

CAP METRO and APD video evidence against David R. Harris (Operator ID# 300230)

Below is public information video evidence from May 7, 2021 showing CAP METRO bus driver David R. Harris (Operator ID #300230) first making a death threat against me, Carlos León on a bus camera, then making multiple false statements about it to the investigating APD officer, captured on the officer's body cam audio and video.

CAP METRO video evidence

Look at the 7:15:05:00 - 7:15:13:00 (7:15 AM and five seconds to 7:15 AM and thirteen seconds) clip of CAP METRO bus video file LT-2357-05-07 07.09.00 (6694) explicitly contradicting Harris's verbal and non-verbal statements to Officer Guadarrama.

Looking at Camera 3 [Bus2357_Driver_L], driver Harris repeatedly nods his head up and down in response to BOTH times León (standing outside the bus, shown on Camera 2 – BUS2357_Front Door L) loudly told Harris, "You're a criminal!", meaning Harris TWICE non-verbally confirmed that he (Harris) was admitting to being a criminal. Harris also simultaneously and repeatedly pointed at his own chest with his right index finger (closest finger to his thumb on his right hand) to further confirm his criminal status/admission.

Then, looking directly at León, Harris clearly and explicitly makes the throat-slashing gesture across his own throat, from left to right, using with his right index finger. Then Harris drives away.

APD Video Evidence

Look at Officer Guadarrama's body cam footage (AXON BODY 3 X6039BFER) from 7:42:56 AM to 7:43:11 AM, corresponding to 13:17 - 13:31 (thirteen minutes, seventeen seconds to thirteen minutes, thirty-one seconds) within the body cam footage.

Officer Guadarrama said to bus driver Harris, "He (León) claimed that when he was off the bus you went...", demonstrating a throat-slashing motion to bus driver Harris. Bus driver Harris responded, verbally telling Officer Guadarrama, "I told him 'Get on off the bus and just stay off the bus'", and non-verbally using his right hand/arm to make a bold, strong motion from his chest outward to nonverbally back up what the he was telling Officer Guadarrama.

For clarity and the record, Officer Guadarrama then mimics Harris's motion from his chest outward, to which Harris says "Yeah", meaning Harris was verbally confirming to Officer Guadarrama that he (Harris) was claiming that he (Harris) used his right hand/arm to make a bold, strong motion from his chest outward only.

Officer Guadarrama then re-demonstrates the throat slash gesture to Harris, who says "Nah", meaning Harris explicitly told Officer Guadarrama that he (Harris) did NOT make a throat-slashing motion. Officer Guadarrama then said "OK".



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Analysis

NOWHERE in CAP METRO bus video file LT-2357-05-07 07.09.00 (6694) do you see Harris making that bold, strong motion from his chest outward that he later claimed to Officer Guadarrama that he (Harris) had made, because Harris NEVER made that gesture to Mr. León.

Therefore, Harris LIED at least twice to Officer Guadarrama:

- 1) Harris claimed he (Harris) used his right hand/arm to make a bold, strong motion from his chest outward only, which he NEVER did;
- 2) Harris claimed he did NOT make a throat-slashing gesture, though he did.

Conclusion

Therefore, because “A threat of death” may be in the form of a gesture, including the drawing of one’s hand across one’s own throat in a slashing motion (*United States v. Soto-Martinez*) and because Harris’s threat of bodily harm was imminent (i.e., “impending, hanging threateningly over one’s head”), Harris is allegedly guilty of ASSAULT BY THREAT, violating Texas Penal Code 22.01 (a)(2). Because Harris then knowingly made false statements material to a criminal investigation, to a peace officer, with intent to deceive, Harris made FALSE REPORTS TO PEACE OFFICER, violating Texas Penal Code 37.08 (a)(1).

CAP METRO still employing David R. Harris (Operator ID# 300230)

David R. Harris (Operator ID# 300230) was observed driving a southbound Route 383 bus the afternoon of Memorial Day 2022, meaning CAP METRO continues employing him, despite knowing Harris (Operator ID# 300230) acted criminally, threatened the use of deadly force, and lied to an investigating Austin Police Department officer.
