KEN PAXTON
ATTORNEY GENERAL of TEXAS

# CUSTODIAL DEATH REPORT

## Agency Information

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| CDR Number: | 18-1258-UF | Version Type: | AMENDED |
| Report Date: | 6/14/2019 3:25 PM | Status: | Submitted |

### Agency/Facility Information

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|---|---|---|---|
| Agency Name: | Texas Department Of Public Safety | Agency Address: | PO BOX 4087 |
| Agency City: | Austin | Agency State: | TX |
| Agency Zip: | 78773 | | |

### Director Information

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|---|---|---|---|
| Director Salutation: | Director | Director First Name: | Steven |
| Director Middle Name: | C | | |
| Director Last Name: | McCraw | | |
| Reporter Name: | Joanne Scarbrough | Reporter Email: | joanne.scarbrough@dps.texas.gov |

## Decedent Information

### Identity of Deceased

First Name: Antonio

Middle Name: Jaso

Last Name: Aguilar

Suffix:

Date of Birth: 4/30/1990 Sex: Male

Race: Hispanic or Latino

Age At Time Of Death: 28

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

Date/Time of Custody or Incident: 12/2/2018 3:46 AM

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

Death Date and Time: 12/2/2018 3:46 AM

## 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 are available

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

Manner of Death: Homicide (includes Justifiable Homicide)

## Medical Cause of Death:

Medical Cause of Death:

Gunshot wounds.

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

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|---|---|
| Medical Treatment: | Not Applicable |

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

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| 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)

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| Type of weapon that caused death?: | Rifle/shotgun |

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

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| 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?

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| Means of Death: | Firearm |

# Location / Custody Information

## Where did the event causing the death occur?

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| Street Address: | 1313 Louisiana Street | City: | Center |
| County: | Shelby | Zip: | 75935 |

## 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:

Custody of Law Enforcement Personnel subsequent to arrest

## 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?: Yes

## 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:

Attempted Capital Murder

Offense 2:

Offense 3:

Were the Charges:: Filed

## 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: Discharged firearm; Used vehicle as weapon

## 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: Attempted to injure law enforcement personnel

### 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?: | Yes |
| Exhibit any mental health problems?: | No | Exhibit any medical problems?: | No |

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

| | | | |
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| Barricade self or initiate standoff?: | Yes | 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: | No | | |

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

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| Under Restraint: | No |

## Summary of Incident

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

Summary:

On November 28, 2018, at approximately 1:30 PM, a Texas Highway Patrol Trooper attempted to stop a vehicle driven by Antonio Jaso Aguilar for a traffic violation in Shelby County. Aguilar fled, and a pursuit ensued. During the pursuit, Aguilar rammed the THP unit, disabling the unit. Aguilar briefly exited the vehicle and fired at the Trooper with a rifle. The Trooper returned fire, but Aguilar was able to escape. Later that date, the suspect's vehicle was located in rural Shelby County near Center, Texas. An extensive search utilizing state, federal and local law enforcement as well as DPS Aircraft was conducted without success. A warrant was issued charging Aguilar with Attempted Capital Murder. Aguilar was added to the Texas Top Ten Most Wanted Fugitive list and a $7,500.00 reward was offered for information about his whereabouts.

Over the next several days, Rangers, DPS CID, US Marshals, and numerous other state, federal and local law enforcement continued the search for Aguilar. Numerous interviews were conducted. Multiple structures and residences of family and associates were searched without success.

On December 1, 2018, the Center Police Department received information that Aguilar was located inside a residence in Center, Shelby County, Texas. The Lufkin Police Department SRT along with numerous local

officers responded to the residence and verified with the property owner that the fugitive was inside the residence armed with an assault rifle. A perimeter was established. Department of Public Safety Crisis Negotiation Unit members responded to assist. Utilizing Lufkin PD armor and a tactical robot, a throw phone was introduced into the residence and communication was established.

After several hours of negotiation, the suspect terminated communications. At approximately 12:24 AM, the front door of the residence was breached to allow access for the tactical robot. Once the robot was inside, the suspect reestablished communication for a brief time then left the throw phone off the hook and terminated communications. The suspect could be seen on video sitting on a bed armed with the rifle pointed toward the door.

At approximately 1:00 AM, Department of Public Safety tactical operators assumed operational control of the scene. The Crisis Negotiation Unit continued with intermittent contact with Aguilar, but the negotiations were not successful. As negotiations deteriorated, multiple measures were exhausted by the tactical operators in attempts to have the suspect surrender peacefully.

At approximately 3:00 AM, the decision was made to deploy chemical munitions into the structure. At approximately 3:46 AM, Aguilar emerged from the residence and began to fire a rifle at SOG personnel. Two SOG Operators returned fire, fatally striking the suspect. No officers were injured during the event.