KEN PAXTON
ATTORNEY GENERAL of TEXAS

# CUSTODIAL DEATH REPORT

## Agency Information

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| CDR Number: | 20-1967-UF | Version Type: | ORIGINAL VERSION |
| Report Date: | 1/30/2025 10:28 AM | Status: | Submitted |

### Agency/Facility Information

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| Agency Name: | La Marque Police Dept. | Agency Address: | 431 Bayou Rd. |
| Agency City: | La Marque | Agency State: | TX |
| Agency Zip: | 77568 | | |

### Director Information

| | | | |
|---|---|---|---|
| Director Salutation: | Chief | Director First Name: | Kirk |
| Director Middle Name: | A | | |
| Director Last Name: | Jackson | | |
| Reporter Name: | Kirk Jackson | Reporter Email: | k.jackson@cityoflamarque.org |

## Decedent Information

### Identity of Deceased

First Name: Joshua

Middle Name: Jontelle

Last Name: Feast

Suffix:

Date of Birth: 11/23/1998 Sex: Male

Race: Black or African American

Age At Time Of Death: 22

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

Date/Time of Custody or Incident: 12/9/2020 11:15 PM

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

Death Date and Time: 12/10/2020 12:00 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 pending

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

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| Manner of Death: | Homicide (includes Justifiable Homicide) |

## Medical Cause of Death:

| Medical Cause of Death: |
|---|
| Gunfire |

## 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?: | Handgun |

## 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?

| | | | |
|---|---|---|---|
| Street Address: | 1000 block of Pirtle St. | City: | La Marque |
| County: | Galveston | Zip: | 77568 |

## 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: 12/16/2020 8:42 AM

## 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:

Felon in Possession of a Firearm (arrest warrant)
Felony Evading Arrest (arrest warrant)

Offense 2:

Felon in Possession of a Firearm (in progress)

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: Other, specify

Type of Offense, Other:

Apprehension of a wanted individual

## 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?: No

### 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?: | 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?: | No |
| Physically attempt/assault officer(s): | Unknown | Gain possession of officer's weapon: | No |
| Verbally threaten other(s) including law: | Unknown | 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:

Synopsis:

On 12/09/2020 I, Officer J. Santos #41, was advised of the possible location of a subject who had at least two felony warrants and was under investigation in relation to several other shootings throughout the Galveston County area. During the attempt to take the subject into custody, the subject brandished and pointed a firearm. I discharged my duty weapon in response striking the suspect. The investigation was turned over to the Galveston County Sheriff's Office.

Details:

On Wednesday December 9th, 2020 I, Officer J. Santos #41, was assigned to patrol the City of La Marque in assigned and clearly marked unit #5027. I was equipped with Taser Axon body worn camera #7317.

On this date at approximately 2311 hours, I received two text messages from Lt. C. Waggoner. The first message stated, “Can you make a casual stroll through Mikes” (referring to Mike’s Food Store, 2302 Cedar Dr). The second message stated, “Feast might have just walked down there”. I immediately responded to the messages by stating. “Headed that way”.

From the messages, I knew Lt. Waggoner was referencing to Joshua Feast (b/m DOB: 11/23/1998). I know from ongoing investigations, that Mr. Feast had a felony warrant issued through the Galveston County Sheriff’s Office for the offense of Unlawful Possession of a Firearm by Felon along with a felony warrant issued by the Harris County Sheriff’s Office for the offense of felony evading. I also know that Mr. Feast has been named a suspect in several gang and or drug related drive by shootings. In fact, on 12/03/2020 the La Marque Police Department Special Response Team along with the Texas City Police Department Special Weapons and Tactics Team were called out to assist La Marque Police Department Detectives who were doing surveillance on Mr. Feast. On the listed date, detectives received information Mr. Feast was at 1007 Pirtle St, which is also listed as his address on the OSSI database, and also listed as the address for his uncle his is identified as Sirius McDaniel (b/m DOB: 09/27/1979), and also received information Mr. Feast was in possession of a AR-15 assault rifle, therefore the tactical teams were called out. Detectives were not able to locate Mr. Feast, therefore after several hours, the operation was called off and the tactical teams were disregarded.

