KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number:	23-1241-C	Version Type:	AMENDED
Report Date:	7/17/2024 8:46 AM	Status:	Submitted

Agency/Facility Information

Agency Name:	Alton Police Dept.	Agency Address:	509 S. Alton Blvd
Agency City:	Alton	Agency State:	TX
Agency Zip:	78573		

Director Information

Director Salutation:	Chief	Director First Name:	Mark
Director Middle Name:			
Director Last Name:	Perez		
Reporter Name:	Michael Martinez	Reporter Email:	michael.martinez@alton-tx.gov

Decedent Information

Identity of Deceased

First Name: Jesus

Middle Name:

Last Name: Garcia

Suffix:

Date of Birth: 11/21/1982 Sex: Male

Race: Hispanic or Latino

Age At Time Of Death: 40

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

Date/Time of Custody or Incident: 8/27/2023 6:40 PM

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

Death Date and Time: 8/29/2023 2:46 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)

Manner of Death: Accidental

Medical Cause of Death:

Medical Cause of Death:

Cocaine toxicity

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?:	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?:	Not Applicable

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:	Drug overdose

Location / Custody Information

Where did the event causing the death occur?

Street Address:	301 E. Frontage Rd.	City:	McAllen
County:	Hidalgo	Zip:	78503

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

Location Category: Other, specify

Other Location Category:

Medical Facility

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 subsequent to 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:

ASSAULT PEACE OFFICER/JUDGE

Offense 2:

ASSAULT PEACE OFFICER/JUDGE

Offense 3:

EVADING ARREST DET W/VEH

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:

CRIMINAL MISCHIEF <$2,500 HABITATION W/FA/EXPL

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:

Decedent used metal walking cane.
Decedent used officer's ASP baton.

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:	Injured 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):	Yes	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:	Yes
Verbally threaten other(s) including law:	No	Escape or attempt to escape/flee custody:	Yes
Attempt gain possession officer's weapon:	Yes		

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:	Other device, specify
Other device, specify:	Handcuffs, Leg Shackles, and The Wrap

Summary of Incident

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

Summary:

