC. BERRY THAT HE USED THESE WIPES TO CLEAN HIS HAND OF THE BLOOD THAT WERE ON THEM.

A BRIEFING WAS CONDUCTED BY CPL YATES TO SIU, IA, TCSO, TX. RANGERS, AND THE UPPER ADMINISTRATION OF APD. CPL YATES STATED THAT THE OFFICERS WERE RESPONDING TO A FAMILY VIOLENCE CALL. ONCE ON SCENE IT WAS DETERMINED THAT AN OFFENSE OF ASSAULT WITH INJURY FAMILY VIOLENCE HAD OCCURRED. THE OFFICERS WERE TOLD BY THE VICTIM OF THE FAMILY VIOLENCE, LATER IDENTIFIED AS KIMBERLY SATTERWHITE YORK, THAT THERE WAS A WEAPON INSIDE THE RESIDENCE. IT WAS LATER EXPLAINED THAT THE OFFICERS BELIEVED THE WEAPON SATTERWHITE WAS TALKING ABOUT WAS A RIFLE DUE TO THE FACT THAT SHE WAS TALKING ABOUT A CLIP FOR THE WEAPON AND NOT DUE TO ANY INFORMATION PROVIDED BY YORK. THE OFFICERS WENT UP TO THE RESIDENCE AND KNOCKED ON THE DOOR. THEY COULD TELL THAT SOMEONE WAS INSIDE THE RESIDENCE BUT THAT NO ONE WAS COMING TO THE DOOR. THEY DETERMINED THAT THEY HAD A BARRICADED SUBJECT INSIDE THE HOUSE AND BEGAN SETTING UP A PERIMETER AND BEGAN CALLING FOR MORE UNITS. WHILE AT THE FRONT OF THE HOUSE JAMES CAME OUT OF THE RESIDENCE WITH A GUN. BERRY SHOT HIS WEAPON ONCE AND RAMSEY SHOT HIS SHOTGUN ONCE. CPL YATES STATED THAT CASING FROM THE SHOT GUN WAS ON A SILVER TRUCK IN THE DRIVEWAY OF THE NEIGHBOR'S HOUSE. CPL YATES ALSO STATED THAT HE OBSERVED DEFECT IN THE SLAB OF THE HOUSE THAT MIGHT BE FROM A BULLET. HE STATED THAT HE SAW SOME DEBRIS BY THE DEFECT BUT WAS UNABLE TO TELL IF IT WAS NEW OR NOT. HE STATED HE DID NOT LOCATE THE SPENT CARTRIDGE FROM BERRY'S WEAPON. CPL YATES STATED WHEN HE ARRIVED ON SCENE HE OBSERVED BERRY AND JOHNSON PERFORMING CPR ON JAMES WITH BERRY DOING BREATH AND JOHNSON DOING COMPRESSIONS. CPL YATES ALSO STATED HE OBSERVED A CHROME HANDGUN UNDER A BUSH BY THE HOUSE.

I PROCEEDED TO THE CRIME SCENE. FROM OUTSIDE THE CRIME SCENE TAPE FOR THE INNER PERIMETER I MADE THE FOLLOWING OBSERVATIONS.

FROM THE FRONT OF 11815 JOHNNY WEISMULLER, I OBSERVED A RED CHEVROLET LUMINA BEARING TX. LP JLT 393 PARKED HALF IN THE DRIVEWAY AND HALF OUT OF THE DRIVEWAY, BLOCKING THE SIDEWALK AND THE CURB OF THE STREET. THERE WAS ALSO A WHITE PONTIAC PARKED IN FRONT OF 11815 JOHNNY WEISMULLER. THE FRONT PORCH LIGHT OF 11815 JOHNNY WEISMULLER WAS ON. THE FRONT OF THE HOUSE WAS PRIMARILY A GARAGE WITH THE SIDEWALK LEADING FROM THE DRIVEWAY TO THE FRONT DOOR. THE FRONT DOOR OF THE RESIDENCE WAS SET BACK FROM THE FRONT OF THE GARAGE AND FACED JOHNNY WEISMULLER. THERE WAS ONE STEP THAT LED TO THE FRONT PORCH. THE FRONT PORCH WAS SMALL AND IT WAS COVERED. THERE WAS A SPACE BETWEEN THE GARAGE AND THE SIDEWALK LEADING TO FRONT DOOR. I OBSERVED THE BODY OF ROGER TYRONE JAMES LYING IN THIS SPACE WITH HIS HEAD CLOSEST TO THE WALL OF THE GARAGE AND HIS FEET ON THE STEP OF THE FRONT PORCH. I ALSO OBSERVED A SMALL BENCH ON THE FRONT PORCH WITH THE BACK OF THE BENCH AGAINST THE COMMON WALL OF THE PORCH AND THE GARAGE.

I THEN WALKED IN FRONT OF 11817 JOHNNY WEISMULLER. I OBSERVED THAT THE LIGHT OVER THE NUMBERS OF THIS RESIDENCE ON THE GARAGE WAS TURNED ON. THERE WAS A RED FORD FOUR DOOR F150 PARKED IN THE DRIVEWAY BEARING TX. LP. 4024AY. THE FORD WAS PARKED FURTHEST WAY FROM 11815 JOHNNY WEISMULLER AND CLOSEST TO THE FRONT DOOR OF 11817 JOHNNY WEISMULLER. IN THE DRIVEWAY WAS

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ALSO A SILVER CHEVY PICK-UP TRUCK BEARING TX. LP. 04NJY9. IT WAS LATER DETERMINED THAT THIS WAS THE TRUCK THAT THE SHELL CASING FROM THE SHOT GUN WAS ON. WHILE LOOKING NEXT TO THE FORD I OBSERVED WHAT APPEARED TO BE A SEMI-AUTO CASING NEXT TO THE REAR PASSENGER DOOR IN THE GRASS OF THE FRONT YARD.

ONCE C.S.U. SULLIVAN ARRIVED I WENT WITH HIM INSIDE THE INNER PERIMETER TO TAKE OVERALL STILL PHOTOGRAPHS. IT WAS AT THIS POINT THAT I GOT A CLOSER VIEW OF WHAT I BELIEVED TO BE A SEMI-AUTO SHELL CASING NEXT TO THE FORD. ONCE WE WERE CLOSER IT WAS CONFIRMED TO BE A SEMI-AUTO SHELL CASING. THE SHELL CASING WAS IN THE GRASS NEXT TO THE DRIVEWAY. C.S.U. SULLIVAN TOOK PHOTOGRAPH OF THIS. I ALSO OBSERVED A SHOT GUN SHELL CASING ON THE FRONT PASSENGER WINDOW OF THE CHEVY PICK UP. C.S.U. SULLIVAN TOOK A PHOTOGRAPH OF THE SHOTGUN SHELL CASING. I AND C.S.U. SULLIVAN PROCEEDED TO 11815 JOHNNY WEISMULLER. I OBSERVED A SMALL DEFECT UNDER THE BENCH ON THE FRONT PORCH. THE HOLE WAS LOCATED WHERE THE SLAB OF THE RESIDENCE STOP AND THE SIDING OF THE RESIDENCE BEGAN. I ALSO OBSERVED SMALL WHITE RESIDUE ON THE PORCH AROUND THE HOLE WHICH COULD POSSIBLY BE PIECES OF THE CONCRETE. C.S.U. SULLIVAN TOOK PHOTOGRAPH OF THIS. I OBSERVED JAMES BODY. HE HAD ON A RED BUTTON DOWN SHIRT, SLACKS AND BLACK DRESS SHOES. JAMES HAD A WOUND TO HIS CHEST AND HIS SHIRT WAS BLOODY. JAMES ARMS WERE OUT NEXT TO HIS SIDE. PHOTOGRAPHS OF JAMES WERE TAKEN. I ALSO NOTICED A MASK AND OTHER MEDICAL SUPPLIES ON THE WALKWAY BETWEEN THE DRIVEWAY OF THE RESIDENCE AND JAMES'S BODY. PHOTOGRAPHS WERE TAKEN OF THE LOCATION OF THESE ITEMS. I ALSO OBSERVED UNDER A BUSH AT THE CORNER OF THE FRONT PORCH AND NEXT TO THE STEP OF THE PORCH A GUN. THIS GUN WAS CHROME IN COLOR AND WAS PARTIALLY COVERED BY LEAVES. PHOTOGRAPHS WERE TAKEN OF THE WEAPON. NEXT TO THE DRIVEWAY I OBSERVED A BUD LIGHT BEER BOTTLE. I WAS UNSURE IF THIS HAD ANY INVOLVEMENT OF THE INCIDENT BUT I HAD C.S.U. SULLIVAN PHOTOGRAPH THIS ITEM. ALL THE PHOTOGRAPHS TAKEN WERE OF THE ITEMS EXACTLY AS THEY WERE WHEN THEY WERE FOUND AND WERE NOT MOVED IN ANY WAY.

WHEN C.S.U. DEAN ARRIVED ON SCENE I ASSISTED HIM WITH THE VIDEO OF THE CRIME SCENE. HE VIDEO TAPED ALL THE ITEMS THAT WERE PHOTOGRAPHED BY C.S.U. SULLIVAN. AFTER THE VIDEO WAS COMPLETED THE EVIDENCE WAS NUMBERED. THE FOLLOWING NUMBERS WERE GIVEN TO THE EVIDENCE:

- 1-SEMI-AUTO SHELL CASING
- 2-SHOTGUN SHELL CASING
- 3-ROGER TYRONE JAMES BODY
- 4-CHROME GUN
- 5-DEFECT UNDER BENCH
- 6-MEDICAL SUPPLIES
- 7-BUD LIGHT BEER BOTTLE

ONCE THE EVIDENCE WAS MARKED I MET WITH BARRY AND EXPLAINED TO HIM THAT WE WERE GOING TO DO A G.S.R. (GUN SHOT RESIDUE) TEST ON HIS HANDS. HE STATED THAT HE UNDERSTOOD BUT EXPLAINED THAT HE HAD CLEANED HIS HANDS WITH WIPES BECAUSE THERE WAS BLOOD ON THEM. HE STATED HE GOT JAMES'S BLOOD ON HIS HAND WHEN PERFORMING C.P.R. HE ALSO TOLD ME THAT THERE WAS BLOOD ON HIS WATCH AND ON HIS JACKET, WHICH WAS IN THE BACK SEAT OF THE MARKED UNIT (8562) HE WAS SITTING IN. BARRY ALSO STATED THAT HE WAS WEARING GLOVES AND THERE WAS BLOOD ON HIS GLOVES. BARRY'S GLOVES WERE IN HIS BACK POCKET. I ASKED BARRY IF HE WOULD BE WILLING TO GO BACK TO THE FRONT OF THE RESIDENCE AND EXPLAIN TO ME EXACTLY WHERE HE WAS WHEN EVERYTHING HAPPENED. HE STATED THAT HE WAS BUT WOULD LIKE TOM STRIBLING, HIS ATTORNEY, TO BE THERE WHEN THAT HAPPENED. I TOLD HIM THAT WOULD BE POSSIBLE AND SOMEONE

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WENT TO GET TOM STRIBLING. C.S.U. SULLIVAN SWABBED BARRY'S HANDS. I EXPLAINED TO C.S.U. SULLIVAN THAT BARRY AND CLEANED HIS HANDS. I ALSO TOLD C.S.U. SULLIVAN ABOUT THE GLOVES, WATCH AND JACKET. C.S.U. SULLIVAN SEIZED THESE ITEMS AFTER THE G.S.R. SWAB WAS TAKEN.

I, BARRY AND TOM STRIBLING WALKED TO THE FRONT OF 11815 JOHNNY WEISMULLER. ONCE THERE INVESTIGATORS FROM TCSO, THE TEXAS RANGERS AND SEVERAL MEMBERS OF APD ADMINISTRATION GATHERED TO HEAR BARRY'S ACCOUNT. I BEGAN MY DIGITAL RECORDER. THE FOLLOWING IS A SUMMARY OF WHAT BARRY SAID. FOR EXACT VERBIAGE AND COMPLETE DETAILS OF HIS ACCOUNT SEE THE AUDIO RECORDING OR THE TRANSCRIPTION OF HIS STATEMENT.

STRIBLING STATED THAT THE ACCOUNT BARRY WILL BE GIVEN IS WITHOUT HIM WATCHING HIS VIDEO. HE POINTED TO WHERE HE HAD PARKED HIS VEHICLE AND STATED THEY WALKED TO THE FRONT DOOR. CARTER STOOD BY THE BENCH ON THE FRONT PORCH. HE TOOK POSITION ON THE SIDE OF THE PORCH SO HE COULD SEE THE FRONT DOOR AND THE SIDE OF THE HOUSE. THE TCSO DEPUTY WENT TO THE REAR OF THE RESIDENCE TO WATCH THE BACK. THEY COULD TELL SOMEONE WAS INSIDE THE RESIDENCE AND HE WAS NOT COMING OUT. THE TCSO DEPUTY WENT TO GET HIS "LONG GUN" WHILE THEY WERE AT THE FRONT DOOR. WHILE THE DEPUTY WAS GONE BARRY TOOK HIS POSITION AT THE REAR OF THE RESIDENCE BUT WHEN THE DEPUTY CAME BACK BARRY RETURNED NEXT TO THE FRONT DOOR. WHEN JAMES SAID YA'LL BETTER GET OUT OF THE WAY CARTER RAN OFF THE PORCH. BARRY SAW JAMES COME OUT WITH THE GUN IN HIS HAND. BOTH HE AND THE DEPUTY RETREATED TO THE PICK-UP TRUCKS. BARRY WAS UNSURE WHICH TRUCK HE WAS BEHIND HE JUST KNEW HE WAS BEHIND AN ENGINE BLOCK. HE REMEMBERS THE DEPUTY BEING TO HIS LEFT. THE DEPUTY FIRED A SHOT AND HE FIRED A SHOT AND JAMES WENT OUT OF VIEW. THEY GAVE COMMANDS TO SHOW HIS HANDS AND THEY PROCEEDED TO WHERE JAMES HAD FALLEN. BARRY LOCATED THE WEAPON IN THE BUSH. BARRY ADVISED HE BELIEVED THE FRONT PORCH LIGHT WAS ON BECAUSE IT WAS OFF AT FIRST AND THEN IT WAS TURNED ON BY JAMES.

DEPUTY RAMSEY WAS THEN ASKED TO MEET WITH C.S.U. SULLIVAN SO HIS HANDS COULD BE SWABBED FOR A G.S.R. TEST. I WAS TOLD THAT RAMSEY ADVISED HE WAS WEARING GLOVES AT THE TIME SO C.S.U. SULLIVAN ONLY SEIZED HIS GLOVES AND DID NOT SWAB HIS HANDS. RAMSEY WAS ASKED IF HE WOULD GO TO THE FRONT OF THE RESIDENCE AND SHOW US WHERE HE WAS WHEN EVERYTHING HAPPENED AND HE STATED THAT HE WOULD. HIS ATTORNEY, ALLEN BENNETT, WAS WITH HIM. ONCE AGAIN MEMBERS FROM TCSO, TEXAS RANGERS AND A.P.D. ADMINISTRATION WERE PRESENT FOR RAMSEY'S ACCOUNT. I BEGAN MY DIGITAL RECORDER. THE FOLLOWING IS A SUMMARY OF WHAT BARRY SAID. FOR EXACT VERBIAGE AND COMPLETE DETAILS OF HIS ACCOUNT SEE THE AUDIO RECORDING OR THE TRANSCRIPTION OF HIS STATEMENT.

RAMSEY STATED HE RESPONDED TO THE SCENE FROM MANCHACA AND KNEW THAT HENRY UNITS WERE ENROUTE BUT THEY WERE FAR AWAY. HE MET WITH KIMBERLY SATTERWHITE YORK AND TALKED WITH HER BY HIS PATROL UNIT. HE OBSERVED INJURY TO HER HEAD. SHE TOLD HIM THAT THERE WAS A GUN IN THE HOUSE BUT SHE HAD TAKEN THE CLIP OUT OF THE GUN. HE ASKED SATTERWHITE ABOUT JAMES CRIMINAL HISTORY AND SHE TOLD HIM ABOUT THE PENDING CRIMINAL CASE. TWO APD OFFICERS ARRIVED ON SCENE. THEY WENT TO THE RESIDENCE. HE COVERED THE BACK OF THE RESIDENCE WHILE THE TWO APD OFFICERS WENT TO THE FRONT DOOR. WHILE AT THE REAR OF THE RESIDENCE HE SAW A LIGHT TURN ON AND OFF IN THE UPSTAIRS PART OF THE RESIDENCE. HE LOOKED OVER THE FENCE AND HE COULD SEE THE LIGHTS GOING ON AND OFF INSIDE. HE WENT TO HIS VEHICLE AND GOT THE SHOT GUN. WHEN HE WENT TO GET HIS GUN AN APD OFFICER TOOK HIS PLACE AT THE REAR OF THE RESIDENCE. WHEN HE RETURNED HE WENT TO THE REAR OF THE

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RESIDENCE AGAIN AND RACKED THE SHOT GUN WITH A ROUND. HE COULD HEAR JAMES YELLING FROM THE INSIDE. HE HEARD SOMEONE YELL, "HE'S GOT A GUN," OVER AND OVER AGAIN. ONE APD OFFICER RAN AWAY FROM THE HOUSE AND THE OTHER APD OFFICER PULLED HIS GUN AND WENT TO THE SIDE OF THE HOUSE. HE PIE'ED AROUND THE HOUSE BUT DID NOT SEE JAMES. HE CONTINUED COVERING THE DOOR SO THE OTHER APD OFFICER COULD MOVE AWAY FROM THE HOUSE. HE POSITIONED HIMSELF OVER THE HOOD OF THE SILVER PICK UP TRUCK AND THEN JAMES CAME OUT OF THE TRUCK WITH A GUN IN HIS HAND, HE THOUGHT THE GUN WAS IN HIS RIGHT HAND. HE SAW JAMES MAKE A SWEEPING MOTION WITH THE GUN AND STOPPED AT HIM. HE THEN AIMED IT IN ANOTHER DIRECTION. RAMSEY DID NOT KNOW WHERE THE OTHER APD OFFICER WAS AND THOUGHT HE MIGHT HAVE BEEN AIMING THE GUN AT HIM. HE SAID THAT HE THOUGHT HE WAS ABOUT TO SHOOT THE OTHER OFFICER SO HE SHOT AT HIM ONCE WITH A "SLUG". JAMES FELL TO THE GROUND. RAMSEY PROCEEDS TO WHERE JAMES WAS AND STATED THAT IT APPEARED THAT JAMES WAS NOT BREATHING. RAMSEY MADE SURE THAT HE DIDN'T HAVE THE GUN AND HE SAW THE GUN SITTING BY HIS FEET. RAMSEY STATED THIS LOOKED LIKE THE SAME GUN THAT JAMES HAD IN HIS HAND. RAMSEY RECALLED THAT THERE WAS ANOTHER SHOT AFTER HE SHOT BUT HE DID NOT KNOW WHERE THAT SHOT CAME FROM AND THOUGHT THAT JAMES MIGHT HAVE FIRED AT HIM OR THAT IF ONE OF THE APD OFFICERS HAD FIRED. RAMSEY STATED THAT HE ASKED THE APD OFFICERS IF THEY HAD A MASK AND TO START CPR. SINCE THEY DIDN'T KNOW IF ANYONE ELSE WAS IN THE HOUSE HE COVERED THE DOOR UNTIL SOMEONE ELSE SHOWED UP AND THEN HE WENT INSIDE TO CLEAR THE HOUSE. RAMSEY STATED THAT JAMES WAS STANDING TO THE LEFT OF THE POLE WHEN HE SAW HIM AND HE MIGHT HAVE BEEN OFF OF THE PORCH. RAMSEY STATED THAT AS FAR AS HE COULD REMEMBER THE FRONT PORCH LIGHT TO THE RESIDENCE WAS ON.

BOTH RAMSEY AND BERRY WERE ALLOWED TO LEAVE THE SCENE AT THIS POINT. BERRY AGREED TO GO TO OUR OFFICE AT 4201 ED BLUESTEIN AND PROVIDE A STATEMENT AND RAMSEY LEFT WITH TCSO PERSONAL AND HIS ATTORNEY.

I HAD C.S.U. SULLIVAN TAKE PHOTOGRAPHS FROM THE BACK FENCE LINE OF THE HOUSE TO SHOW THE DISTANCE OF THE FENCE LINE AND WHAT COULD BE SEEN FROM THIS POINT OF VIEW.

I THEN ATTEMPTED TO LOCATE CARTER SO WE COULD CONDUCT A G.S.R. TEST ON HIM. I WAS TOLD THAT HE HAD BEEN TOLD TO LEAVE TO GIVE HIS STATEMENT AT 4201 ED BLUESTEIN. I ASKED TO CALL HIM AND HAVE HIM RETURN TO THE SCENE WHICH HE DID. A G.S.R. TEST WAS CONDUCTED ON CARTER. CARTER THEN LEFT THE SCENE AGAIN PRIOR TO CONDUCTING A WALK THROUGH DESCRIBING WHERE HE HAD BEEN DURING THE INCIDENT.

AROUND 7:34AM THE MEDICAL EXAMINER ARRIVED ON SCENE. I GAVE JAMES'S DRIVERS LICENSE TO OLIVIA FROM THE MEDICAL EXAMINERS OFFICE. I ESCORTED THEM INTO THE INNER CRIME SCENE AND WALKED THEM THROUGH THE EVENTS OF THE NIGHT. DR. DOLINAK, THE MEDICAL EXAMINER, OPENED THE SHIRT ON JAMES TO OBSERVE THE WOUND TO HIS CHEST. DR. DOLINAK DID NOT SEE ANY OTHER ENTRY WOUNDS. DR. DOLINAK COMPLETED HIS PRIMARY EXAMINATION OF THE BODY.

AROUND 7:54AM I MET WITH TEXAS RANGER SGT. CODY MITCHELL. I ESCORTED MITCHELL INSIDE THE INNER CRIME SCENE. I WALKED HIM THROUGH THE EVENTS AS I KNEW THEM AND SHOWED HIM WHERE EACH ITEM OF EVIDENCE WAS LOCATED. WHILE INSPECTING THE FRONT PORCH MITCHELL OBSERVED A MARK ON THE PORCH THAT WAS IN LINE WITH THE DEFECT IN THE SLAB OF THE HOUSE. DUE TO THE LOCATION AND TYPE OF THE MARK IT IS POSSIBLE THAT THIS MARK WAS A MARK LEFT WHEN THE BULLET FIRED BY BARRY RICOCHET OFF OF THE PORCH TO THE SLAB OF THE HOUSE. C.S.U. SULLIVAN WAS ADVISED OF THIS MARK AND HE PHOTOGRAPHED IT. HE LISTED THIS MARK AS EVIDENCE 5A.

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AROUND 8:05AM THE TRANSPORT UNIT FOR THE M.E.'S OFFICE HAD ARRIVED ON SCENE. DR. DOLINAK ROLLED THE BODY OF JAMES EXPOSING HIS BACK. THERE DID NOT APPEAR TO BE A WOUND ON THE BACK OF JAMES. I OBSERVED SOME BLOOD AROUND THE NECK OF JAMES. THIS BLOOD APPEARED TO HAVE COME FROM THE FRONT OF JAMES AND FLOWED AROUND HIS NECK TO THE BACK. THERE WAS LITTLE BLOOD LOCATED ON THE GROUND UNDER JAMES.

DR. DOLINAK REMOVED ITEMS FROM THE REAR PANTS POCKET OF JAMES. HE LOCATED A WALLET AND A CELL PHONE. THESE ITEMS WERE PLACED ON HIS PERSON AND THE MEDICAL EXAMINERS OFFICER RETAIN CUSTODY OF THEM AT THIS TIME.

AFTER JAMES WAS REMOVED FROM THE SCENE, C.S.U. SULLIVAN SEIZED EVIDENCE NUMBERS 1 (SEMI AUTO SHELL), 2 (SHOT GUN CARTRIDGE), 6 (MEDICAL SUPPLIES), AND 7 BEER BOTTLE. C.S.U. SULLIVAN ALSO PICKED UP THE PIECES OF WHAT APPEARED TO BE CONCRETE AROUND THE DEFECT IN THE SLAB WITH TAPE. AROUND 8:50AM THE CHROME GUN WAS RECOVERED FROM UNDER THE BUSH. THE GUN WAS A LORCIN L380 WITH SERIAL NUMBER 020763. THE GUN'S SAFETY WAS OFF, IN THE FIRE POSITION. THERE WAS NO MAGAZINE IN THE GUN, THE CHAMBER WAS EMPTY AND IT WAS NOT COCKED. C.S.U. SULLIVAN SEIZED THE GUN.

GREG KARIM, APD FIRE ARMS EXAMINER, INSPECTED THE MARK ON THE PATIO AND THE DEFECT IN THE SLAB. HE BELIEVED THAT THE DEFECT IN THE WALL CAME FROM THE SEMI-AUTO WEAPON AND THAT THE BULLET DID NOT ENTER THE RESIDENCE. I CHECKED THE PORCH AGAIN IN ATTEMPT TO FIND THE BULLET AND FOUND A SMALL PIECE OF SOMETHING THAT APPEARED TO BE METAL. I ASKED KARIM IF THIS IS WHAT POSSIBLY THE BULLET. HE INSPECTED THE PIECE OF METAL I FOUND AND STATED HE BELIEVED THAT WAS PART OF THE BULLET. C.S.U. SULLIVAN SEIZED THIS ITEM. A TEST WAS CONDUCTED ON THE MARK ON THE PORCH TO SEE IF IT WAS MADE BY A BULLET.

WHILE STANDING OUTSIDE OF THE RESIDENCE I HEARD MITCHELL MAKE A STATEMENT THAT THERE WAS A POSSIBILITY THAT JAMES EXITED THE RESIDENCE WITH THE INTENT FOR THE POLICE TO SHOOT AND KILL HIM. I ADVISED SGT. SHIRLEY OF WHAT I HAD HEARD AND HE STATED THAT HE HAD BEEN INFORMED OF THE SAME THING.

I CONTACTED SGT. SHIRLEY AND ASKED HIM IF WE WERE GOING TO GET A SEARCH WARRANT FOR INSIDE THE RESIDENCE. SGT. SHIRLEY ADVISED THAT DET. HAVEN'S WAS TALKING WITH THE RESIDENT OF THE HOUSE AND WAS GOING TO ASK FOR CONSENT TO SEARCH THE RESIDENCE. A SHORT TIME LATER SGT. SHIRLEY CALLED AND ADVISED ME THAT DET. HAVEN'S HAD RECEIVED WRITTEN CONSENT FOR US TO SEARCH THE RESIDENCE. HE ADVISED THAT THE RESIDENT, KIMBERLY SATTERWHITE YORK, HAD STATED THAT MOST OF THE DISTURBANCE SHE HAD EARLIER WITH JAMES OCCURRED IN THE MASTER BEDROOM.

THE FRONT DOOR TO THE RESIDENCE WAS SHUT BUT NOT LATCHED. THIS IS HOW THE DOOR WAS OBSERVED UPON FIRST ENTERING THE INNER CRIME SCENE. AROUND 9:30AM C.S.U. SULLIVAN, TEXAS RANGER MITCHELL, DET. VETRANO AND I ENTERED THE RESIDENCE. ALL OF THE LIGHTS INSIDE THE RESIDENCE WERE TURNED OFF. UPON OPENING THE FRONT DOOR THERE WAS A SHORT HALLWAY IMMEDIATELY TO THE LEFT WHICH LEAD TO A BATHROOM. DIRECTLY NEXT TO THE HALLWAY WAS A STAIRCASE LEADING UPSTAIRS. IF YOU PROCEEDED STRAIGHT INTO THE RESIDENCE FROM THE FRONT DOOR IT LEAD TO THE LIVING ROOM.