Just two days later, on 12/05/2012 at approximately 2013 hours, I along with other officers on shift, were dispatched to the area of Pirtle and Cedar in reference to shots fired. Upon arrival to the area, I discovered several spent shell casings at 1007 Pirtle St. Several of the casings, which were found to be handgun casings, had been located on the street and several of the casings, which were found to be .223 caliber, were located near the front door of the residence leading officers to believe there was a shootout between at least two subjects. Detectives later conducted a search warrant and obtained a DVR which was connected to surveillance cameras inside of the residence. See LMPD case #20-2700 for full details on the incident.

While officers were on scene in reference to LMPD case #20-02700 officers heard shots being fired off in the distance and short moments later, officers with the Texas City Police Department were dispatched to 230 S Cobb in reference to shots being fired. Upon arrival, Officers located several spent casings in the roadway, the casing were found to be of .223 caliber. See Texas City Police Department case # 20-006787 for full details.

Two days after the involved shootings/drive bys, Hitchcock Fire Department, Hitchcock Police Department and Galveston County Sheriff’s Office were dispatched to 6020 Meadow Brook Dr In Hitchcock Texas in reference to a structure fire. While on scene, it was discovered that Lakiesha Feast (b/f DOB: 08/15/1974) was the homeowner of the residence that was on fire and investigators believed the incident to be arson. Lakiesha is the mother of Mr. Feast and investigators later received information that the residence was set on fire due in retaliation to shootings or a shooting in which Mr. Feast had been involved with. See Hitchcock case #20-0590 and Galveston County Case #20-00005070 for full details on the incident.

Immediately after the response, Lt. Waggoner called my cell phone and advised he received information that Feast had just walked towards the store. Lt. Waggoner asked if it would be suspicious or out of the ordinary if I drove through the area to which I advised him it would not be suspicious due to me making it a point to drive through the area several times each shift and further advised Lt. Waggoner that I had already drove through the area approximately three times during the current shift.

At approximately 2314 hours, I arrived in the area and while approaching 1007 Pirtle, I observed a dark colored Dodge Charger parked in the roadway in front of the residence. I was traveling southbound on Pirtle. I observed the vehicle to be parked on the east side of the roadway facing south. I observed a subject matching the characteristics of Mr. Feast leaning into the vehicle through the passenger side door, which was open. As I approached the vehicle, I turned on my on-board spotlight to get a better look at the subject who I recognized to be Mr. Feast. In the left side on Mr. Feast’s waistband, I observed a firearm with a wood grain grip. As I came to a stop, due to knowing Mr. Feast was in possession of a firearm, I immediately began to draw my duty weapon, Springfield XD .45 caliber handgun. My patrol vehicle windows were down and I began to exit my patrol vehicle, I loudly stated, “Josh, show me your hands”.

I observed Mr. Feast immediately reach towards the rear portion of his waist band where the firearm was located and observed him to retrieve the firearm from his waistband with his left hand. I observed Mr. Feast fully exit the vehicle and observed him begin to flee on foot. As Mr. Feast began to run south bound, I observed his left hand which was holding the firearm raise and turn towards my direction and I observed the barrel of a silver semi-automatic firearm point in my direction. At that exact moment, I became in imminent fear for my life and fearing Mr. Feast would discharge his firearm and shoot me, I fired a single round from my service pistol in self-defense..

It appeared the round I had fired off struck Mr. Feast and immediately I observed and heard the firearm, which Mr. Feast pointed at me, fall to the ground in the middle of the roadway. I observed Mr. Feast continue to run south west and into the driveway of 1010 Pirtle St. I gave chase on foot to Mr. Feast while ordering him to show me his hands. As I approached 1010 Pirtle St, I observed Mr. Feast to collapse in front of a silver in

color Chevrolet Impala.

Due to the incident rapidly unfolding, I was not able to activate my body worn camera until this point. It should be noted the body worn camera automatically records 30 seconds prior to the activation with no sound. As I gave chase, I immediately notified La Marque Police Department Dispatch of “shots fired” along with the location. After entering the yard of 1010 Pirtle and making a tactical approach around the silver vehicle, I observed Mr. Feast was on the ground. At the time, I advised dispatch to start La Marque Medics to the scene along with additional officers for back up.

