

Congress of the United States  
House of Representatives  
Washington, DC 20515-4312

April 2, 2026

José P. Garza  
District Attorney  
Travis County District Attorney's Office  
Ronald Earle Building, 416 W. 11<sup>th</sup> Street  
Austin, Texas 78701

Dear District Attorney Garza,

As you are surely aware, on March 1, 2026, an individual with a lengthy arrest record opened fire along West Sixth Street in downtown Austin, tragically claiming the lives of three people and injuring 14 others. Thankfully, Austin Police Department (APD) officers and paramedics responded to the threat in under a minute and neutralized the situation, preventing further casualties.<sup>1</sup> APD should be commended for its officers' swift response time and bravery in preserving life in an active shooter situation.

While I'm pleased to see the Travis County District Attorney's office (TCDA) work collaboratively with the APD on this critical public safety incident,<sup>2</sup> I have concerns with how the TCDA under your watch is addressing public order broadly in Travis County, a portion of which falls in Texas' 21st Congressional District, which I'm proud to represent.

Though the shooter was not arrested in Travis County and his actions are currently being investigated as a potential terrorist act,<sup>3</sup> he was arrested several times over 15 years in different jurisdictions and possessed a criminal background consistent with that of a repeat offender.<sup>4</sup> The shooter's case represents the broader issue of localities failing to hold career criminals accountable by refusing to incarcerate them for reasonable and appropriate sentences, opting to release them back into the community where they could reoffend.

Under your leadership, Travis County has become more dangerous, unjust, and anarchic. The police are debilitated and demoralized, victims are discarded and disrespected, and justice is often delayed or denied. The purpose of a prosecutor is to ensure that criminality is punished sufficiently to prevent its repetition, and it should be a primary goal of your office to decrease recidivism, not incentivize it.

During the first two years of your tenure, the TCDA has dismissed or rejected roughly 12,700 felony charges, more than 3,600 of them were violent, sexual, or weapons-related offenses.<sup>5</sup> Homicides in Austin have only slightly decreased from its all-time record of 88 in 2021 – when you entered office – to an average of 72 homicides per year during the more than four years you have served as Travis County's district attorney.<sup>6</sup> Additionally, property-related offenses, like burglaries, have more than doubled from 573 reported offenses in 2020 to 1,175 in 2021 - when you took office – a 105 percent increase, with 2025 ending in a record-high for burglary-related offenses in Austin.<sup>7</sup>

<sup>1</sup> <https://x.com/MBullockATX/status/2028128031814877626?s=20>.

<sup>2</sup> <https://www.statesman.com/news/courts/article/garza-no-charges-austin-police-shooting-21953309.php>.

<sup>3</sup> <https://www.axios.com/local/austin/2026/03/01/austin-mass-shooting-west-sixth-street>.

<sup>4</sup> <https://www.city-journal.org/article/everything-you-dont-know-about-mass-incarceration>.

<sup>5</sup> <https://x.com/AustinJustice/status/2031358296171405353?s=20>.

<sup>6</sup> <https://x.com/AustinJustice/status/2003975348137099400?s=20>.

<sup>7</sup> <https://x.com/AustinJustice/status/2029770478433309139?s=20>.

According to an August 15, 2023, memo, originating from your office, TCDA prosecutors seemingly have been directed to follow a series of guidelines aimed at insufficiently holding defendants accountable for their crimes, some of which include the following:

- As it pertains to sentencing, the memo, says, *“When thinking about an appropriate sentence, ADAs should consider: Collateral consequences to a conviction such as immigration, employment, housing, and licensing, and the effect [it will have on the defendant].”*
  - This encourages prosecutors to pursue alternatives to incarceration and to consider irrelevant factors related to the criminality when determining a sentence, including for homicide, family violence, child abuse, and sexual assault cases.
- As it pertains to increasing sentences, *“Enhancements should be used when there is a relationship between the prior prison sentence and the current offenses charged.”*
  - This directs prosecutors to only use sentencing enhancements if a defendant previously served a prison sentence related to the current offense charged, which could restrict the application of enhancements to serious career offenders who would otherwise qualify.
- As it pertains to determining bond for criminal defendants, *“When considering bond, ADAs should evaluate whether the person is a flight risk (do- they have the resources to flee the jurisdiction?) or whether the person is an attendance risk (do they lack the resources to get to court?). If a defendant is deemed a flight risk, ADAs should consider asking for an electronic monitor or the surrender of their passport to keep them in the jurisdiction.”*
  - This instructs prosecutors to distinguish between flight risk and attendance risk when considering bond, the latter of which may not be an issue provided the defendant does not flee the locality, according to your memo.