FROM THE FRONT DOOR I OBSERVED A GLASS VASE AND SOME PETALS ON THE STAIRCASE. IN THE LIVING ROOM THERE WAS ALSO DEBRIS ON THE FLOOR IN FRONT OF THE COUCH. I ASKED DET. VETRANO TO MAKE A DIAGRAM OF THE INSIDE

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OF THE RESIDENCE. TO THE LEFT OF THE LIVING ROOM WAS THE KITCHEN AND EATING AREA. THERE WAS A DOOR OFF OF THE EATING AREA THAT LED TO THE BACK YARD. THE BACK PORCH LIGHT WAS ON. OFF OF THE KITCHEN THERE WAS A DOOR WHICH LEADS TO THE GARAGE. INSIDE THE GARAGE THERE WERE BOXES AND MISC. ITEMS. C.S.U. SULLIVAN TOOK OVERALL PHOTOGRAPH OF INTERIOR OF THE RESIDENCE. IN THE REFRIGERATOR MITCHELL OBSERVED THAT THERE WAS ONE BUD LIGHT BEER BOTTLE SIMILAR TO THE ONE FOUND IN THE FRONT YARD. MITCHELL ALSO FOUND TWO BUD LIGHT BEER BOTTLES IN THE KITCHEN TRASH CAN.

ONCE WE COMPLETED EXAMINING THE DOWNSTAIRS PART OF THE RESIDENCE SULLIVAN, MITCHELL AND MYSELF WENT UPSTAIRS. AT THE TOP OF THE STAIRS THERE WAS AN OPEN ROOM. TO THE LEFT OF THE STAIRS THERE WAS A BATHROOM AND TWO BEDROOMS. TO THE RIGHT OF THE STAIRS WAS THE MASTER BEDROOM. THE MASTER BEDROOM DOOR HAD FRENCH DOORS. THE FRENCH DOORS HAD DAMAGE TO THE CENTER FRAME AND TO THE TOP CORNER OF ONE OF THE DOORS. INSIDE THE MASTER BEDROOM WAS THE CENTER FRAME OF THE DOOR. I ALSO OBSERVED A REAR BED POST OF THE BED IN THIS ROOM WAS BROKEN OFF. THE BED POST WAS ON THE GROUND NEXT TO THE REAR OF THE BED. THERE WAS MEDICATION IN THE MASTER BEDROOM UNDER THE NAME OF KIM YORK. THE MEDICATION WAS PRESCRIBED BY DR. HEATHER FALVO AND WAS FILLED ON 11-6-09. THE MEDICATION WAS HCTZ TAB 25 MG AND CITALOPRAME 40 MG. THERE DID NOT SEEM TO BE AN OBVIOUS AMOUNT OF MEDICATION MISSING. IN THE CLOSET OF THE MASTER BEDROOM I OBSERVED FEMALE CLOTHING.

I EXITED THE MASTER BEDROOM AND OBSERVED A PIECE OF THE FRENCH DOOR ON THE GROUND IN THE OPEN ROOM. THERE WERE CLOTHES ON THE FLOOR IN THIS ROOM AND SOME OF THEM APPEARED TO BE MALE CLOTHES.

ONE OF THE EXTRA BEDROOMS CONTAINED A CRIB AND THE OTHER ONE A BED.

A DVD PLAYER WAS LOCATED IN THE MASTER BEDROOM AND DOWNSTAIRS IN THE LIVING ROOM. MITCHELL CHECKED THE PLAYER AND FOUND PORNOGRAPHY TYPE MOVIES IN BOTH PLAYERS.

WE WENT BACK DOWNSTAIRS AND LOOKED IN THE BACK YARD. I OBSERVED THAT THE SCREEN TO A DOWNSTAIRS LIVING ROOM WINDOW WAS OFF AND LOCATED ON THE GROUND. BOTH THE LOCKS TO THIS WINDOW WERE UNLOCKED. THE LOCKS TO THE OTHER TWO WINDOWS WERE BOTH LOCKED AND BOTH THE OTHER WINDOWS HAD THE SCREEN ON THEM. ON THE OTHER SIDE OF THE WINDOW WITH THE SCREEN OFF WAS THE CHRISTMAS TREE. THERE WAS A WHITE PLASTIC BAG WITH BUD LIGHT BEER BOTTLES IN IT TO THE LEFT OF THE BACK PORCH. THE GATE TO THE BACK YARD IS LOCATED TO THE LEFT OF THE PORCH AND IT WAS OPEN. MITCHELL LOCATED SHOE PRINTS BY THE PLASTIC BAG AND THE SHOE PRINTS WERE SIMILAR TO THE SHOE THAT JAMES WAS WEARING. C.S.U. SULLIVAN TOOK PHOTOGRAPHS OF THE SHOE PRINTS.

WHEN WE EXITED THE RESIDENCE MITCHELL OBSERVED WHAT APPEARED TO BE BLOOD SPLATTER ON THE PORCH POST. THERE WAS ALSO A SUBSTANCE THAT LOOKS SIMILAR TO A SUBSTANCE THAT WAS OBSERVED IN AND AROUND JAMES MOUTH. C.S.U. SULLIVAN WAS ASKED TO PHOTOGRAPH THIS AND TO SWAB IT.

LT. YARBROUGH ARRIVED ON SCENE AND ADVISED ME THAT YORK ASKED IF WE COULD CALL HER WHEN WE WERE COMPLETED SEARCHING HER HOUSE AND SHE WOULD COME OVER AND LOCK IT UP. HE GAVE ME A PIECE OF PAPER WHICH READ "KIM".

I CONTACTED YORK AND ASKED HER WHERE INSIDE THE RESIDENCE THE MAGAZINE TO THE GUN WAS LOCATED. SHE ADVISED ME THAT IT WAS IN A BOX IN THE GARAGE. WHILE ON THE PHONE WITH HER SHE ASKED ABOUT HER CELL PHONE. I TOLD HER I DIDN'T KNOW WHERE IT WAS LOCATED AND I WOULD CHECK ON IT AND CALL HER BACK.

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AFTER WE WERE COMPLETED WITH THE RESIDENCE AND WERE READY TO CLEAR THE SCENE YORK WAS CONTACTED. SHE WAS ADVISED THAT WE WERE COMPLETED WITH HER RESIDENCE. SHE ASKED IF WE COULD JUST LOCK THE DOOR TO THE RESIDENCE AND TO HER VEHICLE, THE RED CHEVROLET LUMINA, SINCE HER PURSE WAS INSIDE HER CAR. I FELT UNCOMFORTABLE LOCKING A PURSE IN THE VEHICLE FOR SAFETY REASONS. I TOOK HER PURSE INSIDE HER RESIDENCE AND PLACED IN ON THE STAIRS. I WAS UNABLE TO LOCK THE BOTTOM LOCK TO THE FRONT DOOR SO I LOCKED THE TOP LOCK TO THE FRONT DOOR FROM THE INSIDE OF THE RESIDENCE AND EXITED THROUGH THE BACK DOOR LOCKING THE BOTTOM LOCK OF THE FRONT DOOR. THE RED CHEVROLET LUMINA WAS ALSO LOCKED.

AROUND 10:45AM I CALLED YORK AND INFORMED HER THAT WE HAD LEFT HER RESIDENCE. I TOLD HER THAT I HAD CHECKED ON HER CELL PHONE BUT DID NOT LOCATE IT INSIDE THE RESIDENCE. SHE ASKED THAT I TRY TO FIND IT AND INFORMED ME THAT HER CELL PHONE NUMBER WAS AND IT WAS A BLACK PALM. I TOLD HER THAT I WOULD LET HER KNOW WHEN I FOUND OUT SOMETHING. SHE STATED SHE WAS JUST AFRAID OF JAMES'S FAMILY GETTING A HOLD OF IT.

I CLEARED THE SCENE AROUND 10:50AM AND RETURNED TO 4201 ED BLUESTEIN.

ONCE RETURNING TO OUR OFFICE I BEGAN READING THE STATEMENTS GIVEN TO OTHER DETECTIVES. IN THE STATEMENT GIVEN BY YORK I LEARNED THAT SHE HAD BEEN ON THE PHONE WHEN JAMES CAME HOME AND THAT THE DISTURBANCE WAS OVER THE FACT THAT JAMES THOUGHT SHE WAS CHEATING ON HIM. YORK STATED SHE HAD LEFT THE HOUSE AND WENT TO AN EXXON TO CALL JAMES'S FAMILY FOR HELP AND THEY TOLD HER TO CALL THE POLICE IF SHE NEEDED TO. SGT. SHIRLEY LATER ADVISED ME THAT YORK HAD DRIVEN A VICTIM SERVICE PERSON TO THE EXXON AND THE CLERK WHO WAS WORKING WHEN SHE WENT THERE TO USE THE PHONE HAD BEEN IDENTIFIED.

AROUND 2:30PM WE HAD A MEETING WITH TRAVIS COUNTY S.O., TEXAS RANGERS, TRAVIS COUNTY DISTRICT ATTORNEY'S OFFICE, AND APD SIU. CRAIG SMITH WITH TCSO MAJOR CRIMES ADVISED THAT HE HAS FOUND OUT THAT RAMSEY HAD REPORTED THE MICROPHONE OF HIS IN CAR CAMERA WASN'T WORKING A COUPLE OF WEEKS PRIOR.

SMITH STATED HE HAD AN E-MAIL WITH RAMSEY'S REQUEST TO FIX THE MICROPHONE. I ASKED IF WE COULD GET A COPY OF THAT E-MAIL AND HE STATED THAT WE COULD. SMITH ALSO SUPPLIED ME WITH A COPY OF THE TRAVIS COUNTY IN CAR VIDEO FROM RAMSEY'S VEHICLE. HE STATED THAT THEY WERE IN THE PROCESS OF MAKING ANOTHER COPY AND THE OTHER COPY WOULD BE CLEARER DUE TO THE TYPE OF DOWNLOAD THAT WAS PERFORMED. (THE ONE HE SUPPLIED ME WITH WAS A QUICK DOWNLOAD AND THE OTHER ONE WOULD BE A MINUTE FOR MINUTE DOWNLOAD.) WE REVIEWED RAMSEY'S VIDEO. ON THIS VIDEO YOU CAN HEAR RADIO TRAFFIC AND HEAR THE GUN SHOTS. SOME OF THE MOVEMENTS OF THE OFFICERS AND YORK CAN BE SEEN ALONG WITH LIGHTS ON AND AROUND THE HOUSE.

WE THEN REVIEWED BERRY'S VIDEO. THE VIDEO ON THIS TAPE ISN'T VERY CLEAR BUT YOU CAN SEE LIGHTS IN AND AROUND THE RESIDENCE. ON BERRY'S MICROPHONE YOU CAN HEAR SOMEONE IDENTIFYING THEMSELVES AS AUSTIN POLICE DEPARTMENT. COMMANDS OF "DROP THE WEAPON", "10-32 10-32", AND "DROP IT DROP IT" CAN BE HEARD. THE TWO SHOTS CAN ALSO BE HEARD ON BERRY'S VIDEO.

I WAS ADVISED THAT ALLEN BENNETT WITH CHRIS GUNTERS OFFICE WAS RAMSEY'S ATTORNEY. I CALLED BENNETT AND ASKED HIM IF RAMSEY WOULD BE WILLING TO COME IN FOR A STATEMENT. HE STATED THAT HE WOULD BUT RAMSEY WAS SLEEPING AND WANTED TO TALK TO HIM BEFORE SETTING UP AN APPOINTMENT. BENNETT ASKED IF WE WANTED A WRITTEN STATEMENT OR TO TALK TO HIM. I ADVISED HIM THAT I WOULD RATHER TALK TO HIM AND HE SAID HE DIDN'T SEE A PROBLEM WITH THAT. I

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GAVE RAMSEY MY OFFICE NUMBER ALONG WITH MY PAGER NUMBER.

IN THE MEETING I WAS INFORMED THAT THERE MAY BE A CONVERSATION CAUGHT ON VIDEO BETWEEN JACKIE GARRETT, VICTIM SERVICES, AND KIM YORK WHERE KIM WAS TALKING ABOUT HOW JAMES WANTED TO KILL HIMSELF. I ASKED DET. ROBINSON TO TRY TO LOCATE THIS VIDEO.

THE MEETING CONTINUED AND I GAVE A SHORT BRIEFING ON WHAT HAD OCCURRED AS WE KNEW IT AT THIS POINT. AT THE CONCLUSION OF THE MEETING IT WAS AGREED THAT SMITH, MITCHELL AND I WOULD STAY IN CONTACT WITH EACH OTHER AS WE WORKED THE CASE.

I ASKED DET. ROGERS IF HE COULD TRY TO DETERMINE WHO OWNED THE WHITE PONTIAC PARKED IN FRONT OF THE RESIDENCE. DET. ROGERS LEFT AND A SHORT TIME LATER CAME BACK AND ADVISED THAT VEHICLE WAS FOUND TO BELONG TO THE NEXT DOOR NEIGHBORS.

AFTER THE MEETING AND DISCUSSING ALL THE FACTS I DETERMINED THAT THE FOLLOWING AREAS NEEDED FOLLOW UP:

- 1) GET A FORMAL STATEMENT FROM JAMES'S CURRENT GIRLFRIEND-DET VETRANO HAD SPOKEN WITH THE CURRENT GIRLFRIEND ON SCENE AND ADVISED HE WOULD CONDUCT ANY FOLLOW UP WITH HER.
- 2) FIND OUT WHO YORK WAS TALKING TO ON THE PHONE WHEN JAMES CAME HOME. FOLLOW UP WITH YORK WITH HER PHONE AND CONSENT FOR DNA FROM HER FOR ELIMINATION SAMPLE FOR THE CHROME GUN. DET. HAVEN'S TOOK HER STATEMENT AND IT WAS DECIDED THAT HE DO ANY FOLLOW UP NEEDED WITH YORK.
- 3) FIND ANY AND ALL IN CAR VIDEOS WITH CONVERSATION BETWEEN JACKIE GARRERT AND YORK. ALSO TO GET A FORMAL STATEMENT FROM GARRETT. DET. ROBINSON ADVISED SHE WOULD DO THIS.
- 4) TALK TO JAMES'S MOTHER AND SISTER AND FIND OUT ABOUT ANY PHONE CALLS MADE BY YORK TO THEM. DET. FOX WAS ASSIGNED THIS TASK.
- 5) GET A STATEMENT FROM THE EXXON CLERK WHO OBSERVED YORK USE THE PHONE AND RETRIEVE THE VIDEO FROM THE STORE. DET. ROGERS STATED HE WOULD DO THIS SINCE HE WAS FAMILIAR WITH THE EXXON SYSTEM.
- 6) CONDUCT A CANVASS OF THE NEIGHBORHOOD AND FIND ANYONE WHO SAW OR HEARD ANYTHING AND GET A WRITTEN STATEMENT FROM THEM. DET. VETRANO AND DET. HAVEN'S ADVISED THEY WOULD DO THIS.
- 7) GET WRITTEN STATEMENTS FROM EMS AND AFD PERSONAL WHO MADE THE SCENE. DET. ROBINSON WAS ASSIGNED THE TASK.
- 8) DEPUTY RAMSEY NEEDED TO BE INTERVIEW AND I WAS GOING TO CONDUCT THIS INTERVIEW WITH RANGER MITCHELL.
- 9) EVIDENCE NEEDED TO BE SUBMITTED FOR ANALYSIS AND DET. HAVENS VOLUNTEERED TO COMPLETE THE SUBMISSION FORM.
- 10) FIND OUT ANY BACKGROUND INFORMATION ON JAMES. I ASSIGNED MYSELF TO DO THIS.
- 11) GET A COPY OF ALL MEDIA REPORT OF THIS INCIDENT. DET. ROBINSON WAS

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ASKED TO DO THIS BY SGT. SHIRLEY.

AFTER ASSIGNING THE TASK THAT NEEDED TO BE DONE THE MEETING WAS CONCLUDED.

12-29-09

RANGER MITCHELL CALLED AND ASKED ME IF I KNEW IF EITHER OFC. CARTER OR OFC. BERRY CARRIED A BACK UP WEAPON AND IF THEY DID IF THEY WERE INSPECTED BY GREG KARIM. I ADVISED HIM THAT I DID NOT BUT I WOULD CHECK ON IT AND GET BACK TO HIM. I CALLED GREG KARIM AND HE STATED HE DID NOT CHECK A BACK UP WEAPON FOR OFC. CARTER OR OFC. BERRY. I THEN CALLED OFC. CARTER AND HE ADVISED THAT HE DID NOT CARRY A BACK UP WEAPON. I THEN CALL TOM STRIBLING, OFC. BERRY'S ATTORNEY, AND ASKED HIM TO FIND OUT IF OFC. BERRY CARRIED A BACK UP WEAPON. LATER IN THE DAY TOM STRIBLING CALLED ME BACK AND ADVISED ME THAT OFC. BERRY DID NOT CARRY A BACK UP WEAPON. I CALLED RANGER MITCHELL AND ADVISED HIM OF MY FINDINGS.

AROUND 11AM I CALLED ALLEN BENNETT TO SET UP AN APPOINTMENT FOR DEPUTY RAMSEY TO COME IN FOR A STATEMENT. I WAS TOLD THAT BENNETT WAS IN A MEETING. I LEFT MY NAME AND PHONE NUMBER AND REQUESTED A CALL BACK.

LT. YARBROUGH, FROM I.A., BROUGHT ME ONE DVD COPY OF EACH OF THE IN CAR VIDEO'S THAT WERE SEIZED AT THE SCENE. THESE DVD'S WERE PLACED IN THE CASE NOTEBOOK.

DET. ROBINSON ADVISED ME THAT SHE WOULD BE INTERVIEWING JACKIE GARRETT IN REFERENCE TO THE CONVERSATION SHE HAD WITH KIMBERLY YORK THE MORNING OF DEC. 28TH. WE DISCUSSED POINTS THAT I WANTED DET. ROBINSON TO TOUCH ON AND I ALSO REQUESTED A WRITTEN STATEMENT FROM JACKIE GARRETT.

I REVIEWED THE CRIME SCENE PHOTOGRAPHS THAT WERE TAKEN AT THE SCENE. THE PHOTOGRAPHS DEPICTED THE SCENE AS I SAW IT.

WHILE AT THE OFFICE I WAS INFORMED BY DET. FOX THAT SHE WAS TOLD BY DET. GASLIN THAT KIMBERLY SATTERWHITE YORK WAS THE EX-WIFE OF A SON OF DET. LESLIE YORK. I WAS NOT TOLD OF THE SON/EX-HUSBANDS NAME. I LET DET. ROGERS KNOW ABOUT THIS POSSIBLE RELATIONSHIP SO HE WOULD HAVE A STARTING POINT FOR THE GUN TRACE SINCE YORK HAD STATED THE GUN WAS HER EX-HUSBANDS GUN THAT HE LEFT IN HER POSSESSION WHEN THEY DIVORCED.

IN THE AFTERNOON DET. HAVENS AND I WENT TO KIMBERLY SATTERWHITE YORK'S PARENTS HOUSE TO SPEAK WITH HER. DET. HAVENS HAD SPOKEN WITH YORK AND SHE AGREED TO MEET WITH US FOR SOME FOLLOW UP QUESTIONS.

UPON ARRIVAL WE WERE INFORMED BY HER FATHER THAT SHE WAS NOT BACK FROM THE HOUSE ON JOHNNY WEISMULLER. DET. HAVENS AND I WAITED IN FRONT OF THE HOUSE FOR HER TO RETURN. WHEN SHE RETURNED SHE LEAD INTO THE KITCHEN OF THE HOUSE WHERE WE CONDUCTED THE INTERVIEW. DET. HAVENS EXPLAINED TO YORK THAT WE WOULD LIKE TO HAVE A SAMPLE OF HER SALIVA FOR DNA TESTING OF THE GUN. YORK AGREED TO GIVE A SALIVA SAMPLE AND SIGNED CONSENT FOR SALIVA FORM. I TOOK THE BUCCAL SWAB FROM YORK. ONCE IT WAS PLACED IN THE BAG I GAVE IT TO DET. HAVENS. DET. HAVENS ASKED YORK FOR CONSENT TO SEARCH HER CELL PHONE. YORK GAVE DET. HAVENS CONSENT AND SIGNED A CONSENT TO SEARCH FORM FOR THE PHONE.

I THEN ASKED YORK SOME QUESTIONS IN REFERENCE TO SOME STATEMENTS SHE HAD

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MADE ABOUT JAMES'S STATE OF MIND. SHE INFORMED ME THAT SHE HAD SPOKEN TO THE FAMILY AND THEY REQUESTED THAT SHE DIDN'T TALK ABOUT THAT ANYMORE. THE ABOVE IS A SUMMARY OF WHAT WAS SAID AND FOR EXACT VERBIAGE AND COMPLETE DETAILS OF HER STATEMENT SEE EITHER THE AUDIO RECORDING OR THE TRANSCRIPTION OF THE INTERVIEW.

YORK WAS ASKED ABOUT HER INJURIES THAT SHE RECEIVED FROM JAMES THE NIGHT OF DEC. 28TH. SHE ADVISED THAT SHE HAD A BUMP ON HER HEAD BUT IT HAD DONE DOWN. SHE LIFTED HER HAIR AND I COULD SEE A SCAB ON HER FOREHEAD BY HER HAIRLINE. DET. HAVENS TOOK PHOTOGRAPHS OF THIS INJURY. YORK ADVISED SHE WAS GOING TO A DOCTOR LATER THAT DAY BECAUSE SHE HAD KNOTS ON HER HEAD THAT CAN'T BE SEEN DUE TO HER HAIR.

12-30-09

ON THIS DATE I REVIEWED THE INTERVIEWS THAT WERE CONDUCTED BY OTHER DETECTIVES IN SIU. I WATCHED THE VIDEOS, LISTENED TO THE AUDIO RECORDING AND/OR READ THEIR WRITTEN STATEMENT. I ALSO REVIEWED THE IN CAR VIDEO'S FROM OFC. BERRY, OFC. CARTER AND DEPUTY RAMSEY'S VEHICLE.

AFTER REVIEWING THE IN CAR VIDEO'S AND I HEARD SEVERAL COMMENTS MADE BY YORK IN REFERENCE TO JAMES STATE OF MIND WHILE SHE WAS IN THE BACK SEAT OF OFC. BERRY'S VEHICLE THESE OCCURRED AT THE END OF PART ONE OF OFC. BERRY'S IN CAR VIDEO TAPE. AT ONE POINT (3:37:25) YORK IS ON THE PHONE TO HER FATHER AND SHE SAID THAT "TYRONE WAS READY TO COMMIT SUICIDE CAUSE HE GOES TO COURT ON THE 12TH". YORK ALSO STATES AT 3:43:55 "HE HAD TO HAVE LEFT A NOTE IN THE HOUSE."

DET. ROBINSON WENT TO MULTI-MEDIA TO PICK UP PART 2 OF OFC. CARTERS AND OFC. BERRY'S IN CAR RECORDING. SHE CALLED ME AND ADVISED THAT SGT. STRESSING FROM I.A. INFORMED HER THAT HE HAD TO PICK UP THE COPY OF THE DVD'S. I ADVISED DET. ROBINSON TO LET HIM PICK UP WHAT HE NEEDED. HE ONLY PICKED UP PART 2 OF OFC. CARTERS IN CAR VIDEO. I TALKED WITH LT. YARBROUGH WITH IA ABOUT THE INCIDENT WITH THE VIDEOS. I ASKED HIM IF IA WAS ORDERING THE COPIES AND PICKING UP ALL THE COPIES IF THEY WERE GOING TO BE RESPONSIBLE FOR ORDERING THE COPIES FOR THE OPEN RECORDS REQUEST AND ANY OTHER DVD'S THAT WE WOULD NEED. HE STATED THAT THEY WOULD NOT AND THAT HE HAD EXTRA DVD'S FROM THE OTHER COPIES THAT WERE MADE AND HE WOULD SEND THEM OVER LATER IN THE DAY SO WE CAN DISTRIBUTE THEM HOWEVER IT IS NEEDED. LATER IN THE DAY SGT STRESSING BROUGHT OVER THE DVD'S FOR OFC. CARTERS IN CAR VIDEO AND TWO COPIES OF ALL THE OTHER IN CAR VIDEOS.

DET. ROBINSON RETURNED FROM MULTI-MEDIA AND GAVE ME THE COPIES OF PART 2 FROM OFC. BERRY'S VEHICLE. THIS RECORDING IS TITLED EITHER PART 2 BERRY OR DEBES. THE NAME OF DEBES IS DUE TO THE FACT THAT WHEN THE VHS TAPE WAS PULLED FROM OFC. BERRY'S VEHICLE OFC. BERRY DID NOT HAVE AN EXTRA VHS TAPE TO PUT IN THE RECORDER SO SGT. HELLMER ASKED OFC. DEBES TO GET HIS EXTRA VHS TAPE AND PUT IT IN OFC. BERRY'S VEHICLE WHICH HE DID.

I REVIEWED PART 2 RECORDING FROM OFC. BERRY'S VEHICLE. THE BEGINNING OF THE RECORDING (4:05:07) SHOWS AN OFFICER IN THE FRONT DRIVERS SEAT OF BERRY'S VEHICLE. IT APPEARS HE MAY BE MOVING THE VEHICLE. THE CAMERA TO THE VIDEO IS TURNED FACING THE BACK SEAT. JACKIE GARRETT BEGINS TALKING TO YORK ABOUT COMING TO THE STATION TO GIVE A STATEMENT. WHILE THEY WERE TALKING THE INTERNAL LIGHT TO THE VEHICLE WAS ON. YORK BEGIN SAYING HOW SHE HAD CALLED HIS FAMILY THAT NIGHT ABOUT THEY WAY JAMES WAS ACTING. (4:10:36) YORK SAID THAT HE TOLD HER THAT IT WAS GOING TO HAPPEN. GARRET

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ASKED IF HE TOLD HER THAT THAT NIGHT AND SHE REPLIED THAT WHEN SHE CALLED THE POLICE HE SAID THAT "I'M NOT GOING", "ITS GOING TO BE A SUICIDE OVER HERE" (4:12:13) YORK WAS TAKEN OUT OF OFC. BERRY'S VEHICLE TO BE TRANSPORTED TO OUR OFFICE FOR A STATEMENT. (4:17:45)

I ATTEMPTED TO CALL ALLEN BENNETT TO SET UP A TIME FOR DEPUTY RAMSEY TO COME IN FOR AN INTERVIEW. I CALLED AROUND 1:45PM. I WAS TOLD THAT BENNETT WAS ON THE PHONE AND THAT HE WOULD CALL ME BACK. I LEFT MY NAME AND PHONE NUMBER.

12-31-09

ON THIS DATE I REVIEWED KIMBERLY SATTERWHITE YORKS'S WRITTEN STATEMENT. I WAS ALSO BEING ADVISED BY DET. HAVEN'S ABOUT THE ATTEMPTS RECOVER THE CALL HISTORY OFF OF YORK'S CELL PHONE. DET. HAVEN'S ADVISED THAT THE CELL PHONE WAS BROKEN AND OUR HIGH TECH UNIT WOULD NOT BE ABLE TO RECOVER ANY INFORMATION. IT WAS DECIDED TO RETURN THE CELL PHONE TO YORK WHICH DET. HAVEN'S DID ON THIS DATE.

