KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number:	19-1037-C	Version Type:	ORIGINAL VERSION
Report Date:	10/11/2019 7:41 PM	Status:	Submitted

Agency/Facility Information

Agency Name:	Nolan County Sheriff's Office	Agency Address:	211 Avenger Field Road
Agency City:	Sweetwater	Agency State:	TX
Agency Zip:	79556		

Director Information

Director Salutation:	Sheriff	Director First Name:	David
Director Middle Name:	A		
Director Last Name:	Warren		
Reporter Name:	David Warren	Reporter Email:	dwarren@nolanso.com

Decedent Information

Identity of Deceased

First Name: Daniel

Middle Name: Lee

Last Name: Eller

Suffix:

Date of Birth: 12/6/1983 Sex: Male

Race: Anglo or White

Age At Time Of Death: 35

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

Date/Time of Custody or Incident: 9/22/2019 9:56 PM

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

Death Date and Time: 9/23/2019 2:26 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: Suicide

Medical Cause of Death:

Medical Cause of Death:

Cranio-encephalic Injuries - due to: Perforating Gunshot Wound of Head

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

Medical Treatment: No

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

Who caused the death?: Decedent

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:	1509 E. Bradford Lane	City:	Sweetwater
County:	Nolan	Zip:	79556

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: Police Custody (pre-booking)

Specific type of custody/facility:

Specific Type of Custody/Facility:

Custody of Law Enforcement Personnel during/fleeing 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: 9/22/2019 9:56 PM

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:

Aggravated Assault - Penal Code Section 22.02(a)(2)(b)(2)(B) 1st Degree Felony (Public Servant)

Offense 2:

Offense 3:

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:	Other, specify

Type of Offense, Other:

Domestic disturbance with threat to family member and property.

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 firearm without discharge; 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 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):	No	Make suicidal statements?:	Yes
Exhibit any mental health problems?:	Yes	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?:	Yes	Resist being handcuffed or arrested?:	Yes
Physically attempt/assault officer(s):	No	Gain possession of officer's weapon:	No
Verbally threaten other(s) including law:	Yes	Escape or attempt to escape/flee custody:	No
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?

Under Restraint:	No

Summary of Incident

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

Summary:

On Sunday night, 09-22-2019, at 9:53PM, the Nolan County Sheriff's Office (NCSO) dispatched a call to "all units" of a domestic disturbance at 1509 E. Bradford Ln, Sweetwater (Nolan County), Texas. The caller, Candi Nicole Garrett-Presley, called via phone and said that her husband, Daniel Lee Eller, was threatening to use his pickup to "ram" or run into her vehicle in the carport of their residence at 1509 E. Bradford Lane. The caller was standing behind her vehicle, thus putting her in between her own vehicle and the pickup that her husband was attempting to use to ram or damage hers. Nolan County Sheriff's Office Deputies were busy on other calls at the initial dispatch of this disturbance, so Texas Department of Public Safety Trooper Connor Hardin responded to the scene.
Trooper Hardin arrived at 9:55PM and, according to his report, activated his red & blue emergency lights on his fully marked patrol unit as he pulled into the driveway of the residence. Trooper Hardin audibly heard the male and female arguing. Just as Trooper Hardin was pulling up behind the suspect's vehicle, the female (caller) screamed "he has a gun," referring to her husband Daniel Eller. At 9:56PM, according to NCSO radio recordings, Trooper Hardin was threatened by the male suspect, Daniel Lee Eller. According to Trooper

Hardin, Eller reportedly pointed a hand gun directly at Trooper Hardin's windshield and yelled at him to "back off." Trooper Hardin observed that the female participant (caller) was in close proximity to the suspect and in danger. Trooper Hardin was in imminent fear for his safety as well as the complainant's. Trooper Hardin backed his patrol vehicle out of the driveway and out onto County Road 220 just west of the residence and radioed for assistance. Trooper Hardin took up a tactical position, using his vehicle for cover. Trooper Hardin notified his supervisor, Sgt. James Arnwine - Texas DPS Highway Patrol. Hardin also relayed information about the incident to NCSO Dispatch as well as Abilene DPS Communications.

Several units from the Nolan County Sheriff's Office, Sweetwater Police Department and Texas DPS arrived at the scene over the next few minutes. Roads leading into and out of the area were sealed and a perimeter established around the residence. There was initial information that Daniel Lee Eller might have had a young child as a hostage inside his pickup, but it was later determined that the child was voluntarily clinging to Eller during the beginning stages of the disturbance and was later found unharmed inside the residence.

Sgt. James Arnwine (Texas DPS) arrived and assumed tactical control of the scene. Sgt. Arnwine called in assistance from area Texas Rangers Phillip Vandygriff and Josh Burson as well as Lt. Thomas Wilson with the Texas DPS Criminal Investigations Division out of Lubbock, TX. DPS Trooper Jimmie Bass was summoned to the scene as well. Sgt. James Villanueva and Sgt. Stacy Villanueva, with the Nolan County Sheriff's Office, arrived and were able to enter the residence from the east side and successfully evacuate the original caller (Candi Garrett-Presley) and all of the children from the residence. During this, the suspect (Eller) remained outside on the west side of the residence and inside of his 2016 Dodge Ram 3500 dually pickup, black in color, bearing Texas plate JHX-6408.

