

AUSTIN POLICE DEPARTMENT

GO 2006-761976 (NOT APPROVED)

0902 - 0 ASSAULT BY CONTACT

General Offense Information

Operational status : **SUSPENDED - PENDING PROSECUTORIAL REVIEW**
Reported on **Mar-17-2006 (Fri.) 2307**
Occurred on **Mar-17-2006 (Fri.) 2307**
Report submitted by **AP3480 - ELLSWORTH, JON**
Org unit : **INTERNAL AFFAIRS**
Located at **800 W 5TH ST**
Municipality : **AUSTIN** County : **TRAVIS COUNTY**
District : **GE** Beat : **4** Grid : **373**

Offenses (Completed/Attempted)

Offense : **#1 0902 - 0 ASSAULT BY CONTACT - COMPLETED**
Location : **OTHER / UNKNOWN**
Suspect used : **ALCOHOL**

Offense : **#2 0900 - 0 ASSAULT WITH INJURY - COMPLETED**
Location : **STREETS / HWY / ROAD / ALLEY**
Suspect used : **ALCOHOL**

General Offense Information (cont'd)

Bias : **NONE (NO BIAS)**
Family violence : **NO**
IBR Clearance status : **NOT APPLICABLE**

Related Event(s)

Related Person(s)

Case Specific : VICTIM - 01 JOHNSON, LUKE A
WHITE MALE
Born on **Jan-04-1980**
Residing at **11705 SUMACS ST. , OAKTEN , VIRGINIA 22129-**
Phone Numbers
HOME : (703)727-2184

Driver's license : **VIRGINIA**
Reference Master Name Index
JOHNSON, LUKE A
WHITE MALE
Born on **Jan-04-1980**

Victimized by offense : **0902 - 0 ASSAULT BY CONTACT - COMPLETED**
Relationship : **VICTIM WAS STRANGER**
Person's role : **SUSPECT # 1**
Person's name : **WYNN, WILLIAM PATRICK**

Case Specific : SUSPECT - 01 WYNN, WILLIAM PATRICK
WHITE MALE
Born on **Sep-10-1961**
Residing at **800 W. 5TH ST #708 , AUSTIN , TEXAS**
Phone Numbers

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BUSINESS : (512)974-2250

Occupation : **MAYOR**
Employed by **CITY OF AUSTIN**
Driver's license :

Reference Master Name Index
WYNN, WILLIAM PATRICK
WHITE MALE
Born on **Sep-10-1961**

Linkage factors
Resident status : **UNKNOWN**

Case Specific : WITNESS - 01 SMITH, JENNIFER
WHITE FEMALE
Born on **Apr-28-1968**
Residing at **20528 FARM POND , PFLUGERVILLE , TEXAS 78660-**
Phone Numbers
HOME : (512)731-0558

Occupation : **FLIGHT ATTENDNT**
Driver's license : **TEXAS**
Reference Master Name Index
SMITH, JENNIFER
WHITE FEMALE
Born on **Apr-28-1968**

Case Specific : WITNESS - 02 CULLEN, MARSHALL J
WHITE MALE
Born on **Mar-23-1964**
Residing at , **NEW SOUTH WALES , AUSTRALIA**
Phone Numbers
HOME : ()000-0000

Driver's license : **AUSTRALIA**
Additional remarks :
PHONE #61 41 614 3030
Reference Master
CULLEN, MARSHALL J
WHITE MALE
Born on **Mar-23-1964**

Linkage factors
Resident status : **NONRESIDENT OF AUSTIN**

Case Specific : WITNESS - 03 MILLER, JASON
WHITE MALE
Born on **Feb-05-1974**
Residing at **1309 CLOVERLEAF , AUSTIN , TEXAS 78723-**
Phone Numbers
HOME : (512)659-9476

Occupation : **BAR TENDER**
Employed by **EDDIE V'S 301 E. 5TH STREET**

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Driver's license : **TEXAS**
Reference Master Name Index
MILLER, JASON ANDREW
WHITE MALE
Born on **Feb-05-1974**
Aliases : **MILLER, ANDREW**

Linkage factors
Resident status : **UNKNOWN**

Case Specific : WITNESS - 04 MCCARTY, JUSTIN
WHITE MALE
Born on **Dec-21-1982**
Residing at **9715 RANCH ROAD 620 , AUSTIN , TEXAS**
Phone Numbers
HOME : (512)300-7888

Reference Master Name Index
MCCARTHY, JUSTIN RYAN
WHITE MALE
Born on **Dec-21-1982**

Linkage factors
Resident status : **UNKNOWN**

Case Specific : WITNESS - 05 ZULAN, COLLEEN A
WHITE FEMALE
Born on **Apr-22-1963**
Residing at **85 WOOTTEN ROAD , WERRIBEE , AUSTRALIA 3030 -**
Phone Numbers
HOME : (512)554-2936

Driver's license : **AUSTRALIA**
Reference Master Name Index
ZULAN, COLLEEN A
WHITE FEMALE
Born on **Apr-22-1963**

Linkage factors
Resident status : **NONRESIDENT OF AUSTIN**

Case Specific : WITNESS - 06 BOXALL, ANGELA
WHITE FEMALE
Born on **Dec-03-1975**
Residing at , **LONDON , ENGLAND**
Phone Numbers
HOME : (512)507-1215

Reference Master Name Index
BOXALL, ANGELA
WHITE FEMALE
Born on **Dec-03-1975**

Linkage factors
Resident status : **NONRESIDENT OF AUSTIN**

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Case Specific : WITNESS - 07 MANDELL, ADAM DAVID

WHITE MALE

Born on **Jan-11-1979**

Residing at **1000 N. RANDOLPH ST , ARLINGTON , VIRGINIA 22201-**

Phone Numbers

HOME : (703)328-1804

Driver's license : **VIRGINIA**

Reference Master Name Index

MANDELL, ADAM DAVID

WHITE MALE

Born on **Jan-11-1979**

Linkage factors

Resident status : **NONRESIDENT OF AUSTIN**

Case Specific : WITNESS - 08 ZDRILICH, JOSEPH A

WHITE MALE

Born on **Oct-29-1978**

Residing at **2345 STONE WILLOW WAY , BUFORD , GEORGIA 30551-9**

Driver's license : **GEORGIA**

Reference Master Name Index

ZDRILICH, JOSEPH A

WHITE MALE

Born on **Oct-29-1978**

Linkage factors

Resident status : **NONRESIDENT OF AUSTIN**

Case Specific : WITNESS - 09 SAVENS, ANDREW WEST

WHITE MALE

Born on **Jul-09-1982**

Residing at **3806 VALLEY VIEW , ROUND ROCK , TEXAS 78681-**

Phone Numbers

HOME : (512)940-0646

Driver's license : **TEXAS**

Reference Master Name Index

SAVENS, ANDREW WEST

WHITE MALE

Born on **Jul-09-1982**

Linkage factors

Resident status : **NONRESIDENT OF AUSTIN**

Case Specific : WITNESS - 10 EASLEY, STEPHEN JOSEPH

WHITE MALE

Born on **Jul-07-1957**

Residing at **4725 ROCKSPRING ROAD , ARLINGTON , VIRGINIA 22207-**

Phone Numbers

HOME : (202)255-6656 BUSINESS : (202)233-8959

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Occupation : **ATTORNEY**
Employed by **SELF EMPLOYED**
Driver's license : **TEXAS**
MARRIED
6'04 in height, Weighing **208 lbs**
Hair color : **BLOND/STRAWBERRY**
Eye color : **BLUE**

Reference Master Name Index
EASLEY, STEPHEN JOSEPH
WHITE MALE
Born on **Jul-07-1957**

Linkage factors
Resident status : **NONRESIDENT OF AUSTIN**

Case Specific : WITNESS - 11 HILL, KATHERINE CLOUES
WHITE FEMALE
Born on **Jul-15-1966**
Residing at **1403 KIRKWOOD RD , AUSTIN , TEXAS 78722-**
Phone Numbers
HOME : (512)697-9891

Occupation : **SELF EMPLOYED**
Driver's license : **CALIFORNIA**

Reference Master Name Index
HILL, KATHERINE CLOUES
WHITE FEMALE
Ethnicity : **NON-HISPANIC**
Born on **Jul-15-1966**

Linkage factors
Resident status : **RESIDENT OF AUSTIN**

Case Specific : WITNESS - 12 KELLY, KRISTIE LEE
WHITE FEMALE
Born on **Aug-27-1966**
Residing at **13209 VENDRELL DRIVE , AUSTIN , TEXAS 78729-**
Phone Numbers
HOME : (512)633-1676 : (512)708-8098

Driver's license : **11022786**
5'00 in height, Weighing **112 lbs**
Hair color : **BLOND/STRAWBERRY**
Eye color : **GREEN**

Reference Master Name Index
KELLY, KRISTIE LEE
WHITE FEMALE
Born on **Aug-27-1966**

Linkage factors
Resident status : **RESIDENT OF AUSTIN**

Case Specific : WITNESS - 13 HANSON, BRUCE
WHITE MALE
Born on **Aug-13-1967**

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Residing at **2 FALLON PLACE #53 , SAN FRANCISCO , CALIFORNIA 94133-**

Phone Numbers

HOME : (612)803-0745

Occupation : **MARKETING**

Employed by **GHIRARDELI CHOCOLATES**

Driver's license **TEXAS**

6'00 in height, Weighing **170 lbs**

Hair color : **BLOND/STRAWBERRY**

Eye color : **BLUE**

Reference Master Name Index

HANSON, BRUCE

WHITE MALE

Born on **Aug-13-1967**

Linkage factors

Resident status : **NONRESIDENT OF AUSTIN**

Case Specific : WITNESS - 14 ALHADES, NATHAN LLOYD

WHITE MALE

Born on **Mar-04-1987**

Residing at **9715 RR 620 #11210 , AUSTIN , TEXAS 78726-**

Phone Numbers

HOME : (512)663-8976

Driver's license :

Reference Master Name Index

ALHADES, NATHAN LLOYD

WHITE MALE

Ethnicity : **NON-HISPANIC**

Born on **Mar-04-1987**

Linkage factors

Resident status : **RESIDENT OF AUSTIN**

Case Specific : WITNESS - 15 SALIGA, SHON

WHITE MALE

Born on **Apr-29-1957**

Residing at **8010 WHITWORTH LANE , ROUND ROCK , TEXAS 78681-**

Phone Numbers

HOME : (512)423-7349

Driver's license :

6'02 in height, Weighing **190 lbs**

Hair color : **BLOND/STRAWBERRY**

Eye color : **BLUE**

Reference Master Name Index

SALIGA, SHON

WHITE MALE

Born on **Apr-29-1957**

Linkage factors

Resident status : **NONRESIDENT OF AUSTIN**

Case Specific : WITNESS - 16 SMITH, BRUCE RICHARD

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WHITE MALE

Born on **Nov-07-1961**

Residing at **20528 FARM POND , PFLUGERVILLE , TEXAS**

Phone Numbers

HOME : (512)731-0558 CELL PHONE : (512)786-6794

Driver's license :

5'09 in height, Weighing **170 lbs**

Hair color : **BROWN**

Eye color : **HAZEL**

Reference Master Name Index

SMITH, BRUCE RICHARD

WHITE MALE

Born on **Nov-07-1961**

Linkage factors

Resident status : **NONRESIDENT OF AUSTIN**

Case Specific : WITNESS - 18 HERZOG, BRANDON

WHITE MALE

Born on **Mar-27-1982**

Residing at **1007 S. CONGRESS #411 , AUSTIN , TEXAS 78701-**

Phone Numbers

BUSINESS : (512)472-1860

Occupation : **WAITER**

Employed by **EDDIE V'S 30 1 E. 5TH ST**

Driver's license :

Reference Master Name Index

HERZOG, BRANDON DOUGLAS

WHITE MALE

Ethnicity : **NON-HISPANIC**

Born on **Mar-27-1982**

Linkage factors

Resident status : **RESIDENT OF AUSTIN**

Case Specific : JUV-WITNESS - 17 SALIGA, BRADFORD WILLIAM

WHITE MALE

Born on **May-26-1990**

Residing at **8010 WHITWORTH LANE , ROUND ROCK , TEXAS 78681-**

Phone Numbers

HOME : (512)341-9723

Occupation : **STUDENT**

Employed by **ROUND ROCK HIGH SCHOOL**

Reference Master Name Index

SALIGA, BRADFORD WILLIAM

WHITE MALE

Born on **May-26-1990**

Linkage factors

Resident status : **NONRESIDENT OF AUSTIN**

Statement taken : **YES**

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Case Specific : OWNER/MANAG - 01 MUELMAN, JO
WHITE FEMALE
Born on **Apr-18-1950**
Residing at **5515 BRODIE LANE #1016 , AUSTIN , TEXAS**
Phone Numbers
HOME : (214)535-6417 BUSINESS : (512)473-8555

Employed by **AUSTIN CITY LOFTS PROPERTY MANAGER**
Additional remarks :

Reference Master Name Index
MUELMAN, JO
WHITE FEMALE
Born on **Apr-18-1950**

Linkage factors
Resident status : **RESIDENT OF AUSTIN**

Related text page(s)

Document : **PRESS RELEASE**

Author : **AP3480 - ELLSWORTH, JON**

Related date/time : **Mar-17-2006 2318**

DISPATCHED TO 5TH/BOWIE IN REF TO AN ASSAULT.

Document : **INITIAL REPORT**

Author : **AP3480 - ELLSWORTH, JON**

Related date/time : **Mar-17-2006 2319**

ARRIVED AND THIS LOCATION AND MET WITH THE VICTIM
LUKE JOHNSON W/M 1/4/80
WHO STATED THAT HE HAD BEEN ASSAULTED BY THE MAYOR OF AUSTIN.

JOHNSON WAS STANDING WITH TWO OF HIS FRIENDS
ADAM MANDELL W/M 1-11-79
JOSEPH ZDRILICH W/M 10-29-78
WHO IDENTIFIED THEMSELVES AS ATTORNEYS.

JOHNSON STATED THAT HE WAS ATTENDING A PRIVATE PARTY AT THE HIGH RISE
APARTMENT/CONDOS IN 800 BLK OF W 5TH.

HE STATED THAT HE AND HIS FRIENDS WERE GUEST AT THIS SMALL PARTY. HE AND
HIS FRIENDS WERE FROM OUT OF TOWN AND THEY HEARD AND ANNOUNCEMENT (BY THE
BAND) SAYING THAT THE MAYOR OF AUSTIN WAS AT THIS PARTY.

JOHNSON SAID HE DIDN'T KNOW THE MAYOR AND HE WENT UP TO INTRODUCE HIMSELF
TO HIM. JOHNSON STATED THAT THE MAYOR WAS SPEAKING WITH SOMEONE SO HE
STOOD OFF TO THE SIDE TO KEEP FROM INTERRUPTING. JOHNSON SAID THAT WE THAT
CONVERSATION BROKE HE POLITELY INTRODUCED HIMSELF. HE SAID THAT MAYOR
INTRODUCED HIMSELF AND SAID THAT HIS NAME WAS WILL WYNN.

