KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number:	21-1119-UF	Version Type:	AMENDED
Report Date:	3/8/2022 2:42 PM	Status:	Submitted

Agency/Facility Information

Agency Name:	Amarillo Police Dept.	Agency Address:	200 SE 3rd Ave
Agency City:	Amarillo	Agency State:	TX
Agency Zip:	79101		

Director Information

Director Salutation:	Chief	Director First Name:	Martin
Director Middle Name:			
Director Last Name:	Birkenfeld		
Reporter Name:	Norman Fisher	Reporter Email:	norman.fisher@amarillo.gov

Decedent Information

Identity of Deceased

First Name: Trinidad

Middle Name:

Last Name: Marry

Suffix:

Date of Birth: 1/10/1979 Sex: Male

Race: Hispanic or Latino

Age At Time Of Death: 42

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

Date/Time of Custody or Incident: 8/23/2021 8:12 PM

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

Death Date and Time: 8/23/2021 8:23 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:

Gunshot wounds to the torso.

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?:	Firearm, unspecified

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: 508 S Bivins St.
City: Amarillo
County: Potter
Zip: 79101

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:

N/A

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 WDW

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: 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: Used other weapon, specify:

Specify Weapon Used:

Crossman C-11 Pellet gun

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

Attempt to Injure Others?: Unknown

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?:	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?:	No	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:	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:

On 8/23/2021, around 2008 hours, Amarillo Police Officers were dispatched to the area of SE 5th Ave and Browning Street, on a male carrying a gun, a large stick and walking in the roadway. Officers had just come from shots fired around 600 S Bolton St and 800 S Vernon St.

At 2011 hours, Officers found the suspect at SE 8th and Browning Street. The subject matched the description given by the 911 caller. The suspect was carrying a gun in his right hand and large stick in his left hand. The suspect was walking in the roadway and refused commands to stop ands get on the ground. The suspect was yelling at officers. Additional officers arrived and were walking behind the suspect. The suspect was walking north on Bivins St from SE 8th Ave. The suspect was waving his arms with the gun in his hand. The suspect walked over several blocks and was raising the gun in directions of houses. Officers observed people in a front yard of the 500 Blk of Bivins street. Officers fired at the suspect, and he fell to the ground. The suspect was handcuffed and was administered medical intervention.

AFD/AMS arrived on scene and continued life saving measures but were unsuccessful and the suspect was pronounced deceased at 2023 hours. The suspect had no id and was identified by his fingerprints as Trinidad Marry, WM, 1/10/1979. Marry had a plastic holster on the front right pock of his pants. The gun was later found to be bb gun, that was replica of a firearm.

Witnesses and the 911 caller gave affidavits. One witness had video of the suspect coming out of 2513 SE 5th Ave, carrying the firearm and the stick. Another and seen the suspect earlier in the day riding bicycle, with the gun in his hand on the right side of the handlebars. One more witness reported the suspect pointed the gun at him while the witness was driving his car, with his two small children.

The officers used deadly force to prevent the suspect from injuring themselves or another person.

On 8/30/2021 the case was presented to the Potter County Grand Jury and the Officers were justified in using deadly force.