

OPEN LETTER TO TRAVIS COUNTY D.A. JOSE GARZA

December 19, 2022

Travis County District Attorney Jose Garza
416 W 11th St
Austin, TX 78701

Re: Request for Attorney Representation in
Grand Jury Review of January 5, 2021 Officer-Involved Shooting
Mr. Garza,

As you know, we represent APD Officer Serrato in relation to the January 5, 2021 officer-involved shooting. We were informed on December 15th that your office would be presenting the matter to a grand jury for potential indictment just five days later on December 20th.

As you also know, you are in control of who appears before the grand jury. Article 20A.104 of the Texas Code of Criminal Procedure states:

PERSONS WHO MAY ADDRESS GRAND JURY. No person may address the grand jury about a matter before the grand jury other than the attorney representing the state, a witness, or the accused or suspected person or the attorney for the accused or suspected person if approved by the attorney representing the state.

At this time we are formally requesting your approval to appear before the grand jury on behalf of Officer Serrato. Based on the unprecedented number of police officer indictments during your time in office, we believe our presence is required to ensure the grand jury receives a fair and thorough presentation of evidence. Allowing us to appear before the grand jury will also demonstrate a meaningful commitment to your campaign promises of fairness and transparency.

Due to the extremely short notice we were given, we are also requesting the date of the grand jury presentation be rescheduled to a future date when we have no pre-existing scheduling conflicts.

Signed,

Ken Ervin & Doug O'Connell
Attorneys for APD Officer Serrato

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