JOHNSON DIDN'T UNDERSTAND THE MAYOR'S NAME AND HE BEGAN QUESTIONING HIM AS
TO WHAT EXACTLY IF HIS NAME WAS WILL OR WYNN. JOHNSON SAID THAT IT WAS
LOUD AND HE WAS JUST TRYING TO UDERSTAND WHAT HIS NAME WAS.

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JOHNSON SAID THAT THE MAYOR MUST HAVE THOUGHT HE WAS MAKING FUN HIS NAME AND HE QUICKLY BECAME UPSET. JOHNSON SAID THAT THE MAYOR BEGAN PUSHING HIM AND TELLING HIM TO LEAVE THE PARTY. JOHNSON STATED THAT THE MAYOR WAS CURSING HIM AND FORCEFULLY PUSHING HIM BACK AGAINST THE WALL. THE MAYOR THEN GRABBED HIM BY THE ARM OR THE SHIRT AND TOLD HIM TO LEAVE THE PARTY.

THE MAYOR THEN HELD ONTO JOHNSON AS HE WALKED HIM OUT OF THE PARTY. JOHNSON SAID THAT HE WAS SCARED AND HE WAS SHOCKED BY THE MAYORS BEHAVIOR. THE MAYOR PUSHED JOHNSON OUT ONTO THE SIDEWALK AND SLAMMED THE POOL GATE DOOR SHUT.

THIS PARTY WAS IN AN OPEN AREA BY THE POOL AND JOHNSON HEARD THE MAYOR YELLING SOMETHING TO THE EFFECT OF "DON'T LET THAT VIRGINIA SHIT STAIN BACK IN HERE".

JOHNSON SAID THAT HIS TWO FRIENDS WERE STILL INSIDE THE PARTY AND HE STOOD OUTSIDE ON THE SIDEWALK WAITING FOR THEM. THE MAYOR CAME BACK OUT ONTO THE SIDEWALK AND CONFRONTED JOHNSON AGAIN. THE MAYOR SLAPPED/GRABBED JOHNSON BY THE NECK WITH HIS RIGHT HAND. JOHNSON SAID THE MAYOR WAS USING FORCE AGAINST HIM AND CHOKING HIM. HE TOLD JOHNSON THAT HE WOULD REMEMBER HIS NAME AND HE BETTER LEAVE TOWN NOW. THE MAYOR ALSO TOLD JOHNSON HE WAS CALLING SOME SQUAD CARS OVER HERE. JOHNSON SAID THAT STEPHEN EASLY (WHO HE MET AND HAD A BUSINESS CARD FROM) STEPPED IN BETWEEN HIM AND THE MAYOR AND HE GOT THE MAYOR TO LET GO OF HIM. EASLY THEN ASSISTED THE MAYOR INSIDE THE COMPLEX.

JOHNSON'S TWO FRIENDS CAME OUT AND THE CONTEMPLATED WHETHER OR NOT TO CALL THE POLICE. JOHNSON STATED THAT IT HURT WHEN HE WAS BEING PUSHED/SLAPPED/GRABBED BY THE MAYOR.

AS OFC M ATTRIDGE 4516 WERE SPEAKING TO JOHNSON AND HIS FRIENDS A GROUP OF SUBJECTS WALKED BY AND MADE A REMARK ABOUT THE MAYOR THROWING JOHNSON OUT OF THE PARTY. THEY STATED THAT THEY DID NOT KNOW THE MAYOR PERSONALLY, BUT THEY KNEW HE LIVED AT THE COMPLEX (WHERE THE PARTY WAS HELD).

OFC ATTRIDGE ID THESE SUBJECT AND I WALKED OVER TO THE COMPLEX TO CONFIRM IF THE MAYOR WAS ACTUALLY INVOLVED IN THIS DISTURBANCE. THERE WAS A SMALL GROUP OF SUBJECTS STANDING BY THE POOL AREA AND MOST OF THE PEOPLE WERE TYRING TO LEAVE. AS I WALKED UP I OVERHEARD THESE SUBJECTS TALKING ABOUT THE MAYOR THROWING A GUY OUT OF THE PARTY.

I QUICKLY CONFIRMED THAT MAYOR WILL WYNN WAS ACTUALLY INVOLVED IN THIS DISTURBANCE.

I ID

JENNIFER SMITH W/F 4-28-68

WHO STATED THAT SHE SAW THE MAYOR SLAM THE POOL GATE AND BEGAN SCREAMING ABOUT ABOUT A VIRGINIA STAIN NOT COMING BACK INTO THE PARTY. SHE SAID THAT SHE DID NOT SEE AN ASSAULT.

THE OTHER SUBJECT I ID STATED THAT THEY WERE PERSONAL FRIENDS OF THE MAYOR AND THEY DID NOT SEE ANYTHING. THEY DID ADMIT THAT THE MAYOR ASKED AN UNINVITED GUEST TO LEAVE.

I CONTACTED SGT POWELL 862 AND ICU SGT SPANGLER ABOUT THIS INCIDENT. SGT SPANGLER WAS ADVISED OF THIS INCIDENT AND HE STATED THAT HIS UNIT WOULD NOT RESPOND TO THIS LOCATION. HE INFORMED ME TO DOCUMENTED AND ID THE SUBJECTS INVOLVED IN THIS INCIDENT. HE STATED THAT I COULD SPEAK WITH THE MAYOR IF

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HE WANTED TO GIVE HIS SIDE OF THE INCIDENT.

I CONTACTED THE MAYOR
WILL WYNN

WHO GAVE HIM VERSION OF THIS INCIDENT. HE STATED THAT HE WAS HAVING A CONVERSATION WITH A SUBJECT WHEN JOHNSON CAME UP AND INTERRUPTED HIM. HE WAS QUESTIONING HIM ABOUT HIS NAME AND IRRITATING HIM. THE MAYOR SAID THAT THIS UPSET HIM, BECASUE PEOPLE HAVE ALWAYS MADE FUN OF HIS NAME AND HE TOLD THE GUY TO LEAVE THAT THIS WAS HIS RESIDENCE. THE MAYOR ASSISTED JOHNSON IN LEAVING AND HE CLOSED THE POOL GATE.

THE MAYOR STATED THAT HE PROBABLY USED SOME CURSE WORDS SINCE HE WAS UPSET ABOUT THIS SITUATION. THE MAYOR STATED THAT HE DID SEE JOHNSON STANDING OUT ON THE SIDEWALK AND HE THOUGHT HE WAS GOING TO COME BACK INTO THE COMPLEX. THE MAYOR CONFRONTED JOHNSON AGAIN AND TOLD HIM TO GET OUT OF TOWN AND NOT COME BACK.

THE MAYOR AGAIN STATED THAT HE MAY HAVE USED STRONGER WORDS THAN THAT, BUT HE DENIED EVER ASSAULTING JOHNSON.

THE MAYOR'S VERSION OF EVENTS ARE VERY SIMILAR TO THE INCIDENT REPORTED BY JOHNSON, BUT THE MAYOR DID NOT SAY THAT HE EVER ASSAULTED JOHNSON.

THE MAYOR SAID THAT IF JOHNSON WAS FILING ASSAULT CHARGES HE WANTED TO FILE ASSAULT CHARGES. I ASKED THE MAYOR IF HE WAS ASSAULTED AND HE STATED THAT HE WAS NOT, BUT THAT JOHNSON DID IRRITATE HIM AT HIS RESIDENCE.

SOME OF THE WITNESSES STATED THAT THE MAYOR MAY HAVE HAD TOO MUCH TO DRINK AND HE OVERREACTED TO THIS SITUATION.

THIS CASE WILL BE ROUTED TO THE INTEGRITY CRIMES UNIT. NOI.

Document: **SUPPLEMENTS**

Author: **AP4516 - ATTRIDGE, MICHAEL M**

Related date/time: **Mar-17-2006**

ON CALL THE 700 BLOCK OF W. 5TH STREET IN RESPONSE TO A REPORT OF AN ASSAULT. UPON ARRIVAL I MADE CONTACT WITH WITNESSES THAT WERE LEAVING THE PARTY WHERE THE ASSAULT OCCURRED. WITNESSES ID AS:

CULLEN, MARSHALL W/M 3-23-64
ZULAN, COLLEEN W/F 4-22-63
BOXALL, ANGELA W/F 12-3-75
MANDELL, ADAM W/M 1-11-79
ZDRILICH, JOSEPH W/M 10-29-78
SAVENS, ANDREW W/M 7-9-82

ALL INDIVIDUALS ADVISED THAT THEY HAD ATTENDED A PARTY OUT BY THE POOL AREA. I MADE CONTACT WITH EACH WITNESS TO GET THEIR ACCOUNT OF THE DISTURBANCE THAT HAD TAKEN PLACE.

CULLEN, MARSHALL
OBSERVED A MALE SUBJECT, WHOM OTHER PERSONS TOLD HIM WAS THE MAYOR;
WALKING AROUND CURSING. CULLEN WAS AWARE THAT A DISTURBANCE HAD TAKEN

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PLACE, BUT DID NOT OBSERVE THE ALTERCATION DIRECTLY.

ZULAN, COLLEEN

OBSERVED A MALE SUBJECT WALK OUT TO THE POOL AREA ASKING IF ANYONE KNEW WHO INVITED LUKE TO THE PARTY. ZULAN WAS TOLD BY MANY OTHER PERSON AT THE PARTY, THAT THE MALE SUBJECT INQUIRING ABOUT ANOTHER SUBJECT NAME LUKE WAS THE MAYOR OF AUSTIN. ZULAN ADVISED THAT THE MAYOR SEEMED VERY ANGRY.

BOXALL, ANGELA

OBSERVED A MALE SUBJECT (TOLD BY OTHER PERSONS MALE SUBJECT WAS MAYOR) VERBALLY AND AGGRESSIVELY MAKE CONTACT WITH ANOTHER SUBJECT BY THE POOL AREA. BOXALL ADVISED THAT THE MAYOR WAS USING HARSH LANGUAGE AND WAS PLACING HIS HANDS ON ANOTHER MALE SUBJECT (JOHNSON, LUKE); BACKING THE SUBJECT UP.

MANDELL, ADAM

MANDELL ADVISED THAT HE WAS WAITING IN LINE BY THE RESTROOM AREA, WHEN SEVERAL PERSONS TOLD HIM THAT THE MAYOR HAD AN ALTERCATION WITH "A SHIT STAIN FROM VIRGINIA". MANDELL LATER OBSERVED A SUBJECT (MAYOR) WALKING AROUND SLAMMING DOORS.

ZDRILICH, JOSEPH

ZDRILICH ADVISED THAT THE MAYOR WAS WAGGING HIS FINGER AT JOHNSON, SAYING "SHIT STAIN", THEN DRAG JOHNSON OUT OF THE POOL AREA. ZDRILICH THEN HEARD JOHNSON SAY, "I DID NOT MEAN TO CAUSE ANY OFFENSE". ZDRILICH ADVISED THAT HE HEARD A THRUST AGAINST THE FENCE. THE MAYOR THEN WALKED OUT BY THE POOL AREA AND ASKED IF ANYONE KNEW LUKE JOHNSON. THE MAYOR STATED, IF ANYONE KNEW LUKE JOHNSON WILL HAVE HELL TO PAY.

SAVENS, ANDREW

SAVENS STATED THAT HE KNOWS THE MAYOR. SAVENS ADVISED THAT HE OBSERVED THE MAYOR WALK UP TO SOME GUY. THE MAYOR TOLD THE GUY THAT HE WAS A SHIT STAIN MANY TIMES. THE MAYOR ESCORTED THE GUY OUT OF THE PARTY. SAVENS ADVISED THAT IT WAS ONLY VERBAL, BUT ADVISED THAT THEY MAYOR WAS PRETTY INTOXICATED.

I THEN ACCOMPANIED DET. ELLSWORTH 3480 IN ORDER TO SPEAK WITH THE MAYOR.

NOI

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Follow Up Report(s)

Follow Up # 1

Assignment Information

Assigned to **AP4516 - ATTRIDGE, MICHAEL M**

Org unit : **DT WALKING BEAT NIGHTS 4**

Capacity : **SUPPLEMENTAL**

Assigned on **Mar-17-2006 (Fri.) 2310** by **AP4516 - ATTRIDGE, MICHAEL M**

Report due on **Mar-17-2006 (Fri.)**

Submission Information

Submitted on **Mar-17-2006 (Fri.) 2310**

Follow Up completed : **NO**

Follow Up # 2

Assignment Information

Assigned to **AP2961 - TREJO, ALFRED** Rank : **DETECTIVE**

Org unit : **INTEGRITY CRIMES UNIT**

Capacity : **LEAD INVESTIGATOR**

Assigned on **Mar-21-2006 (Tue.) 1122** by **AP1507 - SPANGLER, MARK**

Report due on **May-20-2006 (Sat.)**

Submission Information

Submitted on **Apr-25-2006 (Tue.) 0951**

Approved on **Apr-25-2006 (Tue.)** by **AP1507 - SPANGLER, MARK**

Follow Up completed : **YES**

Related text page(s)

Document : **INVESTIGATOR'S REPORT**

Author : **AP2961 - TREJO, ALFRED**

Subject : **supp**

Related date/time : **Mar-22-2006 0756**

I REVIEWED THE AUDIO CONVERSATION BETWEEN SGT SPANGLER AND LUKE JOHNSON. THE RECORDING LASTED APPROX 36 MINUTES. JOHNSON TOLD SGT SPANGLER WHAT OCCURRED AT THE AUSTIN CITY LOFTS ON ST. PATRICKS DAY, 3/17/06. AFTER REVIEWING THE AUDIO RECORDING, I SEARCHED THE INTERNET AND FOUND THE WEBSITE FOR THE AUSTIN CITY LOFTS CONDOS. I WENT TO THEIR WEBSITE AND THERE IS SUPPOSED TO BE 24 HR VIDEO MONITORING OF THE COMPLEX.

3/22/06..7:53AM. I CALLED JOHNSONS NUMBER. NO ANSWER. VOICE MAIL MESSAGE LEFT.

