

CAUSE #: 994208

THE STATE OF TEXAS	X	IN THE MUNICIPAL COURT
	X	
COUNTY OF TRAVIS	X	CITY OF AUSTIN, 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; **JAMES MITCHEL McMEANS, WHITE MALE, BORN 08-23-69**, ON OR ABOUT 18<sup>TH</sup> DAY OF SEPTEMBER, 1999, DID COMMIT THE OFFENSE OF INTENTIONAL MURDER; 1<sup>ST</sup> DEGREE FELONY; IN THAT IN TRAVIS COUNTY, TEXAS, HE KNOWINGLY AND INTENTIONALLY CAUSED THE DEATH OF AN INDIVIDUAL, CLARA ODA TORRIENTE-CAPOTE.

MY BELIEF IN THE FOREGOING STATEMENT IS BASED UPON THE FOLLOWING INFORMATION:

AFFIANT IS DETECTIVE R. FAITHFUL #2262, WHO IS A COMMISSIONED POLICE OFFICER WITH THE AUSTIN POLICE DEPARTMENT. AFFIANT IS CURRENTLY ASSIGNED TO THE HOMICIDE UNIT, AND AS SUCH, IS RESPONSIBLE FOR THE INVESTIGATION OF VIOLENT, SUDDEN, UNEXPECTED, AND SUSPICIOUS DEATHS. AFFIANT WAS ASSIGNED TO INVESTIGATE THE MURDER OF CLARA ODA TORRIENTE-CAPOTE.

ON SATURDAY, 09-18-99, AT 3:02PM, AUSTIN POLICE DEPARTMENT CALL NUMBER 99-2611029 WAS INITIATED ADVISING THAT TWO MALES AND A FEMALE WERE FIGHTING IN THE PARKING LOT OF THE TEXACO CONVENIENT STORE LOCATED AT 2241 SOUTH IH35 EAST FRONTAGE ROAD, AUSTIN, TRAVIS COUNTY, TEXAS. WHILE RESPONDING OFFICERS WERE IN ROUTE, THE CALL WAS UPDATED AT 3:05PM, TO INCLUDE THAT A MALE WAS DRAGGING THE FEMALE BY HER HEAD IN THE PARKING LOT AND THEN STABBED HER. THE UPDATED INFORMATION STATED THAT THE SUSPECT HAD FLED NORTHBOUND ON THE FRONTAGE ROAD AND WAS DESCRIBED AS;

WHITE MALE; PINK AND GRAY SHIRT; CUT ON NOSE.

OFFICER F. SIMPSON #1024 WAS DRIVING BY THE INCIDENT, WESTBOUND ON OLTORF JUST EAST OF THE TEXACO, AND WAS FLAGGED DOWN APPROXIMATELY THE SAME TIME THAT THE INFORMATION WAS BEING GIVEN TO THE 911 OPERATOR BY A WITNESS ON THE PHONE. OFFICER SIMPSON ADVISED THAT WHEN HE EXITED HIS PATROL UNIT HE WAS TOLD BY WITNESSES THAT SOMEONE HAD BEEN STABBED AND THE WITNESSES BRIEFLY DESCRIBED THE SUSPECT AND HIS DIRECTION OF TRAVEL. THE WITNESSES DESCRIBED THE SUSPECT AS FOLLOWS;

WHITE MALE; BROWN PANTS; BROWN BAG ACROSS HIS SHOULDER; SHORT HAIR; LAST SEEN RUNNING NORTHBOUND ON THE FRONTAGE ROAD.

OFFICER SIMPSON DROVE IMMEDIATELY IN THE DIRECTION THAT THE SUSPECT FLED IN AND WITHIN A MINUTE OR TWO HAD LOCATED A WHITE MALE SUBJECT IN THE AREA OF 2121 SOUTH IH35 EAST FRONTAGE. OFFICER SIMPSON DESCRIBED THE SUBJECT HE LOCATED AS:

WHITE MALE; SHORT HAIR; NO SHIRT; BLACK PANTS; WHITE BLOODY SHIRT DRAPED OVER HIS SHOULDER; BROWN BAG ACROSS HIS SHOULDER; BLEEDING FROM THE NOSE AND HEAD AREA AND COVERED IN BLOOD.

OFFICER SIMPSON IMMEDIATELY PUT THE SUBJECT IN CUSTODY AND PLACED HIM IN HIS PATROL CAR. OFFICER SIMPSON TOOK THE SUBJECT, WHO WAS LATER IDENTIFIED AS:

**JAMES MITCHEL McMEANS; BORN 08-23-69; TEXAS DRIVER'S LICENSE # 11598527,**

BACK TO THE SCENE WHERE TWO OF THE EYEWITNESS;

- 1) STEPHEN HARWELL; WHITE MALE; BORN 04-03-76, AND
- 2) EUGENE NAVARRO; HISPANIC MALE; BORN 11-13-81.

POSITIVELY IDENTIFIED THE WHITE MALE IN OFFICER SIMPSON'S POLICE CAR AS THE SAME WHITE MALE SUBJECT WHO STABBED THE FEMALE.

EMERGENCY MEDICAL SERVICE PERSONNEL WERE ATTENDING TO THE VICTIM, TORRIENTE-CAPOTE, AND SUBSEQUENTLY TRANSPORTED HER TO BRACKENRIDGE HOSPITAL WHERE SHE WAS PRONOUNCED DEAD OF HER INJURY BY DR. COOPWOOD AT 3:27PM. AN AUTOPSY WAS CONDUCTED ON TORRIENTE-CAPOTE BY THE ASSISTANT CHIEF MEDICAL EXAMINAR, DR. PEACOCK. DR. PEACOCK RULED TORRIENTE-CAPOTE'S DEATH AS A RESULT OF A STAB WOUND TO THE NECK--HOMICIDE.

THERE WERE A TOTAL OF EIGHT EYEWITNESSES THAT SIGNED SWORN STATEMENTS REGARDING THIS INCIDENT. ALL THE WITNESSES ACCOUNTS WERE SIMILAR AND ALL STATED THAT A WHITE MALE HAD STABBED THE VICTIM.

*Richard Faithful*  
AFFIANT

SWORN AND SUBSCRIBED TO BEFORE ME BY THE SAID AFFIANT, DETECTIVE RICHARD FAITHFUL, ON THIS THE 19<sup>TH</sup> DAY OF SEPTEMBER, 1999.



*Kenneth J. Vitucci*  
MAGISTRATE, AUSTIN MUNICIPAL COURT,  
AUSTIN, TRAVIS COUNTY, TEXAS

ON THIS THE 19<sup>TH</sup> DAY OF SEPTEMBER, 1999, I HEARBY 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.



*Kenneth J. Vitucci*  
MAGISTRATE, AUSTIN MUNICIPAL COURT,  
AUSTIN, TRAVIS COUNTY, TEXAS