AROUND 1:15PM I CALLED ALLEN BENNETT TO SET UP A TIME FOR DEPUTY RAMSEY TO COME IN FOR AN INTERVIEW. I WAS ASKED IF I WOULD LEAVE A MESSAGE. I LEFT MY NAME AND PHONE NUMBER.

1-4-09

ON THIS DATE I WAS CONTACTED BY SGT. HELLMER. HE STATED THAT OFC. BERRY HAD BEEN CLEARED TO RETURN TO WORK AND WAS WONDERING IF OFC. BERRY COULD GET HIS DUTY WEAPON BACK. I ADVISE SGT. HELLMER THAT I WOULD HAVE TO CHECK WITH GREG KARIM AND SEE IF HE HAD COMPLETED HIS EXAMINATION OF OFC. BERRY'S WEAPON. I TOLD SGT. HELLMER I WOULD CALL HIM BACK AND LET HIM KNOW.

I CONTACTED GREG KARIM AND ASKED HIM ABOUT THE STATUS OF OFC. BERRY'S DUTY WEAPON. HE STATED THAT HE HAD JUST RECEIVED IT BACK FROM THE DNA LAB AND THAT HE WOULD WORK ON OFC. BERRY'S WEAPON AND HE SHOULD BE DONE WITH IT BY WEDNESDAY JAN 6TH, 2010. I CALLED SGT. HELLMER BACK AND ADVISED HIM OF WHAT GREG KARIM HAD TOLD ME. I TOLD SGT. HELLMER THAT I WOULD CALL WHEN THE GUN WAS READY TO BE PICKED UP.

I SENT LT. YARBROUGH AN E-MAIL TO VERIFY THAT INTERNAL AFFAIRS WOULD NOT NEED OFC. BERRY'S WEAPON AFTER GREG KARIM WAS DONE WITH HIT.

AROUND 12:15PMM I CALLED ALLEN BENNETT TO SEE IF DEPUTY RAMSEY WOULD BE COMING IN TO GIVE A STATEMENT. I WAS TOLD THAT HE HAD JUST LEFT THE OFFICE. I LEFT A MESSAGE REQUESTING HIM TO CALL ME AND LEFT MY NAME AND PHONE NUMBER.

1-5-10

ON 1-5-10 I CALLED BENNETT AND ONCE AGAIN LEFT A MESSAGE FOR HIM. I LEFT MY WORK PHONE NUMBER ALONG WITH MY PAGER NUMBER. AROUND 5:40PM I RECEIVED A PAGE TO BENNETT'S WORK PHONE NUMBER. I CALLED HIM BACK. BENNETT ADVISED THAT RAMSEY WOULD BE ABLE TO COME IN FOR A STATEMENT ON 1-7-10 AT 1PM. I ASKED IF HE COULD ASK RAMSEY IF HE HAD ANY EXTRA SHOTGUN SHELLS THAT WERE THE SAME AS THE ONES HE HAD IN HIS SHOT GUN AT THE TIME OF THE SHOOTING FOR BALLISTIC TESTING. HE ADVISED HE WOULD ASK DEPUTY RAMSEY AND

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IF HE HAD ANY EXTRA HE WOULD BRING THEM IN AT THE TIME OF THE STATEMENT. I INFORMED HIM WHERE OUR OFFICE WAS LOCATED.

ON THIS DATE I MET WITH CLAIRE DAWSON-BROWN AND GAVE HIS COPIES OF PART 1 AND 2 OF OFC. BERRY'S AND OFC. CARTERS IN CAR VIDEO'S.

I RECEIVED EVIDENCE LOG INNER OFFICE MAIL. I REVIEWED WHAT WAS ON THERE TO MAKE SURE IT WAS CONSISTENT WITH THE ITEMS THAT I REQUESTED TO BE SEIZED AND THAT I KNEW OF ALL ITEMS SEIZED. THE LIST CONTAINED ALL THE ITEMS I REQUESTED TO BE SEIZED AND ALL THE ITEMS LISTED I HAD BEEN MADE AWARE OF.

1-6-10

UPON ARRIVAL TO THE OFFICE ON THIS DATE I CONTACTED RANGER MITCHELL, ADA DAWSON-BROWN AND DET. SMITH AND ADVISED THEM THAT DEPUTY RAMSEY WOULD BE COMING IN FOR HIS STATEMENT ON 1-7-10 AT 1PM.

I CONTACTED ADA DAWSON-BROWN AND ASKED HER IF SHE SAW ANY REASON NOT TO RELEASE OFC. BERRY'S DUTY WEAPON TO HIM WHEN GREG KARIM WAS DONE TESTING IT. SHE ADVISED THAT SHE DID NOT HAVE A PROBLEM RELEASING THE GUN BACK TO HIM ONCE GREG KARIM WAS DONE WITH HIS TESTS. SHE DID ASK FOR ME TO MAKE SURE I.A. DIDN'T NEED THE DUTY WEAPON FOR ANY REASON. RECEIVED E-MAIL FROM KARIM SAYING GUN IS DONE AND IN EVIDENCE.

LATER IN THE DAY I RECEIVED NOTIFICATION FROM LT. YARBROUGH THAT I.A. WOULD NOT NEED OFC. BERRY'S DUTY WEAPON AND THAT IT WAS ALRIGHT WITH HIM FOR THE GUN TO BE RELEASED.

GREG KARIM NOTIFIED ME THAT HE WAS DONE WITH THE TESTS ON OFC. BERRY'S DUTY WEAPON AND HE HAD PLACED IT BACK IN EVIDENCE. I WROTE A SUPPLEMENT TO THE REPORT STATING OFC. BERRY'S DUTY WEAPON MAY BE RELEASED BACK TO HIM.

I CALLED OFC. BERRY AND NOTIFIED HIM THAT HIS WEAPON COULD BE PICKED UP AT THE EVIDENCE ROOM AT THE EAST SUB.

ON THIS DATE I RECEIVED AN E-MAIL FROM RANGER MITCHELL THAT CONTAINED THE RESULTS OF THE GUN TRACE. I FORWARD THE E-MAIL TO DET. ROGERS FOR FOLLOW UP.

I REVIEWED THE ENHANCED COPY OF DEPUTY RAMSEY'S IN CAR VIDEO. WHILE WATCHING THIS I WAS ABLE TO SEE OFC. BERRY AND OFC. CARTER ON THE PASSENGER SIDE OF THE RED PICK UP TRUCK. THIS WAS ABLE TO CLARIFY THE LOCATION OF OFC. BERRY SINCE HE WASN'T SURE IF HE WAS BEHIND THE RED PICK UP TRUCK OR THE SILVER PICK UP TRUCK. WHILE WATCHING THE VIDEO IT ALSO APPEARED TO ME THAT DEPUTY RAMSEY WAS TAKING PHOTOGRAPHS OF THE CRIME SCENE AFTER THE SHOOTING. I MADE A NOTE OF THIS TO ASK DURING THE INTERVIEW WITH DEPUTY RAMSEY.

ON THIS DATE SGT. WALKER WITH I.A. REQUESTED COPIES OF STATEMENTS AND DVD'S THAT WE HAD FOR THIS CASE. I MADE COPIES OF THE WRITTEN STATEMENTS WE HAD AT THIS TIME. I ALSO MADE A COPY OF DEPUTY RAMSEY IN CAR VIDEO. I MADE A COPY OF THE AUDIO RECORDING OF OFC. BERRY AND DEPUTY RAMSEY AT THE SCENE AND THE INTERVIEWS WITH OFC. BERRY, CINDY WRIGHT, JACKIE GARRETT, KIMBERLY YORK AND TCSO RADIO TRAFFIC. SGT. WALKER CAME TO MY OFFICER LATER IN THE DAY AND PICKED UP THESE ITEMS.

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1-7-10

ON THIS DATE I PREPARED FOR DEPUTY RAMSEY'S INTERVIEW. TEXAS RANGER MITCHELL ARRIVED EARLY AND WE DISCUSSED POINTS THAT NEEDED TO BRING UP. I ASKED RANGER MITCHELL IF HE HAD ANY INFORMATION REGARDING DEPUTY RAMSEY TAKING PHOTOGRAPHS AT THE CRIME SCENE. HE STATED THAT HE DID NOT. I TOLD HIM I OBSERVED WHAT APPEARED TO BE DEPUTY RAMSEY TAKING PHOTOGRAPHS AND SHOWED HIM THE VIDEO. WHEN DETECTIVE SMITH FROM TCSO ARRIVED RANGER MITCHELL ASKED HIM ABOUT THE PHOTOGRAPHS. DET. SMITH ADVISED THAT DEPUTY RAMSEY DID TAKE PHOTOGRAPHS AT THE SCENE AND THE CAMERA WITH THE PHOTOGRAPHS WERE TURNED OVER THE MORNING OF THE SHOOTING TO HIS SERGEANT AND THEY WERE DOWNLOADED INTO TCSO'S SYSTEM. WE ASKED FOR A COPY OF THESE PHOTOGRAPHS AND DET. SMITH ADVISED HE WOULD SEND THEM OVER. I ALSO REQUESTED A COMPLETE COPY OF THEIR REPORT TO THIS DATE AND DET. SMITH ADVISED HE WOULD GET ONE FOR ME.

DEPUTY RAMSEY ARRIVED WITH HIS ATTORNEY ALLEN BENNETT AROUND 1PM. I WENT DOWNSTAIRS TO ESCORT HIM TO THE INTERVIEW ROOM. I ADVISED THEM PRIOR TO ENTERING THE ROOM THAT THE INTERVIEW WOULD BE AUDIO AND VIDEO RECORDED. I TOLD THEM THAT AFTER THE INTERVIEW IF THEY WANTED TO WE COULD TYPE A WRITTEN STATEMENT. DEPUTY RAMSEY ADVISED ME THAT HE HAD WRITTEN A STATEMENT ALREADY. I TOLD HIM THAT I WOULD GET THE STATEMENT FROM HIM IN THE INTERVIEW. DEPUTY RAMSEY ALSO ADVISED ME THAT HE HAD ONE SHOTGUN SLUG THAT WAS THE SAME AS WHAT HE HAD IN HIS SHOTGUN AT THE TIME OF THE SHOOTING. I RECEIVED THIS SHOTGUN SLUG FROM HIM AFTER THE INTERVIEW.

I AND RANGER MITCHELL WERE IN THE INTERVIEW ROOM AND DET. SMITH WATCHED FROM ANOTHER ROOM.

DEPUTY RAMSEY GAVE A DETAIL STATEMENT INCLUDING WHY HE RESPONDED TO THE CALL, THE EVENTS BEFORE THE SHOOTING, AT THE TIME OF THE SHOOTING AND AFTER THE SHOOTING. HE ALSO PROVIDED A FIVE PAGE TYPED STATEMENT. FOR DETAILS OF HIS STATEMENT SEE THE AUDIO RECORDING, VIDEO RECORDING, TRANSCRIPTION OF HIS STATEMENT OR HIS WRITTEN STATEMENT.

1-8-10

ON THIS DATE I MET WITH KATHERINE MEADOR AND DISCUSSED THE POSSIBILITY OF COMBINING THE VIDEO FROM DEPUTY RAMSEY'S IN CAR CAMERA RECORDING WITH THE AUDIO FROM OFC. BERRYS IN CAR CAMERA RECORDING. SHE ADVISED THAT SHE SHOULD BE ABLE TO DO THAT AND I GAVE HER A COPY OF THE RECORDING FROM DEPUTY RAMSEY'S IN CAR CAMERA. I EXPLAINED TO HER THAT FROM WATCHING BOTH THE VIDEO'S IT APPEARS THAT THE TIME STAMP ON THE RECORDINGS ARE CLOSE TO THREE MINUTES OFF. SHE ADVISED THAT SHE COULD FIND A POINT ON THE VIDEO'S THAT ARE THE SAME AND MATCH THEM UP FROM THAT POINT. I ALSO ASKED HER TO SEPARATE THE AUDIO RECORDING FROM OFC. BERRY'S VEHICLE TO ONLY INCLUDE THE EXTERNAL MICROPHONE.

1-11-10

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ON THIS DATE I SUBMITTED THE AUDIO FROM IN CAR VIDEO'S TO TRANSCRIPTION. I SUBMITTED THE AUDIO RECORDING FOR OFC. BERRY'S, OFC. CARTER, CPL. YATES, SGT. HELLMER, OFC. CARTER PART2, OFC. BERRY PART 2, OFC. WOYTKEWICZ, OFC. JOHNSON, AND OFC. MOONEY IN CAR VIDEO. I ALSO SUBMITTED THE AUDIO RECORDING FROM DEPUTY RAMSEY'S INTERVIEW INTO TRANSCRIPTION.

1-12-10

ON THIS DATE I RECEIVED AN E-MAIL FROM TRANSCRIPTION STATING THE AUDIO OF CPL YATES IN CAR VIDEO WAS VERY HARD TO HEAR/UNDERSTAND. THEY ASKED IF ANOTHER COPY OF THE AUDIO COULD BE MADE. I REVIEWED CPL. YATES IN CAR VIDEO. I COULD TELL THAT THERE SEEMED TO BE A LOT OF BACKGROUND NOISE COMING FROM THE INTERNAL MICROPHONE (THE MICROPHONE RECORDING INSIDE HIS VEHICLE) ON HIS VIDEO. I CALLED KATHERINE MEADOR AND ASKED IF SHE COULD MAKE ANOTHER COPY OF CPL. YATES IN CAR AUDIO ONLY USING THE EXTERNAL MICROPHONE. SHE STATED THAT SHE WOULD ASK SAMANTHA HENDERSON TO DO THAT FOR ME.

I CONTINUED TO REVIEW CPL. YATES VIDEO AND FOUND THAT HE ARRIVED ON SCENE AT 4:19:30 AND HE WAS DRIVING UNIT NUMBER 8595. THE VIDEO SHOWS THAT CPL. YATES PARKED HIS VEHICLE BEHIND OFC. BERRY'S VEHICLE. HIS IN CAR VIDEO SHOWS WHEN OFC. BERRY'S POLICE VEHICLE WAS MOVED FROM WHERE IT WAS LOCATED WHEN THE SHOOTING HAPPENED.

1-13-10

ON THIS DATE I REVIEWED THE IN CAR VIDEO RECORDING FROM OFC. BERRY'S VEHICLE IN ORDER TO CREATE A TIME LINE OF WHAT I SAW. FROM THE VIDEO I DETERMINED THAT OFC. BERRY WAS DRIVING UNIT 7941. I WROTE DOWN THE TIMES OF SIGNIFICANT EVENTS THAT I HEARD OR SAW. SOME OF THE MAJOR EVENTS WERE AS FOLLOWS:

START	2:56:12	
ON SCENE	3:05:26	
MET WITH DEPUTY RAMSEY AND YORK	3:05:26	
OFFICERS AND DEPUTY WALK TOWARD RESIDENCE	3:07:42	
1ST KNOCK ON DOOR	3:09:15	
OFC. BERRY STATES "AUSTIN POLICE DEPARTMENT"	3:09:40	
OFC. BERRY CALLS FOR SUPERVISOR TO THE SCENE	3:11:33	
OFC. BERRY ADVISED SUBJECT IS BARRICADED	3:12:03	
DEPUTY RAMSEY ADVISE HE WILL GET "LONG GUN"	3:12:55	
HEARD SOUND CONSISTENT WITH RACKING SHOTGUN	3:13:47	
OFC. BERRY CALLS FOR MORE OFFICERS FOR PERIMETER	3:13:56	
PORCH LIGHT TURNED ON	3:14:09	
HEARD "AUSTIN POLICE OPEN THE DOOR"	3:14:16	
HEAR JAMES "YOU ALL BETTER BACK UP"	3:14:20	
OFC. BERRY ADVISES "DROP THE WEAPON"	3:14:25	
OFC. BERRY ADVISES "10-32, 10-32"	3:14:30	
HEAR NOISE CONSISTENT WITH DOOR SLAMMING	3:14:32	
PORCH LIGHT TURNED OFF	3:14:36	
DEPUTY RAMSEY STATES "DROP IT" THREE TIMES	3:14:52	
1ST SHOT HEARD	3:14:53	
2ND SHOT HEARD	3:14:55	
OFC. BERRY RADIO'S FOR EMS	3:15:38	
PORCH LIGHT TURNED ON	3:16:09	
DEPUTY RAMSEY AND OFC. BERRY ADVISED THEY FIRED	3:16:16	

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DEPUTY RAMSEY STATES JAMES NOT BREATHING 3:17:37  
OFC. BERRY OBSERVED RUNNING TO HIS VEHICLE 3:18:25  
HEAR OFC. BERRY COUNTING (CPR) 3:19:53  
OFFICERS OBSERVED ENTERING THE RESIDENCE 3:20:13  
OFFICER OBSERVED LEAVING THE RESIDENCE 3:21:42  
YORK PLACED IN BACK OF OFC. BERRY'S VEHICLE 3:21:59  
BERRY'S VEHICLE IS MOVED 3:25:55  
AFD ON SCENE 3:26:30  
YORK CALLS PERSON SHE CALLS "DADDY" 3:26:32  
YORK TELLS "DADDY" THAT JAMES WANTED TO COMMIT SUICIDE 3:37:25  
YORK SAYS THAT JAMES HAD BEEN TALKING ABOUT KILLING HIMSELF 3:37:36  
YORK ADVISED OF JAMES'S DEATH 3:42:26  
YORK ADVISED THAT "HE HAD TO HAVE LEFT A NOTE" 3:43:55  
GARRETT ASKED IF JAMES HAD THREATENED TO HURT HIMSELF AND  
YORK ADVISE YES 3:44:04

WHILE I WAS WORKING ON THE TIME LINE I WAS CONTACTED BY SGT. SHIRLEY AND ASKED IF I WOULD BE ABLE TO TAKE A STATEMENT FROM CHIEF ACEVEDO AT 4PM ON THIS DATE. I ADVISED HIM THAT I HAD PRIOR PLANS AND WOULD NOT BE ABLE TO MAKE IT. THE INTERVIEW WAS SCHEDULED FOR 3:30PM ON 1-14-10 TO BE CONDUCTED OVER THE PHONE. SGT. SHIRLEY ADVISED ME HE WAS IN CHIEF ROBINSON'S OFFICE AND THAT SHE HAD ADVISED THAT SHE WAS TOLD THAT JAMES IDENTIFICATION CARD WAS ON HIS SHIRT. SHE DID NOT SEE THE ID CARD ON HIS SHIRT BUT WAS GIVEN JAMES ID CARD.

I ASKED DET. HAVENS IF OFC. BERRY HAD TOLD HIM WHERE HE HAD LOCATED JAMES'S DRIVERS LICENSE. HE REVIEWED OFC. BERRY'S STATEMENT AND FOUND THE OFC. BERRY ADVISED HE GOT THE DRIVERS LICENSE FROM JAMES'S POCKET. I ASKED DET. HAVEN'S IF HE COULD GET WITH TOM STRIBLING, OFC. BERRY'S ATTORNEY, TO CLARIFY WHICH POCKET.

DET. FOX ADVISED ME THAT SHE HAD SCHEDULED AN APPOINTMENT TO INTERVIEW THE JAMES FAMILY AT THEIR RESIDENCE AT 4PM ON THIS DATE. SHE ADVISED THAT SHE WOULD TAKE DET. HERNANDEZ WITH HER TO THE INTERVIEW. WE TALKED ABOUT SUBJECTS THAT I WOULD LIKE FOR HER TO TALK ABOUT INCLUDING ANY PHONE CALLS THAT WERE MADE TO THE FAMILY THAT NIGHT, THE HISTORY OF YORK AND JAMES AND OTHER POINTS. IT WAS AGREED THAT THEY WOULD AUDIO RECORD THAT INTERVIEW AND IF NEEDED A WRITTEN STATEMENT FROM THEM AT A LATER TIME.

AFTER THE INTERVIEW DET. FOX BRIEFED ABOUT JAMES FAMILY STATEMENT. SHE ADVISED THAT THE JAMES FAMILY STATED THAT BOTH YORK AND JAMES CALLED THEM AFTER THE FIRST FIGHT. JAMES REPORTED THAT WHEN HE HAD GOTTEN HOME HE HAD CAUGHT YORK WATCHING PORNOGRAPHY ON THE T.V. AND HAVING PHONE SEX WITH SOMEONE. DET. FOX ADVISED SHE HAD RECEIVED THE PHONE NUMBERS FROM THE JAMES FAMILY FOR OUR USE. FOR EXACT VERBIAGE OF THE STATEMENT AND COMPLETE DETAILS RELATED TO THE INTERVIEW SEE DET. FOX SUPPLEMENT, THE AUDIO RECORDING AND/OR THE TRANSCRIPTION OF THE INTERVIEW.

1-14-10

ON THIS DATE I CHECKED THE INVOLVEMENT ON ROGER TYRONE JAMES AND HIS FAMILY. IT HAD BEEN REPORTED IN A PRIOR ATTEMPTED SUICIDE CASE 96-0080070 THAT JAMES WANTED TO KILL HIMSELF DUE TO THE FACT THAT HIS BROTHER HAD JUST

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DIED AND HIS COUSIN HAD COMMITTED SUICIDE. IN THIS REPORT JAMES HAD BEEN DRINKING AND ATTEMPTED TO RUN OUT A SECOND STORY WINDOW.

I FOUND IN AUSTIN POLICE REPORT 93-2520231 THAT JAMES'S COUSIN HAD SHOT HIMSELF IN HEAD. ACCORDING TO THE REPORT JAMES'S COUSIN HAD AN ASSAULT CASE PENDING AND HE HAD FOUND OUT THAT HIS GIRLFRIEND HAD BEEN TELLING NEIGHBOR ABOUT HIS ARREST AND THE FACT THAT HE MAY BE GOING TO JAIL.

IN AUSTIN POLICE REPORT 09-1360542 TITLED P.I. AND ASSAULT INFORMATION ON 5-19-09 IT IS REPORTED THAT THERE WAS A POSSIBLE FAMILY VIOLENCE BETWEEN JAMES AND YORK. YORKS DAUGHTER CHRISTINA YORK REPORTED THAT SHE OBSERVED JAMES CHOKING YORK AND SLAMMING EITHER YORK'S HEAD OR CHEST INTO THE STEERING WHEEL. BOTH YORK AND JAMES ADVISED THEY WERE WRESTLING BECAUSE JAMES WANTED TO DRIVE THE VEHICLE AND YORK DIDN'T WANT HIM TO BECAUSE HE HAD BEEN DRINKING. NEITHER ONE REPORTED THAT THEY FELT THEY WERE IN DANGER OF BEING INJURED.

I WENT TO MULTI-MEDIA AND GAVE KATHERINE MEADOR A COPY OF THE ORIGINAL DVD RECORDING OF DEPUTY RAMSEY'S IN CAR VIDEO. KATHERINE MEADOR STATED THAT SHE NEEDED THIS RECORDING IN ORDER TO MAKE A MIX OF THE VIDEO FROM DEPUTY RAMSEY'S VEHICLE WITH THE AUDIO FROM OFC. BERRY IN CAR VIDEO.

I CALLED RANGER CODY MITCHELL TO UPDATE HIM ABOUT THE STATUS OF THE CASE. I ADVISED HIM OF WHAT I HAD DONE AND WHAT WAS LEFT TO DO. IT WAS AGREED THAT ONCE EVERYTHING WAS DONE I WE WOULD HAVE A MEETING AND GO OVER THE CASE.

DET. HAVENS ADVISED ME THAT THE CELL PHONE SUBPOENA FOR KIM SATTERWHITE YORK'S CELL PHONE AND THE E.M.S. SUBPOENA WERE IN. HE ADVISED ME THAT HE WOULD FAX THEM OFF TO THE APPROPRIATE PERSONNEL.

I BEGAN REVIEWING DEPUTY RAMSEY'S IN CAR VIDEO IN ORDER TO CREATE A TIME LINE OF THE EVENTS THAT OCCURRED. DEPUTY RAMSEY'S EXTERNAL MICROPHONE WAS NOT WORKING. DEPUTY RAMSEY HAD REPORTED THAT HIS MICROPHONE WAS NOT WORKING THE DAY BEFORE.

1-15-10

ON THIS DATE AT APPROXIMATELY 9AM I HAD AN APPOINTMENT TO TAKE A STATEMENT FROM CHIEF ACEVEDO IN REFERENCE TO HIS ACTIVITIES AT THE CRIME SCENE. THE INTERVIEW WAS CONDUCTED IN THE CHIEF'S OFFICE AND WAS AUDIO RECORDED. THE FOLLOWING IS A SUMMARY OF THE CHIEF'S STATEMENT, FOR EXACT VERBIAGE AND COMPLETE DETAILS OF HIS STATEMENT SEE EITHER THE AUDIO RECORDING OR THE TRANSCRIPTION OF HIS STATEMENT.

THE CHIEF WAS ADVISED OF THE OFFICER INVOLVED SHOOTING INVOLVING APD AND RESPONDED TO THE SCENE. HE ARRIVED ON THE SCENE AT APPROXIMATELY 4AM. UPON ARRIVAL HE CONTACTED THE INCIDENT COMMANDER WHO WAS A SGT. HE OBSERVED JAMES BROTHER AND INFORMED JAMES BROTHER THAT HE WOULD TALK TO HIM LATER. THE CHIEF WAS BRIEFED ABOUT THE INCIDENT. HE DIRECTED THE UNITS ON SCENE TO MOVE THE CRIME SCENE FURTHER BACK. HE THEN BEGAN MAKING THE NOTIFICATIONS THAT NEEDED TO BE SCENE. CHIEF STATED THAT HE DID NOT GO UP TO WHERE JAMES WAS LOCATED AND STAYED ON THE STREET.

THE CHIEF TALKED TO THE OFFICERS INVOLVED. HE ALSO TOOK OFC. BERRY TO A GAS STATION TO USE THE BATHROOM AND HE TOLD OFC. BERRY NOT TO WASH HIS

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HANDS. AFTER OFC. BERRY USED THE BATHROOM HE TOOK HIM BACK TO THE SCENE.

WHEN OFC. CATER TOLD THE CHIEF WHAT HAPPENED OFC. CATER TOLD HIM THAT HE TOOK COVER BEHIND A VEHICLE WHEN THE SHOTS WERE FIRED.

THE CHIEF STATED THAT HE TALKED WITH JACKIE GARRETT AND THE VICTIM, KIM SATTERWHITE YORK, TOLD HER THAT JAMES WAS FACING SOME CHARGES AND THAT HE TOLD HER THAT HE WASN'T GO TO GO TO COURT AND INFERRED THAT HE WAS GOING TO DIE THAT MORNING. HE SAID THAT HE INFORMED PEOPLE TO MAKE SURE S.I.U. KNEW OF THESE STATEMENTS.

HE LATER TALKED WITH THE DECEDENT'S FAMILY AND ASKED ABOUT THE CHARGES JAMES WAS FACING. THE SISTER OF JAMES AND SHE STATED THAT HE DID HAVE CHARGES PENDING BUT HIS ATTORNEY TOLD HIM THAT HE WAS CONFIDENT THAT HE WOULD WIN THE CASE.

THE CHIEF STATED THAT HE HAD REVIEWED ALL THE TAPES.

THE CHIEF STATED THAT WAS ALL HE REMEMBERED BUT IF HE REMEMBERED MORE HE WOULD LET ME KNOW.

UPON RETURNING TO THE OFFICE I SUBMITTED THE AUDIO RECORDING OF THE CHIEF'S STATEMENT TO TRANSCRIPTION.

