KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number:	23-1287-UF	Version Type:	ORIGINAL VERSION
Report Date:	9/28/2023 10:54 AM	Status:	Submitted

Agency/Facility Information

Agency Name:	Atascosa County Sheriff's Office	Agency Address:	1108 Campbell Ave.
Agency City:	Jourdanton	Agency State:	TX
Agency Zip:	78026		

Director Information

Director Salutation:	Sheriff	Director First Name:	David
Director Middle Name:			
Director Last Name:	Soward		
Reporter Name:	Matthew Miller	Reporter Email:	matt.miller@acso-tx.org

Decedent Information

Identity of Deceased

First Name: Edward

Middle Name: Ben

Last Name: Garcia

Suffix:

Date of Birth: 9/2/1971 Sex: Male

Race: Hispanic or Latino

Age At Time Of Death: 51

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

Date/Time of Custody or Incident: 9/1/2023 9:30 AM

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

Death Date and Time: 9/1/2023 9:30 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: Pending autopsy results

Medical Cause of Death:

Medical Cause of Death:

Unkown, ME report is not ready.

Had the decedent been receiving treatment for the medical condition that caused the death after admission to your jail's jurisdiction?

Medical Treatment: No

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:	IH 37 South 1/4 mile North of FM 536	City:	Pleasanton
County:	Atascosa	Zip:	78064

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?:	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:

Att. Capital Murder

Offense 2:

Aggravated Assault w/Deadly Weapon on Peace Officer

Offense 3:

Evading Arrest or Detention w/Motor 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:	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:	Discharged firearm

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)
	Attempted to injure

Ways Decedent Attempted To Injure Others:	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?:	Unknown
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?:	Yes	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:	Unknown	Escape or attempt to escape/flee custody:	No
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 09/01/2023, ACSO dispatch center broadcast an alert for patrol officers to be on the look out for a specific vehicle, possibly travelling northbound, through Atascosa County, on IH-37, from Corpus Christi. The driver was prior law enforcement and was wanted in connection to a murder investigation by the Corpus Christi Police Dept. A few minutes later, officers located the suspect vehicle headed on the northbound lanes of IH-37 and a pursuit ensued. Texas Department of Public Safety deployed tire deflation devices, which punctured the suspect vehicle tire. The suspect in the vehicle was discharging a firearm towards the following officers while driving. An officer returned fire. When the suspect vehicle came to a rolling stop, the suspect got out and began shooting at officers with a semi-automatic rifle. Officers returned fire. Suspect's vehicle was still rolling towards the median of IH-37 as the suspect used the vehicle for cover, he continued to fire at officers. The suspect vehicle came to a rest again on the median cable barrier, at this point the suspect

decided to run towards southbound traffic, still armed and a heavily wooded area while officers were still returning fire. When the suspect got to the southbound side of IH-37 he was neutralized by officers. By the suspects body was a bullet proof vest and a semi-automatic rifle.