

CAUSE NUMBER: _____

THE STATE OF TEXAS

§

IN THE MUNICIPAL COURT

§

CITY OF AUSTIN

COUNTY OF TRAVIS

§

IN TRAVIS COUNTY, 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

(Suspect) Cedric Myron Benson, Race) B, (Sex) M,
(DOB) 12 / 28 / 1982

On or about the 3 day of May, 2008, in the incorporated limits of the City of
Jonestown, County of TRAVIS and State of Texas, did then and there commit the offense of

Resisting Arrest / Transport

On May 3rd, 2008 at approximately 9:00pm, your Affiant was on duty as a Lower
Colorado River Authority Police Officer wearing the uniform of my position with shoulder patches and badge on my
chest. I was also driving a clearly marked Lower Colorado River Authority patrol boat equipped with emergency
lights and the word "Police" on the boat.

On Saturday, May 3, 2008, I, Sergeant Leonard Snyder of the Lower Colorado River Authority was on boat patrol
in Lake Travis, Devils's Cove, Jonestown, Travis County, Texas. I stop a 2007 30 foot Cobalt motor boat to
conduct a water safety inspection. I observed the boat had approximately 12 to 15 occupants as I approached, I
observed the operator was wearing a white tank top shirt. I began my inspection and determined the operator,
identified as Cedric Benson showed several signs of intoxication. I instructed Benson to move to my patrol boat
where I administered water based sobriety tests. Benson was not able to perform the tasks and I believed land based
tests were warranted. I informed Benson we would be going to land where I would ask him to provide the land
based tests. Benson argued that he had passed the tests I just gave him and was not going to land. I informed him we
would be going to land and he needed to put on a life jacket, which I had in my hand. Benson refused and at one
point stood up from the position where I had him seated and suggested I could not tell him what to do. After several
attempts to get compliance from Benson I determined he was not going to comply. I informed Benson he was under
arrest and instructed him to kneel down against an interior seat near the bow of my boat as I intended to place
handcuffs on him. Benson continued to be argumentative stating he had passed all the tests. I instructed him a
second time to go to the bow and he refused. I touched his body in an attempt to direct him and he presented himself
in a very hostile way. Benson is a very muscular person and easily capable of overpowering me. As I had exhausted
all attempts to gain control of Benson, and been met with resistance and what I perceived as a threat, I administered
pepper spray into Bensons face to gain control. Only after this was I able restrain Benson

Benson was transported to the Emerald Point Marina where I intended to have a land based unit transport him to
Central Booking. Once at the marina, Benson refused to get out of the patrol boat and had to be physically removed.
Once removed from the patrol boat, I as well as several other officer instructed Benson to stand up and walk. He had
to be lifted and after numerous attempts to get him to walk of his own will, Benson had to be carried off the marina
to the land based unit for transport.

Affiant _____ Sworn and subscribed to before me by the said Affiant on this
_____ day of _____, 2008.

Peace Officer in the State of Texas

On this, the 4 day of May, 2008, I hereby acknowledge that I have examined the
foregoing affidavit and have determined that probable cause exists for the issuance of an arrest warrant for the
individual accused therein.

Magistrate, Municipal Court, Austin, Travis County, Texas

§
Bond

Cause Number: _____

THE STATE OF TEXAS
COUNTY OF Travis

(
(
(

IN THE _____ COURT
IN _____ COUNTY, TEXAS

AFFIDAVIT OF PROBABLE CAUSE FOR ARREST AND DETENTION

Undersigned Affiant, Who After Being Duly Sworn By Me, On Oath, Makes The Following Statement: I have good reason to believe that Cedric M. Benson B/M ^{7:02} 12/28/82 ⁰⁵⁷⁸¹⁴¹
(Suspect Name, Race, Sex, DOB, D.L.#)

On or About the 3 Day of May, 2008, In the City of San Antonio County of Travis, State of Texas, did then and there commit the offense of:

BOATING WHILE INTOXICATED

My belief of the foregoing statement is based upon Personal knowledge Information provided to me by Officer _____, a Peace Officer working for _____, and licensed by the State of Texas.

I, Officer L. Snyder, Observed the aforesaid accused operating a watercraft: 2007 Yamaha 302, at: Devils Hollow
(Description of Vessel, Year, Make, Model) (Location of Operation)

I, Officer L. Snyder, stopped the said accused for the following reason(s):
Water Safety Inspection

The said accused was stopped for a Safety Inspection of his/her vessel as prescribed by Law in the Texas Parks and Wildlife Code, Section 31.124.

_____, a citizen residing at _____, identified the said accused to Officer _____, as the operator of _____ (Vessel, Year, Make, Model)

At the scene of a collision/offense at _____ (Location of Collision/Offense)

I, Officer L. Snyder, observed the said accused at the scene of said collision/offense and formed the opinion that the said accused was intoxicated based upon the following indicators observed:

- Odor of Alcoholic Beverage: Strong Moderate Faint None
- Clothing: Disorderly Disarranged Soiled Mussed Orderly bathing suit
- Eyes: Bloodshot Watery Glassy Pupils Dilated / Constricted
- Attitude: Excited Hilarious Talkative Carefree Sleepy
 Profanity Combative Indifferent Insulting Cocky
 Polite Cooperative Other: _____
- Unusual Actions: Hiccups Belching Vomiting Fighting Crying
 Laughing Other: _____
- Speech: Clear Slurred Mumbled Confused Thick
 Incoherent Other: _____

continued on page 2

Laura W. Aydes
Affiant

Sworn and subscribed to before me by the said Affiant on this
4 day of May, 2008.

[Signature]
Peace Officer in the State of Texas

On this, the 4 day of May, 2008, I hereby acknowledge that I have examined the
foregoing affidavit and have determined that probable cause exists for the issuance of an arrest warrant for the
individual accused therein.

[Signature]
Magistrate, Municipal Court, Austin, Travis County, Texas

\$ 10000
Bond

LCRA police Incident #: 2008000183

Officer: _____