KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number:	18-400-UF	Version Type:	AMENDED
Report Date:	11/28/2018 1:25 PM	Status:	Submitted

Agency/Facility Information

Agency Name:	Pasadena Police Dept.	Agency Address:	1201 Davis Street
Agency City:	Pasadena	Agency State:	TX
Agency Zip:	77506		

Director Information

Director Salutation:	Chief	Director First Name:	Alberto
Director Middle Name:			
Director Last Name:	Espinoza Jr.		
Reporter Name:	Michael Cooper	Reporter Email:	mcooper@pasadenatx.gov

Decedent Information

Identity of Deceased

First Name: Juan

Middle Name: Javier

Last Name: Martinez

Suffix:

Date of Birth: 9/14/1995 Sex: Male

Race: Hispanic or Latino

Age At Time Of Death: 22

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

Date/Time of Custody or Incident: 4/27/2018 6:30 AM

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

Death Date and Time: 4/28/2018 8:29 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 are available

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

Manner of Death: Homicide (includes Justifiable Homicide)

Medical Cause of Death:

Medical Cause of Death:

Acute rhabdomyolysis and hyperthermia following drug intoxication and physical struggle with hypertensive cardiovascular disease and obesity.

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

Medical Treatment:	Not Applicable

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

Who caused the death?:	Decedent

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:	Other, specify
Means of Death Other:	Acute rhabdomyolysis and hyperthermia following drug intoxication and physical struggle with hypertensive

cardiovascular disease and obesity.

Location / Custody Information

Where did the event causing the death occur?

Street Address: 2900 Lafferty

City: Pasadena

County: Harris

Zip: 77506

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

Location Category: Other, specify

Other Location Category:

Public park

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:

assault on 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? (Hold CTRL to select all that apply)

Type of Offense: Other, specify

Type of Offense, Other:

Concern for welfare call, possible drug/alcohol 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:	Attempted to injure 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?:	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?:	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:	Unknown		

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:

Officers were dispatched to a reported disturbance that began at 2707 Lafferty Rd, which is the address to Bailey Elementary School. Dispatch advised that two males were arguing near the parking lot of the elementary school, with one possibly exhibiting signs of intoxication that were noticed by the concerned party. The reportee gave a description that one of the possibly intoxicated males was wearing maroon shorts and a grey shirt.

Officer Paz was the first officer to arrive on scene, and located two males and a female near the pavilion/water park area of the park; one of the males matched the description given by the reportee. Paz exited his vehicle and was immediately approached by a female wearing a black shirt and black pants, who later identified herself as Mara Capello. Mara advised that her brother, who later was identified as Guido Capello, "took something" and wasn't acting right. Mara believed he was on some type of narcotic or drug and needed to be restrained and taken for medical care.

While Ofc. Paz was speaking with Mara, Guido was walking towards them while screaming and yelling and being restrained by another male, who was later identified as Juan Javier Martinez. Guido broke free of Juan's grasp and approached Ofc Paz with his hands raised. Guido was then approached by his sister Mara and he struck her in the chest with his right hand. Mara immediately reacted to the strike by backing away from Guido and holding her hands to her chest in the area in which she was struck. Ofc Paz then ordered Guido to walk to the front of his patrol vehicle.

Guido refused to walk to the front of the vehicle, and was being escorted towards the vehicle by Juan. Juan was observed to be sweating profusely, however the morning air was a relatively cool 60 degrees Fahrenheit. Juan's speech, while speaking with Guido, was observed to be noticeably slurred. Guido then placed his hands behind his back and Ofc Paz advised him that he was only being detained and the handcuffs were only being used for officer safety, as Ofc Paz was the only officer on scene. After placing handcuffs on Guido, Ofc Paz attempted to guide Guido towards his marked patrol unit but Guido began to pull away and started screaming "Hey, take photos!" and turning around to try and face Ofc Paz or break away from his control.

As Guido was being guided towards the marked patrol car, Juan became extremely agitated and began walking towards Ofc Paz in an aggressive manner. Ofc Paz repeatedly ordered Juan to stop approaching him and to stay away from him and Guido, but Juan refused to listen and Ofc Paz was forced to push Juan away with the open palm of his left hand by making contact with Juan's chest. At that time, Ofc Cruz and Ofc Mabes arrived on scene and assisted Ofc Paz in getting Guido subdued on the hood of Ofc Cruz's vehicle. Guido was then secured in the backseat of Ofc Cruz's marked patrol vehicle.