I CONTINUED TO REVIEW DEPUTY RAMSEY'S IN CAR VIDEO AND CREATED A TIME LINE OF WHAT I SAW. THE EXTERNAL MICROPHONE FOR DEPUTY RAMSEY WAS NOT WORKING SO THE ONLY AUDIO WAS INSIDE THE VEHICLE. I WROTE DOWN THE TIMES OF SIGNIFICANT EVENTS THAT I HEARD OR SAW. SOME OF THE MAJOR EVENTS WERE AS FOLLOWS:

VIDEO STARTS 2:39:31  
ON SCENE 3:01:45  
DEPUTY RAMSEY MET WITH YORK 3:02:10  
OFC. CARTER ON SCENE 3:08:31  
OFFICERS/DEPUTY WALK TO RESIDENCE 3:11:41  
OFC. BERRY ADVISE JAMES BARRICADED WITH GUN 3:15:10  
DEPUTY RAMSEY BACK AT HIS VEHICLE 3:15:44  
PORCH LIGHT COMES ON 3:17:11  
OFC. BERRY RADIO'S "10-32 10-32" 3:17:33  
PORCH LIGHT TURNED OFF 3:17:38  
OFC. BERRY AND CARTER SEEN ON PASSENGER SIDE OF TRUCK 3:17:42  
1ST SHOT HEARD 3:17:55  
2ND SHOT HEARD/SEEN FROM OFFICER ON PASSENGER SIDE OF TRUCK 3:17:57  
DEPUTY RAMSEY RADIOS SHOTS FIRED 3:18:04  
DEPUTY RAMSEY CALLS FOR EMS 3:18:36  
OFC. CARTER MEETS WITH YORK 3:20:42  
OFFICERS APPEAR TO BE ENTERING THE RESIDENCE 3:23:23  
OFFICERS APPEAR TO BE EXITING THE RESIDENCE 3:24:40  
DEPUTY RAMSEY TAKING PHOTOGRAPHS 3:31:56

ONCE I HAD COMPLETED DEPUTY RAMSEY TIME LINE I MADE A COPY OF HIS TIME LINE AND THE TIME LINE I HAD CREATED FROM OFC. BERRY'S VIDEO AND GAVE THEM TO TESS SHERMAN SO SHE CAN MAKE A COMPUTER GENERATED GRAPH OF THE TIME LINE.

1-19-10

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ON THIS DATE I PICKED UP THE DVD KATHERINE MEADOR IN MULTI-MEDIA MADE WHICH COMBINED THE VIDEO FROM DEPUTY RAMSEY'S IN CAR VIDEO WITH THE AUDIO OF OFC. BERRY'S IN CAR VIDEO. THE TIME STAMP IN THE VIDEO IS FROM DEPUTY RAMSEY VEHICLE AND THE POINT THAT KATHERINE ALIGNED THE TWO RECORDINGS WAS WHEN THE UPSTAIRS LIGHT INSIDE THE HOUSE WAS TURNED ON.

WHILE KATHERINE MEADOR WAS SHOWING ME THE COMBINED DVD SHE SHOWED ME HOW OFC. BERRY'S VIDEO APPEARED AFTER IT WAS LIGHTENED. I COULD TELL THAT BY HER LIGHTENING THE VIDEO I WAS ABLE TO MAKE OUT A LOT MORE MOVEMENT. I ASKED THAT SHE MAKE A DVD OF THE LIGHTENED VIDEO FROM OFC. BERRY'S VEHICLE.

KATHERINE MEADOR WAS ALSO ABLE TO PULL JUST THE AUDIO OFF OF DEPUTY RAMSEY'S RECORDING AND PUT IT ON A CD FOR ME. UPON RETURNING TO THE OFFICE I SUBMITTED THE AUDIO FROM DEPUTY RAMSEY'S IN CAR RECORDING TO TRANSCRIPTION.

1-20-10

ON THIS DATE I WENT TO MULTI-MEDIA AT THE EAST SUB. I PICKED UP THE ENHANCED RECORDING OF OFC. BERRY'S IN CAR VIDEO FROM KATHERINE MEADOR. THE ENHANCED RECORDING SHOWS THE RECORDING LIGHTER AND ONLY HAS THE AUDIO FROM HIS EXTERNAL MICROPHONE.

WHILE THERE KATHERINE MEADOR GAVE ME THE VHS TAPES FROM OFC. BERRY AND OFC. CARTERS VEHICLE. THESE VHS TAPES WERE THE TAPES THAT WERE PUT IN OFC. BERRY'S AND OFC. CARTERS VEHICLE AFTER THE VHS TAPES THAT RECORDED THE SHOOTING WERE REMOVED BY SGT. HELLMER. THESE WERE RECORDED TO DVD'S AND DOCUMENTED AS BERRY 2 AND CARTER 2. KATHERINE MEADOR HAD RECEIVED THESE VHS TAPES DIRECTLY FROM PCO. THE TAPES WERE REQUESTED IN ATTEMPT TO FIND A CONVERSATION THAT OCCURRED BETWEEN JACKIE GARRETT AND KIM SATTERWHITE YORK. I WENT TO THE EAST SUB EVIDENCE ROOM AND TURNED BOTH THE TAPES IN AS EVIDENCE.

UPON RETURNING TO THE OFFICE I REVIEWED BERRY'S ENHANCED VIDEO. IN THE VIDEO IT IS POSSIBLE TO SEE THE MOVEMENT OF OFC. BERRY AND OFC. CARTER. AFTER OFC. BERRY AND OFC. CARTER RETREATED FROM THE FRONT DOOR OF THE RESIDENCE ONE OFFICER IS OBSERVED RETREATING BEHIND THE RED PICK UP TRUCK FROM THE REAR (BELIEVED TO BE OFC. CARTER) AND ANOTHER IS OBSERVED RETREATING TO THE RED PICK UP TRUCK FROM THE FRONT OF THE TRUCK (BELIEVED TO BE OFC. BERRY). BOTH OFFICERS MEET AT THE REAR OF THE RED PICK UP TRUCK. DEPUTY RAMSEY CAN NOT BE SEEN. A FLASH LIGHT IS OBSERVED LIGHTING THE 2ND STORY WINDOW, WHICH IS LOCATED ABOVE THE FRONT DOOR OF THE RESIDENCE. YOU CAN HEAR BOTH OFFICERS SAYING "GET BACK" IN RESPONSE TO YORK ASKING WHAT WAS GOING ON. DEPUTY RAMSEY IS HEARD YELLING "DROP IT, DROP IT, DROP IT". AT THIS POINT ONE OF THE OFFICERS, IT IS BELIEVED TO BE OFC. BERRY, MOVING TO THE FRONT OF THE RED PICK-UP TRUCK. THE FIRST SHOT IS HEARD AND A SHORT TIME LATER A SECOND SHOT IS HEARD. I DID NOT SEE ANYTHING THAT APPEARED TO BE A FLASH FROM A GUN.

1-21-10

ON THIS DATE I CREATED A TIME LINE OFF OF OFC. CARTERS IN CAR VIDEO. I WROTE DOWN THE TIMES OF SIGNIFICANT EVENTS THAT I HEARD OR SAW. SOME OF THE MAJOR EVENTS WERE AS FOLLOWS:

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CAMERA STARTS AT 2:59:17  
ARRIVES ON SCENE AT 3:09:19  
1ST KNOCKING ON DOOR 3:12:05  
1ST IDENTIFYING THEMSELVES AS AUSTIN POLICE DEPARTMENT 3:12:35  
OFC. BERRY HEARD ON RADIO ADVISING SUBJECT IS BARRICADED 3:14:58  
DEPUTY RAMSEY AT HIS VEHICLE 3:15:43  
SOUND CONSISTENT WITH RACKING A ROUND INTO SHOTGUN 3:16:38  
JAMES HEARD SAYING "YOU ALL BETTER BACK UP" 3:17:11  
HEAR COMMAND "DROP THE WEAPON" 3:17:29  
OFC. CARTER ADVISES ON RADIO BARRICADED SUBJECT WITH RIFLE 3:17:29  
DEPUTY RAMSEY YELLS "DROP IT, DROP IT, DROP IT" 3:17:42  
1ST SHOT HEARD 3:17:44  
2ND SHOT HEARD 3:17:45  
YORK STATES "HE WANTED YOU ALL TO KILL HIM" TWICE 3:23:00  
TAPE STOPS 3:42:48

THE NOTES I TOOK TO MAKE THE TIME LINE WILL BE PLACED IN THE CASE JACKET. I TURNED OVER A COPY OF MY NOTES TO TESS SHERMAN SO SHE CAN MAKE A COMPUTER GENERATED GRAPH OF THE TIME LINE.

I TOUCHED BASE WITH DET. CRAIG SMITH WITH TCSO. DET. SMITH REQUESTED A COUPLE OF OUR VIDEOS FOR THEIR INTERNAL AFFAIRS INVESTIGATION. I TOLD HIM THAT I COULD GET HIM A COPY OF ALL THE IN CAR VIDEO'S AND THE MIX OF DEPUTY RAMSEY VIDEO WITH OFC. BERRY'S AUDIO AND THE ENHANCE VIDEO FROM OFC. BERRY'S VEHICLE. HE STATED THAT WOULD BE GOOD AND ADVISED HE WOULD PICK THEM UP ON 1-22-10.

ON THIS DATE I CONTACTED ROBYN HOOD IN APD COMMUNICATIONS. I ASKED HER IF IT WAS POSSIBLE TO GET A TIME STAMP FOR ALL RADIO TRAFFIC FOR THE TIME LINE. SHE STATED THAT RADIO TRAFFIC CREATES A TIME STAMP EVERY TIME SOMETHING IS TRANSMITTED OVER THE RADIO. SHE SAID THAT THE RADIO TRAFFIC FOR THIS EVENT WOULD BE SO LONG THAT IT WOULD NOT BE POSSIBLE TO SEND ALL THE TIMES FOR EACH TRANSMISSION. SHE ADVISED THAT IF THERE WAS ONE TRANSMISSION THAT WAS DONE SHE WOULD BE ABLE TO PULL UP THE TIME FOR THAT TRANSMISSION BUT FOR THE ENTIRE RADIO TRAFFIC FOR THIS EVENT WOULD BE EXTREMELY LARGE. I ADVISED HER THAT AT THIS TIME I WOULD NOT NEED ANY TIMES FOR THE RADIO TRAFFIC BUT IF AT A LATER DATE I FOUND CERTAIN TRANSMISSIONS THAT I NEEDED A TIME FOR I WOULD LET HER KNOW.

1-22-10

I RECEIVED THE INFORMATION REQUESTED FROM EMS AS A RESULT OF A GRAND JURY SUBPOENA.

1-25-10

ON THIS DATE DET. CRAIG SMITH WITH TCSO CAME TO MY OFFICE AND PICKED UP A COPY OF ALL THE IN CAR CAMERA RECORDINGS EXCLUDING DEPUTY RAMSEY'S.

1-26-10

ON THIS DATE MYSELF AND DET. ROGERS WENT TO THE MEDICAL EXAMINER'S OFFICE AND PICKED UP THE MEDICAL EXAMINER'S REPORT. THE REPORT SHOWS THAT IN THE OPINION OF THE M.E. ROGER TYRONE JAMES DIED AS THE RESULT OF A SHOTGUN WOUND OF THE CHEST. THE REPORT INDICATES THAT THE PROJECTILE DIRECTION IS FRONT TO BACK, RIGHT TO LEFT AND SLIGHTLY DOWN. INCLUDED IN THE REPORT IS THE TOXICOLOGY FOR JAMES. THE TOXICOLOGY SHOWS THAT JAMES'S BAC WAS .22

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FROM THE BLOOD. NO OTHER SUBSTANCES THAT WERE TESTED FOR WERE DETECTED IN JAMES'S BLOOD OR URINE.

DET. ROGERS AND I THEN WENT TO THE EAST SUB AND PICKED UP THE ENHANCED AUDIO RECORDING (EXTERNAL MIC ONLY) FOR CPL. YATES IN CAR VIDEO. UPON RETURNING TO THE OFFICE I SUBMITTED THIS ENHANCED AUDIO RECORDING TO TRANSCRIPTION.

I SENT GREG KARIM AN E-MAIL INFORMING HIM THAT I HAD RECEIVED THE MEDICAL EXAMINER REPORT. HE ASKED IF HE COULD GET A COPY OF THE REPORT. I SCANNED THE REPORT IN THE PRINTER AND E-MAILED IT TO ME. FROM MY E-MAIL SYSTEM I E-MAILED THE REPORT TO GREG KARIM. I ALSO E-MAILED RANGER CODY MITCHELL A COPY OF THE REPORT. I CALLED DET. CRAIG SMITH WITH TCSO AND LEFT A VOICE MESSAGE ADVISING HIM THAT THE REPORT WAS IN AND THAT I COULD E-MAIL IT TO HIM IF HE NEEDED IT.

1-27-10

THE INFORMATION REQUESTED VIA A GRAND JURY SUBPOENA FROM SPRINT WAS RECEIVED.

2-3-10

I TALKED WITH RODNEY JONES AND HE STATED THAT HE DID NOT KNOW KIMBERLY SATTERWHITE YORK AND HAD NOT RECEIVED A PHONE CALL FROM HER PHONE ON THE MORNING OF 12-28-10.

2-4-10

ON THIS DATE I GAVE SGT. WALKER WITH IA A COMPLETE COPY OF THE CASE JACKET. HE SIGNED A RELEASE FORM WHICH WAS PLACED IN THE CASE JACKET.

2-5-10

ON THIS DATE GREG KARIM NOTIFIED ME THAT HE HAD COMPLETED THE FIREARM EXAMINATION. HE SUPPLIED ME WITH A DISC CONTAINING A COPY OF HIS REPORT.

2-8-10

I SUPPLIED CRAIG SMITH, TCSO, AND CODY MITCHELL, TEXAS RANGER, WITH A COMPLETE COPY OF THE CASE JACKET. CRAIG SMITH ASKED ABOUT RELEASING DEPUTY RAMSEY'S WEAPON AND I TOLD HIM THAT GREG KARIM WAS DONE WITH IT AND I WOULD WRITE A SUPPLEMENT RELEASING IT. I GAVE CRAIG SMITH THE PHONE NUMBER TO THE EAST SUB EVIDENCE ROOM ALONG WITH THE CASE NUMBER THE SHOTGUN WAS TURNED IN UNDER.

I TEXT CLAIRE DAWSON-BROWN AND ASKED HER IF I COULD RELEASE THE WEAPON BACK TO RAMSEY. I CHECKED WITH SGT. SHIRLEY AND HE ADVISED I COULD RELEASE THE WEAPON IF IT WAS APPROVED BY DAWSON-BROWN.

CLAIRE DAWSON-BROWN RESPONDED AND STATED SINCE THAT WAS THE WEAPON USED THAT SHOT JAMES SHE WANTED TO KEEP IT UNTIL AT LEAST THE GRAND JURY HEARS THE CASE.

2-11-10

ON THIS DATE DEPUTY RAMSEY CALLED ME AND REQUESTED HIS GLOVES BE RETURNED

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TO HIM. I CALLED CLAIRE DAWSON-BROWN AND ASKED HER IF DEPUTY RAMSEY'S GLOVES COULD BE RELEASED TO HIM. SHE STATED THAT DUE TO THE FACT THAT DEPUTY RAMSEY STATED THAT HE FIRED THE SHOTGUN IN BOTH A WRITTEN AND VIDEO STATEMENT SHE SAW NO NEED TO CONDUCT A GSR TEST ON THE GLOVES. SHE ADVISED THAT THE GLOVES COULD BE RELEASED BACK TO DEPUTY RAMSEY. I COMPLETED A SUPPLEMENT STATING THE GLOVES MAY BE RELEASED AND SENT IT TO APD EVIDENCE ROOM.

2-12-10

I HAVE BEEN NOTIFIED THAT THE DNA ANALYSIS CONDUCTED IN THIS CASE HAD BEEN COMPLETED. I CHECKED THE SUPPLEMENT SUBMITTED BY ELIZABETH MORRIS. IN MORRIS SUPPLEMENT SHE CONCLUDED THAT THE BLOOD LOCATED ON BERRY'S GLOVE CAME FROM JAMES EXCLUDING ANY IDENTICAL SIBLINGS.

A SWAB WAS TAKEN FROM THE BEER BOTTLE LOCATED IN THE FRONT YARD AND THE DNA FROM THE SWAB OF THE BOTTLE SHOWS THAT HE IS THE MAJOR COMPONENT OF THAT SWAB EXCLUDING ANY IDENTICAL SIBLINGS.

A DNA PROFILE FROM THE STAIN LOCATED ON THE FRONT PORCH SHOWS THAT JAMES IS THE MAJOR COMPONENT OF THAT SWAB EXCLUDING ANY IDENTICAL SIBLINGS.

A DNA PROFILE FROM THE SWAB OF THE PISTOL (TAKEN FROM THE TRIGGER, INSIDE THE TRIGGER GUARD, THE RELEASE BUTTON AND THE GROOVED SIDES OF THE SLIDE) IS CONSISTENT WITH A MIXTURE OF DNA. JAMES CAN NOT BE EXCLUDED AS A CONTRIBUTOR TO THE STAIN. THE PROBABILITY OF SELECTING AN UNRELATED PERSON AT RANDOM WHO COULD BE A CONTRIBUTOR TO THE SWAB IS 1 IN 175,600 FOR CAUCASIANS, 1 IN 90,660 FOR BLACKS AND 1 IN 316,100 FOR HISPANICS.

A DNA PROFILE FROM THE SWAB OF THE GRIPS OF THE PISTOL IS CONSISTENT WITH A MIXTURE OF AT LEAST THREE INDIVIDUALS. JAMES CAN NOT BE EXCLUDED AS A CONTRIBUTOR. THE PROBABILITY OF SELECTING AN UNRELATED PERSON AT RANDOM WHO COULD BE A CONTRIBUTOR TO THIS STAIN IS 1 IN 179 FOR CAUCASIANS, 1 IN 189 FOR BLACKS AND 1 IN 365 FOR HISPANICS.

2-22-10

ON 2-19-10 OFC BERRY CALLED ME IN RESPONSE TO AN E-MAIL I SENT REQUESTING A PHONE CALL FROM HIM. I ASKED OFC BERRY ABOUT JAMES' DRIVERS LICENSE. OFC BERRY STATED HE FOUND IT IN JAMES' FRONT SHIRT POCKET. HE STATED WHILE HE WAS PERFORMING CPR THE DL CAME OUT OF JAMES SHIRT POCKET. OFC BERRY STATED THAT WHEN HE FOUND THE DRIVERS LICENSE HE FELT IT WAS STRANGE BECAUSE HE FELT CARRYING A DRIVERS LICENSE IN A SHIRT POCKET AT 3AM WHEN THE PERSON WAS HOME DIDN'T SEEM NORMAL FOR HIM. OFC BERRY STATED IT WAS AT THIS POINT THAT HE FIRST THOUGHT THAT JAMES MAY HAVE WANTED TO COMMIT SUICIDE WHEN HE CAME OUT OF THE HOUSE.

I CALLED RODNEY JAMES AND ASKED IF I COULD COME BY FOR HIM TO SIGN A WRITTEN STATEMENT. HE STATED HE WOULD BE WILLING TO DO THAT BUT WANTED TO CLARIFY THAT HE WAS IN TOWN ON 12-28-09. HE STATED HE STILL DOES NOT REMEMBER RECEIVING A PHONE CALL FROM YORK OR JAMES. HE ADVISES THAT HE DOES NOT KNOW THAT MANY AFRICAN AMERICAN PEOPLE AND DOESN'T KNOW EITHER YORK OR JAMES. WE SET UP AN APPOINTMENT FOR HIM TO SIGN HIS STATEMENT ON 12-24-09 AROUND 3PM.

TESS SHERMAN SUPPLIED ME WITH A COPY OF THE TIME LINE TO BE REVIEWED. IT CONTAINED THE TIME LINE FOR OFC BERRY, OFC CARTER, DEPUTY RAMSEY, APD CAD

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SHEET AND YORKS CELL PHONE RECORDS.

3-3-10

A CANVAS OF JOHNNY WEISMULLER AND THE ADJOINING STREETS WAS CONDUCTED WITHIN A COUPLE DAYS OF THE SHOOTING. IF NO ONE ANSWERED THE DOOR AT THE TIME OF THE CANVAS A FLYER WAS LEFT AT THE RESIDENCE REQUESTING THEY CONTACT US IF THEY HAD INFORMATION REGARDING THE SHOOTING. WE RECEIVED SEVERAL PHONE CALLS FROM THE FLYERS AND TOOK STATEMENTS FROM THOSE WHO CONTACTED US. IF SOMEONE WAS CONTACTED BUT WE WERE UNABLE TO CONTACT THEM FOR A FOLLOW UP WRITTEN STATEMENT ANOTHER FLYER WAS LEFT AT THEIR RESIDENCE REQUESTING THEY CALL US. THE NEWS WAS ALSO MONITORED FOR POTENTIAL WITNESSES AND ONE WITNESS WAS LOCATED AND A WRITTEN STATEMENT WAS OBTAINED FROM HIM.

THE CANVAS SPREAD SHEET WILL BE SCANNED INTO THE OFFENSE REPORT.

**Follow Up # 2**

**Assignment Information**

Assigned to **AP2512 - HAVENS, DOUGLAS A** Rank : **DETECTIVE**

Org unit : **SPECIAL INVESTIGATIONS UNIT**

Capacity : **SUPPLEMENTAL**

Assigned on **Dec-29-2009 (Tue.) 1008** by **AP2512 - HAVENS, DOUGLAS A**

Report due on **Jun-27-2010 (Sun.)**

**Submission Information**

Submitted on **Feb-18-2010 (Thu.)**

Checked by : **AP1378 - SHIRLEY, RICHARD ALLAN**

Approved on **Mar-08-2010 (Mon.)** by **AP1378 - SHIRLEY, RICHARD ALLAN**

Follow Up completed : **YES**

**Related text page(s)**

Document : **SUPPLEMENTS**

Author : **AP2512 - HAVENS, DOUGLAS A**

Subject : **OIS Inquiry Support**

Related date/time : **Dec-30-2009**

12/28/2009:

AT APPROXIMATELY 3:30AM ON 12/28/2009, I RECEIVED NOTIFICATION VIA PAGER FROM SIU SUPERVISOR SGT R SHIRLEY REGARDING AND OFFICER INVOLVED SHOOTING AT 11815 JOHNNY WEISMULLER. SGT SHIRLEY INSTRUCTED ME TO RESPOND TO THE SIU OFFICES IN ORDER TO OBTAIN STATEMENTS AND CONDUCT INTERVIEWS.

UPON ARRIVAL AT THE CITY OF AUSTIN "MOTOROLA BUILDING", I AWAITED WORD ON WITNESSES. SGT SHIRLEY INFORMED ME VIA TELEPHONE THAT APD VICTIM SERVICE COUNSELOR CONSTANCE GEERHART WOULD TRANSPORT THE GIRLFRIEND OF THE SUBJECT SHOT BY POLICE TO THE MOTOROLA BUILDING. I SET UP INTERVIEW ROOM #1 TO RECEIVE HER.

SHORTLY AFTER CONSTANCE ARRIVED WITH THE WITNESS, SHE INFORMED ME THAT A NUMBER OF FAMILY MEMBERS HAD COME DOWN WITH HER. THE WITNESS WAS IDENTIFIED TO ME AS KIMBERLY SATTERWHITE. PRIOR TO MY SPEAKING WITH KIMBERLY,

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CONSTANCE INFORMED ME THAT KIMBERLY HAD COMMENTED TO A VICTIM SERVICE COUNSELOR THAT THE DECEASED BOYFRIEND HAD A TRIAL DATE SET FOR JANUARY 2010 ON AN INDECENCY WITH CHILD CHARGE. KIMBERLY HAD EVIDENTLY INDICATED THAT THE DECEDENT TOLD HER HE HAD NO INTENTION OF MAKING THIS COURT APPEARANCE.

A COUPLE OTHER VICTIM SERVICE COUNSELORS HAD PRECEDED CONSTANCE TO THE MOTOROLA BUILDING. THESE COUNSELORS INDICATED TO ME THAT MOST OF THE FAMILY MEMBERS ACCOMPANYING KIMBERLY SEEMED CALM AND CORDIAL; HOWEVER, KIMBERLY'S FATHER, LATER IDENTIFIED AS RUBEN SATTERWHITE, APPEARED AGITATED AT THE SCENE AND SEEMED TO OPPOSE ANY COOPERATION WITH POLICE. THEY EXPRESSED SOME CONCERN ABOUT THE POSSIBILITY OF RUBEN CAUSING A DISTURBANCE. I CALLED FOR PATROL SUPPORT, WHICH ARRIVED IN SHORT ORDER. I HAD REQUESTED PATROL ENTER THROUGH THE BACK ENTRANCE SO AS NOT TO ALERT THE FAMILY, WAITING IN THE CENTRAL LOBBY, OF THEIR PRESENCE. I HAD OBSERVED THE FAMILY UP TO THAT POINT AND SAW ABSOLUTELY NO SIGN WHATSOEVER OF ANY INCLINATION TOWARD UNREST, ALTHOUGH I DID OBSERVE RUBEN EXHIBITING SIGNS THAT HE WAS NOT REALLY HAPPY WITH THE WHOLE SITUATION. THIS SEEMED UNDERSTANDABLE UNDER THE CIRCUMSTANCES. I RELEASED PATROL FROM THE SCENE, GIVEN THAT I OBSERVED NO SIGNS THAT THEIR INTERVENTION WOULD BE REQUIRED.

VICTIM SERVICE ESCORTED KIMBERLY TO INTERVIEW ROOM #1. KIMBERLY INFORMED ME THAT SHE WOULD NOT MAKE A STATEMENT UNTIL SHE HAD CONSULTED WITH HER FATHER. AS HER COOPERATION IN THIS MATTER WAS ENTIRELY VOLUNTARY IN NATURE, I SAW NO REASON TO REFUSE THIS DEMAND. I TOOK KIMBERLY BACK OUT TO THE BREAKROOM AREA, WHERE SHE MET WITH RUBEN AND THEIR MINISTER. THE MINISTER IDENTIFIED HIMSELF TO ME AS ARTHUR MCDONALD. AS THE LENGTH OF THEIR CONSULTATION CONTINUED TO GROW, I DECIDED TO CUT OFF THE RECORDINGS FOR THE INITIAL CONTACT (DVD VIDEO AND DIGITAL AUDIO). THESE RECORDINGS WERE RETAINED FOR THE CASE FILE.

