

DIDC18. [REDACTED]

THE STATE OF TEXAS

X

IN THE (MUNICIPAL) (JUSTICE)

X

(COUNTY COURT) (CITY OF AUSTIN)

X

(PCT or CC AT LAW NO ____)

COUNTY OF TRAVIS

X

TRAVIS COUNTY, TEXAS

AFFIDAVIT FOR WARRANT OF ARREST AND DETENTION

The 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 on or about the 11th day of **November, 2018**.

[REDACTED] W/M DOB: [REDACTED]

Did commit the offense of:

**Assault with Injury - Strangulation – Family Violence
3rd degree Felony (PC 22.01)**

Affiant, K. Orts #1254, is a Detective, employed by the Travis County Sheriff's Office, currently assigned to the Family Violence Unit. These events described did occur in Travis County, Texas. The below is information gathered through the review of Travis County Sheriff's Office records and/or information gathered directly by Affiant.

Travis County Sheriff's Office records show deputies were dispatched along with EMS to [REDACTED] The Lakes Blvd after receiving a 911 call reporting a female was not conscious and not breathing. It was later learned, the caller, [REDACTED] is the boyfriend of 2 years and he lived at the incident location with the victim, ([REDACTED], female, age 28).

Deputy [REDACTED] reported when he arrived at the scene the victim was being assessed by EMS. Deputy [REDACTED] saw the victim was unconscious but was breathing. He observed to have the below injuries:

- Face: Red and swollen
- Cheeks: dark red and blotchy dots recognized as Petechiae
- Ears: dried blood
- Lip: Bloody and swollen

Deputy [REDACTED] advised she was transported by EMS due to her physical state to the hospital. EMS records noted they transported her as Priority 1 status, Code 3 (lights and sirens), and chose a hospital which was the closest trauma center. The reporting medic noted the victim was on the floor unconscious and unresponsive with no response to verbal or painful stimuli. The medic reported her injuries as:

- Face: Swelling and bruising
- Nose: Swollen and dried blood
- Right ear canal: dried blood on inside
- Left eye: Petechiae
- Cheeks: Petechiae
- Right Upper arm: Petechiae
- Right hand: bruising
- Left elbow: Petechiae
- Left knee: Minor abrasion

**Filed in The District Court
of Travis County, Texas**

JAN 11 2018

At [REDACTED] M.
Velva L. Price, District Clerk

A Trauma Activation was initiated due to the injuries to her face and the loss of consciousness. It was noted her level of consciousness remained low throughout contact with her and she continued to have no response to verbal or pain stimuli.

Deputy [REDACTED] spoke with [REDACTED] and he described they had been out drinking and the victim drove them home. At some point he passed out and woke in his car around 2am. He was "pissed off" the victim had left him in his car so late and when he got to the apartment he confronted her and they argued. He reported she had a panic attack so he attempted to escort her to the door to get fresh air and she collapsed falling backward. He placed his hands under her armpits and dragged her back in the apartment. He tried to move her to the balcony so she could get air and her mouth locked up. He tried to pry her mouth open with both hands and attempted to help her breathe. She did not respond to his efforts so he called 911. When asked to explain the apparent facial injuries, he said he didn't know how they occurred and denied their argument turned physical. Deputy [REDACTED] noted [REDACTED] appeared evasive in providing information. This was also noted by the 911 Operator as they attempted to gain information. Deputy [REDACTED] described [REDACTED] as belligerent and intoxicated and said he refused to leave sight or proximity of the victim in a manner he recognized as an assertion of power and control.

Deputy [REDACTED] spoke with a neighbor who reported hearing what he believed to be a physical and verbal altercation from the incident location. He heard yelling and banging and noted one bang was so hard and loud the light in his dining room shook.

Due to questionable life status, Homicide Detective [REDACTED] responded to the hospital to meet with the victim and Homicide Detective [REDACTED] responded to the scene to speak with [REDACTED]. The victim told Detective [REDACTED] she did not recall what occurred and appeared hesitant to provide information. A few hours later, Detective [REDACTED] was contacted by medical staff who advised the victim reported [REDACTED] "choked" her and assaulted her and was ready to report more information.

Affiant responded to the hospital and immediately observed the victim to have injuries consistent with an assault. At first sight Affiant noticed her face was severely swollen, she had bruising all over her face, her left eye showed a severe amount of Petechiae covering about one third of the white area to the outer portion of her eye and she had bruising on her right arm as well. The victim was accompanied by three of her family members who expressed anger that [REDACTED] has repeatedly abused her and they encouraged the victim to report all information about what occurred.

The victim told Affiant the following. They had been out for drinks and upon returning home, she was unable to get him upstairs because he was so intoxicated and he sat on the curb. She went inside because she needed to use the restroom and when she returned she could not locate him. She attempted to call and text him with no response and she went inside the apartment. She later went to look for him again and found him in her car asleep. She woke him and he was angry she allowed him to sleep in the car for so long. They went to the apartment and upon entering he immediately started to strike her repeatedly with closed fists and pulled her hair. He threw her to the ground where he straddled her, pinning her legs with his legs and continued to punch her repeatedly. She tried to block her face with her arms, but he continued to strike her. She felt herself begin to hyperventilate and remembered thinking she hoped she passed out so he would stop assaulting her because if he didn't, he might kill her. She said the sensation she felt was as if she was choking on something and it became difficult for her to breathe before being unable to breathe. She was told she lost consciousness and said the next thing she remembered was waking up at the hospital. The victim stated while [REDACTED] was striking her he told her, "Where the fuck were you?" She described his demeanor and face as mad, but said he is always mad.

