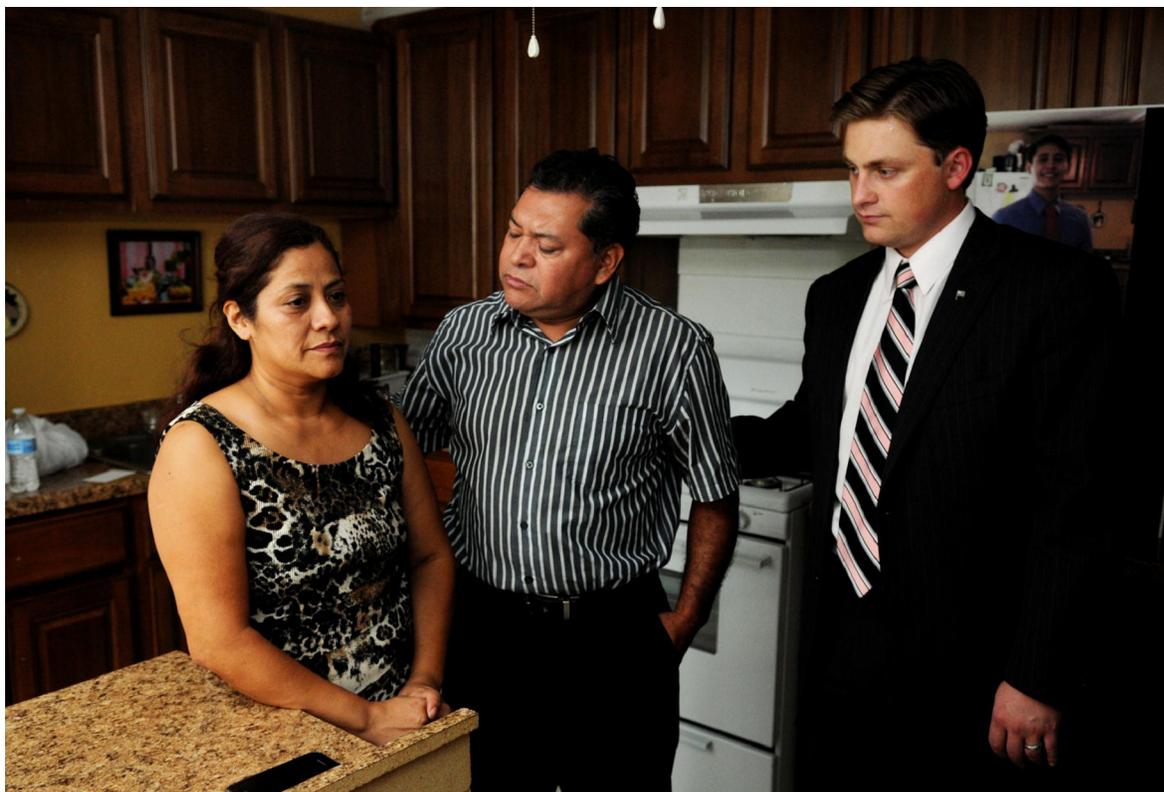


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Conroe officer indicted in teen's fatal shooting



Jerry Baker, Freelance

Jacqueline Rios, left, and Juan Cuyun of Conroe had hoped for a murder charge in the shooting death of their son on July 31 outside a Walmart.

By Brian Rogers

September 28, 2013

In a rare occurrence, a police officer in Montgomery County will face criminal charges in the August fatal shooting of a teenager suspected of shoplifting from a Conroe Walmart.

The family of the teen said Friday that the officer accused in the slaying should have been indicted Thursday on a murder charge, not manslaughter.

"This was murder. Manslaughter is not enough," said Juan Cuyun, the father of 17-year-old Russell Rios. "They tried to make it my son's fault."

Conroe police officer Jason Blacwelder, 34, is accused of shooting Rios in the back of the head on July 31 as the teen was fleeing Walmart security personnel.



Blacwelder, an off-duty Conroe police sergeant, saw Rios running away and followed workers who were chasing him into a wooded area, authorities said.

After the shooting, police released a statement that the two got into a "violent struggle" and the teen "began choking the sergeant."

Earlier this month, the family said an autopsy showed that Rios was shot in the back of the head, casting doubt on the officer's story.

Blacwelder was indicted on a manslaughter charge and two other charges alleging that he lied about what happened.

Those charges, tampering with a government record, a state jail felony, and filing a false report, a misdemeanor, stem from Blacwelder reporting in an official document and later to an investigator that Rios was behind him during the shooting.



Conroe Police Dept

gt. Blacwelder has been employed with the Conroe olice epartment since eptember

'A brutal fight'

If convicted of the most serious charge, manslaughter, Blacwelder faces punishment ranging from two to years in prison.

Blacwelder's attorney said Friday that the officer acted appropriately after finding himself without bacup in a brutal fight with a suspected shoplifter.

"The guy was stealing from Walmart, the officer got involved and this guy assaulted him was choing him so he shot him," said attorney reg Cagle.

Cagle said it is "etremely rare" for officers to be indicted in shootings.

hil rant, first assistant with that Montgomery County istrict Attorney's ffice, said he did not thin there had been an officer involved shooting indictment in the county in 3 years.

fficer oined chase

In arris County, the last officer to be indicted in a shooting was asadena police officer Michael T. Martin, who was charged with official oppression in June. e is accused of shooting ictor Antonio ernande during a traffic stop about a.m. on July , 11. That case is pending.

Cagle said Blacwelder, who has been employed with the Conroe olice epartment since eptember with no record of being disciplined, was buying school supplies on July 31 with his wife when he saw Walmart employees running after Rios.

The officer oined the chase and caught Rios in a wooded area. Blacwelder told investigators the Walmart employees did not follow him in to the woods.

"They're in a struggle out there for a long time. Blacwelder had several big bite mars on his arm," Cagle said.

The attorney said he is not surprised Rios was shot in the back of the head because assailants often turn away in the seconds that officers decide to pull their guns.

"It's not unusual for the suspect to be able to turn away," Cagle said. "That's a natural human reaction."

grand jury decision

Prosecutors said all of the case facts were turned over to a grand jury to decide the charge. The murder charge that the Rios family had hoped for would have carried a punishment range of up to life in prison.

"We do thorough investigations into every officer involved shooting, no matter what the circumstances are, and we present all our findings to a grand jury, just like this one," prosecutor said. "We're going to let the truth come out."

Attorneys for the family thanked Montgomery County District Attorney Brett Hixon for personally delivering the news on the indictments and castigated the police department.

"Today, we are in a much better place than we were on Aug. 1, 2013 — the date of the false reporting to the public by the Conroe Police Department," attorney Ryan MacLeod said in a statement. "The Rios family is cautiously optimistic moving forward."



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