STATE OF TEXAS § COUNTY OF TRAVIS

STATEMENT

Before me, the undersigned authority, on this day personally appeared, who, after being by me duly sworn, upon oath deposes and says:

On 12/28/2009 my husband and I were returning home from our trip to Florida. We drove there for vacation and were just returning at around 2:30 to 2:45am. Once we arrived we began to unload our vehicle. I went inside with some belongings. My husband and I were taking turns bringing items into our home. When I went outside at one point to get more bags he was already in our driveway by our vehicle. He "shushed" me and said a Sheriff's vehicle just pulled up in front of our house and he was trying to listen. I heard two distinct voices, one male and one female. I did not see anyone at that time as the garage is on a different side of the house than the front door. I told my husband "okay" and went back into the house. I began to go through some Christmas cards and other mail on the couch in the living room. My husband, Jeremy, came inside and looked out the front window. He had the window cracked open and was sitting in a chair by the window trying to listen. Jeremy continued to try to hear what was going on outside and he got up and opened the front door. He stood in the doorway to listen. I stood up at one point and looked outside the front window. I could see a cop car and a deputy. The deputy was wearing dark brown pants and light brown shirt. The cop car was a gold-colored Crown Victoria that I recognized as a Sheriff's department vehicle. I believe the vehicle had its overhead lights on but I cannot remember for certain.

I could hear a male voice and also a female voice at this time. The voices were muffled and I could not see the female. I went back to the couch and sat down and began to go back through our mail. Around 3am I heard yelling outside. My husband had the door cracked. I heard two male voices. One sounded like he stated something like "get your hands up, or show me your hands". I also heard one voice say something like "where did he go, or did you see where he went". I heard other yelling, but could not make out what was said. I did not see anything at this time. I then heard two gun shots. They were very close together. One sounded like a smaller caliber weapon and the other sounded like a large "boom" like a shotgun. I dropped the mail at this time and clasped my hands to my mouth. My husband shut the door quickly and looked upset and he said "get away from the windows". I grabbed our dogs and put them in their crates. We have three dogs. We decided to go upstairs and look out the front window over the porch which faces the street. We opened the blinds and cracked the window at this time so we could hear what was being said.

At this time I saw an African-American woman on the sidewalk by the police car. She was very upset. She was saying things like "where is he", "is everything okay". One APD officer came over to her and tried talk to her and calm her down. This officer would not let her go to the house. At this point I could see the one Sheriff's vehicle and three to four APD vehicles. Most of them had their overhead lights on. I could tell the APD officers were not deputy's because they were in black uniforms. They began running back and forth from their cars to the house on the sidewalk. I heard one of the officers say, "call Crisis, start or star Crisis". The streetlights illuminated the street very well. We could clearly make out officers faces and clothing colors. The situation looked serious as everyone was in a rush.

Eventually I saw the deputy come out of the house where the incident occurred. He was carrying a very large weapon that appeared to be a shotgun in his right hand. He had the shotgun open like

you would to load it. He walked back to his car. The next time I saw him he did not have that gun. I believe he put the gun away in his vehicle, but I did not see him open the trunk. He may have put it in the front seat as he opened his driver's door when he got to the car.

Many more police cars started to arrive and they began to block the streets with their cars. They got out the crime scene tape and began to tape off the area. I noticed that three APD officers with flashlights walking around the neighbor's truck. This is the neighbor between us and where this incident occurred. My neighbor drives a Ford F150 and its burgundy in color. It appeared they were looking for bullets or fragments or something in the grass and on and around the truck. They knocked on this neighbor's door and talked to them about the truck.

Eventually a fire truck and EMS showed up and they pulled up in front of the house where the incident occurred. They gathered their gear from their vehicles and I saw them walk towards the front of the house. I could not see the front porch of the house from my view upstairs. Family members of the neighbor where this occurred started to show up. The officers put the African-American female in the back of one the APD cars. Four family members had shown up and one of them was identified as the mother of the man in the house. They were all very upset. The officer kept the family members back and tried to calm them down. A woman showed up and she had "Crisis" written on the back of her jacket. She had short blonde hair. She walked up to the ladies in the family and calmly told them something. The family members then began to sob and cry and they fell to the ground. One appeared like she was going to be sick. This Crisis worker went to the back of the police car and told the female in the back of the car something as well. I could hear the mom saying that today was his birthday and that this should not happen on Christmas. More family members started to show up. One was a large African-American male in a white sweatshirt with a sports team logo across the front. He was very upset and asked to talk to the supervisor and wanted to know what was going on. The officer told him that he did not have any information for him right now. The officer stated that the supervisor was busy right now and he would be over to speak with him later. The large man was very upset and he finally asked the officer "can you just tell me if he's still alive". I could see the officer shaking his head no and the family members fell on the ground and started crying. The large male was very belligerent and angry and he began yelling at the officer. He started yelling to the officer "you cocksuckers" and continued to yell about APD killing four or five "niggers" this year and that he probably didn't even have a gun. Some more family members arrived after that. Chief Acevedo arrived as well in a black Tahoe. The large angry man walked up to him to try and get information. The Chief told him to give a minute to walk the scene and he would be back.

Eventually I went to the front porch and told one of the officers that they were welcome to use our restroom if they needed to. The officer took my last name and stated he would spread the word. About 12 or 14 officers ended up coming inside at one point or another. One officer came to the door and asked to get a statement. My husband and I both gave him one. Det. Vetrano came back with this same officer later and he asked us to come down to the office to give our official statements. We then followed him over to the office.

I HAVE BEEN INFORMED THAT UNDER THE PENAL CODE OF THE STATE OF TEXAS, SECTION 37.02, A PERSON COMMITS THE OFFENSE OF PERJURY IF, WITH INTENT TO DECEIVE AND WITH THE KNOWLEDGE OF THE STATEMENTS MEANING, HE OR SHE MAKES A FALSE STATEMENT UNDER OATH OR SWEARS TO THE TRUTH OF A FALSE STATEMENT PREVIOUSLY MADE AND THE STATEMENT IS REQUIRED OR AUTHORIZED TO BE MADE UNDER OATH.

I provided the above statement to Detective Heather Robinson #3958, a peace officer for Austin Police Department, who transcribed it into written form for me. I can read and write the English language. I have read this written statement and it is an accurate record of the statement I provided to Detective Robinson. This statement is true and correct to the best of my knowledge. I make this statement freely and voluntarily. No one has made any threats or promises in order to induce me to make this statement. Neither Detective Robinson nor any agent of Austin Police Department has made any threats or promises to me in order to obtain this statement.

[NAME]

Sworn to and subscribed before me by Jennifer Read this 28th day of December 2009.

#3958

PEACE OFFICER IN THE
STATE OF TEXAS

AFFIANT IDENTIFICATION & CONTACT DATA	
NAME: Jennifer Read	
DOB:	DL/ID NUMBER:
ADDRESS: 11819 Johnny Weismuller	HOME PHONE:
EMPLOYER:	
ADDRESS:	WORK PHONE:
ADDITIONAL CONTACT INFORMATION:	


Police
Police
Truck
Truck
My car
White car
Car
Cars
Car