KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number:	19-1420-UF	Version Type:	AMENDED
Report Date:	10/13/2020 2:11 PM	Status:	Submitted

Agency/Facility Information

Agency Name:	San Antonio Police Dept.	Agency Address:	315 S. Santa Rosa
Agency City:	San Antonio	Agency State:	TX
Agency Zip:	78207		

Director Information

Director Salutation:	Chief	Director First Name:	William
Director Middle Name:	P.		
Director Last Name:	McManus		
Reporter Name:	Mark Morales	Reporter Email:	mark.morales@sanantonio.gov

Decedent Information

Identity of Deceased

First Name: Mercario

Middle Name:

Last Name: Hernandez

Suffix: III

Date of Birth: 7/25/1985 Sex: Male

Race: Hispanic or Latino

Age At Time Of Death: 34

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

Date/Time of Custody or Incident: 12/23/2019 5:47 PM

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

Death Date and Time: 12/23/2019 6:18 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 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:

Multiple gunshot wounds

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:	115 w. Theo	City:	San Antonio
County:	Bexar	Zip:	78214

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

Location Category: Roadway/highway/street/sidewalk

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 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:

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:

Aggravated Assault/police Officer (x4)

Offense 2:

Wanted-Felon in Possession of Firearm (active felony warrant)

Offense 3:

Theft 2,00-30,000 Vehicle

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: Crime Against 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

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):	Unknown	Make suicidal statements?:	No
Exhibit any mental health problems?:	Unknown	Exhibit any medical problems?:	Unknown

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:	No	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?

Under Restraint:	No

Summary of Incident

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

Summary:

A stolen vehicle was being tracked by the owner’s iPad that was located inside of the truck. Eagle began surveying the area and observed the suspect and a female driving between the stolen truck and another small blue vehicle. Officers in the area, by direction of Eagle, located the small blue vehicle. Officers attempted to stop the vehicle, however, the driver (suspect) refused and in a hurry to flee damaged an Officer's patrol vehicle. Officers ceased the chase after a supervisor terminated the pursuit. According to

Eagle, the vehicle continued to drive erratic. Again officers, following at a safe distance, observed the suspect vehicle hit another vehicle at the intersection and caused a major accident. The driver fled from the vehicle on foot with a handgun. The suspect continued to flee on foot towards Theo Ave. Once on Theo, on the southside of the block, the suspect then engaged the officers. Officers stated they gave the suspect several commands to put the firearm down, but he refused and would not comply with them. Fearing for their own safety and safety of the officers around them they shot at the suspect causing him to fall with the firearm still in his hand. Thus far, the preliminary evidence at the scene, the coban video and body cameras were all consistent with the officers' accounts. Officer's statements were taken at headquarters by Detectives'. The officer Involved shooting team will continue to gather and investigate this incident. This investigation is ongoing.