On 8/27/2023 Officer Daniel Padron responded to 400 blk. S. Kentucky Street, Alton, Texas in reference to a property damage report. Upon arrival Officer Padron observed the garage door to have been damaged and damage to the wooden fence. Officer Padron also observed a black Chevrolet Trailblazer stationary on the front yard. Officer Padron then observed the decedent entering the Trailblazer. The decedent was only wearing an orange cloth wrapped around his waist with no shirt. The subject appeared to be excited and hyperactive. Officer Padron gave the decedent verbal commands to exit the vehicle. The decedent failed to comply and drove away into the back yard of location striking the rear section of the fence. Officer Padron then attempted to stop the decedent by activating his marked police unit's red and blue emergency lights with siren. The decedent failed to stop, and Officer Padron engaged in vehicle pursuit. The decedent traveled west bound onto a dirt road traveling towards the 1300 block of West Dawes Ave. at a high rate of speed. The decedent then turns south bound onto South Los Ebanos Blvd. still at a high rate of speed. The decedent crossed the intersection of S. Los Ebanos Blvd. and W. Saint Francis Ave. onto Bazbar Rd. Mission, Texas. at a high rate of speed. The roadway then ends, and decedent drove onto a canal bank traveling in a Southeast direction. Officer Padron then lost visual of the decedent's vehicle due to a large amount of dust in the air. Officer Padron searched for the decedent on foot. Shortly afterwards, Officer Padron heard yelling coming from a residence located at the 4800 block of Brian Ave. Mission, Texas, east of the canal. Officer Padron proceeded to the residence and observed the decedent running around on the property. On 8/28/2023 it was discovered by Alton Police Department that the decedent's vehicle struck a tree that was located along the canal bank and then drove into the property before abandoning the vehicle. Officer Padron then observed the decedent walking towards the front of the property with silver cane. Officer Padron then observed the decedent kneel while holding the cane. Officer Padron yelled verbal commands to the decedent to show his hand. The decedent did not comply. Officer Padron gave verbal commands to the decedent to lay on the ground. The decedent ignores the commands. The decedent then stood up and walked away from Officer Padron traveling southeast on Brian Ave. Officer Padron continued to give verbal commands to the decedent. When verbal commands failed Officer Padron deployed his issued BolaWrap to prevent the decedent from fleeing. The BolaWrap deployment was unsuccessful. The decedent then threw the cane at Officer Padron. The decedent continued to walk away and then ran from Officer Padron. Officer Padron engaged in foot pursuit. Soon afterward the decedent tripped and fell to the ground. By this time Officer Padron had his ASP Baton extended. Officer Padron continued to repeat verbal commands to the decedent to get on the ground. Officer Padron attempted to strike the decedent legs but missed. The decedent lost his footing and fell to ground. The decedent stood up and lunged at Officer Padron. Officer Padron pushed the decedent away. The decedent ran away from Officer Padron. Officer Padron gave chase and gave more verbal commands to the decedent to get on the ground. The decedent then lunges at Officer Padron. Officer Padron then OC sprayed the decedent and gave commands to get on the ground. The decedent then went into private property. The decedent then walked to the rear of the property to a fence. Officer Padron continued to give verbal commands to the decedent. Officer Padron tried to take the decedent into custody. The decedent then pulled away and began to walk to the front of the property. Officer Padron attempted to strike the decedent with his baton. The decedent took Officer Padron's baton away and kicked at him. Officer Padron then drew his weapon and pointed it at the decedent. The decedent then threw the baton at Officer Padron. At the front of the residence Officer Padron pushed the decedent to the ground using his baton. Once the decedent was on the ground Officer Padron attempted to take him into custody. A short struggle ensued. Officer Padron was able to place the decedent in handcuffs. Officer Damian Leo arrived on the scene to assist. Officer Leo and Padron held the decedent on the ground to get him to stop moving and get him to calm down. A Wrap Restraint was then requested to the scene to secure the decedent. The Wrap Restraint was left in Officer’s Leo police unit. Officers waited for assistance from the assisting agencies. The decedent continued to resist. A Hidalgo Sheriff Deputy arrived on scene and assisted holding the decedent the ground. Officers from Mission Police Department, Palmhurst Police Department, and Texas Department of Public Safety Highway Patrol State Troopers arrived on scene. Leg shackles were requested to place decedent into. Officer Leo was sent back to his unit to bring the Wrap Restraint to place the decedent into. The decedent continued to resist and was drive stunned by the sheriff deputy with his electronic control device. At about this time Officer Carlos Fuentes arrived on scene to assist. Decedent continued to struggle with officers. The decedent was placed into leg shackles. EMS was requested to the location. At one point the decedent managed to kick officer Fuentes in the face. Officers had to hold decedent down and it was decided to restrain the shackles to handcuffs using a second pair of handcuffs. After some minutes Officer Leo returned to the scene. The decedent was then placed into the Wrap Restraint. While placing the decedent in the Wrap

Restraint Officer Fuentes was bit by the decedent on his right knee. The decedent was then placed into a police unit. Once in the unit the decedent began banging his head in the unit and struggling in the unit. Officer Leo began to transport the decedent. Officer Leo radioed out that the decedent was banging his head in the unit. The decedent received facial injuries from banging his head. Sergeant Karen Briceno informed Officer Leo to stand by at the location until she arrived. During this time the decedent calmed down and it was believed he fell asleep. When Sgt. Briceno arrived, she and Officer Leo provided gauze to the decedent's injury. Officers waited for EMS. After some minutes Officers asked for a status on EMS expected arrival time. Officers were informed that EMS was still several minutes away. Sgt. Briceno then instructed Officer Leo to transport the decedent to the hospital. Officer Leo transported the decedent to Mission Freestanding ER located in Mission, Texas. After several hours it was decided by medical personnel to transfer the decedent to McAllen Medical Center ICU, located in McAllen, Texas. On the morning of August 29, 2023, the decedent passed away. An autopsy was requested by Justice of the Peace. Autopsy results are still pending.