



KEN PAXTON

ATTORNEY GENERAL *of* TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number: 19-1128-UF

Version Type: AMENDED

Report Date: 4/27/2020 11:25
AM

Status: Submitted

Agency/Facility Information

Agency Name: Brownsville Police
Dept.

Agency Address: 600 E. Jackson

Agency City: Brownsville

Agency State: TX

Agency Zip: 78520

Director Information

Director Salutation: Chief

Director First Name: Felix

Director Middle Name:

Director Last Name: Saucedo Jr.

Reporter Name: Fernando Flores

Reporter Email: fernando.flores@brownsvilletx.gov

Decedent Information

Identity of Deceased

First Name: Tomas

Middle Name:

Last Name: Guajardo

Suffix: III

Date of Birth: 2/7/1982

Sex: Male

Race: Hispanic or Latino

Age At Time Of Death: 37

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

Date/Time of Custody or
Incident: 10/3/2019 7:14 PM

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

Death Date and Time: 10/3/2019 8:49 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: Accidental

Medical Cause of Death:

Medical Cause of Death:

Severe Atherosclerotic Cardiovascular Disease complicated by Acute Combined Cocaine and Ethanol Toxicity.

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?: Pre-existing medical condition

If death was an accident, homicide or suicide, what was the means of death?

Means of Death: Other, specify

Means of Death Other: Pre-existing medical condition complicated by Acute Combined Cocaine and Ethanol Toxicity.

Location / Custody Information

Where did the event causing the death occur?

Street Address: 2257 Central Blvd.
(Room 411)

City: Brownsville

County: Cameron

Zip: 78520

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

Location Category: Business

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 subsequent to 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?: 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:

Possession of a Controlled Substance Penalty Group 1 (3rd Degree Felony)

Offense 2:

Resisting Arrest

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): Yes

Make suicidal statements?: No

Exhibit any mental health problems?: Yes

Exhibit any medical problems?: Yes

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): No

Gain possession of officer's weapon: No

Verbally threaten other(s) including law: No

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: Handcuffs; Leg Shackles

Summary of Incident

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

Summary:

On Thursday October 3, 2019, at approximately 7:05pm, the Brownsville Police Department received a 911 call for service from Tomas Guajardo III. Mr. Guajardo III advised police dispatch that he was currently at the Siesta Motel (2257 Central Blvd. Room #411) and required police assistance. Mr. Guajardo III explained that his wife was in another room with somebody else for what he interpreted as revenge. When dispatch asked Mr. Guajardo III to clarify what "revenge" meant, Mr. Guajardo III stated "she's in the next room with another guy." Mr. Guajardo III then further stated that they had a gun in that room, and that they pointed it at him through the room window when he went outside.

At approximately 7:14pm, Brownsville Police Officers arrived at the scene in their clearly marked police units and wearing their clearly marked police uniforms. Officer J. Cox #4474, Officer G. Sulewski #4173, and Officer A. Martinez #6638 made initial contact with Mr. Guajardo III as he stood inside his room by the front door which was open. Mr. Guajardo III stood slightly bladed to his right and held a large object in his hand that Officer Sulewski interpreted as a piece of a metal pipe. Officer Sulewski then unholstered his handgun and pointed it down as he ordered Mr. Guajardo III to drop whatever he had on his hand. After multiple verbal commands were given to Mr. Guajardo III to drop whatever he had in his hand, he complied and tossed the object behind him.

The officers then ordered Mr. Guajardo III multiple times to step out of his room so that they could speak to him, which he refused. Instead, Mr. Guajardo III told the officers to come inside his room and stated "he is going to come out right now" as he pointed towards the room next door. Mr. Guajardo III then told the officers to "come arrest me over here", to which Officer Sulewski replied that nobody was going to arrest him, and that he was just trying to figure out what was going on.

As Officer Sulewski continued to try and convince Mr. Guajardo III to step out of his room, Mr. Guajardo III provided his name and identified a vehicle outside as his. When Officer Sulewski asked Mr. Guajardo III who was next door and with who, Mr. Guajardo III replied "my girl, with somebody else." Officer Sulewski then asked Mr. Guajardo III who had a gun, to which he replied "right there" and pointed to the room next to him. Officer Sulewski then asked "the guy?" to which Mr. Guajardo III replied by saying "yea." Officer Sulewski then verbalized an observation that Mr. Guajardo III was possibly intoxicated due to fact that he kept rubbing his nose throughout their interaction.

