

THE STATE OF TEXAS

COUNTY OF TRAVIS

CAUSE NUMBER: _____

D1DC18208643

§

IN THE MAGISTRATE COURT

CITY OF AUSTIN

IN 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:

Jaime Apodaca H/M 9/30/1994

On or about the 25th day of December, 2018, in the incorporated limits of the City of Austin, County of Travis, Texas, did then and there commit the offense of:

Tampering with Evidence – Felony 3rd Degree

On December 25, 2018 at approximately 2243, your Affiant was on duty as an Austin Police Officer wearing the uniform of my position with shoulder patches and badge on my chest. I was also driving a clearly marked Austin Police Department patrol unit equipped with emergency lights and the word "Police" on the vehicle.

On the above date and time I responded to a shots fired call at 2723 S Congress Ave. Multiple reports were received that numerous gun shots had been heard within the complex. Upon checking the area, 5 shell casings were found on the northeast corner of the above address, which is also the building number. The shell casings were all .38 Special per the stamped markings on the casings. Information was later received that the residents of unit #2316 were involved in the shooting.

While on scene, a Hispanic female was seen entering and then exiting unit #2316. When the female, later identified as Melanie, exited the apartment I made contact with her. When asked what was going on tonight, she stated that she fired a gun and ditched the gun. We asked for permission to enter the apartment to ensure no one else was inside. She consented and the apartment was cleared, no one else was inside. Upon being questioned by other officers, Melanie stated the firearm used was a .38 Special revolver and confirmed that she was in an argument with her boyfriend but refused to provide his name. Recent involvement from December 14, 2018 showed Jaime to be her boyfriend.

I was able to speak with residents in a nearby apartment, #2313, who stated they had heard a male and female arguing upstairs earlier. The female was very upset. Shortly thereafter, the residents heard the gun shots. 3 initial gunshots, then 5-6 additional. The 5-6 shots were heard where the shell casings were found, as the resident pointed to the north east corner of the building.

Officers asked Melanie for consent to search her apartment and vehicle to look for the weapon which she agreed to. After signing the consent to search form, I went to effect the search of her vehicle. The vehicle was parked in front of the apartment building and stairway leading up to Melanie's apartment. While searching the vehicle, I found in the floorboard of the driver's seat of Melanie's vehicle a nylon holster meant for carrying a handgun.

Upon completing the search of the vehicle, finding only the holster but no weapon, I turned around to walk back towards apartment 2316. As I turned around and looked up to the second floor landing where apartment 2316 was, I observed a male, later identified as Jaime, in a red shirt and dark pants walk out of the apartment. Because the apartment had already been cleared and the door left open, it's reasonably believed that Jaime entered the apartment while officers were on scene.

He quickly moved down the staircase away from where officers were and turned to go southbound along the west side of the building. I informed other officers on scene of what I saw as the subject had just left the apartment which was part of an active investigation involving a firearm and current information led us to believe another male suspect was involved. I moved south along the same building in an attempt to intercept Jaime. I then saw Jaime running up a staircase in the same building towards apartment 2308. I too ran up a

staircase directly across from the one Jaime was ascending. The two staircases faced each other so that Jaime could see me coming up and I could see him. I loudly yelled for Jaime to "Stop!" so that I could detain and question him about the incident and why he was in the apartment we were investigating. Jaime did not stop, but rather continued to quickly move towards apartment #2308. Jaime appeared to be crouched down in an attempt to avoid detection, opened the door to apartment #2308, and quickly entered it shutting the door behind him.


Officer's then formed a perimeter around the apartment. A nearby male said his step-brother lived in that apartment. I asked the man to call his step-brother and tell Jaime to come out of the apartment with his hands up. Shortly thereafter, Jaime did come out of the apartment. I began giving him commands to keep his hands up and to lift his shirt up by his collar. Instead of complying, Jaime reached for his waistband where weapons are frequently kept. I deployed my Taser which incapacitated Jaime and we were able to detain him.

Upon speaking with Jaime he also confirmed that he and his girlfriend where in an argument earlier, affirmatively linking him to the ongoing investigation. Though he denied discharging a firearm. As we were still on scene talking with Jaime, the primary resident approached an officer to provide additional information. According to the primary resident and his step-brother, both fully identified in the police report, when Jaime entered the residence after failing to stop when I told him to, he entered the bathroom. Inside the bathroom there was a large black plastic trash bag belonging to the primary resident. Jaime created a small hole in the top of the bag and placed a handgun in the bag.

