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For Immediate Release
September 16, 2014

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A Travis County Grand Jury has concluded its review of the April 23rd, 2013 shooting death of Dennis Babelay by Austin Police Department (APD) Officers Donovan Hunter, Matthew Henion, Ricardo Cardona and Nicholas Moore and has declined to issue any indictments related to the incident.

On the evening of April 23rd, 2013, Scott Hardy, Dennis Babelay's brother, called 911 seeking help for his brother who was suffering from a mental illness. Hardy told the 911 operator that his brother was armed and that he felt his brother was a danger to himself as well as others.

Corporal Wade Lyons and Officers Hunter, Henion, Cardona and Moore were dispatched to Babelay's residence. Before arriving at the residence, the corporal and his officers met at a nearby intersection to discuss a plan which included surrounding the residence and attempting to talk Babelay out of his residence.

As the officers approached the residence, they observed a male, who they believed to be Babelay, operating a motorcycle near a storage shed in the backyard of the residence. The officers observed the male park the motorcycle and then enter the shed. The officers maneuvered to the backyard and began setting a perimeter around the storage shed.

After a short period of time passed, Babelay exited the shed. The officers announced their presence and ordered Babelay to walk toward them. Babelay yelled at the officers telling them to get off his property and then walked back into the shed. As Babelay retreated into the shed, the officers heard the distinct sound of a bullet being chambered into a gun coming from inside the shed.

Officers observed Babelay holding a long barrel gun and peering out a shed window. At this time, an APD sergeant ordered officers to remain in position, to hold the perimeter and to wait for S.W.A.T. and a negotiator to respond. A moment later, Babelay came out of the shed holding a shotgun in his right hand. The officers gave multiple commands to Babelay to drop the gun. Babelay then raised the shotgun, pointing it in the direction of the officers. All of the officers fired their weapons at Babelay, who was shot and died at the scene.

The Grand Jury heard approximately eleven hours of testimony from thirteen witnesses, including one independent eyewitness to the shooting.

Press packets containing documents, audio and video related to the incident are available on the 2nd floor of the District Attorney's Office, located at the Criminal Justice Center, 509 West 11th Street.

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