

THE STATE OF TEXAS § IN THE AUSTIN CITY MUNICIPAL COURT
v. §
NATHAN NEVAH RAMIREZ § CITY OF AUSTIN MUNICIPAL COURT

AFFIDAVIT AND APPLICATION FOR ARREST WARRANT

The Undersigned Affiant, who after being duly sworn by me, on oath, makes the following statement: I have reason to believe and do believe that: Nathan Nevah Ramirez , DOB: 03/13/2004 did then and there, on or about 08-06-2022 at 400 E. 7th Street Austin, Texas 78701 commit the offense of:

MURDER-- (1st Degree Felony)

AFFIDAVIT FOR WARRANT OF ARREST AND DETENTION

Undersigned Affiant, Who After Being Duly Sworn By Me, On Oath, Makes The Following Statement:

I have good reason to believe and do believe that **Nathan Nevah Ramirez, Hispanic male, born 03/13/2004,**

On or About The 6th Day of August 2022, In the incorporated limits of the city of Austin, County of Travis and the State of Texas, did then and there commit the offense of:

MURDER – 1ST DEGREE FELONY PC 19.02(c)

My belief of the foregoing statement is based upon information provided to me by Austin Police Homicide Detectives Rolando Ramirez #4140, Jeffrey Rodriguez #6290, Homicide Sergeant Peter Kovach #5932, APD DTAC Corporal Quint Sebek #3454, Witnesses, Austin Police CAD Reports 22-2180157, 22-2180159, 22-2180223, 22-2181575 and 22-1640188 Austin-Travis County EMS CAD Report 22218-0069, Austin Fire Department CAD Report 22108351 and Austin Police Department Offense Reports 22-2180157, 22-2180223, 22-2181575 and 22-1640188.

Affiant, Detective David Fugitt #2945, is employed by the City of Austin Police Department Homicide Unit and currently assigned to lead the investigation into the death of **Dionysius Edward Thompson, Black male, born 12/28/2001** and **Aggravated Assault of Josh Noriega, Hispanic male, born 08/05/2003**. Affiant has been a Peace Officer with the Austin Police Department for twenty-eight years with nineteen years under assignment with the Homicide Unit.

On Saturday, the 6th day of August 2022 at 2:01 a.m., Uniformed Austin Police Officers responded to the report of gunshots fired in a parking lot at 400 E. 7th Street in Austin, Travis County, Texas 78701 (re: APD 22-2180157).

Upon their arrival, Officers discovered that a male had been shot and was in the process of being loaded into the front passenger seat of a Grey sedan by Lorenzo Ray Colunga and another friend. **Josh Noriega** sustained a traumatic gunshot wound to the lower back, which resulted in **lower body paralysis**.

While at the scene, Officers were flagged down on a second gunshot victim who was unresponsive with life threatening injuries to the body.

Austin-Travis County EMS personnel tended to both gunshot wound victims however, **Dionysius Edward Thompson** succumbed to the traumatic injuries sustained.

Austin-Travis County EMS system Deputy Medical Director Dr. Heidi Abraham pronounced Dionysius Edward Thompson deceased at the scene on this date, at 2:26 a.m. (re: ATCEMS Cad Call 22218-0069).

Josh Noriega was transported via ambulance to Dell Seton Medical Center at UT.

On Saturday, the 6th day of August 2022, Homicide Sgt. Kovach interviewed Carmelo Torres Jr. at the Austin Police Department Homicide Unit.

Torres Jr. stated that he went downtown with Dionysius Thompson and another friend for a night out. Torres Jr. and Thompson saw “Ray” [Lorenzo Ray Colunga] and “Josh” [Josh Noriega] after leaving a club.

There was a previous altercation between the four of them stemming from a physical fight at an after graduation party in 2020 and tension lingered. Josh Noriega walked up and punched Torres Jr. in the side of the head. The assault was captured on Halo video.

Torres Jr. stated that Noriega then chased after him. Torres Jr. stated that he heard gunshots but continued running to his parked vehicle. Torres Jr. stated that he was not aware that Thompson had been shot until notified by officers.

Homicide Det. Jeff Rodriguez #6290 responded to conduct the crime scene investigation.