9:07 AM...MYSELF AND DET CRABB DROVE TO THE AUSTIN CITY LOFTS, LOCATED AT 800 W. 5TH STREET. UPON ARRIVAL, I NOTED THAT THE PROPERTY IS LOCATED ON THE NORTH CURB LINE. I NOTICED AN EXIT GATE LOCATED WEST OF THE MAIN CONDO ENTRANCE. THIS GATE LED INTO THE COURTYARD OF THE COMPLEX. THE CONDO SECURITY VIDEO IDENTIFIES THIS GATE AS "POOL GATE". IT IS ALSO REFERRED TO IN THIS REPORT AS THE "COURTYARD GATE". THERE IS NO OTHER ENTRY GATE AT THE FRONT OF THIS PROPERTY. THIS GATE REQUIRES ONE TO CLIMB ABOUT 4-5 STEPS AND THE STEPS LEAD TO THE SIDEWALK ON WEST 5TH STREET. I NOTICED THERE WAS A SECURITY CAMERA POINTED AT THE OUTSIDE COURTYARD GATE WHICH LEADS INTO THE COURT YARD. CRABB AND I THEN WENT TO THE MAIN FRONT DOOR AND I SPOKE WITH THE PROPERTY MANAGER:

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JO MEULMAN W/F DOB 4/18/50

MEULMAN WAS MADE AWARE OF THIS INVESTIGATION. SHE TOLD ME SHE WAS MADE AWARE OF SOMETHING THAT HAD GONE ON LAST FRIDAY BY THE SECURITY OFFICER ON DUTY, IDENTIFIED AS:

J.R. RAMIREZ PHONE # 740-3586

MEULMAN DID NOT KNOW OF WHO MAY HAVE WITNESSED SOME OR ALL OF THIS INCIDENT. SHE STATED THERE ARE 16 VIDEO CAMERAS, EACH POINTING TO ENTRY/EXIT POINTS, OR TO THE ELEVATORS. THERE ARE NO CAMERAS POINTED INSIDE THE COURTYARD ITSELF. THE CAMERAS RELEVANT TO THIS CASE ARE:

CAMERA #4 - POINTS TO THE ENTRY GATE LEADING INTO THE COURTYARD

CAMERA #1 - POINTS TO THE MAIN DOOR

CAMERA #9 - POINTS TO ELEVATORS

MEULMAN GAVE ME A PARTIAL COPY OF THE SECURITY OFFICERS LOG FOR THE AUSTIN CITY LOFTS. THE LOG IS DATED 3/17/06, AND IS THE LOG KEPT BY SECURITY OFFICER JR RAMIREZ DURING HIS SHIFT, WHICH IS WHEN THE PARTY OCCURRED. RELEVANT ENTRIES IN THE LOG:

- 4:45PM....EASLEY UPSET BECAUSE THE ELEVATORS WERE TIED UP, AND EASLEY WAS HAVING A HARD TIME GETTING THE PARTY SET UP (AT THE COURTYARD).
- 6:00PM....POOL LIGHTS NOT WORKING. MARGARITA MACHINE NOT WORKING. CLAYTON CALLED RICK. SWITCH WAS TURNED ON.
- 8:00PM ...THE PARTY IS OVER.
- 10:00PM.. OFFICER ELLSWORTH CAME IN AND SAID THAT IF I WOULD CALL MAYOR WILL WYNN THAT HE WOULD LIKE TO ASK HIM A FEW QUESTIONS. MAYOR WYNN CAME TO THE LOBBY TO TALK TO THE OFFICERS. OPENED THE MANAGERS OFFICE SO THEY COULD TALK.
- 10:20PM. APD OFFICER ELLSWORTH DEPARTED FROM LOBBY. HE ASKED IF I HAD SEEN ANY PUSHING OR SHOVING AT THE POOL PARTY. I TOLD HIM NO. END OF STORY.

JO MEULMAN DIRECTED ME TO THE FRONT DESK SECURITY WHO IDENTIFIED AS:

BILL POTTS W/M DOB 08/21/79
1616 W. 10TH STREET 78703
WK# 473-8555

POTTS STATED HE WOULD MAKE A DVR COPY OF THE SECURITY CAMERA #1, #4, AND #9 DURING THE RELEVANT TIMES AND I COULD COME PICK THEM UP TOMORROW. I THEN TOOK SOME PHOTOS OF THE COURTYARD AREA AND RESTROOMS LOCATED IN THE COURT YARD. NOI.

11:59AM....(RECORDED) I SPOKE TO JOHNSON. I TOLD HIM I WOULD BE FAXING HIM A MEDICAL RELEASE FORM AND FOR HIM TO FILL IT OUT AND RETURN IT TO ME. HE SAID HE THOUGHT HE WOULD BE ABLE TO FAX IT BACK TO ME BY TOMORROW. HE GAVE ME HIS DADS FAX NUMBER AS:

703-591-6936

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I FAXED HIM THE NAMC MEDICAL RELEASE FORM AT 1:24PM.

I RAN A CRIMINAL HISTORY ON JOHNSON.

PHONE INTERVIEW

1:54PM... I SPOKE TO EASELY, WHO IS AN ATTORNEY LIVING IN ARLINGTON VIRGINIA. EASLEY HAPPENS TO HAVE A SECOND HOME HERE IN AUSTIN, AT THE AUSTIN CITY LOFTS, APT # 907. (THIS CONVERSATION WAS RECORDED). EASLEY STATED HE WAS AT THE LOFTS FROM ABOUT 5P-8 OR 8:15PM. HE SAID HE WAS ONE OF THE HOSTS WHO WAS THROWING THE PARTY. EASELY IS NOT FRIENDS WITH THE MAYOR AND HAS ONLY MET HIM 2 OR THREE TIMES. HE CALLS HIM "MAYOR" AND NOT "WILL". HE SAID HE FIRST MET THE MAYOR SOMETIME LAST YEAR, EITHER JULY 4TH OR MEMORIAL DAY. THE SECOND TIME HE MET HIM WAS LAST WEEK HERE AT THE LOFTS, WHERE A FUND RAISER WAS BEING HELD FOR THE MAYOR. HE SHOOK HIS HAND AND GAVE A 100.00 FOR THE FUND RAISER. THEY REALLY DON'T KNOW EACH OTHER. EASLEY THREW A PARTY HERE AT THE CONDOS ON 3/17/06, THE NIGHT IN QUESTION. THE EVENT WAS INTENDED FOR FELLOW ENTERTAINMENT ATTORNEYS AND MANAGERS WHO WERE IN TOWN FOR A S X SW CONTINUING EDUCATION LEGAL SEMINAR. HE INVITED PEOPLE OVER FOR A "MIXER". HE SAID HE LATER SPOKE TO ONE OF THE REPORTING OFFICERS ON THE PHONE.

EASLEY FIRST NOTICED THE MAYOR AT THE PARTY AT ABOUT 6:50PM. EASLEY WAS UP ON STAGE ANNOUNCING THE BAND WHICH WAS PLAYING. HE SAW THE MAYOR AND GAVE A "SHOUT OUT" TO THE CROWD, ANNOUNCING THE MAYOR. THE MAYOR WAS WITH HIS TWO DAUGHTERS AND TWO OTHER WOMEN THAT EASLEY THOUGHT MAY BE RELATIVES, BUT HE WASN'T SURE. EASELY SHOOK THE MAYORS HAND. WYNN THANKED EASLEY FOR INVITING HIM AND WYNN DIDN'T SEEM TO BE AGITATED OR MAD ABOUT ANYTHING.

AFTER THE MUSIC STOPPED AT 7:20PM, EASLEY WAS IN THE COURTYARD SPEAKING TO A WOMAN. HE DIDN'T NOTICE WHAT WAS GOING ON WITH WYNN OR JOHNSON. BETWEEN 7:30PM AND 8:00PM, EASLEY NOTICED THE MAYOR WALK TOWARDS THE CENTER OF WHAT WAS LEFT OF THE PARTY AND THE MAYOR MADE AN ANNOUNCEMENT ASKING "WHO'S WITH LUKE (SOMETHING)?? I'VE THROWN HIS ASS OUT ON THE STREET AND HE'S NOT TO BE LET BACK IN. EASLEY WALKED UP TO THE MAYOR AND TOLD THE MAYOR THAT HE WOULD MAKE CERTAIN THAT LUKE DID NOT COME BACK IN, SO EASLEY WENT OUT THE COURTYARD GATE TO SPEAK TO JOHNSON. EASLEY FOUND JOHNSON STANDING OUT ON THE SIDEWALK, ON W. 5TH STREET. EASLEY WAS GOING TO HAVE JOHNSON STAND OVER BY THE "BRIDGE" (WHICH MEANT THE BRIDGE WHICH CROSSES OVER SHOAL CREEK, APPROX 50-100 FT WEST OF THE COURTYARD GATE). EASLEY SAID HE WOULD FIND JOHNSONS FRIENDS AND HAVE THEM MEET JOHNSON OVER THERE.

AT THAT TIME, MAYOR WYNN CAME BACK OUTSIDE AND APPROACHED THEM. THE MAYOR TOLD JOHNSON "I THOUGHT I TOLD YOU TO LEAVE". JOHNSON WAS SAID TO HAVE REPLIED "I'M LEAVING, I'M LEAVING". JOHNSON THEN LEFT AND WALKED OVER TO THE BRIDGE. EASLEY THEN WENT TO GO FIND JOHNSON FRIENDS AND HE LAST SAW WYNN WALKING BACK TO THE FRONT DOOR OF THE CITY LOFTS, WALKING BACK INSIDE. EASLEY FOUND JOHNSON FRIENDS. HE TOLD JOHNSONS FRIENDS THEY SHOULD GO WITH JOHNSON AND THEY SHOULD CHALK IT UP TO "PEOPLE DRINKING TOO MUCH".

EASLEY STATED WYNN APPEARED UPSET WHEN HE CAME OUT TO SPEAK TO HIM AND JOHNSON. EASLEY REMEMBERED SOME OFF COLORED REMARKS LIKE MAYBE THE MAYOR CALLED JOHNSON "YOU SORRY ASS SON-OF-A-BITCH". AND HE ALSO REMEMBERED THE MAYOR CALLING JOHNSON A "SHIT STAIN" ALTHOUGH THAT WAS NOT SAID TO JOHNSON DIRECTLY, IT WAS SAID WHEN WYNN HAD ADDRESSED THE CROWD AT THE PARTY.

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WHEN I ASKED EASELY IF HE SAW WYNN STRIKE, PUSH OR PUT HIS HANDS ON JOHNSON. HE SAID NO. I MADE THE REMARK THAT WHILE EASLEY WAS SPEAKING TO JOHNSON AND WYNN, EASELY WOULD HAVE BEEN IN A POSITION TO SEE WHETHER OR NOT WYNN PUT HIS HANDS ON JOHNSON, EASLEY SAID WYNN MIGHT HAVE BECAUSE EASELY WAS NOT LOOKING AT BOTH OF THEM THE WHOLE TIME BECAUSE EASLEY WAS LOOKING BACK AT THE GATE TO SEE IF JOHNSON FRIENDS WERE COMING OUT. HE SAID HE DIDN'T HEAR A SLAP OR A PUSH OR A PUNCH. HE DID NOT HEAR JOHNSON MAKE ANY REMARK THAT WOULD INDICATE THAT ANY PHYSICAL CONFRONTATION BETWEEN THE TWO. HE DID SAY THEIR MIGHT HAVE BEEN A SHOVE BETWEEN THE TWO, BUT HE DOESN'T KNOW FOR SURE. EASLEY SAID JOHNSON WAS INITIALLY VERBALLY DEFIANT AT FIRST WHEN THE MAYOR WALKED UP TO THEM, BUT THAT LASTED ONLY ABOUT 20 SECONDS, THEN HIS ATTITUDE CHANGED TO BEING MEEK.

EASLEY STATED JOHNSON HAD BEEN DRINKING, BECAUSE HE SAW A BEER IN HIS HAND. HE COULDN'T DESCRIBE ANY OTHER ELEMENT THAT WOULD SHOW INTOXICATION OTHER THAN HE SAW A BEER IN HIS HAND. EASELY LATER HEARD FROM OTHER PEOPLE THAT JOHNSON WAS SMARTING OFF TO OTHER PARTYGOERS PRIOR TO JOHNSON WALKING UP TO TO THE MAYOR.

EASELY NEVER SAW MAYOR WYNN WITH A DRINK IN HIS HAND.

END INTERVIEW

3:21PM...EASLEY LEFT A VOICE MAIL, STATING HE SPOKE WITH HIS WIFE, WHO TOLD HIM THAT SHE KNEW TWO FEMALES WHO MAY HAVE SEEN PART OF THIS INCIDENT. THESE TWO SUBJECTS WERE LISTED AS:

KATHY HILL PH# 917-685-0594
KRISTI KELLY

EASLEY STATED HILL AND KELLY LIVE IN AUSTIN, BUT HE DIDN'T HAVE ANY OTHER INFO ON THEM

3/23/06...8:55AM..LEFT MESSAGE ON JENNIFER SMITHS ANSWERING MACHINE. NOI.

9:00AM...LEFT MESSAGE FOR JASON MILLER ON HIS ANSWERING MACHINE.

9:04AM...LEFT MESSAGE ON KATHY HILLS ANSWERING MACHINE. NOI.

PHONE INTERVIEW

9:13AM....I CALLED COLEEN ZULAN AT THE GIVEN LOCAL AUSTIN NUMBER. I FOUND OUT THAT ZULAN IS FROM AUSTRALIA, AND WILL BE GOING BACK THERE ON 4/9/06. UNTIL THEN, SHE WILL BE IN NEW YORK CITY AT THE FOLLOWING NUMBER: 212-929-9137. I SPOKE TO HER (RECORDED). SHE STATED THE FOLLOWING:

ZULAN WAS WITH WITH A FRIEND WHO SHE DID NOT NAME BECAUSE SHE DIDN'T WANT TO GET INVOLVED WITH THE POLICE. SHE WAS ALSO WITH ANOTHER FRIEND NAMED ANGELA, WHO IS LISTED IN THIS REPORT. WHEN SHE ARRIVED AT THE PARTY, SHE MET AN ACQUAINTANCE OF HERS NAMED:

CRAIG HEINAMEN PH#917-854-6315

CRAIG LIVES IN NEW YORK CITY. CRAIG INVITED ZULAN AND HER FRIENDS TO THE

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PARTY BEING THROWN BY EASLEY AS HEINAMAN WAS THE ONE WHO GOT THE INVITATION. ZULAN WAS IN TOWN FOR THE S X SW FESTIVAL. ZULAN ARRIVED AT ABOUT 7:00PM. SHE DID NOT SEE THE INCIDENT WHICH IS ALLEGED TO HAVE OCCURRED INSIDE THE COURTYARD. SHE ONLY REMEMBERS A MALE, WHOM SHE LATER FOUND OUT WAS THE MAYOR, "RANTING" AND YELLING TO THE CROWD FOR ABOUT 5 MINUTES. SHE STATED THE MAYOR TOLD THE CROWD "WHO INVITED....(THE PARTICULAR MAN). SHE STATED THE MAYOR SAID THIS GUY "WAS THE SCUM OF THE EARTH". AND THAT THE MAYOR HAD JUST REMOVED HIM AND IF HE FOUND OUT WHO INVITED THAT MAN, HE WOULD REMOVE THEM TOO. THE MAYOR THEN SAID SOMETHING ABOUT HIM HAVING A RESPONSIBILITY TO HIS DAUGHTER, BUT ZULAN WASN'T SURE WHAT HE WAS TALKING ABOUT. AS THIS WAS GOING ON, SHE HEARD FROM THE CROWD, O MY GOD THATS THE MAYOR. SHE SAID THE MAYOR WENT ON AND ON AND SHE SAID SHE WAS EMBARRASSED FOR HIM. SHE SAID PEOPLE WERE LOOKING DOWN AT THE GROUND AND LOOKING AT THEIR TOES WHILE THE MAYOR WENT ON AND ON. SHE ALSO DESCRIBED THE MAYOR AS "PACING LIKE A TIGER". WHILE THIS WAS GOING ON. SHE SAID HE WAS ANGRY. SHE SAID THAT SOMEONE TRIED TO CALM DOWN, BUT HE WAS NOT ABLE TO DO SO. SHE THEN SAW THE MAYOR GO INSIDE THE CONDO COMPLEX AND DOESN'T KNOW WHERE HE WENT AFTER THAT.

