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**For Immediate Release**  
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Travis County District Attorney Rosemary Lehmburg today issued the following statement:

A Travis County Grand Jury has decided that Austin Police Department (APD) officer Steven Peña will not face charges for the shooting death of Gilberto Vallejo on May 9, 2011.

The grand jury returned a no bill after hearing testimony from Peña and other APD officers who responded to the call of shots being fired into an apartment door at 1919 Burton Drive in southeast Austin. The grand jury also heard from other witnesses, including some neighbors who lived at the same apartments.

The incident began shortly after 1 a.m. when Vallejo went to the apartment where his former girlfriend lived. She was not home, but her daughter, son-in-law and their infant child were in the apartment when Vallejo began shooting a gun into the door and trying to kick the door open. They called 911 operators, as did several other people who lived in the apartments, and APD officers were dispatched to the scene of the disturbance.

Officer Peña arrived and he and another APD officer were directed to the area where Vallejo had been shooting into the apartment door. As the officers approached, they ordered Vallejo to drop his weapon. As Vallejo turned toward the officers, they heard a gunshot coming from Vallejo. Officer Peña responded by shooting Vallejo with a shotgun. Vallejo died later that morning during surgery.

Police recovered a gun from Vallejo as well as numerous gun casings that were found around the scene which had been fired from the suspect's gun. Some witnesses stated that they had seen Vallejo shooting into the door, then dumping the spent shells from the gun and reloading it and shooting into the door again. No one inside the apartment was injured.

The autopsy revealed that in addition to the wounds from officer Peña's shotgun, Vallejo had shot himself in the chest with his own gun. The cause of death was listed as firearm injury.

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