Ofc Mabes then began speaking with Juan in an attempt to determine the source of the disturbance that the reportee phoned police regarding. Ofc Paz began getting basic identifying information from Mara and attempting to determine what drugs Guido had taken. Mara advised she was unsure what drugs the two males had taken. While Ofc Paz was speaking with Mara, Ofc Mabes was still attempting to question Juan in reference to the original disturbance but Juan kept trying to walk towards the rear of the vehicle where Guido was secured. Ofc Mabes ordered Juan to stop walking towards the rear of the vehicle, but Juan disregarded the order. Ofc Mabes then attempted to control the wrist of Juan to keep him from walking towards the rear of the vehicle while giving him an order to stop. Juan then pushed Ofc Mabes away from him and continued walking towards the rear of the vehicle.

Ofc Cruz and Ofc Mabes then ordered Juan to turn around and put his hands behind his back but he refused and continued to attempt to walk towards the rear of the vehicle. Ofc Cruz and Ofc Mabes continued to attempt to gain control of the wrists of Juan but he continued to struggle with them and continued to attempt to break free of their grasp. Ofc Cruz and Ofc Mabes then performed a controlled takedown maneuver in attempt to keep Juan from struggling and to attempt to gain control of him and place him on his stomach and place him in handcuffs. Ofc Mabes, Ofc Cruz and Ofc Paz continued to order Juan to place his hands behind his back so that he could be placed in handcuffs, but he continued to resist them and attempt to get back to his feet and continuing to turn over and lay on his back.

Ofc Cruz and Ofc Paz warned the suspect repeatedly that if he did not comply he would be Tasered but the suspect refused to comply and continued to resist their orders and attempts to place him in handcuffs. During

the struggle, a second female arrived on scene and was later identified as Tatiana Capello, a relative of Guido. That female began to scream at Juan to "Get on the fucking ground, stupid!", but Juan refused her request and the orders of the officers and continued to attempt to get back on his feet.

Pasadena ISD Officer L. Smith arrived on scene and began assisting officers in attempting to place Juan in handcuffs, but officers were unable to overcome the resistance of Juan. Ofc Mabes was assisting Ofc Cruz in attempting to place Juan on his stomach when Juan kicked Ofc Mabes in the left leg near his knee and Ofc Mabes felt pain and sustained a muscle injury and bruise. Ofc Cruz and other officers then backed away from Juan and Ofc Cruz deployed his department issued Taser/ECW (electronic control weapon) and both probes struck Juan successfully. After the first 5-second Taser cycle, Juan was given orders to roll on to his stomach and place his hands behind his back but he refused to comply and continued to attempt to get back to his feet. Juan was given a second 5-second cycle from the Taser, and was again given orders to roll on to his stomach and place his hands behind his back but he refused to comply and continued to attempt to get back to his feet. Juan was given a third and final 5-second cycle from the Taser, and was again given orders to roll onto his stomach and place his hands behind his back, but he refused to comply and continued to attempt to get back to his feet.

Juan then successfully got to his feet and began walking away from the officers, westbound towards Lafferty Rd. Officers were ordering Juan to stop walking and to get on the ground but Juan refused and continued walking westbound. While walking westbound, Juan removed both of the Taser probes from his body and threw away from him as he ran, and neither probe was able to be located or recovered. Ofc Paz then caught up to Juan and ordered him to stop walking away and get on the ground, but Juan refused to stop or comply with orders. Ofc Paz then deployed his department issued pepper spray/OC spray (oleoresin capsicum) and the spray made contact with Juan's face, nose and mouth.

Juan did not appear to react to the OC spray as it made contact with his person, and he then began to run westbound towards the nearby busy 2900 Lafferty Rd. Ofc Cruz notified dispatch of a description of Juan and advised he was fleeing westbound. I was nearby and began to head towards the scene to help locate the Juan.