ZULAN LATER WALKED OUTSIDE AND SPOKE TO JOHNSON. JOHNSON TOLD ZULAN THAT HE DIDN'T QUITE UNDERSTAND THE MAYOR WHEN THE MAYOR WAS BEING INTRODUCED (TO HIM), AND THAT THE MAYOR "WENT OFF HIS TREE". SHE SAID JOHNSON TOLD HER THAT THE MAYOR GRABBED HIM BY THE NECK.

ZULAN NEVER SAW THE INCIDENT IN THE COURTYARD AND DIDN'T SEE ANYTHING THAT HAPPENED BETWEEN THE MAYOR AND JOHNSON OUT ON 5TH STREET.

END INTERVIEW

9:59AM...FAXED MEDICAL RELEASE FORM TO NAMC. I CALLED TO MAKE SURE THEY GOT THE FAX. NOI.

1:15PM...I WENT TO 800 W 5TH AND PICKED TWO CD'S ONE CD IS A PORTION OF THE SECURITY CAMERA VIDEO COVERING THE COURTYARD ENTRY GATE. I OBSERVED THE FOLLOWING:

19:54:58 THREE MALES LATER IDENTIFIED AS HANSON, SHON SALIGA AND BRAD SALIGA, ARE EXITING THE COURTYARD GATE. BRAD IS CARRYING BAND EQUIPMENT.

19:56:20, JOHNSON CAN BE SEEN EXITING THE COURTYARD (POOL) GATE. WYNN IS RIGHT BEHIND HIM. IT APPEARS WYNN HAS HIS RIGHT HAND EITHER ON THE SMALL OF JOHNSON'S BACK OR ON HIS ARM. WYNN EXTENDS HIS RIGHT ARM OUTWARD ALL THE WAY, AND IT APPEARS AS THOUGH HE IS PUSHING JOHNSON OUT THE GATE, TOWARDS THE STAIRS THAT LEAD TO 5TH STREET. IT APPEARS THAT JOHNSON TAKES AN EXAGGERATED STEP FORWARD TOWARDS THE STEPS, AND HE CONTINUES TO GO UP THE STAIRS AND THEN IS OUT OF SIGHT. 3 SECONDS GO BY AND WYNN, WHO WAS STANDING AT THE GATE ENTRANCE, GOES UP THE STAIRS AND THEN GOES OUT OF VIEW. UNKNOWN WHITE MALE ALSO EXITS THE GATE AND APPEARS TO BE WATCHING WHAT'S GOING ON ON THE SIDEWALK. LATER ON, I DETERMINE THE UNK MALE IS PROBABLY ANDREW SAVENS.

19:56:57 UNK MALE EXITS COURTYARD GATE.

19:57:00 WYNN RETURNS TO THE COURTYARD GATE AND CLOSES THE GATE BEHIND HIM.

19:59:32 - ELEVATOR LOBBY CAMERA SHOWS WYNN EXITING THE ELEVATOR THAT HE TOOK FROM THE COURTYARD/POOL AREA, AND IT SHOWS HIM WALKING TO THE FRONT

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DOOR OF THE AUSTIN CITY CONDOS.

19:59:45 - FRONT DOOR CAMERA SHOWS WYNN EXITING THE FRONT DOOR AND SHOWS HIM WALKING OUT OF CAMERA VIEW, SUPPOSEDLY HEADING WEST ONTO W. 5TH STREET, WHICH WOULD BE TOWARDS THE LOCATION OF THE COURTYARD/POOL GATE. AT 20:01:08, THE MAYOR RETURNS BACK THROUGH THE FRONT DOOR.

20:01:18 - MAYOR WYNN WALKS BACK THROUGH THE LOBBY, GETS INTO AN ELEVATOR, BUT DOES NOT GO BACK TO THE POOL/COURTYARD. IT IS PRESUMED AT THIS POINT, THAT HE WENT UP TO HIS CONDO. NOI.

PHONE INTERVIEW

3/24/06...10:12 AM...I SPOKE TO JASON MILLER. MILLER WAS ONE OF TWO BAR TENDERS WHO WERE HIRED TO WORK THE PARTY. (RECORDED). MILLER STATED THE FOLLOWING:

MILLER AND BRANDON HERZOG WERE BOTH HIRED AS BAR TENDERS. MILLER GOT THERE BETWEEN 5-6PM. HE SAID THE PARTY WAS AN OPEN BAR SERVING 3 KINDS OF BEER AND THEY HAD ALSO HAD A MARGARITA MACHINE. MILLER STATED HE KNOWS WHO THE MAYOR IS AND MILLER HIMSELF SERVED THE MAYOR TWICE. EACH TIME THE MAYOR HAD A MARGARITA. HE DOESN'T KNOW IF HERZOG SERVED THE MAYOR. MILLER STATED HE WAS USING THE RESTROOM WHEN THE WHOLE INCIDENT WENT DOWN. HE STATED THE LINE TO USE THE RESTROOM AT THE COURTYARD WAS BACKED UP, SO HE WENT INTO THE LOBBY AND USED ONE THERE. HE SAID WHEN HE LEFT, HE DECIDED TO GO BACK TO THE COURT YARD VIA THE COURTYARD GATE, AND THAT IS WHERE HE SAW JOHNSON STANDING. HE SAID JOHNSON APPEARED NERVOUS OR SCARED. JOHNSON ASKED MILLER IF JOHNSON WAS IN TROUBLE. MILLER STATED HE DIDN'T KNOW WHAT THIS GUY WAS TALKING ABOUT. JOHNSON TOLD MILER THAT HE WAS INTRODUCED TO THE MAYOR AND THE NEXT THING HE KNEW, HE WAS GETTING THROWN OUT. MILLER FOUND HIS WAY BACK IN TO THE POOL AREA, AND MILLER WAS TOLD THAT THE MAYOR AND JOHNSON HAD GOTTEN INTO A VERBAL ALTERCATION. MILLER DIDN'T SEE ANYTHING THAT HAPPENED EITHER IN OR OUTSIDE THE COURTYARD BETWEEN WYNN AND JOHNSON. MILLER DID NOT NOTICE ANY OBVIOUS SIGNS OF INTOXICATION ON JOHNSON. MILLER STATED AT THE HEIGHT OF THE PARTY, THERE MAY HAVE BEEN ABOUT 30 PEOPLE. TOWARDS THE END OF THE PARTY, MAYBE THERE WAS 20. NOI.

END INTERVIEW

PHONE INTERVIEW

...I SPOKE TO KATHY HILL. HILL KNOWS EASLEY AND SHE WAS INVITED TO THE PARTY. HILL SHOWED UP WITH KELLY. THEY GOT THERE AT ABOUT 6:15PM. SHE FIRST NOTICED THE MAYOR WITH HIS TWO DAUGHTERS SOMETIME WHILE IT WAS STILL LIGHT. SHE DIDN'T SEE WHAT STARTED THE INCIDENT, BUT SHE DID SEE THE MAYOR GETTING LOUD WITH (JOHNSON). SHE HEARD THE MAYOR REFER TO JOHNSON AS A "SHIT STAIN" AND SAW THE MAYOR GETTING IN JOHNSONS FACE. SHE ALSO STATED THEY WERE BOTH TOUCHING EACH OTHERS SHOULDERS , AND DESCRIBE IT AS WHEN TWO GUYS ARE GETTING READY TO FIGHT. SHE WAS FOCUSED ON WHAT THE MAYOR WAS DOING AND WASN'T PAYING AS MUCH AS ATTENTION TO JOHNSON. SAT THAT POINT HILL TURNED AROUND, AND SHE SAW A GROUP OF GUYS (WHICH MEANT THE MAYOR, JOHNSON AND SOME OTHER UNKNOWN MALES), WALKED BY HER AND SHE SAW THEM WALK OUT THE GATE. THEN SHE SAW THE MAYOR COME BACK IN TO THE GATE. SHE SAID THE MAYOR WAS STILL PRETTY AGGRAVATED. SHE SAID THE MAYOR TOLD THEM NOT TO LET (JOHNSON BACK INTO THE PARTY, AND SHE SAID HE REFERRED TO HIM AGAIN AS A "SHIT STAIN". AND THE MAYOR WENT ON FOR A FEW MINUTES. THEN SHE SAW THE MAYOR GO INSIDE THE CONDOS. SHE THEN DECIDED THE PARTY WAS OVER AND THEY

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LEFT.

HILL ALSO LOOKED AROUND AND DID NOT SEE THE MAYORS DAUGHTERS PRESENT DURING THIS INCIDENT AND SHE DETERMINED THAT THE KIDS MUST HAVE BEEN UPSTAIRS WHEN THIS WAS GOING ON.

HILL STATED SHE WOULD COME IN FOR A WRITTEN STATEMENT ON MONDAY 3/27/06, AT 10:00AM.

END INTERVIEW

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12:43PM...I SPOKE TO CRAIG HYMAN (RECORDED). HES FRIENDS WITH EASELY AND WAS THERE IN AUSTIN FOR A CONFERENCE DURING S X SW. HE WAS BY HIMSELF AND DID NOT KNOW WHO THE MAYOR WAS. HE REMEMBERS EASELY INTRODUCING THE MAYOR AND DID NOT SEE OR HEAR ANYTHING ELSE. HE WAS LEAVING THE PARTY AS THE MAYOR WAS COMING BACK INSIDE THE COURT YARD GATE. NOI

END INTERVIEW

PHONE INTERVIEW

12:41PM...I SPOKE TO KRISTIE KELLEY, FRIEND OF STEVEN EASELY AND KATHY HILL. SHE AGREED THAT HILL AND SHE WERE AT THE PARTY. SHE STATED SHE WAS ABOUT 3-5 FT AWAY FROM THE MAYOR AND JOHNSON. SHE NOTICED SOMETHING WAS GOING ON WHEN SHE HEARD THE MAYOR BECAME ANGRY SHE STATED SHE ASKED (JOHNSON) TO LEAVE. WHEN I ASKED WHAT DREW HER ATTENTION TO THE MAYOR AND JOHNSON, SHE STATED THE MAYOR WAS TELLING JOHNSON SOMETHING LIKE "WHAT DO YOU MEAN WHAT'S MY NAME?? I TOLD YOU WHAT MY NAME IS !!". SHE SAID JOHNSON WAS APOLOGIZING AT THE TIME. THE MAYOR KEPT TALKING TO JOHNSON. JOHNSON WASN'T SAYING MUCH. WHEN I ASKED IF SHE SAW WHETHER THE MAYOR PUT HIS HANDS ON JOHNSON SHE SAID YES. SHE SAID THE MAYOR WAS KIND OF PUSHING ON THE GUYS CHEST. SHE SAID JOHNSON WAS BACKING UP AND APOLOGIZING AS THIS WAS GOING ON.

KELLY SAID AT THIS POINT, EVERYONE STARTED TO BACK AWAY AND HILL AND KELLY TURNED AWAY ALSO (AS IF TO SUGGEST THAT NOBODY WANTED TO SEE WHAT WAS GOING ON OR GET INVOLVED) WHEN I ASKED IF ANYONE TRIED TO GET IN BETWEEN THEM, SHE SAID STEVE EASELY GOT IN BETWEEN THE MAYOR AND JOHNSON AND WAS TRYING TO CALM THE MAYOR DOWN. MOST EVERYONE HAD THEIR BACK TO THEM. SHE REMEMBERS JOHNSON TELLING THE MAYOR THAT HE WAS SORRY AND THAT HE DIDN'T MEAN TO OFFEND THEM. SHE DIDN'T WITNESS JOHNSON GETTING ESCORTED OUT. SHE HEARD THE GATE CLOSED AND SHE KNEW THE MAYOR FOLLOWED HIM OUT. WHEN THE MAYOR RETURNED. SHE SAID THE MAYOR CALLED THE KID A SHIT STAIN AND ASKED WHO INVITED HIM. SHE TOLD EVERYONE NOT TO LET THE KID BACK IN. SHE SAID THE MAYOR SAID THIS WAS HIS HOME. SHE THEN SAW THE MAYOR GO INSIDE. SHE THEN LEFT THE PARTY.

WHEN I ASKED KELLY TO DESCRIBE JOHNSON'S DEMEANOR, SHE SAID SHE FELT JOHNSON WAS ONE WHO LIKED TO PLAY WITH WORDS. I ASKED WHAT SHE MEANT. SHE SAID WHEN SHE FIRST MET HIM EARLIER IN THE EVENING, SHE WAS INTRODUCED TO HIM. KELLY TOLD JOHNSON "ITS NICE TO KNOW YOU". AND JOHNSON TOLD HER "KNOW YOU?, I DON'T KNOW YOU". HER IMPRESSION WAS THAT JOHNSON WAS IN HIS EARLY 20'S , AND IN AN ATTEMPT TO CLARIFY I ASKED IF HE WAS A SMART ALECK AND SHE AGREED. SHE DIDN'T DESCRIBE HIM AS BEING INTOXICATED.

END INTERVIEW

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KELLY STATED SHE WOULD CALL ME BACK AND GET WITH ME TO FIND A TIME TO GET HER WRITTEN STATEMENT

NOI.

3/27/06...7:29AM...SENT AN E-MAIL TO RON COOK FROM APD COMMUNICATIONS, ASKING FOR THE 911 TAPE.

8:21AM...RECEIVED 911 CALL WAV. FILE FROM RON COOK. CALL WAS PLACED IN AUDIO RECORDINGS FILE. NOI.

9:51AM....CALLED KELLY TO SCHED AN APPT. NO ANSWER. MESSAGE LEFT.

I CHECKED THE INTERNET AND I FOUND A SUBJECT BY THE NAME OF:

SAL COSTELLO

COSTELLO HAS A BLOG WHICH IS TITLED "THE MUCKRAKER". THE WEB SITE IS [HTTP://SALCOSTELLO.BLOGSPOT.COM/](http://SALCOSTELLO.BLOGSPOT.COM/). IT APPEARS TO BE A BLOG WHOSE GENERAL THEME RUNS AGAINST THE TOLL ROADS BEING BUILT AROUND CENTRAL TEXAS. ONE OF THE BLOG ENTRIES IS DATED 3/22/06 AND HAS AN ARTICLE REFERENCING THIS INVESTIGATION, ALONG WITH AN UNFLATTERING POLAROID PHOTO OF A MALE WITH AN OBVIOUS SUPERIMPOSED PHOTO OF THE HEAD OF MAYOR WYNN AT A BAR, HOLDING A BEER BOTTLE. I CUT AND PASTED THE BLOG ENTRY:

BLOG ENTRY

WHEN MAYOR WILL WYNN ATTACKS.

