

D-1-DC-21-900007

THE STATE OF TEXAS,)	
)	IN THE 147TH JUDICIAL
Plaintiff,)	
)	
v.)	DISTRICT COURT
)	
DANIEL PERRY,)	
)	TRAVIS COUNTY, TEXAS
Defendant.)	
_____)	

AFFIDAVIT OF DAVID FUGITT

David Fugitt, being at least eighteen years of age, pursuant to Texas Civil Practice and Remedies Code § 132.001, deposes and states as follows:

1. I am the lead investigating detective in the above referenced case.
2. Prior to the grand jury presentation in this case, I had several conversations with the District Attorney's Office regarding the presentation of exculpatory evidence related to Daniel Perry. It became clear to me that the District Attorney's Office did not want to present evidence to the grand jury that would be exculpatory to Daniel Perry and/or to show that witness statements obtained by the family of Garrett Foster and/or their attorneys were inconsistent with prior interviews such "witnesses" gave the police and/or the video of the incident in question. I had also wanted to present previous statements from the Complainant in Count 2 where she never once suggested that Daniel Perry intentionally and knowingly threatened her with imminent bodily injury by driving a motor vehicle in her direction. The District Attorney's Office also made me remove an animation from Daniel's Perry's driving the night of the incident coordinated with his cell phone records that would have refuted the deadly conduct charge ultimately returned by the grand jury.
3. On ~~one~~ more than one occasion I was directed by the Travis County

Attorney's Office to remove exculpatory information that I had intended to present to the grand jury during my testimony. At that point, I specifically asked if there would be "ramifications" if I did not do so. I was told by Assistant District Attorney Guillermo Gonzalez that he would ask the elected District Attorney, Jose Garza, what would happen if I refused to agree to the limitations I was being ordered to comply with. I was later sent an email simply reaffirming the exculpatory subjects that I was forbidden from mentioning during my testimony. Of my original 158 slide powerpoint presentation, the presentation was reduced to 56 slides with almost all of the exculpatory evidence ordered removed. I felt like I did not have any other options but to comply with their orders.


4. In my mind, after this directive from Jose Garza, is when the conduct of the District Attorney's Office when from highly unethical behavior to criminal behavior.

5. I firmly believe the District Attorney's Office, acting under the authority of Jose P. Garza, tampered with me as a witness. Often witness tampering is subtle. In this case, there were foreseeable consequences if I did not comply and tailor my grand jury presentation as directed and failure to do so would adversely affect my working relationship with the District Attorney's Office for the foreseeable future. I was afforded no choice but to comply with the directives that were issued to me by Jose Garza through his assistants.

6. I am familiar with the crime of witness tampering as set out in the Texas Penal Code and under the circumstances believe myself to be a victim of such tampering. Furthermore, in coordination with my direct chain of command, I sought legal advice from Chris Coppola, Assistant City Attorney.

My name is David Fugitt, my date of birth is 02/13/1972,
and my address 715 E 8th St, Austin, TX 78701. I declare under penalty of perjury
that the foregoing is true and correct.

Executed in Travis County, State of Texas, on the 2nd day August, 2021.



DAVID FUGITT