

***** PRESS RELEASE *****

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F. Clinton Broden and Broden & Mickelsen issue the following statement on behalf of our client, Daniel Perry.

Daniel Perry is an active duty sergeant with the United States Army. He is a former Eagle Scout from the North Texas area and served our country proudly for the past eight years. Sgt. Perry served a tour in Afghanistan and has been the recipient of numerous army awards and commendations.

On the evening of July 25, 2020, Sgt. Perry was in Austin, Texas driving for a ride share company in order to earn extra money. He had dropped his client off in the vicinity of Congress Avenue. He was then going to proceed to a “hot spot” in order to wait on notification to pick up another client or to pick up food for delivery. Sgt. Perry made a right onto Congress Avenue from Fourth Street and encountered a throng of people in the street. Prior to arriving at the corner of Fourth Street and Congress Avenue, Sgt. Perry did not know that a demonstration was taking place.

When Sgt. Perry turned on the Congress Avenue, several people started beating on his vehicle. An individual carrying an assault rifle, now known to be Garrett Foster, quickly approached the car and then motioned with the assault rifle for Mr. Perry to lower his window. Sgt. Perry initially believed the person was associated with law enforcement and complied with the command. After rolling down the window, it became apparent to Sgt. Perry that the individual with the assault rifle was not with law enforcement. It has now been confirmed by several witnesses that this individual with the assault rifle then began to raise the assault rifle toward Sgt. Perry. It was only then that Sgt. Perry, who carried a handgun in his car for his own protection while driving strangers in the ride share program, fired on the person to protect his own life.

Immediately after Sgt. Perry fired on the individual who raised the assault rifle toward him, a member of the crowd began firing on Sgt. Perry’s vehicle. Sgt. Perry drove to safety and immediately called the police. He waited for the police to arrive and fully cooperated with the police following the shooting and he continues to do so.

We urge the public to allow the police to conduct a full investigation. We also need to correct statements that have been reported by the press. First, Sgt. Perry never left his vehicle preceding or immediately following the shooting. Second, Sgt. Perry did not “flee” but immediately called police upon getting to safety. Finally and most importantly, police have interviewed witnesses

who were demonstrating with Mr. Foster and these witnesses have confirmed that Mr. Foster raised his assault rifle in a direct threat to Sgt. Perry's life.

Sgt. Perry and his family deeply sympathize with the loss and grief being experienced by Mr. Foster's family. Sgt. Perry is devastated by what happened. Nevertheless, that does not change facts. The simple fact is that Sgt. Perry reasonably perceived a threat to his life when, as has now been confirmed by independent witnesses, Mr. Foster raised his assault rifle toward Sgt. Perry who was sitting in his car. We simply ask that anybody who might want to criticize Sgt. Perry's actions, picture themselves trapped in a car as a masked stranger raises an assault rifle in their direction and reflect upon what they might have done if faced with the split second decision faced by Sgt. Perry that evening.



DANIEL PERRY