NCSO Deputies Eddie Hernandez and Brent Gauger were assisted by members of the Sweetwater Police Department with securing a perimeter and blocking/directing traffic around and away from the incident. Once all occupants were evacuated safely away from the residence, negotiations began with Daniel Lee Eller in an attempt to end the standoff and safely take him into custody for the offense of Aggravated Assault on a Public Servant for threatening DPS Trooper Hardin with a deadly weapon (firearm). Eller refused to surrender and made numerous claims and statements that he would not go to jail, would not go to prison, and would only leave the residence "in a body bag."

Over the course of the next several hours, Eller remained either inside the black Dodge pickup or just outside of it, but in the immediate vicinity of the vehicle. Eller obviously displayed a large frame long black colored handgun, believed to be a revolver type. At times Eller would point the handgun out toward the area where various law enforcement vehicles were staged and at other times, he would point the gun at his own head threatening to commit suicide as he simultaneously talked with negotiators via cell phone. Sgt. James Villanueva and Sgt. Stacy Villanueva (NCSO) spent most of the next four (4) hours back and forth on the phone with Eller continuously trying to convince him to surrender and get help. Both NCSO Sergeants had dealt with Eller on previous occasions, including two other suicide threats/attempts. On this occasion, Eller commented more than once that he was on felony probation and knew that if he was taken into custody that he would ultimately be going to prison. Eller continually claimed that he was going to take his own life.

Texas Rangers made several attempts to have a family member of Eller, (possibly a cousin) named Jeffry Lynn Perrine of San Angelo, to call Eller via cell phone and try to talk to him. Eller would not answer incoming calls from Perrine. Shortly after 2:00AM, Monday, 09-23-2019, Eller broke off conversation with NCSO personnel and he became more visibly agitated and was walking further out into the driveway away from his pickup. Eller would alternate waving the handgun out in the direction of law enforcement and then place it up to his head. At approximately 2:25AM, one of the Texas Rangers arranged to utilize the public address (PA) system in one of the NCSO police vehicles to broadcast a phone conversation from Jeffry Perrine. Perrine appealed to Eller to surrender and not harm himself via the loudspeaker of the NCSO unit. Daniel Eller walked over to some large cross ties along the west side of the driveway and sat on the edge of them, facing east toward the house. At exactly 2:26AM, Monday, 09-23-2019, Eller placed the handgun to his head and shot himself. Hearing the gunshot, various officers approached and observed Eller laying in the driveway with an obviously fatal wound to the head.

The scene was secured and an ambulance was summoned to the residence that had been staged a short distance away. Sweetwater Fire Department EMS personnel verified that Daniel Lee Eller was deceased. Texas Ranger Vandygriff and Sgt. Arnwine relinquished control of the scene at that point to the Nolan County Sheriff's Office for investigation and reporting purposes. Ranger Vandygriff and NCSO Sgt. James Villanueva both took numerous pictures of the scene and the deceased. Evidence was collected, including the handgun, and turned over to NCSO Sgt. James Villanueva for storage and processing. The firearm used was a TAURUS brand five (5) shot revolver chambered for both .45 Long Colt (.45LC) and 410 gauge (410GA) ammunition. The pistol had one spent round of .45LC and two live rounds of .45LC. It also contained 2 rounds of 410GA shot shell ammunition.

Nolan County Justice of the Peace Angie Collier was contacted and she arrived shortly and made the official pronouncement. McCoy Funeral Home of Sweetwater arrived and removed the body from the scene. Sgt. Stacy Villanueva performed next of kin notification to Eller's wife, Candi Nicole Garrett-Presley.

Daniel Eller's body was sent to the South Plains Forensic Pathology Center in Lubbock, Texas for an autopsy ordered by Judge Angie Collier. The autopsy was performed at approximately 8:00AM on Tuesday, 09-24-2019. Luisa Florez, M.D. performed the autopsy and listed the cause of death as cranio-encephalic injuries due to a perforating gunshot wound to the head. The manner of death, listed by Judge Angie Collier on the official death certificate, was suicide. The final report from South Plains Forensic Pathology was received on Friday, 10-11-2019 and incorporated into the case report.

For further details, if needed, please reference Texas Department of Public Safety, Texas Highway Patrol Division, Offense Report Number TX5K5N0JMX7N and Nolan County Sheriff's Office – Case Number:

2019-09-4074. This custodial death report is submitted on behalf of, and at the request of, the Texas Department of Public Safety. At the time Daniel Lee Eller took his own life, he was not physically in the custody of law enforcement, but he was certainly not free to leave the scene of the incident and would have likely been arrested for the offense of Aggravated Assault on a Public Servant (DPS Trooper Connor Hardin) had a peaceful surrender been affected.
Filed by: David Warren, Nolan County Sheriff