



KEN PAXTON

ATTORNEY GENERAL *of* TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number: 17-53-C

Version Type: ORIGINAL
VERSION

Report Date: 2/13/2017 2:39 PM

Status: Submitted

Agency/Facility Information

Agency Name: Little Elm Police
Dept.

Agency Address: 88 W. Eldorado
Pkwy

Agency City: Little Elm

Agency State: TX

Agency Zip: 75068

Director Information

Director Salutation: Chief

Director First Name: Rodney

Director Middle Name:

Director Last Name: Harrison

Reporter Name: Rodney Harrison

Reporter Email: rharrison@littleelm.org

Decedent Information

Identity of Deceased

First Name: Rudy

Middle Name: Joseph

Last Name: Garcia

Suffix:

Date of Birth: 4/28/1970

Sex: Male

Race: Hispanic or Latino

Age At Time Of Death: 46

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

Date/Time of Custody or
Incident: 1/17/2017 3:00 PM

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

Death Date and Time: 1/17/2017 10:00
PM

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:

Gun shot wound to the head.

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?: Rifle/shotgun

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: 1433 Turtle Cove

City: Little Elm

County: Denton

Zip: 75068

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?: 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:

Capital Murder

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: 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: No

At any time during the incident and/or entry into the law enforcement facility, did the decedent:

Attempt to Injure Others?: No

At any time during the incident and/or entry into the law enforcement facility, did the decedent:

Appear intoxicated (alcohol or drugs): N/A

Make suicidal statements?: N/A

Exhibit any mental health problems?: N/A

Exhibit any medical problems?: N/A

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?: N/A

Physically attempt/assault officer(s): Yes

Gain possession of officer's weapon: N/A

Verbally threaten other(s) including law: No

Escape or attempt to escape/flee custody: N/A

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 January 17, 2017 at 15:01 hours, Little Elm Police were dispatched to 1433 Turtle Cove Dr, Little Elm, Texas, to a reported man with a gun. Officers discovered a Hispanic male, later identified as Rudy Garcia, was in the back yard of the residence with a rifle. Officers told Garcia to put his rifle down and he refused to comply. Garcia ran into the house through the north side door that is within the back yard fenced in area. The house had dark covering shade over the window and door glass and officers could not see inside the house. A perimeter was established around the house.

At 15:15 hours SWAT team was called out. Upon the arrival of the SWAT team, Detective Jerry Walker (marksman/observer) was instructed to take a position in front of 2001 Waterview Dr, which is on the northwest corner of Waterview Dr and Turtle Cove Dr. Detective Walker went to that location which was already occupied by one of the officers on the perimeter.

Within just a few minutes of Detective Walker being deployed to his location a shot was heard/observed coming from the suspect house, then numerous shots were fired from the suspect house. Police returned fire into the window the gunman was shooting from until the threat stopped.

During the first few moments of the exchange of gunfire Detective Walker was struck by a bullet fired from the gunman. Detective Walker was moved to the ambulance and transported to Denton Medical Center in Denton, Texas.

Shortly after arriving at Denton Medical Center Detective Walker was pronounced dead. The Texas Rangers responded and initiated a criminal investigation into the Capital Murder of Detective Walker.

After a several hour standoff, entry was made into the residence located at 1433 Turtle Cove Dr. by Denton County Sheriff's Office SWAT team and Frisco Police Department SWAT team. Rudy Garcia was located in the residence deceased from a gunshot wound to the head. On 02-03-2017, The Tarrant County Medical Examiner's Officer determined Rudy Garcia was killed by police gunfire.