Det. Rodriguez advised that three spent **PPU .40 calibre Brass S&W cartridge cases** and one spent **full metal-jacketed projectile** were present however, a firearm was not recovered. Proximity and sole branding suggested that Dionysius Thompson was the intended target and that Josh Noriega was accidentally shot during the course by friendly fire.

Det. Rodriguez interviewed Josh Noriega at Dell Seton Medical Center. Noriega stated that he went downtown with friends and named those who were present.

Noriega admitted that he confronted and punched Carmelo Torres Jr. as the result of an on-going dispute from years ago. Torres Jr. did not fight back and took off running. Noriega then chased Torres Jr. to the adjacent parking lot on E. 7th Street.

Noriega stated that he then engaged Dionysius Thompson in the parking lot. The two of them began fist fighting when Noriega heard gunshots ring out from behind him. Noriega felt that he had been shot in the back and suffered lower body paralysis. Noriega claimed that he has no idea who fired the gunshots.

On Saturday, the 6th day of August 2022, affiant interviewed Lorenzo Ray Colunga at the Austin Police Department Homicide Unit.

Colunga told affiant that he went downtown late Friday night with friends and met up with Josh Noriega and others. Colunga named those who were present. While strolling, Noriega observed Carmelo Luis Torres Jr. and Dionysius Thompson in the 500 Block of E. 7th Street.

This morning, Noriega approached Torres Jr. and squared up to fight. Noriega then punched Torres Jr. and gave chase as Torres Jr. ran away. Colunga told Thompson that he had better go take care of the situation, as Noriega was sure to fight Torres Jr. if able to catch him. Thompson then ran to his aid as friends of Noriega also gave pursuit through the nearby parking lot.

Colunga had just reached the parking lot when he heard several gunshots ring out. Colunga stated that he did not witness the shooting but discovered Noriega on the ground with a gunshot wound to the lower back. Noriega was unable to walk due to paralysis. Colunga and another male then picked him up and tried to place him in a vehicle for transport to the hospital.

Colunga granted affiant with consent to a search of his cellular telephone for information that may be material to the homicide. Of notable interest, affiant discovered that there were numerous entries for the contact name, "Spazz" right after the homicide. The contact name "**Spazz**" was assigned to listing (737) **221-9460** in the device. The shooting was reported at 2:01 a.m.

Two missed calls from "Spazz" at 2:09 a.m.
Incoming call from "Spazz" at 2:11 a.m. (18 second duration)
Facetime Video with "Spazz" at 2:11 a.m. (32 second duration)
Two missed calls from "Spazz" at 2:15 a.m.
Missed call from "Spazz" at 2:22 a.m.
Incoming call from "Spazz" at 2:22 a.m.

Affiant questioned Colunga about the recent contact with "Spazz." Only at that point did Colunga identify "Spazz" as also being present. Colunga stated that "Nate Ramirez" (aka "Spazz") is a friend of Josh Noriega. A search of law enforcement databases associate the T-Mobile listing with Nathan Ramirez.

Det. Rodriguez informed affiant that Josh Noriega also named everyone who was downtown with them with the exception of Nathan Ramirez (aka "Spazz").

Affiant also observed several missed calls from listing (512) **552-8400** following those placed by "**Spazz**." The listing did not have a contact name assigned in the device. Colunga stated that he does not recognize the listing.

Two Incoming missed calls at 2:58 a.m.
Incoming Missed call at 2:59 a.m.
Incoming Missed call at 3:01 a.m.

(Halo7) APD Officer Anthony Eaglan #5912 reviewed Halo video footage and reported to the responding officers, "**Susp wrng Black Sht Whi Graphic 'Bathing Ape'...Tattoo on left side of the Neck**"

Affiant conducted a search of the APD Versadex reporting system for any involvement associated with listing (512) 552-8400. As a result, affiant discovered that Uniformed APD Officers responded to ASSIST EMS on a medical call in South Austin on **08/06/2022** at **3:08 a.m.** Shivon Beltran called 9-1-1 from listing (512) **552-8400** and requested emergency medical personnel. APD Officers also responded due to the nature of the call (re: APD 22-2180223).

