

WARRANT OF ARREST

493

THE STATE OF TEXAS
VS.

DA CONTROL #: **D1DC09100021**

NAME: **Ellis Ingram IV**
Aliases: **Elvis Ingram, Ellis Ingram Jr.**
Black / Male DOB: **Unknown**
ADDRESS: **9125 North Plaza #29**
CITY: **Austin, Texas**

AUSTIN POLICE DEPARTMENT
OFFENSE #: **09-1330082**
OFFENSE DATE: **05-13-2009**
PEACE OFFICER: **Detective Kelly Davenport**

THE STATE OF TEXAS
TO ANY PEACE OFFICER OF THE STATE OF TEXAS, GREETINGS:

You are hereby commanded to arrest: **Filed in The District Court of Travis County, Texas**

Ellis Ingram IV

MAY 14 2009

At 2:21 P.M.
Amalia Rodriguez-Mendoza, Clerk

If to be found in your County and bring him/her before me, Judge at the Municipal Court, Travis County, Texas, at my office in Austin, in said county, Travis, then and there to answer the State of Texas for an offense against the laws of said State, to-wit:

Terroristic Threat / Third Degree Felony

Of which offense he/she is accused by the written complaint, under oath, of Detective Kelly Davenport #3777 filed before me.

HEREIN FAIL NOT but of this writ make due return, showing how you have executed the same. WITNESS my official signature, this 14th day of May A.D. 2009.

BOND \$: 50,000

- GTS (in jail) w/ cuff
- Stay 200 yards from 125 Street from IH35 to Wellsville Road

Judge, District Court # 444
Austin, Travis County, Texas

PEACE OFFICER'S RETURN:

- No Possession of Firearms or Ammunition

Came at hand the _____ day of _____ A.D., _____, at _____ o'clock _____ M. and executed on the _____ day of _____ A.D., _____, at _____ o'clock _____ M., by arresting the within named _____ in _____ County, Texas, and taking his bond, placing him in jail at _____

I actually and necessarily traveled _____ miles in the service of this writ, in addition to any other mileage that I may have traveled in the service of other process in this cause in the same trip.

FEES-MILEAGE: \$ _____
Making arrest: \$ _____
Taking bond: \$ _____
Commitment \$ _____
Release \$ _____
Total \$ _____

BY _____
Peace Officer

THE STATE OF TEXAS
 COUNTY OF TRAVIS

X
 X
 X

IN THE MUNICIPAL COURT
 CITY OF AUSTIN,
 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 **Ellis Ingram IV, Black/Male, 05-01-1982** DOB on or about **05-11-2009 and again on 05-13-2009**, in Austin, Travis County, Texas, did then and there commit the offense of:

Filed in the District Court
 of Travis County, Texas

Terroristic Threat
Third Degree Felony

MAY 14 2009
 At 2:20 P.M.
 Amalia Rodriguez-Mendoza, Clerk

My belief in the foregoing statement is based upon personal knowledge and information provided to me by Austin Police 911 recordings tagged to Austin Police Incident Reports #09-1330082.

09-1312090 on 05-11-2009 at 10:39 p.m., a male caller, who said he was calling from the Walnut Creek Apartments, told the 911 call taker that he needed assistance at the Walnut Creek Apartments because there was "an officer down." The male caller was calling from phone number (512) 803-6781. Before the 911 call taker could ask any further questions, the caller said; "You gonna have a whole bunch a officers down!" He hung up on the 911 call taker. Sector patrol officers were made aware of the call but did not respond because it was apparent this call may have been an attempt to set up an ambush.

Earlier the same day after officers cleared from crowd control at the Walnut Creek Apartments, Gang Unit Detective Terry Meadows #143 observed the location from a location nearby. He noticed that large groups of subjects wearing all black or red and black were congregating in the common areas, many by the entrance. Some moved vehicles they were driving to the entrance and appeared to position them to quickly close of the entrance behind someone who entered.

A series of 911 calls started coming in from the Walnut Creek Apartments soon after. The calls were about a fight related to gambling but Det. Meadows was watching the location that was reported to have the fight and there was none. Police did not respond to the bogus report of a fight at the apartment complex because it was apparent someone may be attempting to set up an ambush or incite a disturbance between persons in the parking lot and arriving police.

When the calls did not elicit a police response, Det. Meadows said that some people from this crowd at Walnut Creek Apartments began trying to block cars traveling on Springdale Rd., as if to cause drivers to call the police. Again, this was communicated to police in the area. No one called 911 to report the pedestrians in the roadway but police in the area were made aware this may have been done in an attempt to draw arriving officers into a confrontation.

