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**For Immediate Release**

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Travis County District Attorney Rosemary Lehmburg today announced that a Travis County Grand Jury has decided not to issue any felony indictments regarding an incident between Austin Police Department (APD) officer Patrick Oborski and Antonio Buehler that occurred around 1:30 a.m. on January 1<sup>st</sup>, 2012.

The Grand Jury also considered three other incidents involving Antonio Buehler and Austin police officers subsequent to the New Year's Day 2012 incident.

On New Year's Day, Officer Oborski was on patrol in the West 6<sup>th</sup> Street area of downtown when he noticed a car being driven without its lights on. He stopped the car at a convenience store at 10<sup>th</sup> Street and North Lamar Boulevard and began an investigation of the driver for driving while intoxicated. The passenger in the car began shouting to the driver and Officer Oborski had to stop his investigation twice to tell the passenger to stop interfering with his investigation.

The incident involving Antonio Buehler began when Oborski and another APD officer, Robert Snider, arrested the passenger of the stopped car. When the officers pulled her from the car, Antonio Buehler, who had been pumping gas at the convenience store began shouting at the officers for what he believed was overly aggressive behavior by the police in the handling of the woman passenger. The passenger, Norma Pizana, was indicted by the Grand Jury for resisting arrest, a Class A misdemeanor, punishable by up to a year in the Travis County Jail. Antonio Buehler was indicted for failure to obey a lawful order, a Class C misdemeanor, punishable by up to a \$500 fine.

Buehler got into a heated face to face verbal exchange with Officer Oborski. During the argument, Oborski believed Buehler spit in his face and began trying to arrest Buehler. Officer Snider had to assist Oborski in handcuffing Buehler.

Buehler and his passenger, Ben Muñoz, both denied that Buehler had spit in the officer's face and Buehler later accused officer Oborski of lying in his arrest affidavit.

A man walking across the street from the convenience store had stopped to watch what was going on and videotaped the incident with his cell phone. This video, which the District Attorney's Office had enhanced, was shown to the Grand Jury as were the audio and video from the car cameras of both officers.

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The Grand Jury also returned indictments against Antonio Buehler for failure to obey a lawful order, a Class C misdemeanor, for incidents occurring on August 24<sup>th</sup>, August 26<sup>th</sup> and September 21<sup>st</sup>, 2012. Sarah Dickerson was also indicted for failure to obey a lawful order in connection with the September 21<sup>st</sup>, 2012 incident.

A City of Austin Municipal Ordinance requires a person to comply with an order of a peace officer and prohibits a person from obstructing or interfering with an officer engaged in his official duties. Violation of this ordinance is a Class C misdemeanor punishable by up to a \$500 fine.

In all, the Grand Jury met on six occasions and heard from 13 witnesses, including Antonio Buehler and Officer Patrick Oborski. The felony charges considered by the Grand Jury were tampering with a governmental record by Officer Oborski as well as harassment of a public servant by Antonio Buehler. The Grand Jury also considered whether Officer Oborski committed official oppression.

The Class A misdemeanor will be transferred to County Court and will be handled by the County Attorney's Office. The Class C misdemeanor cases will be transferred to Municipal Court where they will be handled by Municipal Court prosecutors.

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