KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number:	23-1839-UF	Version Type:	ORIGINAL VERSION
Report Date:	4/20/2023 9:53 AM	Status:	Submitted

Agency/Facility Information

Agency Name:	Bellmead Police Dept.	Agency Address:	701 Maxfield
Agency City:	Bellmead	Agency State:	TX
Agency Zip:	76705		

Director Information

Director Salutation:	Chief	Director First Name:	Shawn
Director Middle Name:			
Director Last Name:	Myatt		
Reporter Name:	Stephen Leonard	Reporter Email:	sleonard@bellmeadtx.gov

Decedent Information

Identity of Deceased

First Name: Marcos

Middle Name:

Last Name: Hernandez

Suffix:

Date of Birth: 3/17/1980 Sex: Male

Race: Anglo or White

Age At Time Of Death: 43

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

Date/Time of Custody or Incident: 4/9/2023 8:47 AM

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

Death Date and Time: 4/9/2023 10:53 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:

PENDING AUTOPSY RESULTS FROM AMERICAN FORENSICS IN DALLAS

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?: Not applicable

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: Unknown

Location / Custody Information

Where did the event causing the death occur?

Street Address:	1210 La Vega Street	City:	Bellmead
County:	McLennan	Zip:	76705

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

Location Category: Other, specify

Other Location Category:

Outside residence in the yard

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: 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:

No criminal offense! Deceased was being detained for medical / possible emergency detention order for mental health

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: Medical / Mental Health assistance call

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: No

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?:	Yes	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?:	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:

CASE NUMBER 23-00277
On April 9, 2023 at approx. 0847 hours, I, Officer Schmidt, responded to 1210 LaVega, McLennan County, TX 76705 on a male subject that was knocking on a neighbor's door across the street. Upon arriving I saw a male subject standing on the sidewalk speaking to the neighbor in the neighbor's front yard. I then spoke with the male subject: Marcos Hernandez, white male date of birth 3/17/1980.
He advised he wasn't feeling good from the methamphetamine he had smoke earlier in the morning. Hernandez and I then walked back to his residence located at 1210 LaVega. Hernandez kept saying he didn't feel good but refused when I asked if he needed an ambulance or the fire department to come check him out. Hernandez advised his mother went out of town and his father wouldn't come to the residence when he feels the way he is feeling. Hernandez said he didn't like being home alone and he felt like he didn't want to "have a heart attack or something" while he was by himself. After approximately 20 minutes of speaking with Hernandez, he agreed to let AMR Ambulance personnel to come check his vitals so he would feel better about staying there alone.
I advised dispatch to call AMR. Hernandez kept speaking about being paranoid and kept looking around. Hernandez then asked if he can call his sister and I said, sure you can. Hernandez received no answer from his sister. Hernandez was holding a small dog and asked if he could put the dog inside the residence, which he did. Hernandez then slammed the screen door and said someone inside the residence said that were "going to get him." I asked if anyone else was in the residence and he said no but I heard that.
Hernandez was attempting to walk around and get behind me but I kept turning towards him and stepping back. Hernandez then turn as if to run and said, "did you hear that click like someone is cocking a gun?" I told him I didn't hear that. He said, "Well I get so paranoid" and then suddenly, he charged towards me trying to grab me. I was pushing his arm away from and then called for another Officer to come to my location. Hernandez kept trying to get behind me saying he needed help. Hernandez then started trying to hit me. Hernandez charge me and I grabbed him and took him to the ground. Hernandez was attempting to hit me but I was holding his wrists and blocking punches when he broke loose. Hernandez was screaming for me to let him go and I told him I was not going to let him attack me again.
Sgt Sellers then arrived and took control of one of Hernandez' arms and I held the other. Officers Ipock and Harrison with Lacy Lakeview Police Department then arrived on scene. Hernandez was then rolled over to his stomach and placed in handcuffs. I then was attempting to get up off the ground when Hernandez kicked my left leg and it was backward and up in the air. I told Hernandez to quit kicking me. I then got my leg loose from his feet and rolled on my back. I then got up and walked away because of an injured hip.
AMR personnel then walked to the scene and started to check out Hernandez. I was approached by Bellmead Fire Dept personnel and asked if I was ok. They then walked me to the rear of patrol unit so I could sit down and be checked out. I saw one AMR Ambulance leave and was told they were taking Hernandez to the hospital and that AMR was sending another Ambulance to take me to the hospital to get my hip x-rayed. I was then transported to Baylor Scott and White Hillcrest Hospital by ambulance. My body cam was turned on when I arrived on scene but the body cam turned off when Hernandez charged at me the first time. When I got up, I found out the camera was off so I turned it back on until I was taking to my patrol unit to be checked out. I turned it off at that point.

The body cam video was uploaded to evidence.com.
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