



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 Yes, results
Evaluation?: 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.