AFTER SOME TIME, KIMBERLY INFORMED ME THAT SHE HAD DECIDED TO MAKE A STATEMENT; HOWEVER, SHE INSISTED THAT RUBEN ATTEND THE INTERVIEW WITH HER. THIS WAS A CONDITION OF MAKING A STATEMENT. AGAIN, HER COOPERATION WAS ENTIRELY VOLUNTARY AND I SAW NO MECHANISM AVAILABLE THAT WOULD ALLOW ME TO REFUSE THIS REQUEST AND STILL OBTAIN HER STATEMENT. I DID FEEL CONCERN THAT KIMBERLY WOULD NOT BE ENTIRELY FORTHCOMING WITH HER FATHER PRESENT BECAUSE SHE MIGHT FEAR HIS DISAPPROVAL OVER HER TOLERATING ACTIONS BY THE BOYFRIEND (ROGER JAMES) THAT HE CONSIDERED UNACCEPTABLE. I DO NOT KNOW WHETHER THIS WAS A FACTOR. RUBEN DID NOT ACTIVELY INTERFERE IN THE INTERVIEW IN ANY WAY THOUGH. HE PRETTY MUCH SPOKE ONLY WHEN ASKED ABOUT SOMETHING. KIMBERLY IDENTIFIED HERSELF AS KIMBERLY SATTERWHITE YORK. I OBTAINED A SWORN STATEMENT IN WRITING FROM KIMBERLY. THE INTERVIEW WAS RECORDED ON DVD VIDEO AND DIGITAL AUDIO. REFER TO STATEMENT AND RECORDINGS FOR SPECIFIC INFORMATION FROM KIMBERLY. RUBEN SATTERWHITE (DOB: ) PROVIDED HIS ADDRESS AS 703 ALETHA LN, ALONG WITH PHONE NUMBERS (HOME) AND (CELL). KIMBERLY PROVIDED HER MOTHER'S CELL PHONE ) AS A MEANS OF CONTACTING HER WHILE HER OWN PHONE WAS OUT OF POCKET.

AFTER OBTAINING KIMBERLY'S STATEMENT, I CUT OFF THE RECORDINGS AND ALLOWED KIMBERLY TO GET READY TO LEAVE WITH HER FAMILY. I RECEIVED A CALL FROM SGT SHIRLEY INDICATING THAT INVESTIGATORS AT THE SCENE NEEDED ME TO ASK KIMBERLY WHETHER SHE WOULD CONSENT TO A SEARCH OF HER RESIDENCE AT 11815 JOHNNY WEISMULLER LN. I STARTED NEW DVD VIDEO AND DIGITAL AUDIO RECORDINGS. KIMBERLY SIGNED A WRITTEN CONSENT TO THE SEARCH OF HER RESIDENCE. KIMBERLY THEN LEFT WITH FAMILY MEMBERS.

AFTER SOME TIME, OFFICERS WHO HAD SECONDARY INVOLVEMENT IN THE INCIDENT

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STARTED ARRIVING. FELLOW SIU DETECTIVES R FOX AND H ROBINSON OBTAINED STATEMENTS FROM OFFICER CANE, OFFICER MOONEY, CPL YATES, AND SGT HELLMER.

IAD SGT M GUTIERREZ HAD COLLECTED THE PERTINENT CAR CAMERA VHS TAPES FROM THE PATROL CARS AT THE SCENE. HE SUBSEQUENTLY BROUGHT THEM TO THE MOTOROLA BUILDING. HE INITIATED THE DUBBING OF A VHS COPY OF THE TAPE OBTAINED FROM THE PATROL CAR USED BY OFFICER JUSTIN BERRY.

OFFICER MICHAEL CARTER, WHO WAS PRESENT FOR THE SHOOTING, ARRIVED LATER THAT MORNING WITH ATTORNEY TOM STRIBLING. AT THE DIRECTION OF THE CHIEF OF POLICE, AND VERIFIED THROUGH SGT SHIRLEY, I ALLOWED MR STRIBLING AND OFFICER CARTER TO REVIEW HIS CAR CAMERA RECORDING PRIOR TO HIS MAKING A STATEMENT. BECAUSE OF RESOURCE CONSTRAINTS, WE HAD NOT BEEN ABLE TO MAKE A COPY OF THE CAR CAMERA VIDEOTAPE. WITH THE APPROVAL OF SGT SHIRLEY, I ALLOWED THEM TO VIEW THE ORIGINAL VIDEOTAPE. I WAS PRESENT FOR THE REVIEW IN ORDER TO MAINTAIN OVERSIGHT AND CONTROL OF THE TAPE. AFTER THEY FINISHED THE VIEWING, I RETURNED THE TAPE TO SGT GUTIERREZ. I THEN OBTAINED A SWORN STATEMENT IN WRITING. MR STRIBLING WAS PRESENT FOR THE INTERVIEW. I RECORDED THE INTERVIEW ON DVD VIDEO AND DIGITAL AUDIO. REFER TO STATEMENT AND RECORDINGS FOR SPECIFIC INFORMATION FROM OFFICER CARTER.

OFFICER JUSTIN BERRY, WHO HAD FIRED HIS SIDEARM DURING THE INCIDENT, ARRIVED DURING THIS TIME. WHEN THE DUBBING PROCESS FINISHED, I ALLOWED OFFICER BERRY AND MR STRIBLING TO VIEW THE COPY TAPE. I WAS NOT PRESENT FOR THIS VIEWING BECAUSE NO CUSTODIAL ISSUES ASSOCIATED WITH EVIDENCE ATTACHED TO THE COPY TAPE. AFTER THEY FINISHED THE VIEWING, I CONDUCTED AN INTERVIEW WITH OFFICER BERRY. ON THE ADVICE OF MR STRIBLING, OFFICER BERRY PLACED CONDITIONS ON VOLUNTEERING TO INTERVIEW. HE AND MR STRIBLING STIPULATED THAT NO VIDEO RECORDING BE MADE AND NO WRITTEN STATEMENT BE OBTAINED. OFFICER BERRY WOULD MAKE HIS STATEMENT ONLY IF AUDIO RECORDING ALONE WAS USED. AS OFFICER BERRY'S COOPERATION WITH SIU WAS STRICTLY VOLUNTARY, I AGREED TO THESE CONDITIONS. THE INTERVIEW WAS RECORDED ON DIGITAL AUDIO ONLY. REFER TO THE AUDIO RECORDING FOR SPECIFIC INFORMATION FROM OFFICER BERRY.

12/29/2009:

I CONTINUED SUPPORT FOR THE OIS FOLLOW-UP INQUIRY BY SUBMITTING LIMS REQUESTS FOR FORENSIC PROCESSING OF ITEMS SEIZED PURSUANT TO THIS CASE.

- 1) OFC BERRY GLOVES - DNA
- 2) OFC BERRY JACKET - DNA
- 3) LORCIN PISTOL - DNA & FINGERPRINT
- 4) BEER BOTTLE - DNA & FINGERPRINT
- 5) SWABS FROM PORCH PILLAR - DNA
- 6) ROGER JAMES REFERENCE SAMPLE - DNA

I SPOKE AGAIN WITH KIMBERLY SATTERWHITE YORK VIA TELEPHONE. KIMBERLY INDICATED THAT SHE AMENABLE TO CONSENTING TO EXAMINATION OF HER CELL PHONE, FOUND ON THE PERSON OF ROGER JAMES, AND BUCCAL SWABS TO PROVIDE A REFERENCE SAMPLE OF HER DNA.

I ACCOMPANIED LEAD INVESTIGATOR DETECTIVE S BENNINGFIELD TO 703 ALETHA LN, WHERE KIMBERLY WAS STAYING WITH HER PARENTS. KIMBERLY MET WITH US THERE. DETECTIVE BENNINGFIELD CONDUCTED A BRIEF SECONDARY INTERVIEW TO CLARIFY SOME MATTERS. SHE RECORDED THIS ON DIGITAL AUDIO. REFER TO RECORDING FOR SPECIFIC INFORMATION FROM KIMBERLY. KIMBERLY SIGNED WRITTEN CONSENT FORMS

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FOR SEARCHING HER CELL PHONE AND BUCCAL SWABS. KIMBERLY HAD INDICATED HAVING A "KNOT" ON HER FOREHEAD FROM THE STRUGGLE WITH ROGER. DET BENNINGFIELD HAD ALLOWED FOR A DAY TO PASS TO ALLOW ANY SUCH INJURY TIME TO "BLOOM". ON THIS DATE, KIMBERLY REPORTED THAT THE SWELLING HAD GONE DOWN BUT A BRUISE MARK WAS STILL VISIBLE. WE OBTAINED 1 OVERALL PHOTOGRAPH OF KIMBERLY ALONG WITH 1 SPECIFIC PHOTOGRAPH OF THE INJURY. THE REMAINING VISIBLE INJURY, AS POINTED OUT BY KIMBERLY, CONSISTED OF A SMALL DARK SPOT. THIS SPOT WAS SOMEWHAT REMINISCENT OF A SQUARE, ABOUT A QUARTER OF AN INCH ACROSS OR SLIGHTLY LARGER. DET BENNINGFIELD PROCEEDED TO OBTAIN BUCCAL SWABS, WHICH SHE THEN PLACED INSIDE A STANDARD "SPEX" BOX. I TOOK CUSTODY OF THE BOX. UPON RETURN TO THE SIU OFFICES, I SECURED THE BOX IN MY LOCKED OFFICE.

12/30/2009:

DETECTIVE H ROBINSON AND I WENT TO THE ESUB ON THIS DATE. I SUBMITTED THE BUCCAL SWABS FROM KIMBERLY INTO EVIDENCE VIA DROP BOX # 067. I LATER SUBMITTED A LIMS REQUEST FOR DNA PROCESSING ON IT. I ALSO UPLOADED THE 2 PHOTOGRAPHS OF KIMBERLY TO THE SECURE SERVER FOR DIGITAL IMAGERY.

I NEXT TRIED TO OBTAIN KIMBERLY'S CELL PHONE, WHICH WAS FOUND ON ROGER'S BODY. I DISCOVERED THAT THE PHONE WAS LISTED ON THE VERSADIX PROPERTY LIST BUT HAD NOT ACTUALLY BEEN SUBMITTED TO THE EVIDENCE ROOM. FORENSIC DIVISION SUPERVISOR J PENA HAD LAB STAFF (I FARRELL) FOLLOW ESTABLISHED PROCEDURE TO OBTAIN THE PHONE FROM ITS TEMPORARY STORAGE IN THE LAB FACILITY. FARRELL TURNED THE PHONE OVER TO ME. I TRANSPORTED THE PHONE TO MARVIN GILLEY IN THE COMPUTER FORENSIC LABORATORY. DET GILLEY INFORMED ME THAT THE PHONE'S BATTERY WAS DEAD AND HE COULD DO NOTHING. NO CHARGER FOR THAT PARTICULAR PHONE APPEARED TO BE AVAILABLE IN THE LAB OR IN THE MOTOROLA BUILDING. DET H ROBINSON CALLED A SPRINT STORE AT 1201 BARBARA JORDAN BLVD. STAFF INDICATED THAT THEY COULD CHARGE THE BATTERY PROVIDED WE BROUGHT THE PHONE TO THEM. UPON ARRIVAL THERE, STAFF REPORTED THEY HAD FOUND A SPARE POWER ADAPTOR. THEY NO LONGER NEEDED THIS PARTICULAR DEVICE. THE SPRINT STORE DONATED THIS CHARGER TO THE COMPUTER FORENSIC LAB. I BROUGHT THE PHONE AND CHARGER BACK TO DET GILLEY FOR EXAMINATION.

LATER IN THE DAY, DET GILLEY INFORMED ME THAT THE PHONE IN QUESTION APPEARED TO HAVE A PROBLEM. EVEN AFTER CHARGING FOR AN HOUR, THE PHONE WOULD DISPLAY A PALM COMPANY LOGO AND APPEAR TO WANT TO START UP BUT WOULD JUST KEEP SHOWING THAT SYMBOL. DET GILLEY REPORTED THAT HE HAD NO MEANS TO EXAMINE ANY DATA ON THE PHONE IF THE PHONE FAILED TO BOOT UP. WE AGREED TO LET THE PHONE CHARGE OVERNIGHT AND SEE WHETHER IT WOULD BOOT UP THE FOLLOWING DAY.

12/31/2009:

ON THIS DATE, DET GILLEY EXAMINED THE PHONE AND VERIFIED THAT, DESPITE CHARGING OVERNIGHT, THE PHONE WOULD NOT BOOT UP. I SPOKE WITH KIMBERLY VIA TELEPHONE. SHE INDICATED THAT SHE HAD EXPERIENCED SOME PROBLEMS WITH THE PHONE BEFORE AND SPECULATED THAT THE BATTERY WAS DRAINED. I APPRISED HER OF OUR EFFORT TO CHARGE THE BATTERY. KIMBERLY THOUGHT THAT, AT THIS POINT, SOMETHING MUST HAVE HAPPENED TO THE PHONE, POSSIBLY WHILE ROGER JAMES HAD IT. SHE INDICATED SHE WOULD TAKE IT TO A SPRINT REPAIR LOCATION AFTER SHE GOT THE PHONE BACK.

AT THIS POINT, THE PHONE HAD NO EVIDENTIARY VALUE. DET GILLEY HAD TOLD ME THAT HE COULD NOT EXAMINE IT WITHOUT IT BOOTING UP. I ALREADY HAD

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AUTHORIZATION FROM SIU SUPERVISOR SGT SHIRLEY AND TRAVIS COUNTY ASSISTANT DISTRICT ATTORNEY CLAIRE DAWSON-BROWN TO RETURN THE PHONE AFTER EXAMINATION.

I PROCEEDED TO 703 ALETHA LN AND MET WITH KIMBERLY SHORTLY AFTER 11AM. KIMBERLY VIEWED A DL PICTURE OF ROYDEL JAMES YOE AND VERIFIED THAT THIS WAS THE ROYDEL WITH WHOM SHE WAS SPEAKING WHEN ROGER JAMES INTERRUPTED HER ON THE NIGHT IN QUESTION. KIMBERLY PROVIDED HIS PHONE NUMBER AS . SHE ALSO REPORTED THAT ROGER JAMES WAS RIGHT HANDED AS FAR AS SHE KNEW. KIMBERLY SIGNED AN SIU RELEASE FORM FOR THE PHONE.

01/04/2010:

ABOUT 9:20AM, I CALLED THE PHONE NUMBER KIMBERLY HAD PROVIDED FOR ROYDEL YOE AND LEFT VOICE MAIL ASKING THAT HE CALL ME.

I SENT AN E-MAIL REQUEST TO NICOLE WAGGONER AT THE DA OFFICE FOR SUBPOENAS TO OBTAIN THE EMS "RUNSHEET" AND RECORDS FROM SPRINT FOR KIMBERLY'S CELL PHONE. NICOLE LATER CALLED ME TO INFORM ME THAT SHE DOES NOT HANDLE SUBPOENA REQUESTS FOR OIS INCIDENTS. THESE GO THROUGH NORMA HILBIG, WHO HAD HELPED ME ON PAST OCCASIONS. NICOLE HAD FORWARDED MY REQUEST TO NORMA.

01/06/2010:

HAVING HAD NO SUCCESS REACHING ROYDEL YOE VIA TELEPHONE, FELLOW SIU DETECTIVE C ROGERS AND I PROCEEDED TO HIS LIKELY ADDRESS AT 1711 RUTLAND DR #128. AFTER SOME REPEATED KNOCKING AT THE DOOR, ROYDEL OPENED THE DOOR AND MET WITH US. I RECOGNIZED HIM AS ROYDEL FROM HIS ID CARD PICTURE AND IMAGEBANK PICTURE.

I RECORDED THE BRIEF CONVERSATION ON DIGITAL AUDIO. REFER TO RECORDING FOR SPECIFIC INFORMATION FROM ROYDEL. ROYDEL AGREED TO COME TO THE SIU OFFICES AT ABOUT 8AM ON FRIDAY 01/08/2010 IN ORDER TO SWEAR OUT A STATEMENT.

01/08/2010:

ROYDEL YOE FAILED TO SHOW FOR HIS APPOINTMENT. I CALLED HIS PHONE ABOUT 10AM AND LEFT ANOTHER VOICE MAIL ASKING THAT HE CALL ME BACK.

01/12/2010:

ROYDEL YOE HAD CONTACTED FELLOW SIU DETECTIVE C ROGERS AND SCHEDULED A NEW APPOINTMENT FOR 12 NOON ON THIS DATE. ROYDEL AGAIN FAILED TO SHOW AND WE RECEIVED NO CALLS FROM HIM. I CALLED HIS PHONE AGAIN AND LEFT ANOTHER VOICE MAIL ASKING THAT HE CALL TO SCHEDULE A NEW APPOINTMENT. I INFORMED HIM THAT WE COULD EVEN ARRANGE TO MEET HIM SOMEWHERE.

01/14/2010:

ROYDEL YOE CALLED AND SET UP A NEW APPOINTMENT FOR SOMETIME IN THE VICINITY OF 12:30PM TO 1:00PM ON FRIDAY 01/15/2010.

I PICKED UP THE SUBPOENAS FOR THE EMS RUNSHEET AND FOR THE SPRINT RECORDS ON KIMBERLY YORK'S PHONE. I SENT OUT THE EMS SUBPOENA TO CUSTODIAN OF RECORDS ERMINIA "MINNIE" LOPEZ VIA E-MAIL. I SENT A FAX COPY OF THE SPRINT SUBPOENA TO THE SPRINT SUBPOENA COMPLIANCE OFFICE.

01/15/2010:

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ROYDEL YOE ARRIVED FOR HIS APPOINTMENT. I OBTAINED A SWORN STATEMENT FROM HIM VERIFYING THAT HE WAS ON THE PHONE WITH KIM WHEN HE HEARD A MALE VOICE ASK WHOM SHE WAS TALKING TO. KIM SAID SHE WOULD CALL ROYDEL BACK AND HUNG UP. I RECORDED THE INTERVIEW ON DVD VIDEO AND DIGITAL AUDIO. I HAD PREPARED PART OF ROYDEL'S STATEMENT, BASED ON OUR CONVERSATION AT HIS APARTMENT, AHEAD OF TIME. I HAD PUT THE DATE OF HIS ORIGINAL EXPECTED APPOINTMENT ON THE FORM (01/08/2010). WHEN I UPDATED THE STATEMENT FOR HIM TO SIGN ON THIS DATE, I NEGLECTED TO UPDATE THE DATE I TOOK THE OATH. I MADE A PEN AND INK CORRECTION ON THE STATEMENT TO REFLECT THE CORRECT SWEARING DATE.

IN OFFICER BERRY'S INTERVIEW, HE MENTIONED SEEING ROGER JAMES'S DL STICKING OUT OF A "POCKET" AS HE STARTED ADMINISTERING CPR. THIS RAISED SOME KIND OF SUSPICION IN OFFICER BERRY'S MIND BUT HE DID NOT ELABORATE ON IT AT THE TIME OF THE INTERVIEW. ON THIS DATE, I SENT E-MAIL TO CLEAT/APA ATTORNEY TOM STRIBLING ASKING HIM TO CONSULT WITH OFFICER BERRY AND ASK WHICH POCKET HE WAS REFERRING TO AND WHAT THIS OBSERVATION CAUSED HIM TO SUSPECT. MR STRIBLING REPLIED THAT HE WOULD DO SO AND GET BACK TO ME THE FOLLOWING WEEK.

01/27/2010:

ON 01/26/2010, SPRINT SENT THE SUBPOENAED RECORD VIA E-MAIL. I PROVIDED THIS TO LEAD INVESTIGATOR DETECTIVE S BENNINGFIELD ON THIS DATE. DET BENNINGFIELD POINTED OUT THAT ATTORNEY TOM STRIBLING HAD NOT RESPONDED TO OUR SPECIFIC QUESTIONS FOR OFFICER BERRY. I SENT E-MAIL TO MR STRIBLING ON THIS DATE ASKING WHETHER HE HAD GOTTEN A CHANCE TO POSE THE QUESTIONS TO OFFICER BERRY.

02/03/2010:

BASED ON INFORMATION FROM THE SPRINT RECORDS FOR KIMBERLY'S PHONE, I CALLED AND SPOKE WITH MILTONIA "TONYA" HICKS. TONYA TOLD ME SHE WAS A FRIEND OF KIMBERLY SATTERWHITE YORK. TONYA WAS ASLEEP THE NIGHT TYRONE GOT SHOT. SHE EVENTUALLY RECEIVED NOTIFICATION OF THE INCIDENT AFTER ABOUT 5:30AM. SHE CHECKED HER PHONE AND FOUND 2 CALLS FROM KIMBERLY'S PHONE THAT CAME IN RIGHT AROUND 3:25AM AS BEST SHE COULD RECALL. THEY SHOWED UP ONLY AS "MISSED CALLS". SHE FOUND NO VOICE MAIL MESSAGES ASSOCIATED WITH THE CALLS.

I RECORDED THIS PHONE INTERVIEW ON DIGITAL AUDIO.

I DISCUSSED TONYA'S INFORMATION WITH LEAD INVESTIGATOR DETECTIVE S BENNINGFIELD. DET BENNINGFIELD REQUESTED THAT I OBTAIN A SWORN STATEMENT FROM TONYA DOCUMENTING WHAT SHE HAD TOLD ME VIA TELEPHONE. I CALLED TONYA AGAIN. SHE WAS OUT RUNNING ERRANDS AT THE TIME BUT EXPECTED TO HAVE RETURNED TO HER RESIDENCE BY 2:30PM. I AGREED TO STOP BY THERE SO SHE COULD SIGN A SWORN STATEMENT REFLECTING A WHAT WE DISCUSSED VIA TELEPHONE.

FELLOW SIU DETECTIVE C ROGERS AND I ACTUALLY ARRIVED AT TONYA'S HOUSE ABOUT 2:45PM OR SO. I EXPLAINED THE STATEMENT FORM TO TONYA, WHO REVIEWED HER STATEMENT AND SIGNED IT. I RECORDED THE BRIEF STATEMENT SIGNING INTERVIEW ON DIGITAL AUDIO.

02/18/2010:

APA ATTORNEY TOM STRIBLING HAD NOT SENT THE PROMISED RESPONSE TO MY E-MAIL INQUIRY. DETECTIVE BENNINGFIELD AND I ENDED UP CONSULTING WITH HIM DIRECTLY WHEN HE CAME TO THE SIU OFFICES ON 02/09/2010 FOR AN UNRELATED MATTER. MR

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STRIBLING INDICATED HE APPROVED OF DETECTIVE BENNINGFIELD APPROACHING OFFICER BERRY DIRECTLY WITH THE SPECIFIC QUESTIONS INVOLVED, WHICH DETECTIVE BENNINGFIELD INDICATED SHE WOULD DO.

INITIAL INQUIRY SUPPORT HAS BEEN COMPLETED AT THIS TIME.

**Follow Up # 3**

**Assignment Information**

Assigned to **AP5834 - DANNENMAIER, LAURA** Rank : **CIVILIAN**  
Org unit : **VICTIM SERVICES (FAMILY VIOLENCE)**  
Capacity : **VICTIM ASSISTANT**  
Assigned on **Dec-29-2009 (Tue.) 1604** by **AP3732 - CLARK, KACHINA**  
Report due on **Jan-28-2010 (Thu.)**

**Submission Information**

Submitted on **Jan-08-2010 (Fri.)**  
Approved on **Jan-18-2010 (Mon.)** by **AP3732 - CLARK, KACHINA**  
Follow Up completed : **YES**

**Related text page(s)**

Document: **INITIAL REPORT**

Author: **AP5834 - DANNENMAIER, LAURA**

Subject: **victim contact**

Related date/time: **Jan-28-2010**

ON THIS DATE I, LAURA DANNENMAIER AP5834, WAS CONTACTED BY KIM YORK. WE DISCUSSED HER CVC APPLICATION.

NOI

Document: **VICTIM SERVICES**

Author: **AP5834 - DANNENMAIER, LAURA**

Subject: **contact with Kim York**

Related date/time: **Jan-06-2010**

ON THIS DATE I, LAURA DANNENMAIER AP5834, CONTACTED VICTIM KIM YORK FOR FOLLOW UP SERVICES AT THE REQUEST OF MY SUPERVISOR.

I INTRODUCED MYSELF AND EXPLAINED THAT WAS CALLING TO FOLLOW UP AND PROVIDE INFORMATION ABOUT COUNSELING AND RESOURCES. WE DISCUSSED TRAUMA SYMPTOMS SHE IS EXPERIENCING. I PROVIDED SUPPORT AND ENCOURAGEMENT. I NORMALIZED HER FEELINGS OF CONFUSION, SADNESS, ANGER AND GRIEF. I PROVIDED INFORMATION ABOUT HOW TO ALLEVIATE SYMPTOMS SHE IS EXPERIENCING. I PROVIDED APPROPRIATE COUNSELING REFERRALS TO SAFEPLACE AND CAPITAL AREA MENTAL HEALTH. I DISCUSSED CRIME VICTIM'S COMPENSATION WITH HER FOR ASSISTANCE WITH RELOCATION. I MADE AN APPOINTMENT TO MEET HER 01/08/10 TO ASSIST WITH THE APPLICATION.

AFTER SPEAKING WITH YORK I CONTACTED CVC TO VERIFY ELIGIBILITY REQUIREMENTS.

I LEFT A MESSAGE AT SAFEPLACE FOR THE DIRECTOR OF COUNSELING SERVICES SO THAT I COULD ADVOCATE FOR THE VICTIM.

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I REMAIN AVAILABLE TO ASSIST.

01/08/10

ON THIS DATE I ASSISTED YORK IN COMPLETING AN APPLICATION FOR CVC AT THE HOME OF HER MOTHER.

I REMAIN AVAILABLE TO ASSIST.  
NOI

**Follow Up # 4**

**Assignment Information**

Assigned to **AP3958 - ROBINSON, HEATHER**

Org unit : **SPECIAL INVESTIGATIONS UNIT**

Capacity : **SUPPLEMENTAL**

Assigned on **Dec-30-2009 (Wed.) 0810** by **AP3958 - ROBINSON, HEATHER**

Report due on **Jan-29-2010 (Fri.)**

**Submission Information**

Submitted on **Jan-20-2010 (Wed.) 0801**

Checked by : **AP1378 - SHIRLEY, RICHARD ALLAN**

Approved on **Feb-01-2010 (Mon.)** by **AP1378 - SHIRLEY, RICHARD ALLAN**

Follow Up completed : **YES**

**Related text page(s)**

Document: **SUPPLEMENTS**

Author: **AP3958 - ROBINSON, HEATHER**

Related date/time: **Dec-30-2009 0811**

ON 12/28/09 AT AROUND 6:30AM I WAS CALLED BY DET. ROGERS CONCERNING THIS INCIDENT. DET. ROGERS STATED THAT SEVERAL WITNESSES AND OTHER INVOLVED PERSONS WERE HEADED TO THE OFFICE FOR STATEMENTS. I ADVISED DET. ROGERS THAT I WOULD BE EN-ROUTE TO THE OFFICE SHORTLY.

AT 7:15AM I ARRIVED AT THE OFFICE. I WAS QUICKLY BRIEFED ABOUT THE INCIDENT BY DET. ROGERS. DET. HAVENS WAS CONDUCTING AN INTERVIEW AT THAT TIME WITH KIMBERLY SATTERWHITE. OFFICERS MOONEY AND JOHNSON ARRIVED AND I SPOKE WITH OFFICER MOONEY IN MY OFFICE. MY INTERVIEW WITH OFF. MOONEY WAS AUDIOTAPED. A WRITTEN STATEMENT WAS COMPLETED BY OFF. MOONEY AS WELL. THE WRITTEN STATEMENT WAS HANDED OVER TO DET. HAVENS. THE AUDIO OF THE STATEMENT WAS COPIED ONTO A CD AND IT WAS UPLOADED INTO TRANSCRIPTION. THE AUDIO CD WAS PLACED INTO THE NOTEBOOK. THE FOLLOWING IS A BRIEF SUMMARY OF MY INTERVIEW (SEE THE CD FOR EXACT WORDING AND DETAILS):

OFFICER MOONEY STATED THAT HE ARRIVED ON SCENE AFTER SHOTS WERE FIRED. HE RAN UP TO THE FRONT OF THE HOUSE AND COULD SEE H601 PERFORMING CPR ON A BLACK MALE SUBJECT. OFF. MOONEY COULD SEE BLOOD ON THE FRONT OF THE MALE'S SHIRT. OFF. MOONEY ASKED WHERE THE GUN WAS AND HE WAS TOLD IT WAS IN THE BUSHES BY THE MALE SUBJECT'S FEET. HE WAS ADVISED NOT TO TOUCH IT. OFF. MOONEY THEN WENT INSIDE TO CLEAR THE HOUSE WITH D603 AND A TRAVIS COUNTY DEPUTY. THE DEPUTY HAD A LONG GUN ACROSS HIS CHEST.