A recent investigation found that since 2021, when you took over the TCDA, more than 100 felony cases had bonds modified or charges dropped because of your agency’s missing indictment deadlines, allowing those charged in these cases to be released back into the public.<sup>8</sup> More than 40 percent of those cases involved violent offenses, including murder, sexual assault of child or adult, robbery, assault, kidnapping, burglary of a residence, and felony drug-related offenses.

Last year, for example, a murder suspect had his bond reduced from \$1 million to \$1, and another had his bond reduced from \$800k to \$100 due to your office purportedly missing indictment deadlines.<sup>9</sup> This raises serious concerns about how a district attorney’s office should be honoring deadlines for charged defendants.

Similarly, in May 2024, APD charged Kanady Arkangelo Rimijo – a Sudanese national with a green card<sup>10</sup> - for his suspected involvement in selling fentanyl-laced narcotics, leading to 79 overdoses, nine of whom died.<sup>11</sup> Despite Rimijo’s lengthy arrest record in Travis County, spanning 17 years, including drug distribution of fentanyl and felon-in-possession of a firearm, his charges were reduced during your term, allowing him to roam free in the community, leading to his most recent drug-related trespassing arrest.<sup>12</sup>

Last month, police arrested Caleb Jenkins for a murder charge for allegedly shooting a father-of-five to death in Austin as a form of retaliation last October despite your office having multiple opportunities to remand him in custody, which likely would have prevented the murder.<sup>13</sup> According to reports, your office

<sup>8</sup> <https://www.kxan.com/investigations/travis-co-da-failure-to-indict-leads-to-suspects-being-released-and-charges-dropped/>.

<sup>9</sup> <https://www.kxan.com/news/local/austin/2-murder-suspects-released-after-missed-indictment-deadlines-an-explainer/>.

<sup>10</sup> <https://x.com/AustinJustice/status/1993425132329529483?s=20>.

<sup>11</sup> <https://dallasexpress.com/state/five-arrested-after-79-opioid-overdoses/>.

<sup>12</sup> <https://x.com/AustinJustice/status/1993355117903425580?s=20>.

<sup>13</sup> <https://www.kvue.com/article/news/crime/austin-murder-luxury-watch-theft-caleb-jenkins/269-45052ace-4f15-4839-8c58-0b4f03693d15>.

either dismissed or declined to prosecute three of Jenkins' illegal firearms cases.<sup>14</sup> Further, he was arrested for domestic violence in November 2023, and failed to appear in court and was rearrested for a new unlawful weapons violation the same month, only to be re-released and be charged with murder.

There are countless more examples of career criminals being free to commit new crimes, despite having lengthy criminal records and histories of violence instead of being jailed under your tenure as district attorney.<sup>15</sup> As Travis County's top law enforcement officer, upholding law and order and securing justice for victims should be the priority, not implementing policies that undermine public safety and make law enforcement officers' jobs more difficult through criminal leniency. As such, I request you provide answers to the following questions by April 17, 2026:

- 1) Are any of the policies from the TCDA August 15, 2023, memo still in place? If so, which ones?
  - a. Please provide a copy of your current policies, all prior policy memos issued since January 1, 2021, including any specific directives related to bail, discovery, law enforcement shootings and investigations, charging, plea and sentencing decisions.
- 2) What steps does your office take to ensure violent career criminals are not committing crimes and harming public safety due to lenient bond policies?
  - a. How does your office track repeat offenders and recidivism rates referred to your office?
  - b. If an offender has previous charges dismissed, declined, or reduced in prior cases and recidivates, does your office take their criminal history into account for future charging, plea, and sentencing decisions? Please provide the following:
    - i. The number of defendants who have been charged with new serious felonies after a prior charge was dismissed, declined or reduced.
    - ii. The average and median years sentenced to incarceration for offenders initially charged with murder, rape, Child Molestation, firearms offenses, Drug distribution/trafficking.
- 3) Does your office have a policy (formal or informal) to consider the demographic or socioeconomic classifications of defendants in charging, plea, or sentencing decisions including but not limited to race, national origin, immigration status, sexual identity or any other categories?
  - a. Is there any case where a charging decision was made or influenced by such considerations? If so, which cases?
  - b. Please provide any such policies and correspondence and the impacted cases and any associated documentation, including emails, text messages, memoranda, or court filings.

Respectfully,



Chip Roy  
Member of Congress

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<sup>14</sup> <https://x.com/RedWavePress/status/2026729307599487154?s=20>.

<sup>15</sup> Gaza, Jose. "Policies" memo to Office of the District Attorney employees. August 15, 2023.