We asked the primary resident for consent to search the apartment to look for the handgun, which he provided. Upon entering the residence and bathroom, we observed a large black plastic trash bag. At the top of the bag where it had been tied, there was a hole where the plastic had been stretched to insert an item. Feeling the bag from the outside, a hard metal object was felt the approximate size and shape of a revolver. Once the bag was opened, inside a black Taurus .38 Special Revolver SN: LM48300 was found. This was the same type and caliber weapon Melanie said she discharged inside the complex.

Jaime was placed under arrest for Evading Detention on foot. After being searched incidental to arrest, a debit card belonging to Melanie was found in his back left pocket affirmatively linking him to Melanie.

Because a male and female were heard arguing just prior to the gunshots, Melanie and Jaime both admitted to arguing, Melanie stated she fired the weapon, a heavy police presence was in the immediate area including the door to Melanie's apartment conducting an ongoing investigation, and credible information was provided that Jaime was attempting to conceal the same type weapon described by Melanie as having been discharged, the totality of the circumstances showed Jaime intended to conceal the weapon with intent to impair its availability as evidence in the investigation. For this reason he was also arrested for Tampering with Evidence.

 8507
Affiant

Sworn and subscribed to before me by the said Affiant on this
26th day of December, 2018.

 4813
Peace Officer in the State of Texas

On this, the 26 day of Dec, 2018, I hereby acknowledge that I have examined the foregoing affidavit and have determined that probable cause exists for the issuance of an arrest warrant for the individual accused therein.

Magistrate, Magistrate Court, Austin, Travis County, Texas

\$ _____
Bond

Austin Police Incident # 18-1591600

Officer: Bullock #8507

Call Sign: D707

Master#

PT18031620

MNH#

2154777

Booking#

1840867

F/M

Name	APODACA JAIME		Date	December 26, 2018	
Last	First	Middle	Cause No.	D10C18 208643	
Address 2723 S CONGRESS AVE #2316			City/State/Zip AUSTIN, TX 78704		
How Long 2m			County TC-2Yr		
Phone (512)810-5421		Type C	Phone 2		Type
Email j.hewordlastname2012@gmail.com			DOB 9/30/94 POB TX CZ US Corpus Christi		
Mailing Address 10717 Portico Ln			City/State/Zip Austin, TX 78748		
Nearest Relative Melanie Sarabia		Relationship GFR	Phone 512-927-6694		
Address SAS			City/State/Zip		
Employer CARPENTER UNION		Position CARPENTER	How Long 2Yr		Record No. / TX08383064
Address VNK			City/State/Zip Austin, TX		
Phone VNK			Cellular		
Interviewed by NSK		Recommendation NO-MK	Presented to Mag/Jdg		Other Charges Eviding C10R18217469
Attorney of Record AAN			Phone		

TRAVIS COUNTY PRETRIAL SERVICES

POSTED
119354

P.O. BOX 1748

-AUSTIN, TX 78767

(512)854-9381

PERSONAL BOND

KNOWN ALL MEN BY THESE PRESENTS.

THE STATE OF TEXAS
COUNTY OF TRAVIS

CAUSE NO. D10C18208643

THAT I, JAIME APODACA

charged with the offense of a (Misdemeanor) (Felony) to wit,

Tampering with Evidence

am held and firmly bound unto the State of Texas in the penal sum stated below for the payment of which sum well and truly to be made, and in addition all necessary and reasonable fees and expenses that may be incurred by peace officers in rearresting me in the event the conditions of this bond are violated, I do bind myself, executors and administrators, jointly and severally by these presents.

The condition of the above obligation is that I swear that I will appear before the Room 1-250 at the

Blackwell - Thurman Criminal Justice Center, 509 W. 11th Street, Austin, Travis County, Texas, on the 14th day of January

2019, at 9:00A M, or pay the Court the principal sum of \$ 10,000 plus all necessary and reasonable expenses incurred in any arrest for failure to appear.

I further swear that I will appear before any court or magistrate court before whom this cause may hereinafter be pending at any time and place as may be required.

Now if I shall well and truly make said appearance before the said Court, and there remain from day to day and term to term of said Court, until discharged by due course of law, then and there to answer said accusation against me, and further shall well and truly make my personal appearance in any and all subsequent proceedings that may be had relative to said charge in the course of the criminal action based on said charges, this obligation shall become void; Otherwise to remain in full force and effect.

I further understand that all or part of the information collected in the Pretrial Services Report is available to persons associated with law enforcement, criminal justice, and other agencies including, but not limited to, the Judge or Magistrate hearing the case, the District Attorney's Office, and the defense attorney of record in this case.

