KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number:	20-1828-UF	Version Type:	AMENDED
Report Date:	12/17/2020 4:51 PM	Status:	Submitted

Agency/Facility Information

Agency Name:	Lubbock County Sheriff's Office	Agency Address:	PO BOX 10536
Agency City:	Lubbock	Agency State:	TX
Agency Zip:	79408		

Director Information

Director Salutation:	Sheriff	Director First Name:	Kelly
Director Middle Name:	S		
Director Last Name:	Rowe		
Reporter Name:	Cody Scott	Reporter Email:	cscott@co.lubbock.tx.us

Decedent Information

Identity of Deceased

First Name: Michael

Middle Name: Anthony

Last Name: Pena

Suffix:

Date of Birth: 11/16/1989 Sex: Male

Race: Hispanic or Latino

Age At Time Of Death: 31

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

Date/Time of Custody or Incident: 11/26/2020 9:25 PM

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

Death Date and Time: 11/27/2020 2:20 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:

Gun shot wound to the chest

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:	9600 Block of CR 7000	City:	Lubbock
County:	Lubbock	Zip:	79415

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: Medical facility

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 Asssault on a Peace Officer PC 22.02

Offense 2:

Assault Family Member / Household Strangulation / Breath PC 22.01

Offense 3:

Unlawful Carrying of a Weapon PC 46.02

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 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; Injured 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?:	No
Exhibit any mental health problems?:	No	Exhibit any medical problems?:	Yes

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:	Yes, mark which restraint devices were used

Type of restraint

Type of Restraint:	Handcuffs

Summary of Incident

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

Summary:

At approximatley 9 pm on 11-26-2020 Deputies were dispatched to 5514 CR 1260 in reference to a domestic disturbance. While enroute deputies were advised that both parties had been drinking and that male half left the residence and was possibly armed with a handgun.

Once deputies arrived a description of the male was given to other responding officers along with a possible destination. While attempting to locate the male half of the domestic disturbance, a Sergeant located a subject matching the description given by other deputies, in the 9600 block of CR 7000. The Sergeant activated his lights and stopped the subject who was identified as Michael Pena. Michael was indeed the male half of the domestic disturbance. The Sergeant began speaking with Michael and was attempting to conduct a pat down for any weapons. The Michael then backed away from the Sergeant and removed a pistol from his waist band and pointed it at the Sergeant. As this occurred the Sergeant drew his weapon from his duty holster and fired four rounds at Michael. The Sergeant immediatley radioed for EMS and back up officers. Once backup arrived on scene, medical aid was redered to Michael and he was transported to University Medical Center by EMS for medical treatment.

The Texas Rangers were notified the night of the incident and are currenly investigating.