



Rosemary Lehmburg ★ Travis County District Attorney

P.O. Box 1748 Austin, Texas 78767 • Telephone: 512-854-9400 • Fax: 512-854-9534
e-mail: district.attorney@co.travis.tx.us • www.traviscountyda.org

For Immediate Release
April 28, 2011

Contact: John Neal
512-854-9401

Travis County District Attorney Rosemary Lehmburg issued the following statement:

Today a Travis County Grand Jury no billed an Austin police officer in the shooting death of Howard Huynh in north Austin on November 2nd, 2010. Officer Will Ray shot Huynh, a 26 year old restaurant worker, in the parking lot of what was then a Jaguar dealership near the intersection of Mopac and Parmer Lane.

Police and firefighters were initially dispatched to a home at 12320 Tomanet Trail shortly after 5 a.m., after a caller told 911 that a male subject was lying in a pool of blood and bleeding from the ear. When APD officers Billy Hurst and Jason Martin arrived, they saw an Asian male, later identified as Vu Ho, age 30, walking out of the house. After talking briefly to Ho, the officers approached the partially opened front door. As the officers announced themselves and pushed the door open, they saw a young man, shirtless, with a pistol in his hand and an ammunition box under his arm, appear from a hallway inside the house. The man, later identified as Howard Huynh, yelled at the officers and shot at them twice. Officer Martin returned fire, but no one was injured during this exchange of gunfire. The Grand Jury returned a no bill against Officer Martin.

The officers then retreated to the front yard area and yelled for anyone in the house to come out. A young Asian male, later identified as Phuoc Huynh (no relation to Howard Huynh), age 31, came out of the house. It was later determined that he was the person who called 911 for assistance.

Moments later, the officers heard another gunshot up the street and then heard over the radio that a person had been shot at 12340 Tomanet Trail. Other APD officers responded to that call and found that Jasmine Rodriguez had been shot in the stomach. Rodriguez, age 29, had been on her back porch when she heard some noise and looked up to see a man climbing the fence to the Jaguar dealership. Rodriguez said the man looked at her in a way that made her feel uneasy, so she went into her home and locked the sliding glass door. As she was walking to her bedroom she turned and saw the man, now just outside the sliding glass door, shoot her.

Rodriguez called for help from her roommate, Darlene Derocher. Derocher saw Rodriguez fall to the floor, then get up and run to a guest bedroom. Derocher saw a man standing in the living room pointing a rifle at her. She closed the door to the bedroom and heard a gunshot that passed through the door where she was standing. Later investigation showed that the bullet passed through the bedroom door, went out the bedroom wall and into the home next door. No one was injured in the home next door and the bullet was recovered by police.

- MORE -

Meanwhile, Officer Will Ray joined two other APD officers, Ronald Giachetti and Austin Holmes, who were parked in the alley between a shopping center and the Jaguar dealership, to set up a perimeter west of where the suspect had last been seen. Officers Giachetti and Holmes caught a glimpse of a person matching the description of the suspect walking in the parking lot of the Jaguar dealership.

The three officers began to move toward the area where the suspect had been seen. As Officer Ray approached the front part of the building, he heard a sound and turned to see Howard Huynh raising a rifle at him. Officer Ray was armed with a shotgun and fired four times at Huynh, striking him. Huynh was pronounced dead at the scene.

When officers were able to make entry into the house at the scene of the original call, they found a 26 year old Asian male, Phu Vinh Truong, in the hallway of the home dead from a gunshot in the head. Truong had been living at 12320 Tomanet Trail with the three other Asian males for about a month.

As police unraveled the events of the early morning hours of November 2nd, the investigation revealed that Howard Huynh and Truong had been drinking with some friends, but there had been no report of any trouble between the two. Vu Ho, a housemate, was asleep when he was awakened by noises and went to the hallway where he saw Phu Truong fall to the floor and then saw Howard Huynh shoot Truong with a pistol in the right ear. Phuoc Huynh, another housemate, had come home, showered and gone to bed and was awakened by what sounded like a gunshot. He went into the hallway and saw Truong lying in a pool of blood.

After calling 911, Phuoc Huynh saw Howard Huynh coming from one of the bedrooms with an assault rifle. Phuoc then heard the police announce themselves and saw Howard Huynh point a handgun toward the police and fire, and then run out the back door. Howard Huynh then moved north in the culvert behind the houses on Tomanet Trail where he saw and shot Ms. Rodriguez in her home eight houses away. Howard Huynh was next seen in the parking lot of the Jaguar dealership where he was shot by Officer Ray.

Medical examiner toxicology reports showed Howard Huynh's blood alcohol concentration to be .20 at the time of his death. Police recovered two weapons that were used in the two crime scenes, a Bushmaster XM15 .223 caliber assault rifle which was found on the ground next to Huynh where he was shot, and a Walther PPS .40 caliber handgun. Ballistics tests showed that the bullet recovered from Phu Truong was fired from the handgun and the bullet that shot Jasmine Rodriguez was fired from the assault rifle. The bullet that was fired through the bedroom door that went into the neighbor's house was also identified as having been fired from the assault rifle.

###