



KEN PAXTON

ATTORNEY GENERAL *of* TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number: 17-4-C

Version Type: AMENDED

Report Date: 1/18/2017 11:33
AM

Status: Submitted

Agency/Facility Information

Agency Name: Allen Police Dept.

Agency Address: 205 W. McDermott

Agency City: Allen

Agency State: TX

Agency Zip: 75013

Director Information

Director Salutation: Chief

Director First Name: Brian

Director Middle Name:

Director Last Name: Harvey

Reporter Name: Reuben Mankin

Reporter Email: reuben.mankin@dps.texas.gov

Decedent Information

Identity of Deceased

First Name: Mark

Middle Name:

Last Name: Guirguis

Suffix:

Date of Birth: 8/10/1995

Sex: Male

Race: Other

Age At Time Of Death: 21

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

Date/Time of Custody or
Incident: 1/1/2017 12:37 AM

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

Death Date and Time: 1/1/2017 1:25 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:

Gunshot wound of trunk

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: 706 S. Jupiter Rd.
(In front of Town
Home #2004)

City: Allen

County: Collin

Zip: 75002

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: 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: Medical facility

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:

Aggravated Assault Against Public Servant, Felony 1

Offense 2:

Possession of a Controlled Substance, PG.1, >1G <4G (Methamphetamine)

Offense 3:

Evading Arrest with 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: Other, specify

Type of Offense, Other:

Suspicious person 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: Yes, mark all that
apply

Decedent Display or Use Weapon Details: Used vehicle as
weapon

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):	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?:	No	Resist being handcuffed or arrested?:	No
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:	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 Sunday, 01/01/2017, the Allen Police Department responded to 706 S. Jupiter Rd. in Allen in reference to a suspicious person call. A complainant had reported hearing an individual honking his horn and eventually laying on the horn for an extended period of time. In addition to the honking the individual was seen peering into a vehicle with a flashlight. A marked Allen Police Unit, occupied by two Allen Police Officers arrived at the location and quickly identified the vehicle. The Officers activated a spotlight and their red and blue lights signaling the vehicle to remain stopped. Upon the lights being activated the suspect vehicle drove a short distance north and turned east into a dead end portion of the town home complex, where it jumped a curb and abruptly stopped. The unit activated it's siren and pursued the suspect vehicle the short distance. The

officer on the passenger side exited the vehicle and began giving verbal commands for the suspects in the vehicle. The suspect vehicle then drove a short distance forward and again stopped abruptly. The officer continued giving verbal commands which yielded negative results. The suspect vehicle then squealed it's tires as it quickly reversed towards the officer on the passenger side and jumped a curb. The officer on the passenger side, fearing for his life, discharged his firearm three times into the cab of the vehicle in an attempt to neutralize the threat. As this happened the officer driving the patrol unit had exited the vehicle and observed his partner, at the rear of the suspect vehicle and watched as the vehicle violently jumped the curb towards his partner. The officer driving the vehicle believed his partner had been run over by the suspect. At this point the officer on the driver side of the patrol unit discharged his firearm four times to stop the driver. The suspect vehicle slammed into a tree and the driver slumped over into the passenger side floorboard. The driver was identified as being Mark Guirguis and the passenger was identified as being Jessica Davis. Guirguis sustained a single gunshot wound to his left side and would later be pronounced deceased by medical staff. Davis also sustained a gunshot wound to her back and was admitted into the hospital for treatment. At the request of the Allen Police Chief and per Allen PD policy, the Texas Rangers were requested to conduct an investigation in to the Officer Involved Shooting. An autopsy was conducted on Guirguis by the Collin County Medical Examiner's Office on this same date. The autopsy revealed Guirguis had sustained one gunshot wound to the trunk. The report is still pending, but it was confirmed that Guirguis had a significant amount of Methamphetamine in his blood. The crime scene investigation; the interview of Davis; the statements from the officers on scene and the findings at autopsy, corroborated and supported the justification of deadly force by the two Allen Police Officers. On 02-09-2017, the autopsy findings were that Guirguis had sustained a gunshot wound of trunk and that he had a toxic concentration of Methamphetamine in his blood at the time of his death. The conclusion indicated that Guirguis died as a result of a single gunshot wound of the trunk. The manner of death was ruled a homicide. The Medical examiner further indicated that the manner of death was listed as such due to another person holding the firearm at the time of it's discharge.