Although she denied [REDACTED] applied pressure to her neck, the victim described multiple symptoms Affiant knows through her training an experience are consistent with strangulation. These included:

- Altered hearing: She heard his voice louder than normal and although unconscious, she heard him talking
- Distortion of time: Things appeared to be in fast motion and she remembered seeing his hands coming toward her. Everything was "fast and loud" and then seemed to slow.
- Loss of consciousness: As described above
- Hyperventilation, difficulty breathing, and unable to breathe: As described above
- Memory loss: As Affiant was nearing the end of the interview, the victim had difficulty remembering simple information about the name of a relative. She also had limited or no recollection of the events of her being transported from the incident location to the hospital.
- Dizzy
- Nausea
- Vomiting: Threw up at the hospital

In addition to the injuries Affiant observed upon initial contact, Affiant also observed her to have the following injuries:

- Back: multiple areas of bruising
- Shoulders: multiple areas of bruising
- Inner upper arms: bruising
- Bridge of her nose: bruising in a manner consistent with a broken nose
- Lip: Abrasion
- Left forearms: bruising
- Left knee: scrape
- Right elbow: healing abrasion
- Left outer thigh: healing bruise
- Head: areas of redness possibly Petechiae or an abrasion (difficult to see due to her hair)
- Upper back of head: Approximate ¾-1" healing laceration

The victim also complained of pain to these injuries.

In addition to this incident, the victim disclosed [REDACTED] hits her on average approximately 4 of 7 days and described him as a very aggressive person. She has noticed his demeanor worsened when she moved in with him approximately 6 months ago. She reported several examples of [REDACTED] exhibition of the below common 17 signs of a battering personality:

- Jealousy
- Controlling Behavior
- Unrealistic Expectations
- Isolation
- Hypersensitivity
- Cruelty to Children
- Rigid Sex Roles
- Past Battering
- Threats of Violence
- Any use of force during an Argument

The victim also reported incidents to show [REDACTED] has exhibited which match the criminal profile of an abuser:

- Uses intimidation to control
- Uses emotional abuse to control
- Uses isolation to control
- Uses male privilege to control
- Uses children to control
- Uses economic abuse to control
- Uses coercion and threats to control

The victim disclosed the below assaultive events by [REDACTED]:

- 11/22/2017 at the same location: [REDACTED] was angry after the victim went out with a friend to celebrate the friend's birthday. She became intoxicated and was ultimately driven home by friends of [REDACTED]. When she arrived to the apartment, [REDACTED] smashed her down on the cement causing a bleeding laceration to the back of her head. He would not allow her to seek medical treatment. The victim stated this healing laceration Affiant observed as described above.
- 11/24/2017 at the same incident location: [REDACTED] kicked the victim in her left thigh causing a bruise to develop covering a large portion of her thigh. The bruise she showed Affiant is still visible and the victim stated is still hurts upon palpation.
- Approximately 8 months ago at the same incident location: [REDACTED] pushed her causing her to fall and sustain an abrasion to her right elbow. The marking is the same as observed by Affiant as listed above.

The victim expressed fear [REDACTED] might kill her because she has provided information to police. He has made a threat to her in the past that if she were to call police she should be sure it was because he had caused her significant injury and to know that there would be physical consequence to her because of her report. She plans to seek shelter with family members. Affiant also spoke with the victim's mother who reported [REDACTED] had previously threatened to kill her because she knew how important the mother is to the victim.

Affiant recognized several behaviors which identify this victim as such. She appeared to be minimizing the events, expressed concern that [REDACTED] would face consequences, and blamed herself for causing violence and allowing the violence to continue.

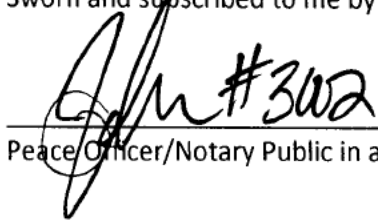
Based on the reports of the extreme amount of power and control asserted over the victim, Affiant has concern for the potential of lethality of the victim and/or her family members.

An investigation of this incident revealed [REDACTED] intentionally, knowingly, or recklessly caused bodily injury to an individual with whom he shares a family relationship, to wit: dating relationship and member of same household. Furthermore, he intentionally, knowingly, or recklessly impeded the normal breathing or circulation of the blood of the person by applying pressure to her throat or neck.



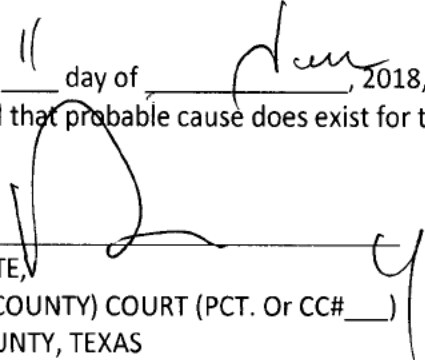
Detective K. Orts #1254, Affiant

Sworn and subscribed to me by the said affiant on this the 11th day of January 2018.

 #302

Peace Officer/Notary Public in and for Travis County, Texas

On this the 11 day of Jan, 2018, I hereby acknowledge I have examined the foregoing affidavit and have determined that probable cause does exist for the issuance of a warrant of arrest for the individual accused therein.


MAGISTRATE,
(JUSTICE) (COUNTY) COURT (PCT. Or CC#)
TRAVIS COUNTY, TEXAS