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Travis County District Attorney Rosemary Lehmborg today announced that a Travis County grand jury has decided that Austin police officer Derrick Bowman will not face charges for discharging his weapon toward a man at an apartment complex in Southeast Austin last year.

Officers Bowman and Boone Schobilo responded to a disturbance call at the Residences at Onion Creek just after 3:00 a.m. on November 5, 2011. The officers were told that there was a possibility that one of the subjects involved had a gun. As they approached the scene of the disturbance, the officers were told by one of the bystanders that there was a gun involved.

When the officers identified themselves, one of the men involved started walking aggressively toward them and would not respond to the officers' commands to get down on the ground. As the man got closer to the officers, Bowman saw him reach toward his waist and grab an object that he thought was a gun.

Officer Schobilo attempted to use his taser on the man, later identified as Mike Cortez, 35. The taser failed to stop Cortez and Bowman then fired his rifle twice. Neither shot hit Cortez. A subsequent search of the scene revealed that the object Cortez had was a faceplate to a radio, not a gun.

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