Personal Bond Fee \$20 if Bond Amount is <\$1334.00

Personal Bond Fee \$40 if Bond Amount is ≥ \$1334.00

Personal Bond with Ignition Interlock Fee Equals (3% of bond amount) \$

Signature of Defendant

☒ See attached Conditions Order filed in The District Court of Travis County, Texas

SWORN TO AND SUBSCRIBED BEFORE ME,

this _____ day of _____, 20____.

DEC 27 2018

At 3:15 P. M.

Velva L. Price, District Clerk

NOTARY PUBLIC IN AND FOR
TRAVIS COUNTY TEXAS

THIS PERSONAL BOND IS APPROVED, effective only after arresting agency has completed its booking process, and the defendant at such time is ordered released on the conditions of this bond.

APPROVED this 26 day of December 2018

I certify that I am the attorney of record representing this defendant in this matter.

Signature / Print

SBN

Magistrate/Judge

Master#

343427
PT18031620

MNI#

2154777

Booking#

1840867

F/M

Name	APODACA JAIME		Date	December 26, 2018	
Last	First	Middle	Cause No.	CICR18217469	
Address 2723 S CONGRESS AVE #2316			City/State/Zip AUSTIN, TX 78704		
How Long	2m		County	TC-24	
Phone (512)810-5421	Type C	Phone 2	Type	Bond \$5,000	
Email	jthewordlastname2012@gmail.com		DOB	9/30/94	POB TX CZ US Corpus Christi
Mailing Address	SAS 10717 Portico Ln		Race	W	Sex M Age 24
Nearest Relative	Melanie Sarah	Relationship	GFR	Phone	512-927-6644
Address SAS			City/State/Zip	Austin, TX 78748	
Employer	CARPENTER UNION	Position	CARPENTER	How Long	24
Address VNK			City/State/Zip	Austin, TX	
Phone	VNK	Cellular	Record No. / TX08383064		
Interviewed by	NSK	Recommendation	NO-MK	Presented to Mag/Jdg	
Attorney of Record	AAN	Phone	Other Charges Tamp/Fabric Phys Evid		
			010C18208643 \$10,000		

TRAVIS COUNTY PRETRIAL SERVICES

P.O. BOX 1748
AUSTIN, TX 78767
(512)854-9381

THE STATE OF TEXAS
COUNTY OF TRAVIS

PERSONAL BOND
KNOWN ALL MEN BY THESE PRESENTS

CAUSE NO. CICR18217469

THAT I, JAIME APODACA

charged with the offense of a (Misdemeanor) (Felony), to wit,

Evading Arrest or Detention on Foot

am held and firmly bound unto the State of Texas in the penal sum stated below for the payment of which sum well and truly to be made, and in addition all necessary and reasonable fees and expenses that may be incurred by peace officers in rearresting me in the event the conditions of this bond are violated, I do bind myself, executors and administrators, jointly and severally by these presents.

The condition of the above obligation is that I swear that I will appear before the Room 1.250 at the

Blackwell - Thurman Criminal Justice Center, 509 W. 11th Street, Austin, Travis County, Texas, on the 14 day of January

2019 at 9:00A M, or pay the Court the principal sum of \$5,000 plus all necessary and reasonable expenses incurred in any arrest for failure to appear.

I further swear that I will appear before any court or magistrate court before whom this cause may hereinafter be pending at any time and place as may be required.

Now if I shall well and truly make said appearance before the said Court, and there remain from day to day and term to term of said Court, until discharged by due course of law, then and there to answer said accusation against me, and further shall well and truly make my personal appearance in any and all subsequent proceedings that may be had relative to said charge in the course of the criminal action based on said charges, this obligation shall become void; Otherwise to remain in full force and effect.

I further understand that all or part of the information collected in the Pretrial Services Report is available to persons associated with law enforcement, criminal justice, and other agencies including, but not limited to, the Judge or Magistrate hearing the case, the District Attorney's Office, and the defense attorney of record in this case.

Personal Bond Fee \$20 if Bond Amount is < \$1334.00

Personal Bond Fee \$40 if Bond Amount is ≥ \$1334.00

Personal Bond with Ignition Interlock Fee Equals (3% of bond amount) \$

Signature of Defendant

☐ See attached Conditions Order form

SWORN TO AND SUBSCRIBED BEFORE ME,

this day of 20

NOTARY PUBLIC IN AND FOR
TRAVIS COUNTY TEXAS

THIS PERSONAL BOND IS APPROVED, effective only after arresting agency has completed its booking process, and the defendant at such time is ordered released on the conditions of this bond.

APPROVED this 26 day of December 18

I certify that I am the attorney of record representing this defendant in this matter.