Officer Martinez then knocked on the room window which Mr. Guajardo III identified as the room in which his wife and another man had pointed a gun at him earlier. Officer Martinez and Officer David Trevino #6992 (who arrived on scene moments earlier) then made contact with a male occupant of room #410. The officers then asked for consent to go in, which he granted. The male occupant was by himself and advised he did not know Mr. Guajardo III or what was going. The male occupant advised he was sleeping and stated he lived by himself at location. In addition, the male occupant stated he did not own a firearm when asked by Officer Trevino. Officer Martinez did not discover a weapon during a walkthrough of the room. As Officer Martinez and Officer Trevino interviewed the male occupant of room #410, Mr. Guajardo III retrieved further inside his room and partially concealed himself behind a wooden dresser (Officer Eddie Lopez #4398 & Officer Crystal Ramirez #6643 arrived shortly thereafter).

The officers on scene were concerned Mr. Guajardo III still had access to a steal pipe, as they continuously attempted to convince Mr. Guajardo III to come out from where he was concealing himself. Officer Lopez had his handgun unholstered pointed down and Officers Martinez & Cox had their conducted energy device at the ready position and eventually targeted Mr. Guajardo III with it. At this point, Mr. Guajardo III began hallucinating and now partially concealed himself in the room's restroom. Mr. Guajardo III began yelling things such as "they are going to shoot me right there" and "he is coming." Officers attempted to reassure Mr. Guajardo III that nobody else was at location but them and that nobody was going to shoot him, but he continued to hallucinate someone was going to hurt him and yelled "he is right there, watch him."

Officers then heard something "heavy" being put down by Mr. Guajardo III while he was inside the restroom. As Mr. Guajardo III continued to hallucinate, he was able to provide his date of birth and kept telling the officers "he is right there, you better shot him." Officer Cox then asked Mr. Guajardo III if he had "taken anything" to which he replied "yes, cocaine." Mr. Guajardo III then slowly exited the restroom and walked towards the officer's direction by the front door.

At this time, near the front entrance of the room, Mr. Guajardo III went down to his knees and put his hands on the floor. Officer Cox, Officer Trevino, and Officer Martinez went inside the room and began to make an attempt in detaining Mr. Guajardo III. Officer Martinez then conducted an Arc warning with his CED on Mr. Guajardo III and ordered him to get on the ground. Mr. Guajardo III stayed on his knees and continued to be in a state of paranoia as he continuously yelled "me van a tirar" (they are going to shoot me in Spanish). Both Officer Trevino and Officer Martinez then escorted Mr. Guajardo III to the ground face down (Officer Trevino held Mr. Guajardo's III right arm, while Officer Martinez held his left). Officer Trevino was able to secure a handcuff on Mr. Guajardo's III right hand prior to the escort to the ground.

Officers then gave Mr. Guajardo III multiple commands to place his hands behind his back, which he refused. Mr. Guajardo III then began to physically resist arrest by moving his upper body from side to side while on the ground. The officers on scene continued to tell Mr. Guajardo III to relax as he also attempted to move his hands and arms towards the front of his body in order to prevent from being handcuffed. In an attempt to get compliance, Officer Martinez drive-stun Mr. Guajardo III with his CED, and Mr. Guajardo III yelled "bueno ya" (ok now), and allowed for his left arm to be placed behind his back. Mr. Guajardo III was then properly secured as he continued to hallucinate and yelled multiple times in Spanish that they were going to shoot him.

The officers then conducted a pat down on Mr. Guajardo III as he continuously hallucinated and moved while on the ground. The officers then attempted sit up Mr. Guajardo III so that EMS could provide medical

assistance, but he continued to resist, yell, and hallucinate that someone was going to hurt him. After being able to sit up Mr. Guajardo III, he began to resist again and officers were forced to lay him down on the room's bed. As officers waited for an ambulance to arrive, they secured Mr. Guajardo III with a belly chain and moved his arms and hands to the front of his body. They also secured his legs and feet with shackles.

An ambulance then arrived and with the assistance of officers EMS personnel began to prepare Mr. Guajardo III for transport to the hospital by placing him on a stretcher, putting an upper body velcro restraint, and spit hood. Mr. Guajardo III continuously resisted and hallucinated throughout the process. Officer Trevino and Officer Sulewski rode in the ambulance to assist EMS personnel due to Mr. Guajardo's combative behavior.

Mr. Guajardo III was transported to Valley Baptist Medical Center while still heavily hallucinating and conscious. He arrived alive at the hospital and was provided with emergency medical attention. He later died at 8:49pm. The Brownsville Police Department supervisors on scene were Sgt. E. Zuniga #4102 and Lt. Raul Rodriguez #2868. Mr. Guajardo's III personal property to include 1.7 grams of crack cocaine were booked in as evidence. Officer Martinez's CED was also booked in as evidence. The Texas Rangers were notified of the custodial death and are investigating the case. An autopsy report is still pending to determine the medical cause of death.

Note: See Manner / Cause of Death for results of final Cameron County Forensic Pathology autopsy report.