THE HOUSE WAS CLEARED AND OFF. MOONEY WENT OUTSIDE AND ASSISTED IN PUTTING UP CRIME SCENE TAPE. HE STOOD ON THE PERIMETER OF THE SCENE AND NOTICED THAT FAMILY MEMBERS ARRIVED RIGHT AFTER THE INCIDENT OCCURRED. OFF.

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MOONEY'S MVR WAS SEIZED BY SGT. GUTIERREZ.

ON 12/28 I ALSO INTERVIEWED SGT. J. HELLMER. MY INTERVIEW WITH SGT. HELLMER WAS AUDIOTAPED. A WRITTEN STATEMENT WAS COMPLETED BY SGT. HELLMER AS WELL. THE WRITTEN STATEMENT WAS HANDED OVER TO DET. HAVENS. THE AUDIO OF THE STATEMENT WAS COPIED ONTO A CD AND IT WAS UPLOADED INTO TRANSCRIPTION. THE AUDIO CD WAS PLACED INTO THE NOTEBOOK. THE FOLLOWING IS A BRIEF SUMMARY OF MY INTERVIEW (SEE THE CD FOR EXACT WORDING AND DETAILS):

SGT. HELLMER RESPONDED TO THIS INCIDENT SINCE HE IS THE HENRY 600'S SUPERVISOR AND HIS OFFICERS WERE DISPATCHED TO THIS CALL. HE HEARD OVER THE RADIO THERE WAS A BARRICADED SUBJECT AND PUT HIMSELF ENROUTE. WHEN HE ARRIVED ON SCENE HE SPOKE BRIEFLY WITH OFF. CARTER. OFF. CARTER STATED THAT THE SUSPECT EXITED THE FRONT DOOR WITH A HANDGUN. OFF. BERRY AND THE TRAVIS COUNTY DEPUTY FIRED THEIR WEAPONS AT THE SUSPECT.

SGT. HELLMER STATED THAT HE THEN WALKED OVER TO THE SUSPECT. EMS AND AFD WERE TREATING HIM, BUT HE WAS ADVISED THE SUSPECT HAD BEEN PRONOUNCED DEAD. SGT. HELLMER THEN ASKED EMS AND AFD TO STEP AWAY FROM THE CRIME SCENE.

SGT. HELLMER STATED THAT HE THEN BRIEFLY INTERVIEWED OFF. BERRY IN FRONT OF HIS PATROL CAR. THE MVR WAS RUNNING. OFF. BERRY INFORMED HIM THAT HE FIRED ONE SHOT. HE WAS NOT SURE IF HE HIT THE SUSPECT OR NOT. HE STATED THAT HE FIRED THE SHOTS FROM THE NEIGHBOR'S DRIVEWAY. HE WAS NEXT TO THE TRUCKS THAT WERE IN THE DRIVEWAY.

SGT. HELLMER BEGAN TO LOOK FOR SHELL CASINGS IN THE NEIGHBOR'S DRIVEWAY. AN EXPENDED SHOTGUN SHELL WAS FOUND ON THE HOOD OF THE GRAY TRUCK. CPL. YATES POINTED OUT TO HIM THE LOCATED OF THE SUSPECT'S HANDGUN. SGT. HELLMER OBSERVED THAT IT WAS A SILVER SEMI-AUTOMATIC. IT WAS LYING IN A BUSH BY THE FRONT PORCH. SGT. HELLMER ALSO OBSERVED A SMALL HOLE IN THE CONCRETE OF THE HOUSE JUST UNDERNEATH A BENCH THAT WAS ON THE FRONT PORCH.

SGT. HELLMER WENT OVER TO THE NEIGHBOR'S HOUSE TO LET THEM KNOW THAT THEIR TRUCKS WERE A PART OF THE CRIME SCENE AND THEY WERE NOT TO BE MOVED. SGT. HELLMER WAS THEN INSTRUCTED TO EXPAND THE CRIME SCENE.

SGT. HELLMER REMOVED OFF. BERRY'S, OFF. CARTER'S, AND HIS OWN MVR TAPES. HE HANDED THE TAPES TO DET. VETRANO.

ON 12/28, AT APPROXIMATELY 11AM, I PAGED INTERNAL AFFAIRS SGT. MARIO GUTIERREZ FOR SGT. SHIRLEY REGARDING GETTING A COPY OF OFF. CARTER'S MVR FOR CHIEF ACEVEDO.

RIGHT AFTER THIS PAGE, I PAGED CRISIS WORKER JACKIE GARRETT TO SPEAK WITH HER CONCERNING COMMENTS MADE TO HE BY KIMBERLY SATTERWHITE. GARRETT RETURNED MY CALL AND SHE WAS INTERVIEWED OVER THE PHONE. THIS PHONE CALL WAS RECORDED. THE AUDIO WAS COPIED ONTO A CD AND UPLOADED INTO TRANSCRIPTION. THE AUDIO CD COPY WAS PLACED INTO THE NOTEBOOK. SGT. SHIRLEY WAS UPDATED ON THE STATEMENTS MADE BY GARRETT. GARRETT'S SUPPLEMENT IN THE VERSADIX SYSTEM WERE SENT TO SGT. SHIRLEY VIA E-MAIL. DET. BENNINGFIELD WAS LATER BRIEFED ABOUT GARRETT'S STATEMENT. THE FOLLOWING IS A BRIEF SUMMARY OF MY PHONE CALL WITH GARRETT (SEE THE CD FOR EXACT WORDING AND DETAILS):

GARRETT STATED THAT SHE HEARD OVER THE RADIO THAT SHOTS WERE FIRED. SHE

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HEADED THAT WAY AND HEARD AN OFFICER CALLING FOR CRISIS. GARRETT ARRIVED ON SCENE AND WENT TOWARDS A PATROL VEHICLE. THE DECEASED GIRLFRIEND WAS SITTING IN THE BACK OF THE VEHICLE. GARRETT COULD SEE A SERGEANT TELLING FAMILY MEMBERS THAT ROGER WAS NOW DECEASED. GARRETT WENT TO SPEAK WITH THE GIRLFRIEND, KIMBERLY. KIMBERLY ASKED HER WHAT WAS GOING ON BECAUSE SHE COULD SEE THAT THE FAMILY WAS VERY UPSET. SOME OF THE FAMILY MEMBERS HAD BEGUN TO CRY AND FALL TO THE GROUND. KIMBERLY ASKED HER IF HE WAS OKAY OR IF HE WAS DEAD. GARRETT INFORMED HER THAT HE DIED. KIMBERLY ASKED FOR HER MOTHER AND SAID SHE WANTED TO HUG HER.

GARRETT ARRANGED FOR KIMBERLY TO HUG HER MOTHER. SHE MADE SURE THAT KIMBERLY AND HER MOTHER DID NOT SPEAK DURING THIS TIME. THE OTHER FAMILY MEMBERS BEGAN WALKING TOWARDS THEM SO GARRETT ASKED KIMBERLY TO SIT BACK IN THE VEHICLE.

GARRETT BEGAN TO SPEAK TO KIMBERLY. KIMBERLY TOLD HER THAT SHE TRIED TO WARN HIS FAMILY ALL DAY. SHE SAID THAT SHE KEPT TRYING TO CALL HIS FAMILY BECAUSE HE WAS ACTING CRAZY. SHE SAID THAT HE WAS OUT OF CONTROL. SHE CALLED HIS BROTHER AND HE HUNG UP ON HER. SHE CALLED HIS MOTHER AND HIS MOTHER TOLD HER TO DO WHAT SHE HAD TO DO. IF SHE HAD TO CALL THE POLICE ON HIM THAN THAT'S WHAT SHE NEEDED TO DO. KIMBERLY STATED THAT SHE CALLED OTHER FAMILY MEMBERS AS WELL. KIMBERLY DID NOT UNDERSTAND WHY THEY DIDN'T COME OVER. SHE ENDED UP LEAVING THE HOUSE AT ONE POINT AND USING A PAY PHONE SINCE HE TOOK HER CELL PHONE FROM HER. SHE CALLED HIS FAMILY AGAIN AND THEN SHE WENT BACK TO THE HOUSE. WHEN SHE WENT BACK INSIDE THERE WAS AN ALTERCATION AND SHE WAS ASSAULTED BY HIM. GARRETT STATED THAT KIMBERLY DID NOT GIVE ANY DETAILS AS TO THE ASSAULT.

KIMBERLY TOLD HER THAT SHE THEN CALLED THE POLICE. HE KNEW THAT SHE HAD CALLED THE POLICE. HE TOLD KIMBERLY THAT IF THE POLICE COME HE IS NOT GOING WITH THEM NO MATTER WHAT. THEY WOULD HAVE TO SHOOT HIM. IF THEY WANT TO TAKE HIM, THEY WOULD HAVE TO SHOOT HIM. GARRETT ASKED HER IF HE WAS DEPRESSED AT ALL AND KIMBERLY STATED THAT HE WAS DEPRESSED AND HE WAS SUICIDAL. KIMBERLY TOLD HER THAT THIS HAD BEEN GOING ON FOR THE PAST YEAR OR SO DUE TO HIS LEGAL PROBLEMS. HIS LEGAL PROBLEMS WERE VERY HARD ON HIM AND VERY DEPRESSING. HE'D HAD A HARD TIME COPING WITH THEM.

KIMBERLY KEPT TELLING GARRETT THAT HE MUST OF LEFT A NOTE INSIDE. THERE MUST HAVE BEEN SOME NOTE INSIDE SINCE HE CAME OUTSIDE WITH A WEAPON. THE ONLY WEAPON KIMBERLY KNOWS OF INSIDE THE HOUSE WAS HER GUN, AND THE CLIPS ARE IN THE GARAGE BURIED SOMEWHERE.

KIMBERLY STATED THAT SHE KNOWS HIS FAMILY WILL BLAME HER SINCE THEY HAVE HAD THEIR DIFFERENCES. THE FAMILIES HAVE KNOWN EACH OTHER FOR YEARS.

ANOTHER CRISIS WORKER ARRIVED AND KIMBERLY WAS TRANSPORTED TO THE MAIN AT FIRST, BUT SHE WAS REDIRECTED TO MOTOROLA.

GARRETT STATED THAT SHE HAD MINIMAL CONTACT WITH THE FAMILY MEMBERS. SHE HAD THEM STAY IN HER CAR SINCE IT WAS WARM AND SHE TOOK THEM TO THE EXXON STATION TO USE THE RESTROOM.

ON 12/28 I CONDUCTED AN INTERVIEW WITH WITNESS JENNIFER READ. READ LIVES TWO HOUSES AWAY FROM THE WHERE THIS INCIDENT OCCURRED. MY INTERVIEW WITH READ WAS VIDEOTAPED AND SEPARATELY AUDIOTAPED. THE WRITTEN STATEMENT COULD NOT BE COMPLETED IN THE INTERVIEW ROOM SO WE MOVED TO AN OFFICE WITH A COMPUTER. READ'S WRITTEN STATEMENT WAS AUDIOTAPED. READ COMPLETED AND

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SIGNED HER WRITTEN STATEMENT. COPIES OF THE VIDEOTAPE AND AUDIOTAPE WERE PLACED INTO THE NOTEBOOK. THE AUDIO WAS UPLOADED INTO TRANSCRIPTION. THE WRITTEN STATEMENT WAS PLACED INTO THE NOTEBOOK AS WELL. DET. BENNINGFIELD WAS BRIEFED ABOUT READ'S STATEMENT. THE FOLLOWING IS A BRIEF SUMMARY OF READ'S STATEMENT (SEE THE DVD OR AUDIO CD FOR EXACT WORDING AND DETAILS):

READ STATED THAT SHE AND HER HUSBAND HAD JUST RETURNED HOME AROUND 2:30AM TO 2:45AM FROM THEIR TRIP TO FLORIDA. THEY WERE UNLOADING THEIR CAR WHEN HER HUSBAND TOLD HER THAT A SHERIFF'S VEHICLE HAD JUST PULLED UP IN FRONT OF THEIR HOUSE AND HE COULD HEAR PEOPLE TALKING. JENNIFER STATED THAT SHE COULD HEAR ONE MALE VOICE AND ONE FEMALE VOICE. SHE THEN WENT BACK INSIDE AND SAT DOWN ON THE COUCH. AT ONE POINT SHE STOOD UP AND LOOKED OUT HER LIVING ROOM WINDOW. SHE COULD SEE A SHERIFF'S DEPUTY IN A BROWN UNIFORM AND HIS PATROL VEHICLE. SHE BELIEVED HIS OVERHEAD LIGHTS WERE ON. SHE COULD HEAR A MALE VOICE AND A FEMALE VOICE, BUT SHE COULD NOT SEE THE FEMALE. THEIR VOICES WERE MUFFLED. AT AROUND 3AM JENNIFER STATED THAT SHE COULD HEAR YELLING. JENNIFER STATED THAT THE YELLING WAS FROM MALE VOICES. SHE COULD HEAR ONE SAYING "SHOW ME YOUR HANDS". ANOTHER VOICE SAID SOMETHING LIKE "WHERE DID HE GO?". SHE COULD HEAR OTHER YELLING AS WELL, BUT COULD NOT MAKE IT OUT. SHE THEN HEARD TWO GUN SHOTS. ONE SOUNDED LIKE IT CAME FROM A SMALLER CALIBER WEAPON AND THE OTHER WAS A LARGER "BOOM" THAT SOUNDED LIKE IT CAME FROM A SHOTGUN. JENNIFER AND HER HUSBAND PUT AWAY THEIR DOGS IN CRATES AND THEN THEY WENT UPSTAIRS.

JENNIFER STATED THAT THEY LOOKED OUT THEIR UPSTAIRS WINDOW AND OPENED IT UP TO HEAR WHAT WAS GOING ON. SHE COULD SEE AN AFRICAN-AMERICAN WOMAN STANDING ON THE SIDEWALK. SHE COULD SEE THE SHERIFF'S VEHICLE AND THREE TO FOUR APD VEHICLES. SHE COULD SEE THE APD OFFICERS AS WELL. SHE COULD HEAR AN OFFICER ASKING SOMEONE TO "START CRISIS". JENNIFER OBSERVED THE DEPUTY COME OUT OF THE HOUSE CARRYING WHAT APPEARED TO BE A SHOTGUN. HE WALKED BACK TO HIS CAR AND PUT THE SHOTGUN AWAY. MANY MORE POLICE CARS STARTED TO ARRIVE AND THE SCENE WAS BLOCKED OFF WITH CRIME SCENE TAPE. JENNIFER AND HER HUSBAND WATCHED FROM THE WINDOW FOR AWHILE. AN OFFICER CAME TO THEIR DOOR EVENTUALLY AND GOT THEIR NAMES.

ON 12/28 I PAGED PIO CPL. S. PERRY AT 1:40PM ABOUT OBTAINING COPIES OF ALL MEDIA STORIES RELATING TO THE SHOOTING.

I THEN SAT IN ON A BRIEFING BETWEEN APD SIU, MEMBERS OF THE TEXAS RANGERS, AND A MEMBER FROM THE TRAVIS COUNTY SHERIFF'S OFFICE. THIS INCIDENT WAS REVIEWED. I WAS ASKED BY DET. BENNINGFIELD TO CONTACT JACKIE GARRETT AGAIN TO SEE IF SHE WOULD COME IN FOR A WRITTEN STATEMENT. I WAS ALSO ASKED TO OBTAIN A COPY OF OFF. CARTER'S MVR.

AFTER THE MEETING I CALLED JACKIE GARRETT REGARDING HER COMING IN FOR A WRITTEN STATEMENT. AN APPOINTMENT WAS SCHEDULED FOR 12/29 AT NOON.

I THEN CALLED MULTI-MEDIA ABOUT THE MVR VIDEOS AND HAVING THE AUDIO RIPPED FROM THEM. THIS WORK WAS ALREADY ONGOING AND IT WAS BEING DONE BY KATHERINE MEADOR. SHE WAS CURRENTLY OFF FOR THE REST OF THE DAY, BUT SHE WOULD BE BACK IN THE MORNING. I SENT MEADOR AN E-MAIL TO CALL ME ON MY CELL WHEN SHE GETS IN. I EXPLAINED THAT I NEEDED CARTER'S AUDIO RIPPED FROM HIS MVR TAPE AND THEN SEPARATED BY MICROPHONE. THERE IS ONE MIC IN THE CAR AND ONE ON OFF. CARTER. JACKIE GARRETT WAS BELIEVED TO BE SPEAKING WITH KIMBERLY SATTERWHITE IN THE BACK OF OFF. GARRETT'S PATROL CAR. THIS AUDIO NEEDS TO BE ISOLATED AND REVIEWED DUE TO CRITICAL STATEMENTS MADE BY SATTERWHITE.

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IN THE MORNING OF 12/29 I SPOKE WITH KATHERINE MEADOR. SHE WAS GOING TO RETRIEVE OFF. CARTER'S VHS TAPE AND BEGIN WORKING ON MY REQUEST. SHE STATED SHE WOULD CALL WHEN IT WAS COMPLETED. WHILE WORKING ON THIS REQUEST IT WAS DISCOVERED THAT NEW VHS TAPES WERE PUT INTO VEHICLES BY SGT. HELLMER SOON AFTER THIS INCIDENT OCCURRED. OFF. CARTER'S TAPE WAS REMOVED EITHER RIGHT BEFORE OR SOON AFTER CRISIS WORKER JACKIE GARRETT ARRIVED ON SCENE.

THE NEW VHS TAPES OF OFFICERS CARTER AND BERRY WERE REQUESTED THROUGH THE PCO AT THE EAST SUB. ONLY OFF. CARTER'S SECONDARY TAPE WAS ORIGINALLY FOUND. FLEET AND PCO SUPERVISOR CARY RATCLIFF AUTHORIZED THE RELEASE OF OFF. CARTER'S TAPE AFTER I SENT HER AN E-MAIL REQUEST. KATHERINE MEADOR PICKED UP THIS TAPE ON MY BEHALF FOR MULTI-MEDIA PURPOSES.

ON 12/29 I SPOKE WITH CPL. PERRY VIA E-MAIL ABOUT MY MEDIA REQUEST. CPL. PERRY STATED THAT HE WAS OFF FOR THE REST OF WEEK, SO I CONTACTED PIO OFFICER VENEZA AGUINAGA. SHE STATED THAT SHE WOULD MAKE A COPY OF ALL MEDIA STORIES RELATED TO THIS EVENT AND WOULD CALL ME WHEN THE CD WAS READY.

ON 12/20 I CONTACTED AFD BATTALION CHIEF BRIAN TANZOLA ABOUT ENG 36, AND EMS CAPTAIN CHUCK MORRISON ABOUT MEDIC 15. THEY STATED THEY WILL GET IN TOUCH WITH THEIR PERSONNEL AND HAVE THEM COME IN OR CONTACT ME. MEDIC SHEDRICK CHEEKS LATER CALLED, (210) 865-3337, AND HE STATED HE WAS OFF UNTIL FRIDAY. HE SAID THAT HE WOULD CALL ON FRIDAY MORNING AFTER SPEAKING TO HIS CHAIN OF COMMAND. CHEEKS WORKS OUT OF THE RALPH ABLENADO STATION. I WAS ADVISED BY CHIEF TANZOLA THAT AFD PERSONNEL WERE ON AGAIN ON WEDNESDAY AT NOON. CHIEF TANZOLA STATED HE WILL CALL THEIR STATION TOMORROW. EMT VASQUEZ WAS WORKING MEDIC 15 WITH CHEEKS ON 12/28. THERE HAS BEEN NO CONTACT BY VASQUEZ YET.

ON 12/29 I TOOK A WRITTEN STATEMENT FROM JACKIE GARRETT. THE STATEMENT WAS PLACED INTO THE NOTEBOOK. THE WRITTEN STATEMENT

GARRETT STATED THAT SHE WAS WORKING AS CRISIS 93 THE NIGHT OF THIS INCIDENT. SHE WAS DISPATCHED TO THIS CALL TO SPEAK WITH KIMBERLY SATTERWHITE, THE GIRLFRIEND OF THE DECEASED. WHEN HE ARRIVED SHE COULD SEE H690 TALKING TO FAMILY MEMBERS. HE INFORMED THEM THAT ROGER JAMES WAS DECEASED AND THE FAMILY MEMBERS COLLAPSED TO THE GROUND SCREAMING.

GARRETT THEN WENT OVER TO SPEAK WITH KIMBERLY SATTERWHITE. SHE WAS SITTING IN THE BACK OF A PATROL CAR. KIMBERLY ASKED ABOUT ROGER WHEN GARRETT WALKED UP TO HER. GARRETT THEN INFORMED HER THAT HE WAS DECEASED. KIMBERLY BEGAN TO SCREAM AND THRASH AROUND IN THE VEHICLE. SHE ASKED IF SHE COULD GIVE HER MOTHER A HUG AND THAT WAS ARRANGED.

GARRETT CALLED FOR ANOTHER CRISIS WORKER TO RESPOND TO THE SCENE TO GIVE KIMBERLY A RIDE TO THE MAIN POLICE STATION. WHILE WAITING SHE CONTINUED TO SPEAK TO KIMBERLY. THE FOLLOWING IS A PORTION OF JACKIE GARRETT'S WRITTEN STATEMENT:

"KIMBERLY BEGAN BY TELLING ME THAT SHE KNEW THIS WAS GOING TO HAPPEN. I ASKED HER WHAT SHE MEANT BY THAT AND SHE SAID, "I'VE BEEN CALLING HIS FAMILY MEMBERS ALL DAY TO COME AND GET HIM". SHE STATED SHE CALLED HIS BROTHER AND HE HUNG UP ON HER. SHE SAID THAT SHE CALLED ROGER'S MOTHER AND TOLD HER THAT HE WAS ACTING CRAZY AND THAT SHE NEEDED OR SOMEONE NEEDED TO COME GET HIM. ROGER'S MOTHER REPLIED TO HER, "HONEY, IF YOU NEED TO CALL

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THE POLICE THEN CALL THE POLICE." AT SOME POINT, SHE DID NOT EXPLAIN HOW, ROGER GOT HER CELL PHONE. SHE WENT TO A PAY PHONE TO CALL ANOTHER FAMILY MEMBER TO BEG THEM TO COME GET HIM. SHE THEN SAID WHEN SHE RETURNED TO THE HOUSE HE ASSAULTED HER. I DID NOT ASK HER ANY QUESTIONS ABOUT THE ASSAULT.

SHE STATED THAT SHE THEN CALLED THE POLICE AND HID FROM HIM BECAUSE HE KNEW THAT SHE CALLED THE POLICE. SHE EVEN TOLD HIM THAT SHE WAS GOING TO CALL THE POLICE. SHE THEN TOLD ME THAT SHE SNUCK OUT THE BACK DOOR AND CAME TO WAIT FOR THE POLICE IN THE FRONT. SHE SAID HE TOLD HER, "I'M NOT GOING WITH THEM NO MATTER WHAT. IF THEY TRY TO TAKE ME THEY ARE GOING TO HAVE TO SHOOT ME". AT THIS POINT I TOLD HER SHE NEEDED TO TELL THE INVESTIGATORS SHE ENDS UP SPEAKING TO ABOUT THIS COMMENT BECAUSE IT IS VERY IMPORTANT. I THEN SAID TO HER, "WAS HE AFRAID TO GO TO JAIL?" SHE THEN SAID, "NO, HE HAS HAD A TON OF LEGAL PROBLEMS IN THE LAST YEAR", "THIS ARREST WOULD BE A SLAP ON THE WRIST COMPARED TO WHAT HE HAS GOING ON." I DID NOT QUESTION HER ABOUT THIS COMMENT. KIMBERLY THEN SAID, "THERE HAS TO BE A NOTE INSIDE, THERE HAS TO BE A NOTE INSIDE". I THEN SAID, "WHY WOULD THERE BE A NOTE?", "WAS HE DEPRESSED?" SHE SAID, "YES, HE HAS BEEN DEPRESSED FOR OVER A YEAR BECAUSE OF HIS LEGAL PROBLEMS". I ASKED HER, "HAD HE BEEN SUICIDAL?" AND SHE RESPONDED "YES". I ASKED HER, "IS THAT WHY YOU THINK THERE IS A NOTE INSIDE?" AND SHE SAID "YES".

\*\*\*\*\*END OF THIS PORTION OF GARRETT'S STATEMENT\*\*\*\*\*

GARRETT KNEW THAT WHAT KIMBERLY HAD JUST TOLD HER WAS IMPORTANT SO SHE WENT AND FOUND CHIEF ACEVEDO AND RELAYED THIS INFORMATION TO HIM. CRISIS 11 SHOWED UP AND KIMBERLY WAS ULTIMATELY TRANSPORTED TO THE SIU OFFICES AT THE MOTOROLA BUILDING.

ON 12/29 DET. BENNINGFIELD INFORMED ME THAT LT. YARBROUGH HAD JUST ADVISED HER THAT KIMBERLY SATTERWHITE WAS ACTUALLY IN THE BACK OF OFF. BERRY'S PATROL CAR. OFF. BERRY'S ORIGINAL VIDEO WAS TURNED OFF AT 4:01AM. SGT. HELLMER REMOVED THIS VIDEO. I CALLED SGT. HELLMER TO ASK HIM ABOUT THIS. HE STATED THAT HE TOLD A DAVID OFFICER, LATER FOUND OUT TO BE OFF. DEBES, TO GET BERRY'S BLANK TAPE AND PUT IT IN BERRY'S IN-CAR RECORDER. BERRY'S CAR WAS LATER DRIVEN TO THE EAST SUB BY OFF. C. RICHIE. OFF. RICHIE TURNED IN THE TAPE AND BERRY'S RADAR GUN. I WAS ADVISED THAT TAPE WAS ONLY MARKED "DEBES". THE LAST NAME DEBES IN OUTLOOK SHOWS HIM AS AN OFFICER WORKING DAVID SECTOR. I THEN CALLED THE EAST SUB PCO BUT THERE WAS NO ANSWER. I SPOKE WITH KATHERINE MEADOR AND SHE STATED SHE WOULD GO INQUIRE ABOUT TAPE SINCE SHE WORKS AT THE SUB AND NEEDS TO GET AUDIO OFF OF THAT TAPE. SHE SAID SHE WOULD CALL ME BACK. TAPE #08VT02909 WITH THE NAME DEBES #6437 ON IT WAS FOUND, AND A REQUEST WAS MADE TO CARY RATCLIFF BY DET. BENNINGFIELD TO HAVE KATHERINE MEADOR PICK UP THIS VIDEO TAPE FROM PCO. THE VIDEO WAS RETRIEVED BY MEADOR AND THE AUDIO WILL BE RIPPED FROM THE TAPE. THE TWO SEPARATE MICROPHONES, THE ONE IN THE CAR AND THE ONE ON THE OFFICER, WILL TRY TO BE ISOLATED AS WELL.