APD Officer Brandon Bender #8498 reported that a male showed up outside of the residence and had the strong odor of marijuana about his person. The male, **Nathan Nevah Ramirez 03/13/2004**, was wearing a White tank top however was in possession of a **“Bathing Ape”** brand backpack which proved to be the source of the odor. Ramirez was detained and resisted when Officer Bender attempted to separate him from the backpack. Ramirez was frisked. APD Officer Michelle Bullock #8758 felt an object in the shape of a live bullet. Ramirez stated, “Get it.” Officer Bullock then retrieved the .40 calibre bullet in his front left pant pocket.

Shivon Beltran is the mother of Nathan Nevah Ramirez. The medical call pertained to another individual.

The **“Bathing Ape”** backpack contained a loaded Glock 22, Gen 5, .40 calibre handgun (SN: BWTM317), approximately 2.5 ounces of Marijuana, 44 grams of Cocaine, \$8,051.00 USD cash and box of Monarch PPU .40 calibre Brass S&W full metal jacket bullets.

On Saturday, **the 6th day of August 2022**, Nathan Nevah Ramirez was placed under arrest and charged with Unlawful Carrying Weapon and Felony Possession of a Controlled Substance (re: UCW/POCS 2022-2180223).

Affiant accessed the ViaPath Technologies jail call monitoring system. Inmates are required to enter their assigned booking number when placing telephone calls through the ViaPath Tech system, which is the contracted vendor for the Travis County Sheriff’s Office. The automated greeting, “This call is subject to recording and monitoring,” precedes each telephone call.

On 08/06/2022 at 2118 hours, Nathan Ramirez placed a telephone call to his mother. Ramirez stated, **“I can’t be in here for like--I can’t be in here--like--you know what I mean.”** Beltran acknowledged, **“Yeah--I already know”** and added, **“We don’t need to talk about nothing [on recorded telephone call].”**

Beltran added, **“I don’t know what all happened last night--Nathan--I don’t know what all happened--but--I’ll--like--I’m really sorry this happened.”** (End of telephone call summary)

On 08/06/2022 at 2132 hours, Nathan Ramirez spoke to a friend and asked, **“Is Josh [Noriega] straight?”** The male responded, “Yeah--he--he--start therapy on Monday (08/08/2022)” and added, “I was talkin’ to Josh [Noriega]--Bro--I was callin’ Josh--Bro--But he like--**He ain’t worried about you--Bro--he worried about--he self--like--he goin’ through vast emotion--like--you know what I’m sayin’--he ain’t worried about you.”**

The male stated, **“You already know the deal”** and Ramirez confirmed, “Yeah.” (End of telephone call summary)

On 08/07/2022 at 1556 hours, Nathan Ramirez spoke to another friend and asked, **“You haven’t heard nothin’ from that n***a--Josh?”--“Is he good?”**

The male responded, **“He paralyzed--like”** and Ramirez interrupted, **“What do you mean?!”**

The male asked, **“You straight about that--though? [caused the paralysis]--like--you don’t get in your head about it [distraught].”**

Ramirez stated, “**I ain’t gonna lie--I’m kinda f***ed [up]--I--I--I do but then I don’t--Bro--like--I can’t--I can’t do nothin’ right now--Bro--you feel me?**” (End of telephone call summary)

On 08/07/2022 at 1614 hours, Nathan Ramirez spoke to a female friend and stated, “I tried to get in my crib--cause **I had my dope on me--my nine bands** [\$9,000.00 USD]--**Uh--My pistol** [Glock 22, Gen 5, 40 cal].” (End of telephone call summary)

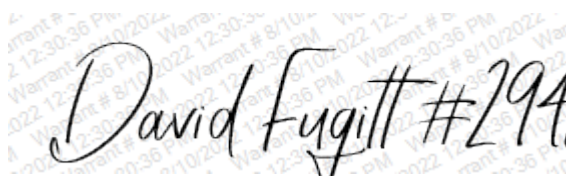
On Monday, **the 8th day of August 2022**, affiant introduced himself to Nathan Nevah Ramirez at the Travis County Central Jail. In response, Nathan Ramirez invoked his right to counsel and affiant’s intention to conduct an interview was promptly terminated.
Nathan Ramirez has a large tattoo on the left side of his neck.

A search of Computerized Criminal History records revealed that Nathan Nevah Ramirez [FBI W1DAV6LN3] had two **prior** arrests for Unlawful Carrying Weapon (05/26/2022 and 06/10/2022) and two **prior** Felony counts of Possession of a Controlled Substance on 06/10/2022.