I SAW MAYOR WILL WYNN, THIS PAST FRIDAY AFTERNOON, MARCH, 17TH, ABOUT 3:10PM AT OPAL DEVINE'S ON 5TH STREET.

I HAD A MEETING AT OPAL DEVINE'S. AS I DRANK A COKE AND WAITED FOR MY ASSOCIATE, I NOTICED THE MAYOR WAS NOT STANDING TOTALLY BALANCED - JUST ABOUT EVERYONE WAS GETTING TRASHED - IT WAS ST. PATRICK'S DAY.

I DIDN'T THINK MUCH OF SEEING THE MAYOR. OTHER THAN WHAT RAN THROUGH MY HEAD. I THOUGHT TO MYSELF "THERE'S THAT DAMN MAYORAL FOOL WHO, ALONG WITH BREWSTER MCCrackEN, VOTED TO TOLL ROADS WE'VE ALREADY PAID FOR. HE DIDN'T CARE THAT 93% OF THE PUBLIC FEEDBACK OPPOSED TOLLING OUR FREEWAYS."

LITTLE DID I KNOW, LATER THAT NIGHT, ABOUT 11:00PM, THE MAYOR WOULD LOOSE HIS COOL AND BREAK THE LAW BY PUT HIS HANDS ON SOMEONE, THAT DIDN'T WANT TO BE TOUCHED.

THE TEXAS PENAL CODE, TITLE 5, CHAPTER 22, ASSAULTIVE OFFENSES ? 22.01(3) READS:

"A PERSON COMMITS AN OFFENSE IF THE PERSON INTENTIONALLY OR KNOWINGLY CAUSES PHYSICAL CONTACT WITH ANOTHER WHEN THE PERSON KNOWS OR SHOULD REASONABLY BELIEVE THAT THE OTHER WILL REGARD THE CONTACT AS OFFENSIVE OR PROVOCATIVE."

THE MAYOR'S APOLOGY VIA KXAN PROVES HE DID GET PHYSICAL.

THE MAYOR, AT THE VERY LEAST, BROKE THE LAW.

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THE VICTIM, LUKE A. JOHNSON FILED AN AUSTIN POLICE DEPARTMENT REPORT AGAINST THE MAYOR FOR "ASSAULT BY CONTACT".

HERE ARE THE DETAILS: MAYOR WYNN WAS GETTING TEASED BY THE 26 YEAR OLD JOHNSON, WHO WAS INVITED TO THE PARTY. THE PARTY TOOK PLACE AT THE COMMUNITY OUTDOOR AREA OF MAYOR WYNN'S HOME, ON 800 W. 5TH STREET. MAYOR WYNN GRABBED JOHNSON AND FORCIBLY REMOVED HIM FROM THE PARTY. THIS KVUE REPORT STATES THAT JOHNSON CALLED THE POLICE AND SAID THAT MAYOR WILL WYNN CHOKED HIM.

JOHNSON SAID HE WAS TAKEN TO A HOSPITAL AND HAS X-RAYS DOCUMENTING HIS INJURIES.

THE MAYOR WILL NOT BE HELD ACCOUNTABLE BY THE LAW ENFORCEMENT OFFICIALS OR THE MEDIA. THE OFFICIAL APD STATEMENT SAYS "OFFICERS DID NOT OBSERVE VISIBLE INJURIES". APPARENTLY THEY DON'T KNOW THE LAW.

OR, PERHAPS MAYOR "DOUBLE TAX" WYNN IS ABOVE THE LAW.

NOBODY HAS ASKED THE MAYOR IF HE WAS INTOXICATED. NO MEDIA OUTLET HAS REPORTED WHAT THE LAW SAYS. MAYBE IT'S TOO MUCH WORK TO LOOK IT UP VIA GOOGLE.

THE STATESMAN BURIED THE NEWS, WITHOUT AN ARTICLE, AT THE BOTTOM OF THE METRO BRIEFINGS. THE SAN ANTONIO EXPRESS (NOT EVEN OUR CITY) DID AN WHOLE ARTICLE.

THE OTHER MEDIA LAPS UP THE LATEST MAYOR'S "SPIN" (DISTRACTION). THE INCIDENT HAS SOMEHOW MADE THE MAYOR THINK HE NEEDS A FULL TIME POLICE OFFICER TO KEEP HIM SAFE.

THE WAY I SEE IT - WE NEED A FULL TIME COP ESCORTING US - TO PROTECT US FROM OUR MAYOR.

END BLOG ENTRY

HILL ARRIVED AT THE ICU OFFICE AND PROVIDED THE FOLLOWING SWORN STATEMENT

ON 3/17/06, I WAS AT A PARTY WITH MY FRIEND KRISTIE KELLY AT THE AUSTIN CITY LOFTS. KRISTIE AND I ARRIVED TOGETHER AT ABOUT 6PM. IT WAS STILL LIGHT OUTSIDE. I FIRST NOTICED THE MAYOR AT THE PARTY AROUND 6:30-6:45PM. I SAW HIM TALKING TO OTHER PEOPLE AT THE PARTY. HIS TWO GIRLS WERE WITH HIM.

SOMETIME LATER, I WAS STANDING NEAR THE NORTH SIDE OF THE POOL, TALKING TO KRISTIE. THE MAYOR WAS ABOUT 6 FT AWAY FROM US AND I HAD MY BACK TO HIM. I HEARD THE MAYOR GETTING LOUD. HE WAS YELLING AT A WHITE MALE THAT I HAD MET EARLIER AT THE PARTY NAMED LUKE. I HEARD THE MAYOR SAY, "YOU ARE A SHIT STAIN!" I BELIEVE I HEARD THE MAYOR TELL HIM THAT ABOUT THREE TIMES. KRISTIE AND I THEN LOOKED AROUND TO SEE IF THE MAYORS' DAUGHTERS WERE AROUND AND I DIDN'T SEE THEM. THE MAYOR AND LUKE WERE AN ARM'S LENGTH AWAY FROM EACH OTHER. AS THE MAYOR WAS YELLING AT LUKE, HE WAS APPROACHING LUKE AND LUKE WAS STEPPING BACKWARDS. AS LUKE WAS BACKING UP NEAR THE PILLARS, I SAW LUKE TAKE A SIDE STEP BACK AND RAISE HIS HANDS UP, PALMS OUTWARD. HE THEN SAID SOMETHING TO THE MAYOR. I THEN TURNED MY BACK TO THEM, BUT GLANCED OVER MY SHOULDER AND SAW A GROUP OF MEN WALK TO THE COURTYARD GATE. I HEARD THE GATE SLAM. I DON'T KNOW WHO WENT TO THE GATE.

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I SAW THE MAYOR WALKING BACK TOWARDS US BETWEEN THE PILLARS AND THE POOL. HE WALKED PAST THE PILLARS AND EVERYONE SEEMED TO MOVE AWAY. THE MAYOR TOLD THE CROWD "THAT GUY IS A SHIT STAIN". THE MAYOR SAID SOME OTHER THINGS, BUT I DON'T REMEMBER WHAT. I DO REMEMBER HIM ASKING THE CROWD WHO BROUGHT LUKE, AND NO ONE RESPONDED. HE THEN MENTIONED SHIT STAIN AGAIN AND HE REMINDED US HE WAS THE MAYOR OF THIS TOWN. HE MADE SOME REFERENCE TO APD. HE ASKED THAT NOBODY LET LUKE BACK INTO THE PARTY. HIS LAST COMMENT WAS "AND THAT'S HOW I FEEL ABOUT IT". AT THAT POINT, I DON'T KNOW WHERE HE WENT. KRISTIE AND I LEFT THE PARTY WITHIN TEN MINUTES AFTER THAT.

END STATEMENT

2:13PM....LEFT MESSAGE ON JR RAMIREZ VOICE MAIL.

3/29/06... 8:10 AM...CALLED JOHNSON NO ANSWER. VM LEFT.

8:30AM...JOHNSON CALLED ME (RECORDED). HE STATED HE DID WANT TO FORMALLY PRESS CHARGES. I EXPLAINED THE PROCEDURES INVOLVED. HE MENTIONED HE MAY BE COMING BACK TO AUSTIN, BUT WASN'T SURE. I TOLD HIM AS SOON AS HE KNEW TO CALL ME. HE THEN TOLD ME ABOUT A WEB SITE ON THE INTERNET THAT ALLEGEDLY HAS A BLOGGER REPORTING ABOUT HOW HE SAW THE MAYOR INTOXICATED. I TOLD HIM TO SEND ME THE WEB SITE. I THEN E-MAILED HIM WITH MY E-MAIL ADDRESS SO THAT HE COULD SEND IT TO ME.

9:20AM...WENT TO NAMC AND RETRIEVED JOHNSON MEDICAL RECORDS. I NOTED THE FOLLOWING:

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10:00AM...I WENT TO AUSTIN CITY LOFTS AND DOWN LOADED THE FULL LOAD OF SECURITY CAMERA FOOTAGE AND TRANSFERRED THAT INFORMATION TO A PORTABLE HARD DRIVE.

I THEN DROVE A BLOCK UP TO THE OPAL DEVINE BAR AT 700 W. 6TH STREET. I SPOKE WITH THE MANAGER NAMED:

CHET BUTLER
BUSINESS # 477-3308
CELL # 922-2760

CONVERSATION WAS RECORDED. BUTLER STATED HE WAS WORKING AT OPALS THE DAY THE MAYOR IS ALLEGED TO HAVE BEEN SEEN AT THE BAR BY BLOGGER. I ASKED BUTLER IF HE COULD CHECK HIS RECEIPTS AND SEE IF THE MAYOR RAN A TAB AT OPALS WITH A CREDIT CARD. I GAVE HIM MY BUSINESS CARD. BUTLER SAID HE WOULD CHECK AND THEN GET BACK WITH ME.

12:10 PM...LEFT VM FOR KELLY. NOI.

1:10PM....LEFT VM FOR JENNIFER SMITH.

3/30/06.....KRISTIE KELLY IS NO LONGER RETURNING CALLS. I LEFT ANOTHER VM ON HER ANSWERING MACHINE...9:50AM.

9:49AM...(RECORDED) HANSON CALLED ME. HE TOLD ME THE FOLLOWING:

PHONE INTERVIEW

HANSON WAS ASKED BY EASELY TO PLAY A SET AT THE PARTY. HANSON IS FRIENDS WITH EASELY AND ARRIVED AT ABOUT 2:00PM AND HELPED EASELY SET UP THE PARTY. HANSONS USUAL BAND DID NOT PLAY WITH HIM ON THIS SET, AND HANSON HAD BASICALLY RENTED OUT A BAND TO PLAY ALONG WITH HIM. HE IDENTIFIED THIS BAND AS "THE RHYTHM CONGRESS". HE ONLY KNEW FIRST NAMES OF THE BAND MEMBERS, KNOWN ONLY AS:

SHON
SHON'S SON
NATE

HANSON STATED HE FIRST NOTICED THE MAYOR AT THE PARTY, SOMETIME AROUND 6PM. HE DIDN'T NOTICE IF ANYONE WAS WITH THE MAYOR OR NOT. HANSON NOTED THE MAYOR WAS CHATTING WITH OTHER PARTYGOERS AND NOTHING SEEMED OUT OF THE ORDINARY. HE DESCRIBED THE MAYOR AS BEING AMIABLE AS HE CHATTED WITH OTHER FOLKS. HANSON AND THE BAND PLAYED THEIR SET UNTIL ABOUT 7:30PM. SOMETIME BETWEEN 8:00-8:30PM, HANSON STEVE, AND STEVE'S SON WERE OUT ON THE SIDEWALK ON W 5TH STREET. THEY HAD A VEHICLE PARKED AGAINST THE CURB AND IT WAS CLOSE TO THE GATE. ALL THREE GUYS WERE LOADING BAND EQUIPMENT INTO THE VEHICLE WHEN HANSON HEARD THE MAYOR YELLING "FUCK YOU, FUCK YOU!!!!" SEVERAL TIMES. HANSON TURNED AROUND AND SAW THE MAYOR POKING HIS FINGER AT A KID (JOHNSON). HANSON DIDN'T THINK THE MAYOR WAS ACTUALLY TOUCHING

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JOHNSON, BUT WAS MAKING THE MOTION WITH HIS HAND AS IF HE WAS GOING TO AND THE MAYOR WAS IN JOHNSONS FACE. HANSON DESCRIBED JOHNSON AS HAVING " A DEER IN THE HEADLIGHTS" LOOK AND HE LOOKED COMPLETELY LOST. THEN MAYOR THEN WALKED BACK THROUGH THE COURTYARD GATE AND SLAMMED IT SHUT AND TELLS JOHNSON TO "FUCK OFF".

NOT HAVING A WAY TO GO BACK IN AND GET THE REST OF THEIR EQUIPMENT, HANSON AND THE SALIGA'S THEN WALKED UP TO THE FRONT MAIN ENTRANCE OF THE CONDOS. AS THEY APPROACHED THE FRONT DOOR, THEY SAW THE MAYOR EXITING THE FRONT DOOR. HANSON DESCRIBED HAVING A STRANGE VIBE ABOUT THE MAYOR, DESCRIBED AS A THREATENING FEELING THAT HANSON FELT. HE STATED THE MAYOR HAD AN ANGRY LOOK ABOUT HIM AND HE LOOKED TENSE AND COILED. THE MAYOR ASKED "IS THAT SON A BITCH STILL OUT THERE?" AND HE PUSHED PAST THEM. HANSON AND COMPANY THEN WALKED INSIDE AND THEY DIDN'T SEE WHAT HAPPENED AFTER THAT.

BY THE TIME HANSON HAD MOVED THE REST OF THE MUSIC EQUIPMENT OUT THE TRUCK, JOHNSON WAS NO LONGER STANDING THERE.

HANSON STATED I SHOULD TRY AND FIND ANOTHER BAND MEMBER WHO WAS WITH THEM NAMED "NATE". HE BELIEVES NATE WAS THE PERSON WHO WAS SPEAKING TO THE MAYOR PRIOR TO JOHNSON WALKING UP AND INTRODUCING HIMSELF TO THE MAYOR, AND MAYBE "NATE" KNOWS ABOUT THAT PART OF THIS INCIDENT.

END INTERVIEW

I REVIEWED THE SECURITY CAMERA FOOTAGE FOR THE CONDO MAIN ENTRANCE DOORS. I WAS ABLE TO VERIFY PART OF WHAT HANSON TOLD ME. THE FOOTAGE SHOWS THREE MALES BUZZING THE FRONT DOOR. THERE ARE THREE MALES...HANSON, SHON SALIGA, AND HIS YOUNGER SON. I RECOGNIZED SALIGA FROM HIS PICTURE ON THE BANDS WEBSITE. THE MAYOR THEN OPENS THE FRONT DOOR AND EXITS, WALKING TOWARDS WHERE JOHNSON WOULD BE.

I GOOGLED "RYTHM CONGRESS". I LOCATED A NAME FOR CLIFF ERNST THE ONLY CONTACT INFO IS AN E-MAIL ADDRESS. I E-MAIL MR ERNST ASKING THAT HE CONTACT ME IN REFERENCE TO THIS INVESTIGATION. NOI.