ON 12/29 EMS CAPTAIN MORRISON CONTACTED ME REGARDING MEDICS CHEEKS AND VASQUEZ. I WAS GIVEN VASQUEZ'S PHONE NUMBER, . I CALLED VASQUEZ AND LEFT HIM A MESSAGE WITH MY NAME AND THE PURPOSE OF MY CALL. I INFORMED HIM THAT I WOULD NEED A WRITTEN STATEMENT FROM HIM REGARDING THIS INCIDENT.

ON 12/30 I PICKED UP A COPY OF OFFICER BERRY'S - PART II VIDEO FROM THE MULI-MEDIA LAB. THE PART II VIDEO IS THE COPY OF OFF. DEBES TAPE. THIS COPY WAS HANDED OVER TO DET. BENNINGFIELD. THERE WERE ALSO COPIES MADE FOR OPEN RECORDS REQUESTS OF OFFICERS BERRY AND CARTER'S IN-CAR VIDEOS. THESE

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COPIES WERE REQUESTED BY DET. HERNANDEZ AND I HANDED HER THOSE COPIES UPON MY RETURN TO THE OFFICE.

ON 12/30 I SPOKE WITH EMS CAPTAIN MORRISON REGARDING CONTACT WITH VASQUEZ AND CHEEKS. I ADVISED HIM MEDIC CHEEKS WOULD BE IN ON FRIDAY BUT THAT THERE WAS STILL NO CONTACT FROM MEDIC VASQUEZ. HE ASKED ME TO CALL HIM IF VASQUEZ DID NOT RETURN MY CALL. I THEN CALLED EMT VASQUEZ AGAIN ABOUT STATEMENT AND LEFT HIM ANOTHER MESSAGE. I LATER SPOKE WITH VASQUEZ AND HE STATED THAT HE WOULD BE COMING INTO WORK ON FRIDAY MORNING. HE WORKS WITH EMT CHEEKS. I ASKED THAT HE CALL ME THAT MORNING AFTER SPEAKING WITH HIS SUPERVISOR.

ON 12/30 AFD ENGINE 36 LT. MITCHELL CALLED AND STATED THAT ALL OF HIS GUYS WERE COMING IN TODAY, INCLUDING HIMSELF. THEY WOULD BE HEADED TO MY OFFICE AT AROUND 12:45PM.

AFD FIREFIGHTERS JAMES A. GOEBLER, LAWRENCE W. HALLER, NATHAN C. MAULDIN AND STEPHEN H. MITCHELL ARRIVED AROUND 1:30PM. AUDIO AND WRITTEN STATEMENTS WERE TAKEN FROM EACH FIRE FIGHTER. GOEBLER'S STATEMENT WAS TAKEN BY DET. VETRANO. HALLER'S STATEMENT WAS TAKEN BY DET. FOX. MITCHELL'S STATEMENT WAS TAKEN BY DET. ROGERS AND I TOOK MAULDIN'S STATEMENT. EACH WRITTEN STATEMENT WAS PLACED INTO THE NOTEBOOK. THE AUDIO STATEMENTS WERE UPLOADED INTO TRANSCRIPTION. FF MAULDIN STATED THAT HE RESPONDED TO THIS CALL AND IT CAME IN AS A PENETRATING TRAUMA. EMS ARRIVED AT THE SAME TIME. MAULDIN STATED THAT TWO AUSTIN POLICE OFFICERS WERE PERFORMING CPR ON THE SUBJECT. ONE OF THE MEDICS CHECKS THE SUBJECT'S PUPILS AND HE CHECKED HIS PULSE. THE MEDIC "CALLED IT" RIGHT AWAY. IT WAS VERY APPARENT THERE WERE NO SIGNS OF LIFE. THEY GATHERED UP THEIR THINGS AND LEFT THE SCENE SOON AFTER.

ON 12/30 THE REQUESTED PIO CD'S WERE PICKED UP BY DET. ROGERS AT THE MAIN POLICE STATION ON MY BEHALF.

ON 12/30 THE MEDIA COVERAGE CD WAS REVIEWED. THERE ARE 18 NEWS STORES TOTAL FROM 12/28/09. THE STATIONS INCLUDE FOX 7, KEYE, KXAN, KVUE, NEWS 8, AND WE ARE AUSTIN LIVE. JEREMY READ WAS INTERVIEWED DURING ONE STORY AND HIS STATEMENT WAS ALREADY TAKEN BY DET. VETRANO ON 12/29. A OLDER MALE SUBJECT NAMED DEAN MCINTIRE WAS INTERVIEWED AS WELL AND HE MADE THE STATEMENT "I HEARD A MUFFLED GUNSHOT". CITY OF AUSTIN UTILITIES SHOWS MCINTIRE TO RESIDE AT 2604 MARCUS ABRAMS BLVD, PHONE NUMBER )  
. THIS INFORMATION WAS GIVEN TO DET. VETRANO FOR FOLLOW UP PURPOSES. A FEMALE NAMED CYNTHIA COPPINGER WAS ALSO INTERVIEWED. COPPINGER IS ALREADY ON THE CONTACT LIST OF DET. VETRANO. COPPINGER WAS ORIGINALLY CONTACTED BY AN OFFICER ON THE MORNING OF 12/28 AND HER INFORMATION WAS HANDED OVER TO DET. VETRANO. THE LAST NEWS STORY SHOWED A SILHOUETTE OF A FEMALE WHO RESPONDED TO THE REPORTER ABOUT THE SHOOTING. THIS FEMALE WAS TOLD ABOUT THE SHOOTING BY THE REPORTER AND SHE THEN STATED, "GOOD, THAT HOUSE HAS BEEN BAD FOR A LONG TIME. IT'S PROBABLY DRUGS." THIS FEMALE DID NOT SAY ANYTHING ABOUT THE ACTUAL INCIDENT ITSELF, AND SHE WAS PURPOSELY NOT IDENTIFIED OR SHOWN ON TV.

ON 12/30 I LOOKED UP THE AUSTIN AMERICAN STATESMAN ARTICLES WRITTEN ABOUT THIS INCIDENT. THESE ARTICLES WERE ALREADY PRINTED OUT AND PLACED INTO THE NOTEBOOK BY DET. HERNANDEZ. THERE WERE NOT INTERVIEWS CONDUCTED THAT INCLUDE ANY UNKNOWN PARTIES SURROUNDING THIS INCIDENT.

ON 12/30 I WENT OVER TO THE EAST SUB TO PICK UP COPIES OF ALL REQUESTED MVR

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VIDEOS, INCLUDING COPIES OF OFF. DEBES MVR. THESE COPIES WERE HANDED TO DET. BENNINGFIELD. THE COPIES REQUESTED OF OFF. CARTER AND BERRY'S IN-CAR VIDEOS FOR OPEN RECORDS WERE HANDED TO DET. HERNANDEZ.

ON 12/31 I UPLOADED AUDIO INTERVIEWS FOR DET. BENNINGFIELD INTO TRANSCRIPTION. THESE INTERVIEWS INCLUDE THE FOLLOWING:

- \* OFF. BERRY WHILE AT THE CRIME SCENE
- \* WITNESS CARMEN GOMEZ
- \* WITNESS CYNDY WRIGHT
- \* WITNESS JEREMY READ
- \* KIMBERLY SATTERWHITE WHILE AT HER HOUSE, AND
- \* OFF. RAMSEY WHILE AT CRIME SCENE.

THE AUDIO FROM THESE INTERVIEWS WERE COPIED ONTO CD'S AND PLACED INTO THE NOTEBOOK.

ON 12/31 I LOOKED FOR ANY NEWS STORIES IN THE AUSTIN CHRONICLE. THIS NEWSPAPER COMES OUT ON FRIDAYS SO THE LAST ARTICLE WAS FROM 12/25. I ALSO LOOKED FOR ANY STORIES AT KLBJ 590.COM. THERE WAS ONE ARTICLE THAT CONTAINED LINKS TO A QUICK 590 NEWS STORY AND THE CHIEF'S PRESS CONFERENCE. THIS ARTICLE WAS PRINTED OUT AND PUT INTO THE NOTEBOOK. THERE WERE NO WITNESSES INTERVIEWED. I LATER CHECKED THE CHRONICLE ARTICLES FROM THEIR 01/01 AND 01/08 ISSUES. I DID NOT FIND ANY STORIES IN THOSE ISSUES ABOUT THIS INCIDENT.

ON 01/01/2010 MEDICS CHEEKS AND VASQUEZ ARRIVED. I TOOK A WRITTEN STATEMENT FROM EMT SHEDRICK CHEEKS. THIS STATEMENT WAS AUDIOTAPED. DET. VETRANO TOOK THE WRITTEN STATEMENT OF TIM VASQUEZ. HE ALSO AUDIOTAPED THIS STATEMENT. THE WRITTEN STATEMENTS WERE PUT INTO THE NOTEBOOK. I UPLOADED CHEEKS AUDIO INTO TRANSCRIPTION. THE AUDIO WAS COPIED ONTO CD AND PLACED INTO THE NOTEBOOK. EMT CHEEKS STATED THAT HE WAS DISPATCHED TO THIS CALL WITH HIS PARTNER TIM VASQUEZ. UPON ARRIVAL CHEEKS OBSERVED AT LEAST TWO POLICE OFFICERS AROUND THE PATIENT. ONE OF THEM WAS PERFORMING CHEST COMPRESSIONS. THE PATIENT HAD A GUNSHOT WOUND TO HIS RIGHT UPPER CHEST WITH BLOOD ON HIS SHIRT FROM THE WOUND. TIM VASQUEZ RELIEVES THE OFFICER AND I CAN SEE THAT THE OFFICER'S LATEX GLOVES ARE BLOODY. VASQUEZ SAYS THAT THE PATIENT IS NOT BREATHING AND HE HAS NO PULSE. THE PRONOUNCEMENT OF DEATH IS THEN REQUESTED BY VASQUEZ THROUGH COMMUNICATIONS.

ON 01/01 I PICKED UP ANOTHER MEDIA CD FROM THE CONTROL BOOTH LEFT FOR ME BY PIO. THIS CD IS A COPY OF THE PRESS CONFERENCE ON 12/30 OF JAMES' FAMILY MEMBERS AS TO HIS STATE OF MIND.

ON 01/04 I REVIEWED THE MEDIA CD FROM 12/30. THERE WERE THREE KVUE NEWS STORIES WHICH WERE INITIATED BY THE FAMILY OF ROGER JAMES. INTERVIEWS WERE DONE WITH MARVIN JAMES AND CATINA JAMES-GARRETT, THE BROTHER AND SISTER OF ROGER JAMES. THERE WERE ALSO TWO REPEATED STORIES RUN ON NOTICIAS 62, A SPANISH STATION. THESE STORIES FOCUSED MAINLY ON DOMESTIC VIOLENCE. NO ONE WAS INTERVIEWED THAT WAS A WITNESS TO THIS INCIDENT.

Document: **SUPPLEMENTS**

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**GO 2009-5072203 (NOT APPROVED)**

**0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL**

Author: **AP3958 - ROBINSON, HEATHER**

Related date/time: **Feb-03-2010 1247**

ON 02/02/10 DET. BENNINGFIELD ASKED ME TO CALL TWO PHONE NUMBERS THAT WERE FOUND TO BE ON THE CALL LOG OF KIMBERLY SATTERWHITE. THE FIRST NUMBER IS OUT OF ATLANTA, GEORGIA. THERE WAS NO NAME ASSOCIATED WITH THE NUMBER. I RECORDED THIS PHONE CALL AND LATER ENTERED IT INTO TRANSCRIPTION. THE PHONE WAS ANSWERED AND I STATED THAT I WAS A DETECTIVE WITH THE AUSTIN POLICE DEPARTMENT IN TEXAS. I ASKED THE CALLER IF HE KNEW A KIMBERLY SATTERWHITE OR KIMBERLY YORK. HE STATED THAT HE DID. I TOLD HIM THE REASON THAT I WAS CALLING WAS BECAUSE HIS NUMBER SHOWED UP ON HER CALL LOG. HE STATED THAT HE WAS A FRIEND OF HERS. HE KNOWS HER FROM OFF THE INTERNET, ON MYSPACE. THEY HAVE KNOWN EACH OTHER FOR ABOUT A YEAR TO A YEAR AND A HALF. THEY TALK EVERY NOW AND THEN. THEY HAVE NEVER SEEN EACH OTHER IN PERSON. I ASKED HIM IF HE TALKED TO KIMBERLY RECENTLY AND HE STATED JUST A COUPLE DAYS AGO. I ASKED HIM IF HE WAS FAMILIAR WITH AN INCIDENT THAT HAPPENED HERE IN AUSTIN INVOLVING KIMBERLY AND HE STATED HE KNEW ABOUT IT AFTER IT HAPPENED. HE STATED THAT HE FOUND OUT THE DAY AFTER. I TOLD HIM THAT THE CALL SHOWED THAT HE TALKED TO HER THAT NIGHT OF THE INCIDENT. THE CALLER STATED THAT HE DID NOT REMEMBER TALKING WITH HER BEFORE THE INCIDENT HAPPENED. HE DID SAY THAT HE TEXTED HER. HE ASKED HER WHAT SHE WAS DOING. I ASKED THE CALLER ABOUT TALKING TO HER EARLIER, BEFORE THE TEXTING, AND HE STATED THAT THEY JUST HAD A REGULAR CONVERSATION. I ASKED HIM IF SHE RESPONDED TO HIS TEXT AND HE STATED THAT SHE DID, ONCE. SHE ASKED HIM HOW HE WAS DOING.

THE CALLER STATED THAT HE RECEIVED A CALL AT ONE POINT AND NO ONE WAS SAYING ANYTHING. HE HUNG UP ON THEM. HE CALLED BACK, BUT HE GOT NO ANSWER.

I ASKED THE CALLER FOR HIS NAME AND HE STATED GREG. I ASKED HIM FOR HIS LAST NAME AND HE SAID WHAT SOUNDS LIKE THOMAS. HE GAVE THE LAST NAME TWICE AND IT WAS UNCLEAR, SO I ASKED HIM TO SPELL HIS NAME FOR ME. HE THEN HUNG UP THE PHONE.

I CALLED GREG BACK BUT THE CALL WENT STRAIGHT TO VOICEMAIL. I LEFT HIM A MESSAGE ASKING HIM TO RETURN MY CALL. I STATED THAT HE WAS NOT IN ANY KIND OF TROUBLE.

THE SECOND CALL WAS TO NUMBER ..... OUT OF AUSTIN, TX. THIS NUMBER WAS FOUND TO BELONG TO SHAW KEVIN. I CALLED THE NUMBER TWICE AND THERE WAS NO ANSWER. THE VOICEMAIL WAS A GENERIC RECORDING OF JUST THE PHONE NUMBER. I LEFT A MESSAGE ASKING SHAW TO CALL ME REGARDING HIS NUMBER BEING FOUND ON KIMBERLY'S CALL LOG. I EXPLAINED THAT I JUST NEEDED TO SPEAK WITH HIM BRIEFLY ABOUT THE CALL AND STATED THAT HE WAS NOT IN ANY TROUBLE. I ASKED HIM TO RETURN MY CALL AND GAVE HIM MY OFFICE NUMBER.

AS OF 02/03 THERE HAVE BEEN NO RETURN PHONE CALLS FROM EITHER NUMBER.

**Follow Up # 5**

**Assignment Information**

Assigned to **AP3108 - FOX, RENEE AVERY** Rank : **DETECTIVE**

Org unit : **SPECIAL INVESTIGATIONS UNIT**

Capacity : **SUPPLEMENTAL**

Assigned on **Dec-30-2009 (Wed.) 1519** by **AP3108 - FOX, RENEE AVERY**

Report due on **Jan-29-2010 (Fri.)**

AUSTIN POLICE DEPARTMENT  
GENERAL OFFENSE HARDCOPY

GO 2009-5072203 (NOT APPROVED)

0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL

Submission Information

Submitted on Feb-04-2010 (Thu.) 0913

Checked by : AP1378 - SHIRLEY, RICHARD ALLAN

Approved on Feb-04-2010 (Thu.) by AP1378 - SHIRLEY, RICHARD ALLAN

Follow Up completed : YES

Related text page(s)

Document: SUPPLEMENTS

Author: AP3108 - FOX, RENEE AVERY

Subject: Renee Fox Interviews

Related date/time: Dec-30-2009

THIS CASE NUMBER IS RELATED TO 09-3620161

12.28.09

AT APPROXIMATELY 6:40AM I RECEIVED A CALL FROM DETECTIVE CLIFF ROGERS IN REFERENCE TO AN OFFICER INVOLVED SHOOTING. ROGERS ASKED THAT I RESPOND TO OUR OFFICE LOCATED AT 4201 ED BLUESTEIN TO ASSIST WITH TAKING STATEMENTS.

I ARRIVED AT ABOUT 7:50AM AND SAW CPL. KEVIN YATES IN THE PARKING LOT. YATES FOLLOWED ME UPSTAIRS AND I TOLD HIM THAT HE COULD WAIT IN THE CONFERENCE ROOM. I MADE CONTACT WITH DETECTIVE HAVENS WHO TOLD ME THAT THERE WAS AN OFFICER CAINE JOHNSON IN INTERVIEW ROOM 4 WHO NEEDED TO BE INTERVIEWED.

I WENT AND MADE CONTACT WITH JOHNSON AND BROUGHT HIM TO MY OFFICE. I DID A AUDIO/ WRITTEN STATEMENT INTERVIEW WITH JOHNSON. SEE STATEMENT OR AUDIO FOR EXACT WORDING.

AFTER FINISHING THE INTERVIEW WITH JOHNSON I MADE CONTACT WITH CPL. KEVIN YATES AND COMPLETED A AUDIO/ WRITTEN STATEMENT WITH YATES. FOR EXACT WORDING SEE STATEMENT.

9:50AM

SPOKE WITH FIREARMS EXAMINER GREG KARIM AND HE SAID THAT HE WAS EN ROUTE TO OUR OFFICE. WE TALKED ABOUT THE FACT THAT OFFICER CARTER DID NOT FIRE HIS WEAPON AND KARIM SAID THAT HE WOULD BE DOING AN ADMINISTRATIVE CHECK OF HIS WEAPON BUT WOULD NOT BE SEIZING IT.

10:00AM

SGT. MARIO GUTIERREZ GAVE ME A COPY OF A VHS TAPE FROM OFFICER JUSTIN BERRY'S IN CAR VIDEO. I PROVIDED THAT COPY TO DETECTIVE DOUG HAVENS.

10:35AM

I WAS PRESENT WHEN GREG KARIM PHOTOGRAPHED AND TOOK AN INVENTORY OF THE AMMUNITION FROM THE FOLLOWING TWO WEAPONS:

OFFICER MIKE CARTER  
P226 40 CALIBER  
SERIAL NUMBER- UU626493  
GOLD DOT SPEAR AMMUNITION

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THIS FIREARM WAS FULLY LOADED WITH 12 ROUNDS IN THE MAGAZINE AND 1 IN THE CHAMBER. THERE WERE TWO ADDITIONAL MAGAZINES BOTH WITH 12 ROUNDS WHICH IS THE MAXIMUM CAPACITY FOR EACH.

PHOTOGRAPHS WERE TAKEN AND AT ABOUT 10:45AM OFFICER CARTER TOOK POSSESSION OF HIS FIREARM.

10:50AM

OFFICER JUSTIN BERRY  
GLOCK 22 40 CALIBER  
SERIAL NUMBER - LEU932  
NIGHT SIGHTS  
TLR-FLASHLIGHT- STREAM LIGHT (OPERATIVE)

GOLD DOT SPEAR AMMUNITION

FIREARM- 13 IN MAGAZINE AND 1 IN THE CHAMBER- 14 TOTAL ROUNDS  
2ND MAGAZINE- 15 ROUNDS  
3RD MAGAZINE- 15 ROUNDS

PHOTOGRAPHS WERE TAKEN AND THE FIREARM AND MAGAZINES WERE SEIZED BY KARIM.

01.12.10

I CALLED CATINA JAMES ) AGAIN AND LEFT A MESSAGE FOR HER TO CALL ME.

01.13.10

HAD A MESSAGE FROM CATINA. I CALLED HER BACK AND WE SPOKE ABOUT GETTING TOGETHER FOR AN INTERVIEW. CATINA SAID THAT IT WOULD BE EASIER IF WE CAME TO THEIR RESIDENCE BECAUSE HER MOTHER, BRENDA, WALKS WITH A CANE. WE AGREED ON 4PM. CATINA PROVIDED HER MOTHER'S ADDRESS OF

810 E. SLAUGHTER BUILDING 1-APT 106

DETECTIVE ANGEL HERNANDEZ AND I ARRIVED AT ABOUT 4PM AND INTRODUCED OURSELVES TO BRENDA JAMES (MOTHER), CATINA JAMES AND TONYA JAMES (SISTERS).

WE STARTED THE AUDIO RECORDER AT ABOUT 4:10PM AND THE INTERVIEW LASTED ABOUT 48 MINUTES. THE JAMES FAMILY WAS VERY COOPERATIVE AND HAVE A LOT OF UNANSWERED QUESTIONS. WE EXPLAINED TO THEM THAT IT IS AN ON GOING INVESTIGATION AND WE COULD NOT TALK ABOUT THE DETAILS OF THE CASE AND THEY UNDERSTOOD THAT. FOR EXACT WORDING OF THE INTERVIEW LISTEN TO THE AUDIO RECORDING.

THEY PROVIDED THE FOLLOWING PHONE NUMBERS FOR THEIR CELL PHONES

BRENDA JAMES- CELL-  
HOME-

TONYA JAMES-

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THEY ALSO TOLD US THAT TYRONE HAD 4 CHILDREN AND THEIR NAMES ARE

01.14.10

ON THIS DATE I DOWNLOADED THE AUDIO FILE FROM THIS INTERVIEW AND SENT IT IN TO NETSCRIPTS FOR TRANSCRIPTION. I ALSO BURNED A CD OF THE INTERVIEW AND PROVIDED IT TO DETECTIVE BENNINGFIELD.

02.02.2010

RECEIVED A PHONE CALL MESSAGE FROM CATINA JAMES GARRETT INQUIRING ABOUT THE STATUS OF THE CASE.

I CALLED HER BACK AND LEFT A MESSAGE

02.04.10

8:45AM CALLED AND SPOKE WITH GARRETT AND EXPLAINED TO HER THAT MOST OF THE INVESTIGATION IS COMPLETE. I TOLD HER THAT ADA CLAIRE DAWSON BROWN HAD SHOULDER SURGERY BUT DET. BENNINGFIELD WAS IN CONTACT WITH HER ABOUT THE CASE. I EXPLAINED THAT DET BENNINGFIELD WOULD BE STAFFING EVERYTHING WITH THE ADA TO DETERMINE IF ANYTHING ELSE IS NEEDED. GARRETT SAID THAT SHE HAS BEEN IN CONTACT WITH DAWSON-BROWN. I TOLD HER IF SHE NEEDED ANYTHING ELSE TO JUST CALL.

**Follow Up # 6**

**Assignment Information**

Assigned to **AP3648 - ROGERS, CLIFFORD** Rank : **DETECTIVE**

Org unit : **SPECIAL INVESTIGATIONS UNIT**

Capacity : **SUPPLEMENTAL**

Assigned on **Jan-06-2010 (Wed.) 0809** by **AP3648 - ROGERS, CLIFFORD**

Report due on **Mar-07-2010 (Sun.)**

**Submission Information**

Submitted on **Mar-05-2010 (Fri.)**

Checked by : **AP1378 - SHIRLEY, RICHARD ALLAN**

Approved on **Mar-08-2010 (Mon.)** by **AP1378 - SHIRLEY, RICHARD ALLAN**

Follow Up completed : **YES**

AUSTIN POLICE DEPARTMENT  
GENERAL OFFENSE HARDCOPY

GO 2009-5072203 (NOT APPROVED)

0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL

Related text page(s)

Document: SUPPLEMENTS

Author: AP3648 - ROGERS, CLIFFORD

Related date/time: Jan-27-2010

ON 12/28/2009 AT APPROXIMATELY 3:33AM I RECEIVED A PAGE FROM SGT SHIRLEY ADVISING ME OF AN OFFICER INVOLVED SHOOTING. THE PAGE ADVISED DETECTIVE HAVENS AND I TO RESPOND TO THE SIU OFFICE.

UPON ARRIVAL TO THE SIU OFFICE I MADE CONTACT WITH DETECTIVE HAVENS. HE ADVISED ME THAT PATROL OFFICERS RESPONDED TO A FAMILY DISTURBANCE WHERE ONE OF THE PERSONS INVOLVED BARRICADED HIMSELF IN THE RESIDENCE, AND THEN CAME OUT OF THE HOUSE WITH A GUN. HE ADVISED THAT THE OTHER PERSON INVOLVED IN THE DISTURBANCE (KIMBERLY SATTERWHITE) WAS COMING TO THE OFFICE TO BE INTERVIEWED.

WHEN KIMBERLY SATTERWHITE ARRIVED SHE REQUESTED TO CONSULT WITH HER FATHER AND MINISTER PRIOR TO BEING INTERVIEWED AND PROVIDING A STATEMENT.

AFTER CONSULTING KIMBERLY STATED SHE THAT AS A CONDITION OF BEING INTERVIEWED HER FATHER RUBEN SATTERWHITE WOULD HAVE TO BE PRESENT. KIMBERLY WAS ALLOWED TO HAVE RUBEN PRESENT DURING THE INTERVIEW. I ASSISTED DET HAVENS WITH THE INTERVIEW. SEE HER STATEMENT AND THE VIDEO RECORDING FOR DETAILS.

AT SOME POINT DURING THE INTERVIEW I WAS ADVISED TO ATTEND THE AUTOPSY OF ROGER JAMES.

THE AUTOPSY BEGAN AT APPROXIMATELY 9:34AM. THE FOLLOWING ATTENDED THE AUSTOPSY

MEDICAL EXAMINER-----DR DOLINAK  
PATHOLOGY ASSISTANT-----DANNY MECHAM  
CRIME SCENE SPECIALIST--BIXLER #2317  
TX RANGER-----SGT M. LINDEMANN  
APD DETECTIVE-----CLIFF ROGERS #3648

AS DR DOLINAK CONDUCTED THE AUTOPSY I COMPLETED THE AUSTIN POLICE DEPARTMENT AUTOPSY DIAGRAM REPORT. (GIVEN TO DET BENNINGFIELD)

DR DOLINAK STATED THAT THE CAUSE OF DEATH WAS A SINGLE GUN SHOT WOUND. SEE THE AUTOPSY REPORT FOR FURTHER FINDINGS.

ON 12/29/09 DETECTIVE VETRANO AND I CONDUCTED A CANVAS OF THE NEIGHBORHOOD FOR WITNESSES. SEVERAL CITIZENS ADVISED THAT THEY HEARD WHAT SOUNDED LIKE SHOTS. NO EYE WITNESSES WERE LOCATED. SEE DETECTIVE VETRANO'S SUPPLEMENT FOR FURTHER DEATILS. ON OUR WAY TO THE NIEGHBOROOD WE STOPPED OFF AT THE EXXON TIGER MART LOCATED AT MANCHACA/SLAUGHTER. I REQUESTED THE VIDEO FOOTAGE FOR THE TIME FRAME THAT KIMBERLY CAME INTO THE STORE TO USE THE PHONE. WHILE CONDUCTING THE CANVAS THE STORE MANAGER CALLED ME AND ADVISED THAT THE RECORDINGS WERE READY. I OBTAINED THE DVDS FROM HIM AND GAVE THEM TO DETECTIVE BENNINGFIELD.

ON 12/29/09 I WAS TASKED WITH CONDUCTING A TRACE ON THE GUN JAMES HAD.

