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**PRESS RELEASE FROM THE OFFICE OF
THE NACOGDOCHES COUNTY ATTORNEY**

"On Saturday, June 6, 2020, Nacogdoches Police Department Officers responded to the Nacogdoches County Courthouse in reference to an altercation between a motorist and a group of protesters. The Department conducted a comprehensive investigation to determine what, if any, criminal conduct occurred. Detectives interviewed witnesses to the altercation and obtained multiple videos of the exchange between the parties. Once the investigation was complete, the matter was referred to the Nacogdoches County Attorney's Office for review. The County Attorney's Office reviewed the evidence to determine if any person involved had committed a Class A or B misdemeanor under the laws of the State of Texas.

A review of the video recordings of the incident showed that the motorist displayed an offensive gesture toward the protesters and, as the vehicle passed the protesters, one of the protesters kicked or kicked at the vehicle. The motorist stopped his vehicle and got out, pointing in the direction of the person who had kicked or kicked at his vehicle. There appeared to be an exchange of words with a group of the protesters. One of the protesters put his hands on the motorist after which the motorist pushed the protester and placed his hand on the grip of his holstered pistol. The motorist then got back in his vehicle and left. The entire incident took approximately forty seconds.

Of utmost concern to many of the witnesses was the fact that the motorist involved in the altercation was carrying a handgun in a holster on his hip throughout the event. Texas Open Carry law allows a person who is licensed to carry a handgun to display it openly, so long as it remains holstered in a shoulder or belt holster. The motorist was confirmed to possess a license to carry. All witnesses and video recordings of the event confirm that the firearm was never removed from the holster, making the display of the firearm protected under Texas law.

Keeping in mind the motorist's right to openly carry a handgun, we reviewed multiple, possible violations of the law. This research and evaluation was conducted primarily by two prosecutors, both of whom have practiced criminal defense law and who have over 37 years of combined experience as prosecutors. After much research, we reached the conclusion that no person involved in this altercation committed a Class A or B law violation. However, given the circumstances surrounding this event and the importance of these issues to our community, we elected to present the evidence and law in this case to a grand jury. A grand jury is a group of twelve citizens who are randomly selected from the jury pool of the county. They meet to review the evidence in all felony cases and make a determination as to whether there is sufficient evidence to charge someone with a crime. While misdemeanors are not normally presented to a grand jury, it has been the practice of this office to use this procedure in limited cases where we believe an independent

evaluation of the evidence would be beneficial. All grand jury proceedings are confidential and we are prohibited by law from disclosing anything that occurred in the grand jury. It is, however, the policy of the Nacogdoches County Attorney's Office, when presenting a case to a grand jury, to present all available evidence, aggravating and mitigating, and to discuss any applicable law relevant to the evidence. After reviewing the evidence and the law in this case, the grand jury did not find there was sufficient evidence to charge any party.

Prosecutors are tasked not with securing convictions, but to see that justice is done. When reviewing cases, a prosecutor must ask if the conduct violates the law. If it does, a prosecutor should charge the violator so long as that is a just decision. If it does not, the prosecutor should not charge the violator even if the prosecutor finds the conduct of a person to be inappropriate, offensive, impolite, vulgar, and outside the bounds of common decency.

Should anyone in the community want to sit down with me and discuss our analysis of this case, please feel free to call me. I am happy to set up a time for us to visit and discuss this case in depth."