KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number:	17-713-UF	Version Type:	ORIGINAL VERSION
Report Date:	2/2/2018 11:56 AM	Status:	Submitted

Agency/Facility Information

Agency Name:	Progreso Police Dept.	Agency Address:	PO BOX 699
Agency City:	Progreso	Agency State:	TX
Agency Zip:	78579		

Director Information

Director Salutation:	Chief	Director First Name:	David
Director Middle Name:			
Director Last Name:	Hernandez		
Reporter Name:	David Hernandez	Reporter Email:	davdavehr@hotmail.com

Decedent Information

Identity of Deceased

First Name: Evelio

Middle Name: Guillen

Last Name: Gomez

Suffix:

Date of Birth: 10/16/1971 Sex: Male

Race: Hispanic or Latino

Age At Time Of Death: 46

Date/Time of Custody (arrest, incarceration) (mm/dd/yyyy hh:mm AM/PM):

Date/Time of Custody or Incident: 12/24/2017 9:10 PM

Date/Time of Death (mm/dd/yyyy hh:mm AM/PM):

Death Date and Time: 12/24/2017 9:15 PM

Manner / Cause of Death

Has a medical examiner or coroner conducted an evaluation to determine a cause of death?

Medical Examiner/Coroner Evaluation?: Yes, results pending

What was the manner of death? (select only one)

Manner of Death: Homicide (includes Justifiable

Homicide)

Medical Cause of Death:

Medical Cause of Death:

Unknown

Had the decedent been receiving treatment for the medical condition that caused the death after admission to your jail's jurisdiction?

Medical Treatment:	Not Applicable

If death was an accident, homicide or suicide, who caused the death?

Who caused the death?:	Law enforcement/correctional personnel

If a weapon caused the death, what type of weapon caused the death? (Hold CTRL to select all that apply)

Type of weapon that caused death?:	Handgun

Was the cause of death the result of a pre-existing medical condition or did the decedent develop the condition after admission?

Pre existing medical condition?:	Not Applicable; cause of death was accidental injury, intoxication, suicide or homicide

If death was an accident, homicide or suicide, what was the means of death?

Means of Death:	Firearm

Location / Custody Information

Where did the event causing the death occur?

Street Address: 1122 Encino Street
City: Progreso
County: Hidalgo
Zip: 78579

What location category best describes where the event causing the death occurred?

Location Category: Residence/Home

What type of custody/facility was the Decedent in at the time of death:

Type of Custody: Pre-Custodial Use of Force

Specific type of custody/facility:

Specific Type of Custody/Facility:

N/A

What was the time and date of the deceased's entry into the law enforcement facility where the death occurred (mm/dd/yyyy hh:mm AM/PM):

Entry Date Time:

Entry Date Time N/A: ☑

Where did the death occur?

Death Location: Scene of incident

General Information

Did any other law enforcement agencies respond to calls for service related to this incident?

Other Agencies Respond?: No

What were the most serious offense(s) with which the deceased was (or would have been) charged with at the time of death?

Offense 1:

Terroristic Threat

Offense 2:

Aggravated Assault on a Public Servant

Offense 3:

Disorderly Conduct

Were the Charges:: Not filed at time of death

What were the types of charges or reason for contact? (Hold CTRL to select all that apply)

Type of Offense: Violent Crime Against Persons

At any time during the incident and/or entry into the law enforcement facility, did the decedent display or use a weapon?