11:31AM...CLIFF ERNST REPLIED TO MY E-MAIL. I SENT HIM ONE ASKING IF HE COULD GIVE ME CONTACT INFO FOR THE BAND MEMBERS. HE LATER SENT ME A REPLY, WITH PHONE NUMBERS FOR:

SHON SALIGA 423-7349
NATHAN ALHADES 663-8976

NOI.

3/31/06...ACCORDING TO HANSON, HE THOUGHT NATHAN ALHADES WAS THE PERSON WHO WAS SPEAKING WITH THE MAYOR PRIOR TO THE DISTURBANCE WITH JOHNSON AND THE MAYOR. I CALLED ALHADES. NO ANSWER. MESSAGE LEFT TON VM. 12:29PM.

12:45PM. I CALLED SHON SALIGA (RECORDED). SALIGA GAVE THE SAME BASIC ACCOUNT AS HANSON. HE DID SAY HE SAW THE MAYOR ESCORTING JOHNSON OUT OF THE ARM. HE SAID THE MAYOR WAS YELLING AT JOHNSON, BUT HE DOESN'T REMEMBER EXACTLY WHAT HE SAID, BUT IT WAS WORDS TO THE EFFECT THAT HE WAS NOT TO COME BACK INS DIE AND THAT HE NEEDED TO LEAVE NOW. HE DESCRIBED JOHNSON AS BEING CONFUSED AND NOT KNOWING WHAT WAS GOING ON, AND THAT JOHNSON ASKED WHAT DID HE DO. HE THEN SAW THE MAYOR GO BACK INSIDE AND SHUT THE COURTYARD GATE. AGAIN, HE GAVE THE SAME ACCOUNT AS TO WHAT HANSON SAID. AS THE MAYOR

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WAS COMING OUT THE FRONT DOORS, HE ASKED IF JOHNSON WAS S TILL THERE AND SALIGA POINTED OUT WHERE HE THOUGHT JOHNSON WAS AND COMMENTED TO THE MAYOR THAT HE THOUGHT JOHNSON AS WALKING OVER TO THE AREA OF WHOLE FOODS. SALIGA THEN ENTERED THE ELEVATOR. HE MET UP WITH NATHAN WHO TOLD HIM NATHAN SAID HE WAS TALKING TO THE MAYOR AND (JOHNSON) WALKED UP AND INTRODUCED HIMSELF TO THE MAYOR AND THAT JOHNSON ASKED THE MAYOR WHAT WAS HIS NAME. THE MAYOR SAID WILL WYNN. JOHNSON SAID "I'M SORRY I DIDN'T GET THAT....YOU MEAN WIND, LIKE BLOWING IN THE WIND??", AND THATS WHEN THE MAYOR WENT OFF. AN APPT WAS MADE FOR SALIGA AND HIS SON BRAD TO COME IN TO THE ICU OFFICE AND PROVIDE A WRITTEN STATEMENT. BRAD WAS STANDING NEXT TO SALIGA ANDS SAW THE SAME THING HE DID. APPT MADE FOR TUESDAY 4/4/06 1:30PM. NOI.

1:27PM.....I CALLED JASON MILLER. HE IDENTIFIED THE OTHER BARTENDER WHO WAS WITH HIM AS:

BRANDON HERTZOG PH# 787-4626

I CALLED THAT NUMBER. NO ANSWER. MESSAGE LEFT. NOI.

4/3/6...8:48AM....I LEFT A MESSAGE WITH CAPT ALT AT ARLINGTON COUNTY CITY PD 703-228-4158.

CALLED JOHNSON TO COORDINATE A DATE FOR MY FLIGHT TO VIRGINIA. (RECORDED)

4/3/6...12:30PM...NATHAN ALHADES DID NOT RETURN MY CALL. I CALLED HIM AGIAN. NO ANSWER. VM LEFT. NOI.

HERTZOG HAS NOT RETURN MY CALL. 12:32PM. I CALLED HERTZOG. NO ANSWER. VM LEFT.

4/4/06...NO CALL FROM ALHADES. I E-MAILED ALHADES NOTIFICATION THAT I NEEDED TO SPEAK WITH HIM. I THEN E-MAILED CLIFF ERNST, ASKING IF HE HAD ANY OTHER CONTACT INFO FOR ALHADES. NOI.

JENNIFER SMITH LEFT ME A VM STATING SHE WAS TRYING TO GET A HOLD OF ME. I CALLED HER BACK. NO ANSWER. VM LEFT. SHE CALLED ME BACK. SHE TOLD ME THE FOLLOWING:

PHONE INTERVIEW

SMITH AND HER HUSBAND BRUCE SMITH WERE AT THE PARTY TOGETHER. BRUCE KNOWS EASELY AND EASELY INVITED BRUCE TO PLAY A SET AT THE PARTY, SINCE BRUCE IS A MUSICIAN. THEY GOT THERE EARLY TO HELP SET UP THE PARTY. SHE STATED SHE NOTICED THE MAYOR AT THE PARTY, RIGHT BEFORE BRUCE PLAYED HIS SET. SHE STATED THE MAYOR WAS WITH HIS TWO DAUGHTERS, AND SHE ALSO RECALLED HE BROUGHT SOME PIZZA WITH HIM. SHE STATED EVERYTHING SEEMED OK AND DIDN'T NOTICE ANYTHING UNUSUAL. SHE STATED SHE WENT INSIDE TO USE THE BATHROOM BECAUSE THE LINE AT THE POLL BATHROOM AS TOO LONG. WHEN SHE CAME BACK OUTSIDE, SHE SAW THE MAYOR ADDRESSING THE CROWD. SHE DOESN'T REMEMBER EXACTLY WHAT HE SAID OTHER THAN HE REFERRED TO (JOHNSON) AS A SHIT STAIN. SHE STATED SHE HEARD FROM OTHER PEOPLE THAT THE MAYOR HAD THROWN THE KID OUT OF THE PARTY, BUT SHE DIDN'T KNOW ANYTHING OTHER THAN THAT. SHE STATED HER HUSBAND BRUCE MIGHT HAVE SEEN SOMETHING BUT HE DIDN'T SPECIFICALLY MENTION ANYTHING TO HER AT THE PARTY. SHE STATED SHE WOULD HAVE HIM CALL ME SOON. NOI.

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END INTERVIEW

1:09PM....EASLEY DIDN'T CALL ME BACK YESTERDAY LIKE HE SAID HE WOULD. I CALLED HIS CELL. NO ANSWER. VM LEFT.

1:13PM...THE MANAGER FOR OPAL DEVINES HAS NOT RETURNED MY VM'S. I CALLED HIS CELL PHONE. NO ANSWER. ANOTHER VM LEFT.

SHON SALIGA AND HIS SON BRAD CAME TO THE ICU OFFICE DET CRABB TOOK BRADS STATEMENT AND I TOOK SHONS. THE STATEMENTS WERE VIDEOTAPED. SHONS STATEMENT HAS NO AUDIO AS THE MICROPHONE WAS TURNED IN THE WRONG DIRECTION.

2:42PM.....I SPOKE WITH BRUCE SMITH, HUSBAND OF JENNIFER SMITH. HE TOLD ME THE FOLLOWING:

PHONE INTERVIEW

BRUCE KNOWS EASELY. HE INVITED BRUCE TO PLAY A SET. BRUCE AND JENNIFER ARRIVED CLOSE TO 6:00PM. BRUCE FIRST NOTICED THE MAYOR AT THE PARTY WHEN SOMEONE POINTED HIM OUT. BRUCE WAS NOT SURE IF THAT WAS BEFORE HE PLAYED HIS SET OR AFTER. BRUCE WAS THE FIRST PERFORMER TO PLAY AT THE PARTY. BRUCE DIDN'T NOTICE ANYTHING UNUSUAL ABOUT THE MAYORS DEMEANOR OR BEHAVIOR PRIOR TO THE INCIDENT IN QUESTION.

BRUCE NOTICED SOMETHING WAS GOING ON WHEN HE HEARD THE MAYOR TALKING IN A LOUD RAISED VOICE. BRUCE WAS SOMEWHERE BTWN 20-25 FT AWAY FROM THE MAYOR AND THERE WERE SEVERAL PEOPLE BETWEEN THEM, SO HE DIDN'T HAVE A CLEAR SHOT AS TO WHAT WAS GOING ON. THE MAYOR MENTIONED SOMETHING BUT HE DOESN'T REMEMBER. IT LOOKED LIKE THE MAYOR WAS DOING ALL THE TALKING AND WAS DEFINITELY "FIRED UP" AND THE KID (JOHNSON) WAS "TAKING IT" THE MAYOR WAS CLOSE TO JOHNSON WHILE HE WAS TALKING TO HIM. HE DIDN'T SEE THE MAYOR PUT HIS HANDS ON JOHNSON. BRUCE DOESN'T KNOW IF HE LOOKED AWAY, BUT HE REMEMBERS SEEING THEM WALK TOWARDS THE GATE. BRUCE CONTINUED CARRYING ON ANOTHER CONVERSATION, SO HE WASN'T WATCHING THE WHOLE TIME.

WHEN THE MAYOR CAME BACK IN HE ASKED THE CROWD WHO INVITED THIS GUY AND MADE THE REFERENCE TO A SHIT STAIN. THE MAYOR THEN SAID HE WAS GOING TO GO UPSTAIRS AND BE WITH HIS DAUGHTER.

END INTERVIEW

4/5/6...CALLED EASLEY. NO ANSWER. NO VM LEFT.

PHONE INTERVIEW

ALHADES DIDN'T KNOW WHO THE MAYOR WAS UNTIL SOMEONE POINTED OUT THAT THOSE WERE HIS KIDS THAT WERE RUNNING AROUND.

AFTER ALHADES AND THE BAND PLAYED THEIR SET, ALHADES DECIDED TO HE WOULD MEET THE MAYOR TO NETWORK WITH HIM, BECAUSE ALHADES OWNS A CAR DETAILING BUSINESS AND ALHADES WANTED TO GIVE THE MAYOR HIS CARD. ALHADES WAITED UNTIL THE MAYOR WAS FREE, THEN HE WENT UP TO HIM. AS ALHADES WAS SPEAKING TO THE MAYOR, JOHNSON APPROACHED THEM AND SAYS " EXCUSE ME, I DON'T MEAN TO INTERRUPT, BUT I HEARD YOU'RE THE MAYOR OF AUSTIN." THE MAYOR SAID "I'M

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WILL WYNN". HE SAID THAT JOHNSON THEN STARTED MOVING HIS HANDS IN A WAY TO SUGGEST THAT THE MAYOR NEEDED TO FINISH HIS SENTENCE AND JOHNSON SAID "WILL WIN.....WHAT?, THE MAYOR THEN STARTED POKING JOHNSON IN THE CHEST USING TWO FINGERS, AND THE MAYOR SAID SOMETHING TO THE EFFECT " ARE YOU TRYING TO INTIMIDATE ME, TRYING TO START A FIGHT?"... (NOT AN EXACT QUOTE)

THE MAYOR DID THAT 3 OR 4 TIMES UNTIL JOHNSON WAS UP AGAINST ONE OF THE CONCRETE PILLARS THAT SEPARATE THE BAND AREA FROM THE PARTY AREA. THE MAYOR ALSO SAID "ARE YOU MAKING FUN OF ME, BECAUSE I HAVE THREE AUSTIN POLICE OFFICERS THAT WILL BE MORE THAN HAPPY TO GIVE YOU THE WORST THREE HOURS OF YOUR LIFE IN AUSTIN TEXAS!". JOHNSON THEN APPEARED SCARED AND HE TRIED TO APOLOGIZE TO THE MAYOR. THE MAYOR ALSO SAID "ARE YOU TRYING TO INTIMIDATE M HE HEARD THE MAYOR SAY "GET THE FUCK OUT OF MY APARTMENT COMPLEX...YOU HAVE NO RIGHT TO BE HERE...LEAVE!". JOHNSON THEN MADE A MOVE TO GET OUT OF THE COURTYARD AND STARTED TO WALK OFF. ALHADES DID NOT SEE THE MAYOR WITH HIS HANDS ON JOHNSON, BUT THE MAYOR DID FOLLOW JOHNSON OUT OF THE COURTYARD. ALHADES FRIEND, IDENTIFIED AS:

ANDREW SAVENS

WALKED OUT BEHIND THEM. WHEN THE MAYOR CAME BACK INSIDE, THE MAYOR "WENT OFF" AND THEN VENTED IN THE SAME MANNER THAT OTHER WITNESSES HAVE ALREADY TESTIFIED .

WHEN ALHADES LEFT THE PARTY, HE WALKED PAST JOHNSON WHO AS STILL STANDING OUTSIDE. JOHNSON TOLD ALHADES THAT HE WAS CHOKED BY THE MAYOR. ALHADES SAID THE ONLY PERSON WHO MAY HAVE SEEN WHAT HAPPENED OUTSIDE WAS ANDY SAVENS HIS ROOMMATE. ALHADES EXPLAINED THAT HE AND ANDY HAVEN'T REALLY GONE INTO DETAILS ABOUT WHAT HAPPENED OUT THERE.

END INTERVIEW

NOTE: SAVENS WAS ALREADY LISTED IN THIS REPORT AS A WITNESS. DET CRABB HAS LEFT SEVERAL PHONE MESSAGES ON SAVENS VOICE MAIL, BUT HAS RECEIVED NO RESPONSE. I NOTICED WHEN ALHADES SAID "SOME GUY" FOLLOWED THE MAYOR AND JOHNSON OUT OF THE COURTYARD, HE THEN SAID THAT SOME GUY WAS A GUY NAMED ANDY SAVENS AND THAT LATER ON ANDY SAVENS HAPPENED TO BE ALHADES ROOMMATE.

I NOTICED THE REPORTING OFFICER TOOK A VERY VERY BRIEF STATEMENT FROM SAVENS WHO SAID THE CONFRONTATION WAS VERBAL ONLY AND THAT THE MAYOR ESCORTED JOHNSON OUT OF THE PARTY. NO OTHER DETAILS RECORDED.

ALHADES STATED HE COULD COME TOMORROW AND GIVE A SWORN WRITTEN STATEMENT. NOI.

I CALLED SAVENS. NO ANSWER. VM LEFT.

I REVIEWED THE COURTYARD/POOL SECURITY CAMERA VIDEO. THERE IS AN UNK MALE WHO WALKS OUT THE GATE AND WATCHES AS WYNN AND JOHNSON ARE NOW ON THE SIDEWALK. I OBTAINED A D/L PHOTO FOR ANDREW SAVENS. I COMPARED THE PHOTO TO THE UNK MALE. THE MALE COULD BE SAVENS, BUT I AM NOT 100% SURE. THE MALE WALKS UP THE STAIRS, AND THEN ABOUT 20 SECONDS LATER, THE MALE AND THE MAYOR WALK BACK THROUGH THE GATE TOGETHER AND THE MAYOR THEN SHUTS THE GATE BEHIND THEM. SINCE SAVENS WAS BACK INSIDE THE COURTYARD AREA, HE COULD NOT HAVE BEEN OUT NEAR THE SIDEWALK DURING THE TIME THAT JOHNSON ALLEGED THAT HE HAD BEEN CHOKED, BECAUSE THE MAYOR WALKED OUT THE FRONT MAIN DOORS

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ALONE, AND THE COURTYARD CAMERA DOES NOT SHOW SAVENS GOING BACK OUT THAT GATE DURING THE TIME THE ALLEGED ASSAULT TOOK PLACE.

