KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

PA Number:	PA16166C	Report Date:	3/28/2016 12:00 AM
Status:	Submitted		

Agency/Facility Information

Department ID:	592	Department Type:	SHERIFF
Agency Name:	Montgomery County Sheriff\'s Dept.	Agency Number:	TX1700000
Agency Phone:	9367605872	Agency Address:	#1 Criminal Justice Drive
Agency City:	Conroe	Agency County:	Montgomery
Agency State:	TX	Agency Zip:	77301

Director Information

Director Salutation:

Sheriff

Director First Name:

Tommy

Director Middle Name:

Director Last Name:

Gage

Reporter Name: Det. Steve Mullis Reporter Email: stephen.mullis@mctx.org

Location / Custody Information

Where did the event causing the death occur?

Street Address: 14860 Ashway Dr.

City: Spendora

County: Montgomery

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 Peace Officer during/fleeing arrest

Custody Type Facility:

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: At medical facility

Death Location Elsewhere:

Decedent Information

Identity of Deceased

First Name: Earl

Middle Name: Thomas

Last Name: Ashby

Suffix:

Date of Birth: 1/9/1983 Sex: Male

Ethnicity: Anglo

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

Death Date and Time: 3/27/2016 6:59 PM

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

Date/Time of Custody or Incident:

3/27/2016 4:51 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 pending

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

Manner of Death:

Justifiable Homicide

Manner of Death Description:

Death Reason:

Injuries only

Medical Cause of Death:

Medical Cause of Death:

Gunshot wound

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 staff

Death Causer Other:

If a weapon caused the death, what type of weapon caused the death? (mark all that apply)

Type of Death Weapon:

Rifle/Shotgun

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

General Information

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 of a Peace Officer

Offense 2:

Offense 3:

Were the Charges::

Not filed at time of death

What were the types of charges or reason for contact?

Type of Offense:

Injuries of Decedent

Injured By: Injured by Officer

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

Appear intoxicated (alcohol or drugs):	No	Exhibit any mental health problems?:	
Exhibit any medical problems?:			

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

Threaten the officer(s) involved:	Yes	Resist being handcuffed or arrested?:	No
Try to escape/flee from custody:	No	Grab, hit or fight with the officer(s):	No

Other Behavior:

Specify Other Behavior:

Use weapon threaten/assault officer(s):	1

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 3-27-16 at 1643 hrs. Montgomery County Sheriff’s deputies responded to a 911 call at 14680 Ashway, Splendora TX. The complainant, Denise Ashby advised that her brother, Earl Ashby had been threatening suicide. She reported that he had shot and killed his dog and was on his way to the Ashway address where his ex-girlfriend lives. Earl Ashby had attempted suicide in the past and had told his sister that he had attempted to overdose on medication the night before but it did not work and only knocked him out.

Montgomery County Deputies received information that Earl Ashby had arrived at the Ashway address and had taken a handgun into a small storage building and had barricaded himself inside the building. As Deputies were trying to establish communication with Earl by way of the patrol vehicles PA speaker, Earl Ashby exited the building and rushed the deputies with a handgun extended toward officers. Ashby failed to comply with verbal orders to drop the gun. Earl Ashby was shot one time in the abdomen and he fell to the ground. Officers immediately began life saving measures. Medic units arrived and transported Earl to the Conroe Regional Hospital where he was pronounced dead at 1859 hrs.