Decedent display/use of weapons: Yes, mark all that apply

Decedent Display or Use Weapon Details: Displayed other weapon, specify:

Specify Weapon Displayed:

Machete

At any time during the incident and/or entry into the law enforcement facility, did the decedent:

Attempt to Injure Others?:	Yes (select all that apply)
Ways Decedent Attempted To Injure Others:	Injured law enforcement personnel; Attempted to injure civilian(s) or other inmate(s)

At any time during the incident and/or entry into the law enforcement facility, did the decedent:

Appear intoxicated (alcohol or drugs):	Yes	Make suicidal statements?:	No
Exhibit any mental health problems?:	Unknown	Exhibit any medical problems?:	No

At any time during the incident and/or entry into the law enforcement facility, did the decedent:

Barricade self or initiate standoff?:	No	Resist being handcuffed or arrested?:	Yes
Physically attempt/assault officer(s):	Yes	Gain possession of officer's weapon:	No
Verbally threaten other(s) including law:	Yes	Escape or attempt to escape/flee custody:	Yes
Attempt gain possession officer's weapon:	Yes		

Was the deceased under restraint in the time leading up to the death or the events causing the death?

Under Restraint:	No

Summary of Incident

Summary of How the Death Occurred: (max. 30,000 characters)

Summary:

On Sunday Decemember 24, 2017 about 9:10 pm I, Sergeant Jesse Diaz received a call from a female who was frantic . She said there was a man with a machete running around chasing people. Upon arrival at said location, (the cul-da-sack on Encino St) Progreso, Tx. I made contact with an unidentified female stating that a male subject was drunk and waving a machete at them and chasing people in the street. The female stated that the male subject walked towards a property down the street. I then observed the male subject in the driveway between a trailer house and a small shed. I then parked my unit in the street and I identified myself several times and the male subject continued to yell at me vete a la verga. I drew my weapon on the subject and told him several times to drop the machete. He continued to yell te va a llevar la verga. The male subject then threw the machete towards the residence and ran inside the shed and he continued to say orita te va a llevar la verga. I then walked inside the shed and I continued to give commands to the male subject. He would not listen, he was looking for a weapon. The male subject picked up some visegrips and threw them down. He then picked up a long screwdriver and threw it towards the east side wall. The male subject then picked up the wooden sheet or door that was on saw horses and he pushed it towards me striking my left leg , I almost fell. The male subject then ran towards the back of the property to another storage building and he opened the door and went inside and I also continued to give commands to the male subject to stop and get down on the ground in both English and Spanish. He never complied and he started picking up things and throwing them around and he continued to say te va a llevar la verga. He then charged at me and I holstered my weapon and I tried to grab a hold of him and he punched me in the chest. I told the subject that he was under arrest. He then tried to take my weapon by reaching for it. I then hit the subject twice with my flashlight in the stomach area. He continued to resist and never complied and he then charged at me again and knocking me down and we fell to the ground. We knocked down a lattice board. When I hit the ground I landed on my left knee and fell backwards. The pain to my knee was intense and knocked the wind out of me and I couldn't breathe and he fell beside me and he then started to get on top of me. I then pushed him away with my left arm and he fell off. I was still out of breathe and he got back up on me. He continued to get on top of me again and he was trying to grab my weapon and he continued to say te va a cargar la verga. As I struggled with the subject I felt that he was over powering me. I couldn't catch my breath. The subject kept reaching for my weapon. I then grabbed my weapon in a move of desperation. I was in fear of my life. The subject was reaching for things on the ground. I pulled my weapon out as we were just about face to face on the ground. I pulled the trigger and nothing happened. I tried pushing the subject away and then pulled the slide back and pulled the trigger again. The subject then fell back. I had a lot of trouble catching my breath. I finally got up. I was in a lot of pain. My left knee was hurting. I limped back to my unit. I got the phone and called Weslaco EMS. I then called the Chief of Police. I called Investigator Felix Ramos. I then called the Hidalgo County Sheriff's Office. When the Sheriff's Office arrived I was seated in a unit waiting for the ambulance.
Due to the circumstances, I was unable to get the complaints information.

Note: The above report was submitted Sgt. Jesse Diaz as his official report of this incident.

Please refer to the Hidalgo County Sheriff's Department for additional information since they are the lead investigative agency. Lead investigator M. Garcia. Please contact me at (956) 565-9266 / David Hernandez , Chief of Police, if I can be of any assistance.