2:33PM....CALLED EASLEY. NO ANSWER. NO VM LEFT.

4/6/6...9:06 AM...CALLED EASELY. NO ANSWER. CALLED EASLEYS WORK #. NO ANSWER. VM LEFT.

10:15 AM....I TOLD SGT SPANGLER THAT EASELY HAD NOT RETURNED ANY OF MY VOICE MAILS OR MESSAGES, SO SPANGLER CALLED EASELY AND THIS TIME EASELY DID ANSWER. SPANGLER THEN TRANSFERRED THE CALL TO MY OFFICE PHONE AND I SPOKE TO EASELY (RECORDED). EASELY STATED BEFORE HE WOULD BE WILLING TO COME TO THE ARLINGTON COUNTY PD OFFICE AND GIVE A STATEMENT, HE WANTED ME TO PREPARE A STATEMENT BASED ON HE NOTES HE SAID I TOOK FOR OUR PHONE INTERVIEW, AND SEND THEM TO HIM AHEAD OF TIME SO THAT HE COULD VIEW AND APPROVE THEM . I TOLD HIM THAT WAS NOT POSSIBLE AS IT WOULD BE AGAINST OUR POLICY FOR ME TO DO THAT. EASLEY THEN BECAME UPSET AND GAVE CONFLICTING STATEMENTS, SAYING THAT HE WANTED TO COOPERATE, BUT WOULD NOT AGREE TO THE CONDITIONS THAT ARE THE STANDARD OPERATING PROCEDURE FOR THIS DEPARTMENT, WHICH IS TO SIT NEXT TO THE DETECTIVE AS THE DETECTIVE TYPES OUT A SWORN STATEMENT. I ALSO NEEDED TO SPEAK TO EASELY IN PERSON TO ADDRESS TWO SSTATEMENTS THAT HE MADE WHICH CONFLICT WITH OTHER WTINESS STATEMENTS, NAMELY THAT JOHNSON STATED THE MAYOR CHOKED HOM WHILE EASELY SAID THAT DIDNT HAPPEN. ALSO, KELLY STATED THAT EASLEY HAD TO BREAK UP THE MAYOR AND JOHNSON IN THE COURTYARD, WHILE EASELY STATED HE DIDNT SEE WHAT HAPPENED IN THE COURTYARD.

EASELY STATED THIS CASE WAS NOT IMPORTANT TO HIM. HE ALSO SAID HE HAS BEEN SICK THE PAST THREE WEEKS, AND HIS MEMORY OF THE INCIDENT IS SIGNIFICANTLY LESS THAN IT WAS WHEN HE SPOKE TO ME 15 DAYS AGO. HE SAID I NEEDED TO TAKE HIS DEMANDS UP THE CHAIN OF COMMAND. I THEN WENT AND BRIEFED SGT SPANGLER ON THIS DEVELOPMENT. LATER IN THE AFTERNOON, I STAFFED THIS CASE IN PERSON WITH ASST. COUNTY ATTORNEY JOHN MC CORMICK. SGT SPANGLER WAS PRESENT. A DECISION WAS MADE FOR ME TO STAFF THIS CASE AGAIN WITH AAST COUNTY ATTORNEY RANDY LEVITT. NOI.

11:00AM.....NATHAN ALHADES CAME TO THE ICU OFFICE AND PROVIDED A SWORN STATEMENT.

4/7/6...ALHADES TOLD ME HE INVITED A FRIEND AS WELL AS HIS ROOMMATES TO THE PARTY. HE IDENTIFIED HIS FRIEND AS:

COOPER PEARSON 535-2925

HIS ROOMMATES:

ANDREW SAVENS
JUSTIN MCCARTHY

AS OF THIS DATE, SAVENS AND MCCARTHY ARE NOT COOPERATING. THEY HAVE NOT RETURNED ANY OF MY PHONE MESSAGES. 1:34PM. I CALLED PEARSON. NO ANSWER. VM LEFT. NOI.

4/10/06....1:07PM....CALLED KELLY. NO ANSWER. VM LEFT. KELLY HAS NOT CALLED ME BACK SO THAT WE MAY MAKE ARRANGEMENTS FOR HER TO SIGN HER SWORN STATEMENT. NOI.

4/11/06...VM FROM EASELY ASKING THAT I CALL HIM BACK. I CALLED EASLEY BACK

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AT 8:12AM (RECORDED). I TOLD EASLEY I NEEDED TO HAVE A MEETING AT THE COUNTY ATTORNEYS OFFICE TO SEE WHAT THEY WANTED US TO DO ABOUT EASLEYS DEMANDS REGARDING HIS AGREEMENT TO GIVE A WRITTEN STATEMENT. NOI.

4/13/06...1:14PM. LEFT ANOTHER VM MESSAGE FOR KELLY. SHE HAS NOT RETURNED MY CALLS.

I STAFFED THIS CASE WITH RANDY LEVITT OF THE TRAVIS COUNTY ATTORNEYS OFFICE. I FOUND OUT THE MAYOR HAS AN ATTORNEY NAMED:

MICHAEL MCGUIRE 480-0288

4/14/06...7:57AM (RECORDED). I SPOKE TO JOHNSON. I EXPLAINED THAT I NEEDED HIM TO WRITE OUT A STATEMENT, HAVE IT NOTARIZED, AND THEN SEND IT TO ME. JOHNSON TOLD ME HE HAD CONCERNS ABOUT EASELY. HE THOUGHT THAT EASLEY MIGHT NOT TELL THE TRUTH. HE THOUGHT THAT SINCE THE MAYOR AND EASELY LIVE IN THE SAME CONDOS THAT MAY BE A REASON. ANOTHER REASON MAY BE BECAUSE EASELY IS A BUSINESS MAN IN THE AREA. I ASKED JOHNSON TO EXPLAIN ONE MORE TIME WHAT HAPPENED OUT ON THE SIDEWALK. I ASKED WOULD IT BE POSSIBLE THAT EASELY DID NOT SEE WHAT HAPPENED. JOHNSON SAID EASELY WAS MAYBE 3-5 FT FROM HIM. EASELY WAS FACING JOHNSON AS THE MAYOR WALKED UP TO THEM. JOHNSON CANT SAY FOR SURE IF EASLEY WAS WATCHING WHEN THE MAYOR SLAPPED AND GRABBED HIM BY THE THROAT, BUT DID SAY THAT IT TOOK ONLY SECONDS FOR EASELY TO GET IN BETWEEN THEM AND BREAK THEM UP. HE DIDN'T THINK IT WOULD BE LIKELY FOR EASELY TO NOT HAVE SEEN WHAT THE MAYOR DID, YET REACT QUICK ENOUGH TO SEPARATE THEM.

I THEN EXPLAINED TO JOHNSON THAT THIS INCIDENT IS SEPARATED INTO TWO: WHAT HAPPENED IN THE COURTYARD AND WHAT HAPPENED ON THE SIDEWALK. I TOLD JOHNSON THAT IF HE WANTED TO, HE COULD GO TO AUSTIN MUNICIPAL COURT AND FILE ASSAULT CLASS C CHARGES AGAINST THE MAYOR. I EXPLAINED THE PROCESS OF HOW HE WAS TO GO ABOUT AND DO THAT, IF THAT IS WHAT HE WANTED TO DO. I TOLD HIM THE POLICE WOULD NOT PARTICIPATE IN THAT PROCESS AS WE DO NOT FILE CLASS C CHARGES. I TOLD HIM THE INCIDENT HAT OCCURRED OUT ON THE SIDEWALK IS AN ALLEGATION OF ASSAULT WITH INJURY, BECAUSE JOHNSON IS CLAIMING AN INJURY TOOK PLACE. JOHNSON SEEMED SURPRISE TO HEAR THAT THE MEDICAL STAFFS NOTES AND RECORDS . HE SAID THE PAPERS THEY GAVE HIM SHOWED HE HAD A . I TOLD HIM THE DISCHARGE PAPERS HE RECEIVED WERE PROBABLY A GENERIC FILE PRINTED OUT AND GIVEN TO PATIENTS WITH , AND THAT I WAS READING TO HIM FROM THE DOCTORS NOTES. I TOLD HIM I WASN'T SAYING THAT HE WASN'T INJURED, I WAS ONLY SAYING THAT THE . HE SAID HE WOULD FAX ME THE PAPERWORK THAT WAS GIVEN TO HIM AT THE HOSPITAL SO THAT I MAY LOOK AT IT. HE SAID HE WOULD START WAITING OUT A STATEMENT. NOI.

10:48AM...I RECEIVED A FAX FROM JOHNSON. I REVIEWED THE PAPERS. THESE ARE DISCHARGE PAPERS. THIS IS A COMPUTER GENERATED FORM GIVEN TO PATIENTS. IT IS NOT THE DOCTORS NOTES AND THERE ARE NO SPECIFIC OBSERVATIONS ON THIS FORM. IT APPEARS THAT SELECTED SYMPTOMS ARE PULLED INTO THIS FORM AND THEN PRINTED OUT FRO THE PATIENT TO READ. FOR EXAMPLE, PAGE #1 COVERS TWO SECTIONS, . THERE IS A GENERAL EXPLANATION ON HOW THESE INJURIES OCCUR AND HOW TO TREAT THEM. THE SECOND PAGE GOES OVER PRESCRIPTIONS AND THE FACT . AT THE BOTTOM OF PAGE TWO IS A SECTION CALLED "ADDITIONAL INSTRUCTIONS". UNDER DIAGNOSIS" :

4/17/06...KELLY LEFT A VOICE MAIL ON MY MACHINE AT MIDNITE, CANCELLING HER APPT AGAIN. TO THIS DATE, KELLY HAS CANCELLED SEVERAL APPTS. AND I ONLY

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HAVE HER PHONE INTERVIEW. NOI.

8:49AM....I CALLED MICHAEL MAGUIRE (RECORDED). HE STATED HE HAD BEEN OUT OF THE COUNTRY AND HAD NOT YET SPOKE TO RANDY LEVITT BUT HAD A MESSAGE FORM RANDY ON HIS VM. MAGUIRE STATED HE WOULD CALL ME BACK AFTER HE HAD SPOKEN WITH RANDY. IF HE DIDN'T GET A HOLD OF ME TODAY, HE WOULD CALL TOMORROW. NOI

10:00AM...I CALLED JOHNSON (RECORDED). HE DIDN'T HAVE HIS STATEMENT READY FOR ME LIKE HE SAID HE WOULD. HE STATED HIS ATTORNEYS ASKED HIM TO ASK ME TO SEND HIM COPIES OF QUESTIONS I WANTED ANSWERED. I THEN TOLD JOHNSON I WASN'T GOING TO DO THAT. HE STATED HE WOULD CALL HIS ATTORNEY(S) TODAY AND SEE WHAT HE COULD DO. NOI.

4/18/06....THE MAYOR;S ATTORNEY CAME TO MY OFFICE TO DISCUSS THIS CASE. (RECORDED). THE ONLY INFORMATION I PROVIDED TO MAGUIRE WAS THAT JOHNSON WAS ALLEGING HE WAS ASSAULTED TWICE BY THE MAYOR. MAGUIRE SAID HE WOULD SPEAK WITH THE MAYOR AND HAVE AN ANSWER FOR ME BY FRIDAY.

1:22PM...I CALLED JOHNSON (RECORDED). HE STILL DOESN'T HAVE HIS STATEMENT READY. I TOLD HIM I NEEDED HIS STATEMENT BY FRIDAY. HE SAID HE WOULD CALL HIS ATTORNEY AND FIND OUT WHAT'S GOING ON.

4/21/06 2:47PM....ATTORNEYS REPRESENTING LUKE JOHNSON ARE:

WALT STEINEL 512-554-4447
MAX STANLEY 202-331-3100

I RECEIVED A FAX FROM THEIR OFFICE, CONTAINING LUKE JOHNSONS STATEMENT.

4/24/06....7:30AM....CHECKING MY VM, I LISTENED TO A VM LEFT BY THE MAYORS ATTORNEY MIKE MAGUIRE. THE SUMMARY IS THE MAYOR WOULD NOT BE SUBMIT TO AN INTERVIEW BY APD DETECTIVES. THE VM ASKED THAT I CALL MAGUIRE. I CALLED HIS CELL PHONE. ANSWER. VM LEFT. NOI.

THIS CASE WILL BE FORWARDED TO THE TRAVIS COUNTY ATTORNEY'S OFFICE FOR REVIEW. NOI.

Follow Up # 3

Assignment Information

Assigned to **AP3841 - CRABB, CLAY D** Rank : **DETECTIVE**
Org unit : **INTEGRITY CRIMES UNIT**
Capacity : **INTERVIEW WITNESS(ES)**
Assigned on **Mar-21-2006 (Tue.) 1125** by **AP1507 - SPANGLER, MARK**
Report due on **May-20-2006 (Sat.)**

Submission Information

Submitted on **Apr-24-2006 (Mon.) 1501**
Approved on **Apr-25-2006 (Tue.)** by **AP1507 - SPANGLER, MARK**
Follow Up completed : **YES**

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Related text page(s)

Document: **SUPPLEMENTS**

Author: **AP3841 - CRABB, CLAY D**

Related date/time: **Mar-22-2006 0712**

3/22/06

I WAS ASSIGNED TO ASSIST DET F TREJO TAKING STATEMENTS IN THIS CASE BY SGT SPANGLER. DET TREJO DIVIDED UP THE WITNESSES AND ASKED ME TO CALL #4, #6, #7, #8, AND #9.

I CALLED #4, JUSTIN MCCARTY BUT THE PHONE MESSAGE ADVISED HE DID NOT ACCEPT INCOMING CALLS.

I CALLED #6, ANGELA BOXALL BUT THE MESSAGE SAID THE PHONE NUMBER WAS INCORRECT. THE REPORT ADVISED SHE LIVED IN LONDON ENGLAND. I TRIED CALLING THE NUMBER AGAIN WITH THE AREA CODE AND I WAS AGAIN TOLD THE NUMBER IS INCORRECT.

I CALLED #9, ANDREW SAVENS AND LEFT A MESSAGE AT 7:10 AM ASKING HIM TO CALL ME BACK.

I CALLED #7, ADAM MANDELL. HE ANSWERED THE PHONE BUT ADVISED HE WAS WALKING OUT THE DOOR TO GO TO WORK. HE GAVE HIS WORK PHONE NUMBER TO BE 703 465-5358 AND ASKED THAT I CALL HIM IN 1/2 HOUR. I GAVE ADAM MY PHONE NUMBER ALSO.

