



KEN PAXTON

ATTORNEY GENERAL *of* TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number: 17-117-C

Version Type: ORIGINAL
VERSION

Report Date: 3/17/2017 12:04
PM

Status: Submitted

Agency/Facility Information

Agency Name: Houston Police
Dept.

Agency Address: 1200 Travis, 16th
Floor

Agency City: Houston

Agency State: TX

Agency Zip: 77002

Director Information

Director Salutation: Chief

Director First Name: Art

Director Middle Name:

Director Last Name: Acevedo

Reporter Name: Beryl Jones

Reporter Email: beryl.jones@houstonpolice.org

Decedent Information

Identity of Deceased

First Name: Earl

Middle Name: Donell

Last Name: Riley

Suffix:

Date of Birth: 12/14/1991

Sex: Male

Race: Black or African
American

Age At Time Of Death: 25

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

Date/Time of Custody or 2/28/2017 12:00
Incident: PM

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

Death Date and Time: 2/28/2017 12:00
PM

Manner / Cause of Death

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

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

Multiple gunshot wounds

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?: 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: 8710 Sterlingame
Drive

City: Houston

County: Harris

Zip: 77031

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

Location Category: Residence/Home

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 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?: No

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:

Burglary of a Habitation

Offense 2:

Unlawful Possession of Firearm by Felon

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: Crime Against Property

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:

Yes (select all that

Attempt to Injure Others?: 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):	Unknown	Make suicidal statements?:	No
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: Yes, mark which restraint devices were used

Type of restraint

Type of Restraint:	Other device, specify
Other device, specify:	One handcuff applied (other hand free)

Summary of Incident

Summary of How the Death Occurred: (max. 30,000 characters)

Summary:

On Tuesday, February 28, 2017, at approximately 12:00 p.m., Officer Ronny S. Cortez, Officer Jose M. Munoz, and Sergeant John Garza of the West Patrol Command, South Gessner Division, were involved in an "Officer Involved Shooting" incident while on duty.

At approximately 11:15 a.m., officers from the South Gessner Division were dispatched to a burglary in-progress call at 8802 Sterlingame Drive. While conducting a search of the area, Officer Munoz asked the homeowner of 8710 Sterlingame Drive if a small shed in her backyard was secured. The witness informed Officer Munoz that the shed was unsecured and allowed him to check the shed. Officer Munoz radioed for backup and Officer Cortez and Sgt. Garza arrived to assist.

Upon opening the door to the shed, officers observed a male suspect hiding inside behind the shed door. Sgt. Garza gave verbal commands for the suspect to exit, but the suspect refused to come outside. Officers Cortez and Munoz decided to enter and go hands-on while Sgt. Garza provided cover with his pistol drawn. As Officer Cortez placed one handcuff on the suspect's right arm, the suspect used his other hand to reach down toward his waist band and a struggle ensued. During the struggle, the door to the shed inadvertently closed blocking Sgt. Garza's view. Sgt. Garza heard a series of several rapid gunshots come from inside the shed. The door to the shed then opened, and Officer Munoz exited and fell to the ground. The suspect who was hiding inside came out of the shed armed with a pistol that he began to aim at Sgt. Garza. Sgt. Garza discharged his duty pistol at the suspect several times striking the suspect in the torso and the head. The suspect was ultimately pronounced dead on the scene.

Officer Cortez was shot several times during the struggle in the shed, and as a result, is unable to move his legs due to a bullet lodged near his spine. Officer Cortez is currently admitted to Memorial Hermann Hospital. Officer Munoz was shot in the leg, transported to Ben Taub Hospital for treatment, and released on March 1st, 2017. Sgt. Garza was not injured during this incident.

The deceased suspect was found to be in possession of several stolen items from a recent string of burglaries in the same neighborhood which were the basis for the original burglary in-progress call to which these officers responded.

Based on witness statements and video evidence collected at the scene, there is believed to be a second burglary suspect. The Special Investigations Unit and the Burglary and Theft Division are working to identify the second suspect.

The suspect, later identified as Earl Donell Riley, a 25 year old black male, has several criminal convictions including burglary, possession of marijuana, criminal mischief, evading arrest, and unlawful possession of a firearm by a felon. Per the Mental Health Division, Earl Riley has not been handled for any mental illness related issues.