09-1330082 on 05-13-09 at 12:36 a.m., what sounds like the same male caller from 09-1312090 above called 911 again from (512) 803-6781. During this call the male caller made a series of threats during a mostly uninterrupted statement:

- "We gonna kill a cop every time we see em", " If the cop alright, we gonna shoot at him", "Fuck APD",
- "You bitches gonna learn, this is our time bitch, time to bust back bitch,
- "Fuck APD, Fuck the white man, Fuck all you ho's"
- "If we see any one of you on the back street, we gonna bomb on yo bitch-ass. Anywhere through the east side of Austin, we gonna bomb on any one of you bitch-ass laws, fuck APD"
- "Fuck the whole APD and everybody, especially you bitch-ass niggas with position and rank in that bitch"
- "I'm gonna get y'all bitches one at a time"
- "We gonna get all APD officers, we gonna kill y'all one at a time, all y'all mother fuckin' pigs."

09-1330082 on 05-13-09 at 12:44 a.m., the same male caller called back from (512) 803-6781 to tell the 911 Operator the following:

"We gonna bomb on yo bitch ass." When asked where he was, he told the 911 call taker he was "downtown." And then said; "Downtown, there's a bomb (inaudible) right now."

"We got a bomb downtown - on 6th Street." "We gonna bomb every mother fuckin' body (inaudible)" "Fuck y'all, I'm gonna set a bomb down on y'all bitch-ass."

Officers in the area checked up and down 6th Street and additional officers responded to cover the areas needing to be checked but nothing was found.

09-1330088 at 12:41 a.m., the same male caller called again from (512) 803-6781 saying that he was going to "jump officers", then hung up again.

09-1330098 at 12:46 a.m., the same male caller called again from a new number (512) 902-8061 reporting that an officer was down in the alley between the Walnut Creek Apartments and Spring Creek Apartments and said the officer was crying for help and that he could see the officer. When asked if anyone else was around the told the 911 call taker; "There's a whole bunch a black people and we gonna kill anybody that pull up with APD on em!" The caller then said; "They will kill any officers who show up" and then hung up on 911.

09-1330117 at 12:50 a.m., the same male called again from the original number. He told 911 "We got an officer down, I seen an officer get shot. The caller told 911, "I am downtown at 6th and Neches." When asked what happened, he told 911; "An officer was shot because he put a pistol on a black guy for nothin'."

09-1330127 at 12:57 a.m., the same male caller called again from the original number requesting APD to Walnut Creek Apartments. When asked where within the apartment complex, he told 911 it was building 3, apartment 187. 187 is a common slang term derived from the California penal code article for homicide and is frequently used by criminal street gang members to refer to a hit or a murder.

When asked by 911 what happened, the caller said; "I seen a law, he was shot down. I seen a law, he was squatting down and a dude was shootin at him." He described the the shooter as a white guy wearing all black, about 6 foot (tall). The caller said that the officer was laying down screaming for help.

1. Members of the Intelligence unit conducted research on the phone numbers from which the male caller was calling. The two phone numbers used are:
(512) 803-6781; and
(512) 902-8061

Both appear to be cell phone numbers, according to public databases. When we checked our department's reporting system, (512) 803-6781 showed to be an established phone number for Jamaica Holder at 9844 Quail Blvd. #171. This is the current address of Carla Ingram and ulitieiis are currently in the name of Ellis Ingram with a date of birth of 05-01-1982.

During 911 call 09-1330082 when the male caller told the call taker that he was going to "shoot officers whenever they seem em' ", he did not give his location but the address that 911 caller ID displayed was 9844 Quail Blvd. Apartment A. This same system also displayed the location of the phone itself to be near Mearns Meadow/Bird Creek, within a mile or so of 9844 Quail Blvd.

3. Ellis Ingram IV, born 05-01-82 is a documented (787)02 BLOOD Criminal Street Gang Member, as was Nathaniel Sanders, the decedent in the officer involved shooting on 05-11-09.
4. Also on 05-13-09 at about 10:30 p.m., Officer J. Peche was in the process of interviewing a subject involved in a disturbanced called in at Pennsylvania Ave/Chicon St., APD incident #09-1332396, when Ellis Ingram IV, born 05-01-1982, approached the officers. Officer Peche ordered Ingram to stop trying to get involved and to move to an area away from their situation but Ingram refused and kept walking toward them as he was talking, ignoring instructions. As Ingram was still coming toward him and confronting officers, Officer Peche saw Ingram reaching for his waistband. Officer Peche immediately handcuffed Ingram for officer safety reasons. Ellis Ingram was not arrested last night.
5. Officer K. Rybarski with the Intelligence Unit obtained a digital copy of this stop, which included the encounter with Ellis Ingram. I and other members of the Intelligence Unit reviewed it this morning and there is no doubt in my mind that the 911 caller making the Terroristic Threats is Ellis Ingram IV.