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DETECTIVE HERNANDEZ ASSISTED ME IN SENDING THE INFORMATION TO ATF. THE GUN IS IDENTIFIED AS;

LARCIN MODEL-L380 CALIBER-380 SERIAL NUMBER-020763

ON 12/30/09 AT APPROXIMATELY 1:25 PM I WAS REQUESTED TO INTERVIEW AND OBTAIN A SWORN STATEMENT FROM AUSTIN FIRE FIGHTER STEPHEN MITCHELL. SEE HIS STATEMENT FOR DETAILS.

ON 01/06/2010 I RECEIVED THE RETURN ON THE LARCEN. THE RETURN ADVISED THAT THE ORIGINAL PURCHASER OF THE GUN IS IDENTIFIED AS DARRYL K JONES B/M WITH THE ADDRESS 1348 E 154TH ST. OLATHE KS 66062.

I REQUESTED ADMIN ASSISTANT DON MARTIN TO CONDUCT A ACCURINT ON JONES AND OBTAINED A CONTACT PHONE NUMBER. I CALLED AND TALKED TO DARRYL JONES. HE ADVISED THAT HE VAGUELY REMEMBERS THE GUN. HE STATED THAT HE TRADED TO AN UNIDENTIFIED PERSON FOR AUTO REPAIRS ON HIS CAR. HE ADVISED THAT HE DID NOT HAVE THE GUN VERY LONG.

I WAS ADVISED THAT KIMBERLY'S EX-HUSBAND WAS WESLEY YORK. I WAS ADVISED THAT WESLEY YORKS' FATHER LESLIE YORK WORKED IN THE IA DIVISION OF THE AUSTIN POLICE DEPARTMENT. I CALLED LESLIE AND HE AGREED TO CONTACT WESLEY AND HAVE WESLEY CALL ME.

WESLEY YORK RETURNED MY CALL. HE ADVISED THAT HE PURCHASED THE LARSEN AT A PAWN SHOP NEAR MANCHACA AND BEN WHITE IN THE MID 90S. HE STATED THAT WHEN KIMBERLY AND HE SEPERATED APPROXIMATELY 5 YEARS AGO SHE KEPT THE GUN. HE ADVISED HE NO LONGER HAS THE PAPER WORK. HE ADVISED HE WOULD BE WILLING TO PROVIDE A SWORN STATEMENT. I AGREED TO CALL HIM THE FOLLOWING WEEK TO SET UP AN APPOINTMENT. I CALLED WESLEY SEVERAL TIMES, BUT HE HAS NOT RETURNED MY CALLS.

ON 01/07/2010 I MET WITH EXXON EMPLOYEE GEORGE HERRERA. HERRERA WAS THE ON DUTY CLERK WHEN KIMBERLY CAME INTO THE STORE TO USE THE PHONE. HERRERA STATED THAT HE DOES NOT REMEMBER THE EXACT TIME, BUT REMEMBERED KIMBERLY COMING INTO THE STORE AND ASKING TO USE THE PHONE. HE STATED THAT SHE ASKED, SHE STATED THAT SHE NEEDED TO USE THE PHONE FOR AN EMERGENCY. HERRERA DID NOT LISTEN TO KIMBERLY'S CONVERSATION. HE ADVISED SHE USED THE PHONE FOR APPROXIMATELY 10 MINUTES AND THEN LEFT.

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**0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL**

**Follow Up # 7**

**Assignment Information**

Assigned to **AP4885 - VETRANO, CHRISTOPHER**

Org unit : **SPECIAL INVESTIGATIONS UNIT**

Capacity : **SUPPLEMENTAL**

Assigned on **Jan-06-2010 (Wed.) 0851** by **AP4885 - VETRANO, CHRISTOPHER**

Report due on **Jan-06-2010 (Wed.)**

**Submission Information**

Submitted on **Jan-06-2010 (Wed.) 0851**

Checked by : **AP1378 - SHIRLEY, RICHARD ALLAN**

Approved on **Feb-01-2010 (Mon.)** by **AP1378 - SHIRLEY, RICHARD ALLAN**

Follow Up completed : **YES**

**Related text page(s)**

Document : **SUPPLEMENTS**

Author : **AP4885 - VETRANO, CHRISTOPHER**

Related date/time : **Jan-06-2010**

12-28-09

ON MONDAY, 12-28-09, WHILE ON-CALL FOR THE SPECIAL INVESTIGATIONS UNIT, I RECEIVED A PAGE FROM SGT. SHIRLEY AT APPROXIMATELY 0333 HOURS REGARDING AN OFFICER INVOLVED SHOOTING AT 11815 JOHNNY WEISMULLER. I ARRIVED ONSCENE AND CONTACTED THE OFFICER MAINTAINING THE CRIME SCENE LOG. I ENTERED THE CRIME SCENE AT APPROXIMATELY 0426 HOURS. I CONTACTED SGT. SHIRLEY WHO PROVIDED ME WITH A BRIEF SYNOPSIS OF THE INCIDENT. I THEN ASSISTED DET. BENNINGFIELD WITH THE CRIME SCENE. I DREW A ROUGH SKETCH OF THE BUILDINGS AND VEHICLES WITHIN THE CRIME SCENE ON MY NOTEPAD. THIS SKETCH WAS NOT TO SCALE.

I CONTACTED AUSTIN POLICE DEPARTMENT OFFICER JUSTIN BERRY AND TRAVIS COUNTY SHERIFF'S OFFICER THEODORE RAMSEY TO ASCERTAIN THE LOCATIONS OF THE WEAPONS INVOLVED IN THE INCIDENT. OFFICER JUSTIN BERRY ADVISED THAT HIS SIDE ARM WAS CURRENTLY HOLSTERED ON HIS DUTY BELT AND OFFICER RAMSEY ADVISED HE HAD RETURNED HIS SHOTGUN TO THE RACK INSIDE HIS PATROL VEHICLE. BOTH WEAPONS WERE SECURED. NEITHER WEAPON WAS SEIZED AT THIS TIME.

AUSTIN POLICE DEPARTMENT OFFICER MICHAEL CARTER WAS ONSCENE WITH OFFICER BERRY AND OFFICER RAMSEY BUT ADVISED HE DID NOT FIRE HIS WEAPON. OFFICER CARTER ALSO ADVISED THAT HE WAS POSITIONED BEHIND THE RIGHT REAR OF THE MAROON TRUCK AND DID NOT SEE THE SUSPECT EXIT THE RESIDENCE OR THE WEAPON. OFFICER CARTER ALSO DID NOT SEE THE SUSPECT BEING ENGAGED BY OFFICER'S RAMSEY AND OFFICER BERRY. OFFICER CARTER DID ADVISED THOUGHT HE REMEMBERED OFFICER BERRY POSITIONED BESIDE HIM AT THE FRONT OF TRUCK.

CPL. KEVIN YATES WAS THE FIRST SUPERVISOR ONSCENE AFTER THE INCIDENT.

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SGT. JEFFREY HELLMER ALSO ARRIVED.

I ASSISTED INTERNAL AFFAIRS SERGEANT MARIO GUTIERREZ WITH COLLECTING IN-CAR VIDEO TAPES FROM THE APD VEHICLES. SERGEANT MARIO GUTIERREZ WAS RESPONSIBLE FOR THE COLLECTION OF THE VIDEOS FOR CHAIN OF CUSTODY PURPOSES.

TCSO INTERNAL AFFAIRS ADVISED THEY WOULD OBTAIN THE MEMORY CARD FROM OFFICER RAMSEY'S IN-CAR VIDEO SYSTEM, DOWNLOAD IT, AND PROVIDE A COPY TO OUR DEPARTMENT.

CPL. YATES WAS DRIVING UNIT 8595 AND THE VEHICLE REMAINED IN THE ORIGINAL POSITION FROM WHEN CPL. YATES ARRIVED ONSCENE. OFFICER CAINE JOHNSON #6461, WHO ARRIVED ONSCENE SHORTLY AFTER THE INITIAL INCIDENT, MAINTAINED HIS VEHICLE, UNIT 7856, IN THE SAME POSITION ALSO. OFFICER RAMSEY'S TCSO UNIT ALSO REMAINED IN ITS ORIGINAL POSITION UPON ARRIVING ONSCENE. OFFICER BERRY'S UNIT 7941 AND OFFICER MICHAEL CARTER'S UNIT 9462 WERE MOVED FROM THERE ORIGINAL POSITIONS PRIOR TO MY ARRIVAL ONSCENE.

AUSTIN POLICE DEPARTMENT BALLISTIC ANALYST GREG KARIM ARRIVED ONSCENE. I WAS PRESENT DURING THE INSPECTION OF THE WEAPONS INVOLVED. I ESCORTED OFFICER RAMSEY TO HIS PATROL VEHICLE TO SECURE HIS WEAPON AND PRESENT IT TO KARIM FOR INSPECTION. CRIME SCENE OBTAINED PHOTOGRAPHS OF THE WEAPON INSIDE THE PATROL VEHICLE PRIOR TO ITS REMOVAL. THE INSPECTION BEGAN AT APPROXIMATELY 0713 HOURS INSIDE THE COMMAND POST VEHICLE. THE FOLLOWING WEAPONS WERE INSPECTED:

MOSBERG PUMP ACTION SHOTGUN

SERIAL# P083730

CONTAINING FEDERAL PREMIUM 00 BUCK IN THE CHAMBER FOLLOWED BY A FEDERAL PREMIUM SLUG, FEDERAL PREMIUM 00 BUCK, AND FEDERAL PREMIUM SLUG IN THE MAGAZINE.

RUGER P94DC 9MM STAINLESS (DUTY WEAPON)

SERIAL# 308-51284

CONTAINING ONE GOLD DOT SPEER 9MM ROUND IN THE CHAMBER AND FIFTEEN ROUNDS IN THE MAGAZINE. THERE WERE ALSO TWO EXTRA 10 ROUND MAGAZINES CONTAINING 10 ROUNDS OF GOLD DOT SPEER 9MM EACH.

SMITH & WESSON MODEL 36 .38 SPECIAL PLUS P

SERIAL# J684867

THIS IS OFFICER RAMSEY'S BACK-UP WEAPON WHICH IS CARRIED IN A HOLSTER ON THE RIGHT SIDE OF HIS BALLISTIC VEST. THE WEAPON CONTAINED SPEER GOLD DOT .38 CALIBER ROUNDS.

DURING THE INSPECTION, I WAS BRIEFLY PULLED AWAY TO INTERVIEW A POTENTIAL WITNESS. I CONTACTED THE SUBJECT ALONG WITH SGT. KEITH WALKER OUTSIDE THE CRIME SCENE. THE INTERVIEW WAS RECORDED ON A DIGITAL AUDIO RECORDER. THE SUBJECT WAS IDENTIFIED AS:

CYNDY RILEY WRIGHT B/F -- --  
5606 CORDELL, AUSTIN TX 78723  
HM CELL  
TXDL:

WRIGHT ADVISED SHE WAS THE CURRENT GIRLFRIEND OF THE DECEDENT, ROGER JAMES, SINCE MARCH 2009. SHE ADVISED SHE PICKED JAMES UP ON SUNDAY, 12-27-09 AT APPROXIMATELY 2100 HOURS FROM HIS MOM'S HOUSE, IDENTIFIED ONLY AS "BRENDA JAMES," LOCATED SOMEWHERE NEAR THE OTHER ENTRANCE TO THE

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SUBDIVISION. WRIGHT STATED THEY WENT TO CHEDDARS ON WILLIAM CANNON TO WATCH THE GAME, WRIGHT ALSO ADVISED THAT THEY EACH HAD ONE DRINK AT CHEDDARS AND THAT JAMES DRANK A BUD LIGHT BEER. THEY STAYED AT CHEDDARS FOR APPROXIMATELY ONE HOUR. WRIGHT STATED THAT THEY DROVE AROUND AUSTIN FOR A WHILE AND SHE DROPPED HIM OFF AT THE ENTRANCE TO THE SUBDIVISION AT AROUND 0030 HOURS ON 12-28-09. WRIGHT ADVISED THAT JAMES WAS IN A GOOD MOOD, KISSED HER GOODNIGHT, AND TOLD HER HE LOVED HER BEFORE SHE LEFT. WRIGHT ADVISED SHE WAS UNAWARE THAT HE EVER VISITED 11815 JOHNNY WEISMULLER. WRIGHT KNEW HIS "EX-GIRLFRIEND" BY THE NAME OF "KIM" ONLY BUT HAD NOT MET HER AND DID NOT KNOW WHERE SHE LIVED. WRIGHT ALSO STATED THAT JAMES NEVER CARRIED A WEAPON WHEN HE WAS WITH HER.

AFTER THE INTERVIEW, I RETURNED TO THE COMMAND POST VEHICLE. KARIM WAS INSPECTING THE WEAPON LOCATED AT THE SCENE THAT THE SUPECT WAS ALLEGEDLY WIELDING. THE FOLLOWING WEAPON WAS INSPECTED:

LORCIN L380

SERIAL# 020763

THE WEAPON DID NOT HAVE A MAGAZINE, A ROUND WAS NOT CHAMBERED, AND THE WEAPON WAS NOT COCKED.

AT APPROXIMATELY 0930 HOURS, I ENTERED THE RESIDENCE AT 11815 JOHNNY WEISMULLER WITH DET. BENNINGFIELD. WRITTEN CONSENT WAS OBTAINED FROM THE CURRENT RESIDENT, KIMBERLY SATTERWHITE YORK, BY DET. DOUG HAVENS AT OUR OFFICES LOCATED AT 4201 ED BLUESTEIN. I ASSISTED BY DRAWING A ROUGH SKETCH OF THE INSIDE LAYOUT OF THE RESIDENCE BOTH UPSTAIRS AND DOWNSTAIRS. THE DRAWINGS WERE NOT TO SCALE.

I CONTACTED TWO WITNESSES TO THE INCIDENT WHO RESIDE AT 11819 JOHNNY WEISMULLER. THE RESIDENTS WERE IDENTIFIED AS:

JENNIFER ANN READ W/F  
CELL  
TXDL

JEREMY ALAN READ W/M  
TXDL

JEREMY READ ADVISED HE AND HIS WIFE, JENNIFER READ, HAD RETURNED HOME FROM A TRIP SHORTLY BEFORE THE INCIDENT AND JEREMY READ WAS OUTSIDE WHEN THE INCIDENT OCCURRED. I ASKED BOTH SUBJECTS IF THEY WOULD BE WILLING TO PROVIDE STATEMENTS REGARDING THE INCIDENT AT OUR OFFICES LOCATED AT 4201 ED BLUESTEIN. BOTH SUBJECTS COMPLIED AND FOLLOWED ME TO OUR OFFICES IN THEIR PERSONAL VEHICLE.

UPON ARRIVAL AT OUR OFFICES, DET. ROBINSON INTERVIEWED AND OBTAINED A WRITTEN STATEMENT FROM JENNIFER READ. I INTERVIEWED AND OBTAINED A WRITTEN STATEMENT FROM JEREMY READ. BOTH INTERVIEWS WERE RECORDED ON DVD. THE FOLLOWING IS A SYNOPSIS OF JEREMY READ'S INTERVIEW.

JEREMY READ ADVISED THEY HAD JUST RETURNED HOME FROM A TRIP AT APPROXIMATELY 0230 HOURS ON 12-28-09. WHILE STANDING OUTSIDE AFTER UNLOADING THE VEHICLE, HE OBSERVED THE TCSO OFFICER PULL UP AND PARK IN FRONT OF THEIR RESIDENCE. A WOMAN THEN WALKED UP TO THE OFFICER AND THEY BEGAN TALKING TO EACH OTHER. JEREMY READ ADVISED THAT HE DID HEAR THE WOMAN STATE, "HE DOES HAVE A GUN." JEREMY READ THEN WENT INSIDE HIS RESIDENCE AND PROCEEDED TO LOOK OUT HIS FRONT WINDOW. HE OBSERVED AN

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AUSTIN POLICE DEPARTMENT VEHICLE PULL UP. READ THEN CRACKED HIS DOOR TO SEE IF HE COULD HEAR WHAT WAS HAPPENING. AFTER A FEW MINUTES, BOTH OFFICERS WALKED TOWARD A NEIGHBORING WHILE THE WOMAN REMAINED AT THE PATROL VEHICLES. READ STATED HE DID NOT HEAR ANYTHING FOR A FEW MINUTES AND THEN HEARD SOMEONE YELLING, "GET DOWN! GET DOWN!" IN A COMMANDING VOICE. READ THEN HEARD TWO DISTINCT SOUNDS THAT APPEARED TO BE GUNSHOTS AND OBSERVED A REFLECTION IN THE PARKED VEHICLES THAT LOOKED LIKE A MUZZLE FLASH. READ HEARD FOOTSTEPS AND SOMEONE IN AN EXCITED VOICE ASKING, "WHERE IS HE? WHERE IS HE?" THE FEMALE SHRIEKED WHEN SHE HEARD THE SHOTS. FOR MORE INFORMATION, SEE RECORDED INTERVIEW AND WRITTEN STATEMENT.

12-29-09

I COMPILED A LIST OF WITNESSES THAT WERE CONTACTED BY PATROL OFFICERS DURING A CURSORY CANVAS AT THE SCENE. MYSELF AND DET. ROGERS THEN CONDUCTED A CANVAS OF THE NEIGHBORHOOD FOR WITNESSES. A LIST OF RESIDENCES THAT WERE CONTACTED WAS PLACED ON A SPREAD SHEET NOTATING IF A FLYER WAS LEFT OR IF A PERSONAL CONTACT WAS MADE WITH A RESIDENT AND THE NAME OF THE RESIDENT CONTACTED, CONTACT NUMBER, AND IF A STATEMENT WOULD BE REQUIRED. FOR MORE INFORMATION, SEE CANVAS SPREADSHEET.

THE FOLLOWING IS A LIST OF INDIVIDUALS THAT REQUIRE FURTHER CONTACT:

KIMBERLY CLANTON	2507 JESSE OWENS
TORY GOMEZ	2508 JESSE OWENS
JAMISON RAMIREZ	2801 MARCUS ABRAMS
EDWARD CORTEZ	2811 MARCUS ABRAMS
TRACY HOWERTON	11721 JOHNNY WEISMULLER
ESTER MARTINEZ	11800 JOHNNY WEISMULLER
BARBARA DUHON	11801 JOHNNY WEISMULLER
BRIAN HILL	11803 JOHNNY WEISMULLER
ALICE ASHBY	11804 JOHNNY WEISMULLER
ROSS ASHBY	11804 JOHNNY WEISMULLER
CARLOS GARZA	11812 JOHNNY WEISMULLER
CHRISTOPHER CIBULKA	11813 JOHNNY WEISMULLER
PATRICK DUTY	11817 JOHNNY WEISMULLER
DONALD SMOLIK	11817 JOHNNY WEISMULLER
NICHOLAS SMOLIK	11817 JOHNNY WEISMULLER
CYNTHIA COPPINGER	11818 JOHNNY WEISMULLER
AMANDA OAKS	11916 JOHNNY WEISMULLER

I ATTEMPTED TO CONTACT CYNDY WRIGHT VIA TELEPHONE BUT WAS UNSUCCESSFUL. A MESSAGE WAS LEFT.

12-30-09

I CONTACTED KIMBERLY CLANTON VIA TELEPHONE AND OBTAINED A STATEMENT. THE STATEMENT WAS RECORDED ON A DIGITAL AUDIO RECORDER. I ALSO COMPLETED A WRITTEN STATEMENT TO BE SIGNED AT A LATER TIME.

I CONTACTED TORY GOMEZ VIA TELEPHONE AND OBTAINED A STATEMENT. THE STATEMENT WAS RECORDED ON A DIGITAL AUDIO RECORDER. I ALSO COMPLETED A WRITTEN STATEMENT TO BE SIGNED AT A LATER TIME.

I CONTACTED JAMISON RAMIREZ VIA TELEPHONE AND OBTAINED A STATEMENT. THE



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AGAIN AT A LATER DATE.

I ATTEMPTED TO CONTACT EDWARD CORTEZ AT HIS RESIDENCE. OLGA CORTEZ ANSWERED THE DOOR ADVISED EDWARD WAS NOT AVAILABLE AT THIS TIME AND CONFIRMED HER PHONE NUMBER. I ADVISED THAT I WOULD ATTEMPT TO CONTACT HIM ON TUESDAY, 01-05-09 TO OBTAIN A STATEMENT.

I CONTACTED DEAN MCINTIRE AT HIS RESIDENCE AND OBTAINED CONTACT INFORMATION. I ADVISED MCINTIRE THAT I WOULD CONTACT HIM ON TUESDAY, 01-05-09 TO OBTAIN A STATEMENT.

01-05-09

I RECEIVED A MESSAGE FROM PATRICK DUTY. I ATTEMPTED TO CONTACT DUTY VIA TELEPHONE BUT WAS UNSUCCESSFUL. A MESSAGE WAS LEFT.

I RECEIVED A MESSAGE FROM TRACY HOWERTON. I CONTACTED HOWERTON VIA TELEPHONE AND OBTAINED A STATEMENT. THE STATEMENT WAS RECORDED ON A DIGITAL AUDIO RECORDER. I ALSO COMPLETED A WRITTEN STATEMENT TO BE SIGNED AT A LATER TIME.

I CONTACTED DEAN MCINTIRE VIA TELEPHONE AND OBTAINED A STATEMENT. THE STATEMENT WAS RECORDED ON A DIGITAL AUDIO RECORDER. I ALSO COMPLETED A WRITTEN STATEMENT TO BE SIGNED AT A LATER TIME.

I ATTEMPTED TO CONTACT EDWARD CORTEZ VIA TELEPHONE BUT WAS UNSUCCESSFUL. OLGA CORTEZ ADVISED THAT EDWARD CORTEZ IS CURRENTLY TAKING MEDICATION AND IS USUALLY UNAVAILABLE UNTIL AFTERNOON. I ADVISED THAT I WOULD ATTEMPT TO CALL BACK ON A LATER DATE.

01-07-10

I WAS CONTACTED BY DUHON VIA TELEPHONE AND OBTAINED A STATEMENT. THE STATEMENT WAS RECORDED ON A DIGITAL AUDIO RECORDER. I ALSO COMPLETED A WRITTEN STATEMENT TO BE SIGNED AT A LATER TIME.

01-08-09

I ATTEMPTED TO CONTACT CORTEZ VIA TELEPHONE IN THE AFTERNOON LIKE REQUESTED BUT WAS UNSUCCESSFUL. THE PHONE JUST RANG.

01-11-09

I CONTACTED TRACY HOWERTON AND DEAN MCINTIRE AT THEIR RESIDENCES WHERE THEY REVIEWED AND SIGNED THEIR STATEMENTS. I ATTEMPTED TO CONTACT CYNTHIA COPPINGER AND BARBARA DUHON BUT WERE UNSUCCESSFUL. I CONTACTED DUHON VIA TELEPHONE WHO ADVISED SHE WAS CURRENTLY AT THE HOSPITAL AND DID NOT KNOW IF SHE WOULD BE BACK BY TOMORROW. DUHON ADVISED SHE WOULD CONTACT ME AS SOON AS SHE GETS RELEASED SO THAT I MAY COME BY AND HAVE HER SIGN HER STATEMENT.

CONTACT LETTERS WERE LEFT AT EDWARD CORTEZ'S, ALICE AND ROSS ASHBY'S, BRIAN HILL'S, PATRICK DUTY'S, DONALD AND NICHOLAS SMOLIK'S RESIDENCES.

I ATTEMPTED TO CONTACT CYNDY WRIGHT AT HER RESIDENCE BUT WAS UNSUCCESSFUL. A CONTACT LETTER WAS LEFT.

01-12-10

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I RECEIVED A MESSAGE FROM CYNTHIA COPPINGER WHO ADVISED I COULD BRING HER STATEMENT BY HER WORK LOCATED AT 500 MAIRO ST. TODAY FOR HER TO SIGN.

I CONTACTED COPPINGER AT HER PLACE OF WORK WHERE SHE REVIEWED AND SIGNED HER STATEMENT.

01-13-10

I REVIEWED TRANSCRIPTS AND UPLOADED THE AUDIO OF MY INTERVIEWS WITH GOEBLER AND VASQUEZ TO NET TRANSCRIPTS FOR TRANSCRIPTION.

I RECEIVED A RETURN CALL FROM CYNDY WRIGHT AND SCHEDULED AN APPOINTMENT FOR HER TO COME IN AND PROVIDE A STATEMENT ON FRIDAY, 01-15-10.

01-15-10

I INTERVIEWED CYNDY WRIGHT. THE INTERVIEW WAS RECORDED ON AN AUDIO/DIGITAL RECORDER. CYNDY WRIGHT PROVIDED A VOLUNTARY SIGNED STATEMENT. WRIGHT CORROBORATED THE INFORMATION PROVIDED IN MY ORIGINAL INTERVIEW.

01-19-10

I CONTACTED DUHON VIA TELEPHONE AND SCHEDULED AN APPOINTMENT TO HAVE HER SIGN HER STATEMENT TODAY.

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**GO 2009-5072203 (NOT APPROVED)**

**0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL**

**Clearance Information**

**General Information**

Agency : **AUSTIN POLICE DEPARTMENT (AP)**  
Cleared status : **NOT APPLICABLE**  
Cleared on **Mar-22-2010 (Mon.)** by **AP1378 - SHIRLEY, RICHARD ALLAN**  
Org unit **OICU - SPECIAL INVESTIGATIONS UNIT**  
Complainant/Victim notified : **NO**

**Related Property Report**

**Report Information**

Report Number : **1693727**  
Property case status : **SEIZED (EVIDENCE)**  
Submitted on **Jan-20-2010 (Wed.)** by **BENNINGFIELD, SANDRA**  
Offense : **GO 2009-5072203**  
Related items : **2**

**Article - Evidence**

Status: **SEIZED** Tag #: **1693727-1**  
Article: **RVTAPE - DISC, VIDEO**  
Make:  
Model #: # of Pieces:  
Ser. #1: **09VT08732** OAN:  
Ser. #2:  
Value: Color:  
Description: **CARTER 2 VIDEO TAPE**  
Recovered Date: Recovered Value:  
Recovered Location:  
Flags: \*e

**Article - Evidence**

Status: **SEIZED** Tag #: **1693727-2**  
Article: **RVTAPE - DISC, VIDEO**  
Make:  
Model #: # of Pieces:  
Ser. #1: **08VT09029** OAN:  
Ser. #2:  
Value: Color:  
Description: **OFC DEBES VHS TAPE (BERRY 2)**  
Recovered Date: Recovered Value:  
Recovered Location:  
Flags: \*e

**AUSTIN POLICE DEPARTMENT  
GENERAL OFFENSE HARDCOPY**

**GO 2009-5072203 (NOT APPROVED)**

**0900 - 1 ASSAULT W/INJURY-FAM/DATE VIOL**

Report Number : **1688004**  
Property case status : **SEIZED (EVIDENCE)**  
Submitted on **Dec-30-2009 (Wed.)** by **HAVENS, DOUGLAS A**  
Offense : **GO 2009-5072203**  
Related items : **1**

**Article - Evidence**

Status: **SEIZED**

Tag #: **1688004-1**

Article: **YSWAB - SWAB, RAPE, FIRST AID, ETC.**

Make:

Model #:

# of Pieces:

Ser. #1: **UNKNOWN**

OAN:

Ser. #2:

Value:

Color:

Description: **BUCCAL SWABS/KIMBERLY YORK**

Recovered Date:

Recovered Value:

Recovered Location:

Flags: **\*e**

**\*\* END OF HARDCOPY \*\***