On Monday, **the 8th day of August 2022**, Nathan Nevah Ramirez was released from custody on a personal recognizant bond for the most recent Unlawful Carrying Weapon and Felony Possession of a Controlled Substance charge.

On Wednesday, **the 10th day of August 2022**, APD Ballistics examiner Steven Aston conducted the firearm comparison and analysis. The spent cartridge cases recovered from the crime scene were positively identified as having been fired from the Glock 22, Gen 5, .40 calibre handgun seized from Nathan Nevah Ramirez just one hour after the homicide.

Affiant believes that there is sufficient probable cause to support the charge of MURDER in the investigation into the death of Dionysius Edward Thompson, Black male, born 12/28/2001, including, but not limited to, Testimony of Witnesses, Evidence gathered from the scene, video footage as well as findings of the Travis County Medical Examiner’s Office [TCME 22-04712].

A handwritten signature in black ink that reads "David Fugitt #294". The signature is written in a cursive style. In the background, there are faint, repeating watermarks of the text "Warrant # 8/10/2022 12:30:36 PM" and "Warrant # 8/10/2022 12:30:36 PM".

David Fugitt
Affiant

SWORN AND SUBSCRIBED before me on this 10 day of Aug, 2022.

A handwritten signature in black ink that reads "Olga Seelig". The signature is written in a cursive style with a loop at the end of the last name.

Olga Seelig
County of Travis, Texas
CITY OF AUSTIN MUNICIPAL COURT

MAGISTRATE'S DETERMINATION OF PROBABLE CAUSE

The foregoing Affidavit and Application was submitted to me by the said affiant on this 10 day of Aug, 2022, at 01:25 PM . I find that there is sufficient Probable Cause to support the arrest of the accused.

A handwritten signature in black ink that reads "Olga Seelig". The signature is written in a cursive style with a loop at the end of the last name.

Olga Seelig
County of Travis, Texas
CITY OF AUSTIN MUNICIPAL COURT

Signed by the said affiant, submitted to me by reliable electronic means, and subsequently sworn to by the said affiant before me through an electronic broadcast system.

WARRANT OF ARREST

THE STATE OF TEXAS
VS.

CAUSE NO: D-1-DC-22-301821

NAME: NATHAN NEVAH RAMIREZ
ALIASES: NATHAN NEVAEH RAMIREZ
RACE/SEX/DOB: HISPANIC/LATINO / MALE /
03/13/2004
ADDRESS: 810 E. SLAUGHTER LANE APT.
10103
CITY, STATE, ZIP: AUSTIN, TEXAS 78744
SSN:
D/L Number:

AUSTIN POLICE DEPARTMENT
OFFENSE NO: 22-2180157
OFFENSE DATE: 08-06-2022

PEACE OFFICER: David Fugitt # 2945

THE STATE OF TEXAS TO ANY PEACE OFFICER OF THE STATE OF TEXAS: GREETINGS

You are hereby commanded to arrest:

NATHAN NEVAH RAMIREZ HISPANIC/LATINO / MALE / 03/13/2004

If they are found in your county, and bring Defendant before me, Olga Seelig, in and for the CITY OF AUSTIN MUNICIPAL COURT of Travis County, then and there to answer the State of Texas for an offense against the laws of said State, to-wit:

MURDER--(1st Degree Felony)

of which offense Defendant is accused by the written complaint, under oath of David Fugitt, filed before me.

HEREIN FAIL NOT but of this writ make due return, showing how you have executed the same.

WITNESS my official signature, on this 10 day of Aug, 2022, at 01:25 PM.



Olga Seelig
County of Travis, Texas
CITY OF AUSTIN MUNICIPAL COURT

RETURN

This Warrant **CAME TO HAND** on the _____ day of _____, 20____, at _____
____.M. and was **EXECUTED** in _____ Travis _____ County, Texas on the _____ day of
_____, 20____, at _____ .M. by taking Nathan Nevah Ramirez into
custody and transporting the person to _____ as commanded.

The distance actually traveled by me in the execution of this process was ____ miles and my fees are
_____.

Officer's Name and Title

Officer's Signature