Ellis Ingram the IV has a very distinct raspy tone to his voice and his inflection and southern accent are very distinct. Many of the 911 calls made by the suspect began with him saying the word; "Yeah..." In a very distinct manner. When I watched the video/audio tape of Ellis Ingram's encounter with police last night, he said the word "yeah" in exactly the same way.

- 6. Corporal D. Silva was also on scene last night during the subject stop of Ellis Ingram IV and listened to the 911 taped calls this morning. He immediately could tell that the suspect recorded by 911 making the Terroristic Threat was Ellis Ingram, the person with whom he spoke later in the subject stop at 12th/Pennsylvania. One word in particular that also stuck out in Corporal Silva's mind was the distinct similarities in the word "Yeah."
- 7. Sgt. D. Jarrell with the Intelligence Unit emailed the 911 audio wav. Files of the 911 calls to Officer Peche for him to listen to and see if he could recognize who it was. Officer Peche contacted me after listening to all of the 911 recordings several times and called me back to say there was not doubt in his mind that the 911 caller was Ellis Ingram IV. There were several words that he also felt were distinctly similar.

During the traffic stop Ellis can be seen and heard telling Officer Peche that he was tired of police harassing his black people they are going to do something about it. Ellis Ingram then asked Officer Peche what he thought about the shooting of Nathaniel Sanders and asked "What kind of "cardinal rules" do y'all have for protecting you guys?" Officer Peche explained to Sanders that in light of the shooting of Nathaniel Sanders and the fact that someone has been making calls to 911 threatening to kill an officer since then, any reasonable person in his position would fear for their safety when someone is ignoring police commands to stay back and to move away as they are reaching for their waistband.

Based on the information recorded in the phone calls above, your affiant believes this person, ~~who is not yet identified,~~ committed Terroristic threat:

3777

Sec. 22.07. TERRORISTIC THREAT

(a) A person commits an offense if he threatens to commit any offense involving violence to any person or property with intent to:


- (5) Place the public or a substantial group of the public in fear of serious bodily injury; and
- (6) influence the conduct or activities of a branch or agency of the federal government, the state, or a political subdivision of the state.

(e) An offense under Subsection (a)(4), (a)(5), or (a)(6) is a felony of the third degree.

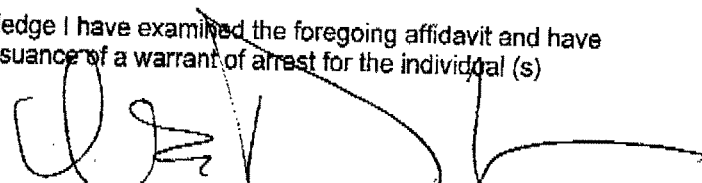
It is my belief, based upon the information provided that **Ellis Ingram IV** committed the offense of Terroristic Threat against **members of the Austin Police Department** on May 11th and 13, 2009 in Travis County, Texas.


Affiant

SWORN AND SUBSCRIBED TO before me by the said Affiant, Detective Kelly Davenport #3777 on this the 14th day of May 2009


JUDGE, District Court #
AUSTIN, TRAVIS COUNTY, TEXAS

On this the 14th day of May, 2009, I hereby acknowledge I have examined the foregoing affidavit and have determined that probable cause does exist for the issuance of a warrant of arrest for the individual (s) accused therein.


JUDGE, District Court #
AUSTIN, TRAVIS COUNTY, TEXAS

DISTRICT ATTORNEY/COUNTY ATTORNEY CONTROL #: _____

MUNICIPAL COURT WORKSHEET FOR:

WARRANT: XX COMMITMENT:

OFFENSE#: 09-1330082
OFFENSE LOCATION: 5010 Old Manor Road-CTECC
OFFENSE DATE: 05-13-2009
CHARGE: Terroristic Threat
PENALTY: Third Degree Felony

PERSON TO BE CHARGED:

NAME: Ellis Ingram IV
ALIASES: Elvis Ingram, Ellis Ingram Jr.
RACE: Black SEX: Male
D.O.B. 05-01-1982
ADDRESS: 9125 North Plaza #29
CITY: Austin, Texas

PERSON TO SIGN COMPLAINT:

Detective Kelly Davenport #3777
Intelligence Unit -- Special Operations Division
(512) 974-8617

JUDGE: _____

BOND \$: _____