



# KEN PAXTON

## ATTORNEY GENERAL *of* TEXAS

### CUSTODIAL DEATH REPORT

## Agency Information

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CDR Number: 22-163-C

Version Type: AMENDED

Report Date: 8/10/2022 10:50  
AM

Status: Submitted

## Agency/Facility Information

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Agency Name: Van Zandt County  
Sheriff's Dept.

Agency Address: 1220 W. Hwy 64

Agency City: Canton

Agency State: TX

Agency Zip: 75103

## Director Information

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Director Salutation: Sheriff

Director First Name: STEVE

Director Middle Name:

Director Last Name: HENDRIX

Reporter Name: Joe Maddox

Reporter Email: [jmaddox@vanzandtcountry.org](mailto:jmaddox@vanzandtcountry.org)

## Decedent Information

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## Identity of Deceased

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First Name: Johana

Middle Name: Marie

Last Name: Nickens

Suffix:

Date of Birth: 8/4/1984

Sex: Female

Race: Anglo or White

Age At Time Of Death: 37

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

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Date/Time of Custody or  
Incident: 2/8/2022 9:43 PM

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

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Death Date and Time: 2/8/2022 10:00 PM

## Manner / Cause of Death

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Has a medical examiner or coroner conducted an evaluation to determine a cause of death?

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Medical Examiner/Coroner  
Evaluation?: Yes, results are  
available

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

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Manner of Death: Homicide (includes  
Justifiable  
Homicide)

## Medical Cause of Death:

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### Medical Cause of Death:

Based on the case history and autopsy findings, it is the opinion of the ME that Johana Marie Nickens, a 37-year-old female, died as a result of a rifle wound through the abdomen.

Manner of Death: Homicide

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

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Medical Treatment: Unknown

If death was an accident, homicide or suicide, who caused the death?

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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)

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Type of weapon that caused  
death?: Rifle/shotgun

Was the cause of death the result of a pre-existing medical condition or did the decedent develop the condition after admission?

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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?

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Means of Death: Firearm

## Location / Custody Information

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Where did the event causing the death occur?

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Street Address: 1381 VZCR 2704

City: Mabank

County: Van\_Zandt

Zip: 75147

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

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Location Category: Residence/Home

What type of custody/facility was the Decedent in at the time of death:

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Type of Custody: Police Custody  
(pre-booking)

Specific type of custody/facility:

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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):

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Entry Date Time:

Entry Date Time N/A: ☒

Where did the death occur?

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Death Location: Scene of incident

## General Information

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Did any other law enforcement agencies respond to calls for service related to this incident?

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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?

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Offense 1:

Aggravated Assault of a Peace Officer

Offense 2:

Aggravated Assault/Family Member

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)

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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?

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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:

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Yes (select all that

Attempt to Injure Others?: apply)

Ways Decedent Attempted To Injure Others: Attempted to injure law enforcement personnel; Attempted to injure civilian(s) or other inmate(s)

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?:     | Yes |
| Exhibit any mental health problems?:   | No      | 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?:     | 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: | Yes | 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 Tuesday, February 8, 2022 at approximately 2151 hours, Lt. Maddox received a phone call from the Van Zandt County Sheriff's Office Communications Center advising of a CID call-out situation involving a shooting with Van Zandt County Sheriff's Deputies at 1381 VZCR 2704, Mabank, Van Zandt County, Texas 75147.

Dispatch advised Lt. Maddox that all officers were uninjured, but a female suspect was deceased on scene.

Lt. Maddox contacted Sgt. Pollard of the VZSO CID Unit by phone to have him en-route at approximately 2152 hours. Lt. Maddox then contacted Sgt. Snell of the VZSO CID Unit at approximately 2153 hours. Lt. Maddox checked en-route to the aforementioned address at approximately 2156 hours from Canton. Upon arrival at approximately 2214 hours, Lt. Maddox observed that Sheriff Hendrix, Chief Wood, Lt. Cook, Deputy R. Young and Deputy McBride were already on the scene. There were at least two Mabank Police Department units on scene, as well. Lt. Maddox approached the scene, which appeared to be a single-family dwelling described as a light colored brick home with dog house style windows and light colored trim and siding. The house was illuminated with two green porch lights on the front. The driveway leading to the residence ran along the right side of the house to a garage area on the east side, with a circle driveway in the front of the residence which exited the property on the west side. A tan colored Toyota Tacoma was parked in the circle, directly in front of the residence. Lt. Maddox observed that all portions of the residential driveway was of concrete construction. Lt. Maddox approached further and observed a female subject laying on the east driveway with her head facing northeast and feet facing southwest. The female appeared to be deceased. I observed her to be a white female and to have silvery blonde hair, wearing an opened light colored zip-up style jacket, dark blue spaghetti top with a black brazier underneath, red spandex style jogging pants and gray Nike tennis shoes with pink swooshes. I observed her to have one single gunshot wound to the lower right abdomen approximately two inches to the right of her navel and approximately one inch below. I did not observe an exit wound or an excessive amount of bleeding. In the grass approximately ten feet to the west of the body of the decedent, Lt. Maddox observed a small framed dark colored semi-automatic handgun laying on the ground. There appeared to be a yellow notepad lying next to the gun in the yard which Lt. Maddox believed to have been placed there by an officer as a means of marking its location.

Justice of the Peace #2, Judge Sandra Plaster, was at the body writing information. Two Christus Trinity Mother Francis Paramedics from Medic # 12 and Lt. Cook were along-side Judge Plaster. At that time, Van Zandt County Chief Deputy Wood approached me in the street and advised that VZSO had received a disturbance call from the listed address moments prior. Chief Wood further advised that it was his understanding that Deputy Young and Lt. Cook responded to the call and were quickly advised that a female suspect was shooting a gun out of the window of the aforementioned Toyota truck. The caller further stated that the female suspect, who they named as "Johana Nickens", was attempting to gain entry into the house and there were people in a building in the back of the residence and "Johana Nickens" knew where they were. The caller advised the female had a Beretta .32 cal. Handgun, but did not know how much ammunition she had. The caller reported gunfire and then described the female shooter as female wearing red jogger pants and that she was on the porch nearest the circle driveway. Chief Wood stated that as deputies arrived, they took up a tactical position on the roadway just to the east of the residence on the county road. Deputy Young and Lt. Cook took up position behind the cover of a tree just to the east of the main driveway on the front property line. The female suspect fired two shots, which they believed were in their direction. Lt. Cook and Deputy Young maintained cover behind the tree. The female began to approach them at the tree across the yard and driveway yelling things at them while still holding the gun. The female got within approximately sixty feet of their location and refused commands to put the gun down and she continued an advance toward their position. The female suspect raised the gun toward officers. Deputy Young feared for his life and the life of Lt. Cook, at which time he fired a single shot from his patrol rifle, stopping the advancing threat of the listed female. Lt. Maddox noted the information provided by Chief Wood. Lt. Maddox looked over and observed a single rifle shell casing that appeared to be of a .223 caliber lying on the ground on the northeast side of the tree base between the tree and a small stack of cut firewood. Said tree was to the right of the driveway near the property line at the street and property line to the east. It was evident to Lt. Maddox that the location of the tree is the likely point of cover for Deputy Young and Lt. Cook during the shooting incident.

Lt. Maddox ensured that members of the Texas Rangers had been dispatched to provide a lead investigative role into the shooting events of the call. Lt. Maddox then informed VZSO members to preserve evidence and vacate the scene to await the arrival of the Texas Rangers.

Ranger Jenkins with the Texas Rangers arrived at approximately 2310 hours and began an investigation into the shooting.