Seconds later, while keeping conscious of my surroundings, I observed several subjects approaching the scene from the south and immediately observed several of the subjects to be hostile towards me. From the crowd and the sound of one of the voices screaming, I was able to identify one of the subjects as Robert Kegler (b/m DOB: 10/21/1979). Mr. Kegler was acting very hostile and was instigating others to become hostile towards myself and responding officers.

While having to deal with a hostile crowd, I also attempted to keep Mr. Feast talking to me by calling him by first name and telling him to talk to me. I was able to see Mr. Feast was bleeding on his upper back area and observed him to be moving around with his hands underneath his body. Due to Mr. Feast not being detained or search for additional weapons, I kept Mr. Feast at gun point until other officers arrived on scene.

Officer Bernethy #34 was the first officer to arrive and due to the hostile crowd, I instructed him to locate the firearm in the roadway Mr. Feast had dropped. so the subjects who had approached the scene could not pick the weapon up and possibly use it against officers and or hindering the collection of the firearm as evidence to this case. Officer Bernethy located, collected the firearm and secured the weapon in his patrol vehicle.

Officer Leacroy #48 arrived on scene and immediately joined me in the driveway of 1010 Pirtle street where Mr. Feast was. I gave Officer Leacroy my handcuffs and advised him to detain Mr. Feast while I maintained cover.

As the crowd continued to grow, I advised La Marque dispatch to have additional units, meaning other agencies, to assist with the incident.

At the time, the crowd that had approached remained hostile and subjects from the residence of 1010 Pirtle exited the residence. I instructed the crowd to calm down so La Marque Medics could approach and tend to Mr. Feast’s injuries. The subjects who exited the residence of 1010 Pirtle were instructed to stay back and not approach Mr. Feast. As Sgt Garcia arrived on scene and assessed the situation with the crowd, he advised dispatch to have medics arrive on the scene. I advised La Marque dispatch of a clear path for medics to approach the scene.

As medics arrived, they immediately placed Mr. Feast on the stretcher and moved him to the ambulance. As I escorted medics to the ambulance, I observed Sirius McDaniel standing in front of 1015 Pirtle. As I entered the roadway from the driveway, Mr. McDaniel stated, “I got you”. I asked for confirmation and Mr. McDaniel repeated the statement, leading me to believe Mr. McDaniel is planning or will plan an act of retaliation. It should be noted Ms. McDaniel knows me from prior law enforcement dealings with him.

At this point, officers from assisting agencies were on location, therefore I began to separate myself from the incident as necessary for investigation purposes. While I sat in my patrol vehicle, Sgt Stevenson of Texas City Police Department advised me that as La Marque Medics were cutting the clothing off Mr. Feast, an additionally firearm fell from the area of his pant legs. As I opened the rear door of the ambulance door, I observed a black in color Smith and Wesson M&P Shield to be on the floor of the ambulance near the feet of Mr. Feast. I observed La Marque Medics to be preforming CPR on Mr. Feast at the time. It should be noted that a pat down or search was not conducted on Mr. Feast after Officer Leacroy placed him in handcuffs while in the driveway. Officer Webb of Texas City Police Department took several photographs of the firearm and collected it due to the ambulance having to transport Mr. Feast to the hospital. Officer Webb cleared the weapon and placed it in the rear cargo area of my patrol vehicle where crime scene investigators could later recover the firearm.

At this point, I gave officers pertinent information to the incident and what would be immediately necessary to assisting officers and investigators. I then sat in the driver seat of my patrol vehicle unit Lt. Cagnon #502 arrived on scene and advised me to remove my self from the scene. Sgt Dunn of Galveston County Sheriff’s Office gave me and my K9 partner, K9 Rocky, a courtesy ride to the La Marque Police Department since my assigned patrol vehicle needed to remain on scene.

Once at the station, I downloaded my body camera and waited for Galveston County Sheriff’s Office Crime Scene Investigator P. Ryan to arrive to process my firearm and take photographs of me.

From this point, I was relived from the incident and the investigators took over the incident. See supplements to the report for the above listed officers and see assisting agency reports for further details.