Ofc Bennett and PISD Ofc. L. Smith caught up with Juan and grasped him and took him to the ground to prevent him from evading the pursuing officers and to prevent him from entering the nearby roadway. Once taken to the ground, officers began to order Juan to place his hands behind his back and to roll over on to his stomach. Juan continued to resist the officers' attempts to place him in handcuffs.

I arrived on scene and assisted officers in placing Juan in handcuffs. Two pairs of handcuffs were used, due to Juan's size, and to prevent injury when assisting Juan to his feet and to help with his breathing. Juan refused to comply with officers requests to sit up and continued to request water and advised that "everything is loud", when only quiet ambient noise was occurring. Myself and Det. D. Wright attempted to provide water to Juan from a bottle of cold water but Juan refused to drink and pushed the bottle away from his face with his head. An ambulance was requested to tend to assess Juan's health and vital signs. Juan was awake, breathing, and interacting with officers, but was refusing to answer any questions and appeared to be impaired on an unknown substance.

While Juan was being observed by officers on scene, Guido began to scream loudly in the back of the patrol car he was secured in. Guido then began to repeatedly kick the internal metal bars covering the windows in the backseat of the vehicle he was secured in, in an attempt to break the window. Officers then opened the door and ordered Guido to stop kicking the window bars, and he began screaming at them in spanish. Spanish speaking officers on scene advised he was screaming for his mom and saying he wanted to kiss the officers on scene. Guido then quickly exited the vehicle and ran away from the officers who were speaking with him. Officers caught up with Guido and grasped him and controlled his movements by placing him on the ground to prevent him from running away again.

After Guido had been caught, a third female arrived on scene and advised she was the mother of Guido. She advised that she was worried about him and Juan because they had both been "dropping acid" since 3:00am and were acting crazy.

Acadian ambulance unit 966 arrived on scene and began medically assessing Juan. They were advised that both Juan and Guido has possibly ingested acid or possibly other unknown substances. The EMT placed EKG leads on Juan and hooked the leads up to a medical device. The medic determined that Juan's vital signs appeared to be stable at that moment and he moved on to perform a similar assessment on Guido.

I stayed in the area near Juan and continued to monitor him. Juan's entire body suddenly became entirely rigid as if every muscle in his body contracted at once. I noticed that his eyes appeared to have rolled into the back of his head and he was emitting a guttural noise. I believed that Juan was possibly having a seizure. I immediately called out to the nearby EMT advising him of Juan's condition and my belief that he was having a seizure. The medic began removing the leads from Guido, who he was attempting to assess. I screamed to the EMT that Juan did not appear to be breathing and that he needed to tend to him immediately. The seizure lasted for approximately 1 minute. Juan appeared to stop breathing for 15-20 seconds, and the color in his

face began to change.

Sgt. Anderson was notified of the situation and he advised that he would arrive on scene.

Guido observed Juan during his seizure episode and began to mimic the movements and noises Juan was making, leading officers to believe that he was also suffering a similar episode. As officers moved to assist Guido he stopped shaking and began to laugh loudly at the officers reactions and advised that he was just playing and wasn't actually having a seizure.

Before the medic was able to come to the area and assess Juan, he took a loud audible breath and the seizure appeared to subside as his body relaxed and his facial color returned to normal. He continued to take loud, deep breaths, but did not speak or appear to regain consciousness. The EMT crew quickly placed Juan on a medical stretcher and took him to the nearby ambulance. They quickly secured Juan in the rear section of the ambulance and transported him to Bayshore Hospital.

Acadian ambulance crew 967 arrived on scene and began to assess Guido. They determined that his vital signs were stable and he was then placed on a stretcher. He began to yell and scream at the officers and medical technicians who were attempting to help him. Guido was eventually loaded into the ambulance and transported to Bayshore Hospital.

Officers escorted the ambulance to the hospital and both Juan and Guido were taken inside, their handcuffs were removed, and they were released to the custody of hospital staff.

On 4/28/18 it was learned the Juan's organs began to shut down and he was pronounced deceased on 4/28/18 at 8:29 AM.

The Harris County Institute of Forensic Science took custody of the body for autopsy. There case number is ML18-1531.

As of 5/22/28 the autopsy report was not complete.