

Cause Number: **D1DC19202030**

THE STATE OF TEXAS

COUNTY OF TRAVIS

)(
)

IN THE MUNICIPAL COURT
CITY OF AUSTIN
IN TRAVIS COUNTY, TEXAS

100.000
EPD
GPS 5-2-19
200 6-2-19
200 12-2-19

AFFIDAVIT FOR WARRANT OF ARREST AND DETENTION

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

I have good reason to believe and do believe that **JAMIE APODACA, W/M, 09/30/1994** on or About **March 23, 2019**, in the incorporated limits of the city of Austin, County of Travis and the State of Texas, did then and there commit the offense of:

Aggravated Assault Serious Bodily Injury FV- 2nd Degree Felony

My belief of the foregoing statement is based upon: Information provided to me that is contained in or referenced by Austin Police Department report 19-820194, and information provided to Affiant by Officer Bender #8498, an Austin Police Officer, Elisa Garcia, the suspect's girlfriend, and Ronald Dunaway.

Location of incident: **About the 8000 block of Bannock Lane, Austin, Travis County, Texas**

On or about March 23, 2019, Jamie Apodaca, W/M, 09/30/1994, committed an assault causing serious bodily injury to Eric Garcia, a member of the same household. Apodaca also committed an assault causing bodily injury against his girlfriend of about 1 month, Elisa Garcia, and Ronald Dunaway, a visitor who was at the home at the time of the incident.

Apodaca was upset with Elisa and was calling her derogatory names because he believed she had cheated on him. Elisa and Apodaca have been in a dating relationship for about 1 month, and Apodaca has been living at the same residence as Elisa and Eric Garcia for about the past 10 days. Today, when Apodaca was demeaning Elisa, calling her a "whore" and a "slut" her father told Apodaca that it was unacceptable what he was saying to his daughter, and Apodaca needed to leave the residence. Apodaca left the residence in a vehicle, but returned minutes thereafter to retrieve some articles of clothing. When he went upstairs to the bedroom to retrieve the clothing her father entered the room and there was a verbal back in forth between the two. At some point Elisa stated she observed Apodaca turn towards her dad and strike him in the upper body. Elisa stated that she attempted to pull on Apodaca's shirt to stop him from striking her father, but was unable to do so. She stated Apodaca turned and punched her in the face with a close fist causing her a complaint of pain. She stated that at some point she was punched and a tooth was knocked out of her mouth and she found the tooth on the stairs near her bedroom. While upstairs and in the hallway near the bedroom Eric attempted to fight back, during this time Apodaca struck Eric causing him to fall to the ground. The ball cap he was wearing fell off and Affiant observed a ball cap in the hallway on the ground. Elisa stated the ball cap was the one her father was wearing that had fallen off when Eric fell to the ground.

A physical exchange was reported to have occurred down the stairs leading to the front door, and Elisa stated that Apodaca was striking Eric and so Dunaway tried to kick Apodaca to protect Eric. However, she stated Dunaway fell back onto the stairs. At the bottom of the stairwell Affiant observed a broken shoe rack that had been broken. Elisa

stated that she had been pushed into the shoe rack causing it to break. From there, Eric, Elisa, Apodaca, and Dunaway made their way outside of the residence to the front walkway near the driveway in front of the garage. There Elisa stated that she observed Apodaca punch Eric causing Eric to fall to the ground. In the course of falling, Eric struck his head causing serious bodily injury. Affiant observed a blood stain on the concrete sidewalk where it appears that Eric struck his head.

Dunaway stated that he observed Apodaca during this time but did not observe Eric fall on the ground because Apodaca rushed at him and punched him about his face, and then while he was on the ground kicked him in the ribs. Both actions caused him to experience a complaint of pain and to sustain a visible injury to his right eye.

Elisa stated she went to her father's aid while he was on the ground and while tending to her father Apodaca struck her about the head.

Officer Bender arrived on scene and observed that Eric was unconscious and shortly after he had arrived Eric stopped breathing. Officer Bender was unable to locate a pulse and started CPR until EMS arrived and continued resuscitation efforts. Eric remained unconscious and unresponsive but was able to establish a pulse and was transported to the hospital for further evaluation and treatment.


Eric's assessment of injuries provided by medical staff at South Austin Hospital included an occipital skull fracture, inter cranial trauma, and a herniated brain.

By these actions, Jamie Apodaca committed an assault causing bodily injury to a family member, Elisa Garcia, assault causing bodily injury to Ronald Dunaway, and Aggravated Assault causing Serious Bodily Injury to a family member, Eric Garcia, in violation of Texas Penal Code section 22.01 and Texas Penal Code section 22.02.

 #7054

AFFIANT
Det. R. Barger #7054

Sworn And Subscribed To Before Me By The Said Affiant On This 23 Day Of March, 2019.



Magistrate

Notary Public in and for Travis County, Texas
My commission expires: _____
Or Texas Peace Officer

On This The 23 Day Of March, 2019, I Hereby Acknowledge 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.

Case # 19-820194




Magistrate (Municipal) (Justice) (County)
(City of Austin) (PCT. Or CC at LAW)
Travis County Texas