#8, JOSEPH ZDRILICH, SHOWED TO BE LIVING IN BUFORD GEORGIA AND HAD NO PHONE NUMBER LISTED IN THE REPORT.

A SHORT WHILE LATER ADAM MANDELL CALLED BACK. THIS CONVERSATION WAS DIGITALLY RECORDED. ADAM ADVISED THAT HE WAS INVITED TO STEPHEN EASLEY'S PARTY AT 800 W 5TH ST. ADAM ADVISED HE BROUGHT HIM FRIENDS LUKE JOHNSON AND JOSEPH ZDRILICH WITH HIM. ADAM ADVISED HE THOUGHT THEY ARRIVED AT ABOUT 6:15 PM. HE ADVISED THEY WERE MEETING DIFFERENT PEOPLE AND NETWORKING. AFTER ABOUT AN HOUR AND A HALF TO TWO HOURS THE PARTY WAS WINDING DOWN. HE ADVISED HE WENT TO GO TO THE BATHROOM BEFORE THEY LEFT. WHILE STANDING IN LINE FOR THE RESTROOM, HE HEARD ANOTHER PERSON TALKING ABOUT AN ALTERCATION THAT HAD JUST HAPPENED. HE ALSO ADVISED THAT A PERSON HE FIGURED OUT LATER WAS THE MAYOR HAD COME BY WHERE HE WAS A SLAMMED THE GATE BY THE RESTROOM. ADAM ADVISED AS HE WAS LEAVING THE RESTROOM HE MET UP WITH HIS FRIEND JOSEPH AND THEY HEARD TWO GIRLS TALKING ABOUT THE ALTERCATION. ADAM ADVISED HE AND JOSEPH MET UP WITH LUKE OUTSIDE AND THERE LUKE TOLD HIM WHAT HAPPENED. ADAM ADVISED HE CONVINCED LUKE TO CALL THE POLICE. ADAM ADVISED HE DID NOT SEE THE ALTERCATION. HE ADVISED THERE WERE 25 TO 30 PEOPLE AT THE PARTY. THERE WAS AN OPEN BAR. HE ADVISED HE KNOWS LUKE HAD A DRINK PRIOR TO GOING TO THIS PARTY. HE ADVISED LUKE WAS NOT WITH HIM AND JOSEPH WHILE THEY MINGLED DURING THE PARTY. ADAM PROVIDED ME WITH SEVERAL CONTACT PHONE NUMBERS FOR STEPHEN EASLEY WHICH I IN TURN GAVE TO DET. TREJO. ADAM ALSO PROVIDED ME WITH TWO PHONE NUMBERS TO REACH JOSEPH CELL - 404 797-1717 AND HOME 404 797-0539. ADAM ADVISED HE DID NOT HAVE ANY PLANS TO RETURN TO AUSTIN ANYTIME SOON.

DET. TREJO AND I DROVE OUT TO 800 W 5TH. SEE DET TREJO'S INVESTIGATIVE NARRATIVE FOR DETAILS OF OUR CONVERSATION WITH THE PROPERTY MANAGER AND THE CONCIERGE; AS WELL AS VIEWING THE SURVEILLANCE VIDEO OF THIS INCIDENT.

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DET TREJO AND I THEN DROVE TO JUSTIN MCCARTHY'S LISTED RESIDENCE, AN APARTMENT COMPLEX. WE CHECKED WITH THE OFFICE MANAGER BUT SHE ADVISED JUSTIN DID NOT LIVE THERE ACCORDING TO HER RECORDS. I TRIED TO CALL AGAIN BUT THE PHONE DID NOT ACCEPT INCOMING CALLS.

I GOT BACK TO THE OFFICE AND SAW THAT JUSTIN SHOWS TO HAVE 2 OUTSTANDING WARRANTS. I CALLED AND SPOKE WITH ERIN MORGAN, JUSTIN'S PO 854-5737. SHE ADVISED THAT JUSTIN HAS NOT BEEN REPORTING TO HER, THE LAST TIME SHE SAW HIM WAS 1/17/06. SHE ADVISED SHE KNOWS HE IS NOT LIVING AT FATHOM CIR. #A.

NEXT I CALLED AND SPOKE WITH JOSEPH ZDRILICH, THE VICTIM'S OTHER FRIEND. JOSEPH ADVISED HE WAS AT THE PARTY WITH ADAM AND LUKE. THIS INTERVIEW WAS DIGITALLY RECORDED. HE ADVISED THEY HAD BEEN THERE ABOUT AN HOUR. HE STATED HE WAS AT THE FAR END OF THE POOL TALKING WITH 3 FEMALES. HE ADVISED HE SAW HIS FRIEND LUKE TALKING TO A MALE THAT THE 3 FEMALES EVENTUALLY TOLD HIM WAS THE MAYOR OF AUSTIN. JOSEPH ADVISED HE HEARD BITS AND PIECES BUT SAID THAT THE MAYOR STARTED GETTING LOUD AND HAD LUKE BACKED UP AGAINST ONE OF THE PILLARS BY THE POOL. JOSEPH ADVISED THAT THE MAYOR'S FACE WAS WITHIN INCHES OF LUKE'S FACE. JOSEPH ADVISED HE SAW THE MAYOR GRAB LUKE BY THE NECK/COLLAR AREA AND WALK LUKE OUTSIDE OF THE PARTY. JOSEPH ADVISED HE HEARD NOISES HE BELIEVED WERE 2 THRUSTS UP AGAINST THE FENCE. JOSEPH ADVISED THE MAYOR CAME BACK INTO THE PARTY AND WAS ASKING IF ANYONE KNEW LUKE JOHNSON. JOSEPH ADVISED IT WAS VERY QUIET AND THE MAYOR WAS VERY LOUD AND VISIBLY MAD. JOSEPH ADVISED SHORTLY AFTERWARD STEPHEN, THE HOST OF THE PARTY, CAME UP TO HIM AND SUGGESTED THAT HE GO OUT WITH HIS FRIEND LUKE. JOSEPH ADVISED HE MET WITH LUKE OUTSIDE THE PARTY AND ADAM ARRIVED SHORTLY THEREAFTER. JOSEPH ADVISED AFTER CALLING THE COPS AND LUKE MADE A POLICE REPORT, THE THREE OF THEM WENT TO A DINER AND ATE. THEY THEN WENT TO SEVERAL SHOWS BEFORE RETURNING TO THEIR HOTEL. JOSEPH ADVISED THE NEXT MORNING HE AND ADAM DROPPED LUKE OFF AT A HOSPITAL ER. JOSEPH ADVISED THAT HE AND LUKE AND ADAM ARE FRIENDS FROM COLLEGE. JOSEPH ADVISED HE HAS NO IMMEDIATE PLANS TO RETURN TO AUSTIN IN THE NEAR FUTURE.

3/23/06

I RETURNED TO THE OFFICE AND HAD NO VOICE MESSAGES FROM ANDREW SAVENS. I PAGED HIM AT 8:30 AM TODAY.

3/29/06

I RETURNED TO THE OFFICE AND THERE WERE STILL NO MESSAGES FROM ANDREW SAVENS. I PAGED HIM AGAIN AT ABOUT 3:40 PM.

4/4/06

ON THIS DATE I ASSISTED DET TREJO BY TAKING A STATEMENT FROM BRAD SALIGA WHILE DET TREJO TOOK A STATEMENT FROM BRAD'S FATHER, SHON SALIGA. THIS STATEMENT WAS VIDEO RECORDED. BRAD GAVE HIS STATEMENT WHILE I TYPED. AFTERWARDS, BRAD READ AND SIGNED HIS STATEMENT. UPON COMPLETION, I WALKED BRAD OUT TO HIS FATHER WHO HAD FINISHED A FEW MINUTED EARLIER. I THEN CAME BACK TO THE OFFICE AND STOPPED THE VIDEO TAPE. THE ORIGINAL TAPE AND BRAD'S ORIGINAL STATEMENT WERE GIVEN TO DET TREJO TO BE ADDED TO THE CASE FILE.

4/24/06

ON THIS DATE, DET TREJO COLLECTED THE APD INVOLVEMENT HISTORIES FOR THE WITNESSES HE ASKED ME TO GET STATEMENTS FROM. DET TREJO ADVISED THAT I COULD SUBMIT MY SUPPLEMENT.

Follow Up # 4
Assignment Information

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GO 2006-761976 (NOT APPROVED)

0902 - 0 ASSAULT BY CONTACT

Assigned to AP1507 - SPANGLER, MARK Rank : SERGEANT
Org unit : INTEGRITY CRIMES UNIT
Capacity : SUPPLEMENTAL
Assigned on Mar-21-2006 (Tue.) 1257 by AP1507 - SPANGLER, MARK
Report due on Mar-22-2006 (Wed.)

Submission Information

Submitted on Mar-21-2006 (Tue.)
Approved on Mar-21-2006 (Tue.) by AP1507 - SPANGLER, MARK
Follow Up completed : YES

Related text page(s)

Document: INITIAL REPORT
Author: AP1507 - SPANGLER, MARK
Subject: ICU Sgt. Supplement
Related date/time: Mar-21-2006

ON 3-17-2006 AT 9:05 PM I RECEIVED A PAGE FROM COMMUNICATIONS TO CALL IA3 DET. BRANDON ELLSWORTH REGARDING CALL 06-0761976. I RETURNED HIS CALL AND WAS TOLD THAT HE WAS ONSCENE OF A DISTURBANCE INVOLVING MAYOR WILL WYNNE. ELLSWORTH TOLD ME THAT HE WAS TALKING TO THE VICTIM OF AN ASSAULT IN WHICH THE MAYOR WAS ALLEGED TO HAVE PUSHED/GRABBED/ESCORTED THE VICTIM OUT OF A PRIVATE PARTY BEING HELD AT THE CONDO'S WHERE MAYOR WYNNE LIVED. I WAS INFORMED THAT THERE WERE SEVERAL WITNESSES TO THE INCIDENT BUT THAT THERE WERE CONFLICTING STORIES ABOUT THE DETAILS OF THE ASSAULT PORTION OF THE INCIDENT. THE VICTIM WAS IDENTIFIED AS LUKE JOHNSON WHO FURTHER STATED THAT AFTER HE WAS THROWN OUT OF THE PARTY, THAT HE WAS APPROACHED FOR A SECOND TIME DURING WHICH THE MAYOR HAS SLAPPED/CHOKED HIM. I ASKED DET. ELLSWORTH IF THERE WERE ANY INJURIES TO WHICH HE REPLIED NO. I INFORMED DET. ELLSWORTH TO GET IDENTIFYING INFORMATION FROM ALL THE WITNESSES AND COMPLETE THE ON-SCENE INVESTIGATION INCLUDING DETERMINING IF MAYOR WYNNE WAS WILLING TO GIVE HIS SIDE OF THE EVENTS. I TOLD DET. ELLSWORTH TO CALL ME BACK IF ANYTHING CHANGED DURING HIS INVESTIGATION. AS THE INCIDENT DID NOT MEET THE REQUIREMENTS FOR ICU TO BE CALLED OUT, I DID NOT AUTHORIZE AN IMMEDIATE RESPONSE.

AS COMMANDER OLIVER WAS ATTENDING TO A PERSONAL MATTER AWAY FROM THE CITY, I HAD COMMUNICATIONS CONTACT CHIEF ELLISON. I BRIEFED HER ON THE FACTS THAT I KNEW AT THAT TIME. SHE CONCURRED WITH THE ASSESSMENT OF NOT RESPONDING TO THE SCENE AS IT APPEARED TO BE A MINOR NATURE INCIDENT WITH OUT INJURIES. I ALSO CONTACTED THE DUTY COMMANDER MIKE JUNG WHO WAS STILL WORKING FOR THE SXSW EVENT.

ON 3-18-06 I SECURED THE VERSADIX REPORT FIRST THING IN THE MORNING AFTER IT CAME OUT OF TRANSCRIPTION. I ALSO RECEIVED SEVERAL FOLLOW UP PHONE CALLS FROM CHIEF ELLISON AND ACM RUDY GARZA WANTING TO KNOW THE DETAILS OF THE INCIDENT.

ON 3-20-06 UPON COMING TO WORK I FOUND A VOICE MAIL FROM LUKE JOHNSON ASKING FOR ME TO CALL HIM BACK (703-727-2184). I PHONED HIM AND LEFT HIM A MESSAGE FOR HIM TO CALL ME. HE LEFT A VOICE MESSAGE AFTER I HAD LEFT THE OFFICE. I AGAIN BRIEFED THE CHAIN OF COMMAND ON THIS INCIDENT INCLUDING THE ADDITIONAL INFO I RECEIVED FROM HIS VOICE MAIL THAT LUKE JOHNSON HAD BEEN SEEN IN THE EMERGENCY ROOM OF A LOCAL HOSPITAL.

ON 3-21-06 I CALLED THE CELL PHONE AND IT WAS ANSWERED BY LUKE JOHNSON. I

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ASKED HIM TO GIVE ME THE DETAILS OF THE INCIDENT. THIS CONVERSTATION WAS RECORDED (AS WERE HIS PHONE MESSAGES TO ME)AND WILL BE TRANSCRIBED IF NEEDED AT A LATER DATE. DURING THIS CONVERSATION LUKE JOHNSON SAID THAT HE WAS TOLD BY THE ER DOCTOR THAT

. JOHNSON SAID THAT DURING THE SECOND CONFORTATION WITH MAYOR WYNNE THAT HE EXPERIENCED PAIN FROM THE ASSAULT OF BEING SLAPPED AND CHOKED. JOHNSON SAID THAT HE WAS UNSURE OF WHAT HE WANTED TO HAVE HAPPEN IN REGARDS TO THIS MATTER AND HAD CONTACTED LEGAL ADVISE ON HOW TO PROCEED. HE ALSO SAID THAT HE HAD BEEN CONTACTED BY MEMBERS OF THE MEDIA. I TOLD HIM THAT HE WAS NOT UNDER ANY OBLIGATION TO TALK TO THE MEDIA AND THAT HE SHOULD FIRST SEEK COUNSEL THAT WAS GOING TO LOOK OUT FOR HIS WELFARE. HE TOLD ME THAT HE WOULD GET BACK WITH ME IN THE NEXT COUPLE OF DAYS WITH AN ANSWER.

I BRIEFED CMDR. OLIVER ON THE DEVELOPMENTS AND AS THIS APPEARS TO BE MORE THAN A CLASS C ASSAULT WILL ASSIGN IT FOR INVESTIGATION. CASE HAS BEEN ASSIGNED TO DET. TREJO WITH ASSISTANCE FROM DET. CRABB.

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Conclusion Information

General Information

Agency : **AUSTIN POLICE DEPARTMENT (AP)**

Cleared status : **NOT APPLICABLE**

Cleared on **Apr-25-2006 (Tue.)**

Persons Involved

Adults charged: Males : **00** Females : **00**

Juvenile charged: Males : **00** Females : **00**

Juvenile involved: Males : **00** Females : **00**

**** END OF HARDCOPY ****