KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number:	19-681-UF	Version Type:	AMENDED
Report Date:	1/13/2020 11:47 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:	Sauceda Jr.		
Reporter Name:	Fernando Flores	Reporter Email:	fernando.flores@brownsvilletx.gov

Decedent Information

Identity of Deceased

First Name: Mark

Middle Name: Anthony

Last Name: Galvan

Suffix:

Date of Birth: 1/13/1999 Sex: Male

Race: Hispanic or Latino

Age At Time Of Death: 20

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

Date/Time of Custody or Incident: 6/17/2019 1:34 AM

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

Death Date and Time: 6/17/2019 3:32 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 wounds of the chest was documented as the cause of death on the final autopsy examination report conducted by the Cameron County Forensic Pathology Department.

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:	47 Medical St.	City:	Brownsville
County:	Cameron	Zip:	78520

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: Pre-Custodial Use of Force

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?:	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:

Aggravated Assault Public Servant (x3)

Offense 2:

Evading Arrest or Detention

Offense 3:

Assault (Strangulation) Family Violence

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:	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	Attempted to injure law enforcement personnel; Injured

Injure Others:	civilian(s) or other inmate(s)

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?:	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:	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 June 17, 2019 at around 1:30am, officers with the Brownsville Police Department responded to 470 Gilson Rd. in reference to an assault. The complainant advised dispatch that her sister's boyfriend, Mark Galvan (20 year old male), had just assaulted her sister, and left the area driving a red Mustang. Officer Mario A. Alvarado #8404, who was on duty, ran Mark Anthony Galvan's name on Spillman software, which provided him with Mark Anthony's address. Believing that the suspect would return to his residence, Officer Alvarado remained near the intersection of Boca Chica Blvd. & Central Blvd. At around 1:34am, Officer Alvarado observed a vehicle matching the description traveling southbound on Central Blvd. approaching Boca Chica Blvd. The vehicle then turned left and began to travel eastbound on Boca Chica Blvd. As per Officer Alvarado, he then ascertained with dispatch via unit radio if the suspect's Mustang had a convertible top, which dispatch confirmed (the Mustang in front of him had a convertible top and matched the previous description provided

by dispatch in regards to the suspect vehicle other than the partial license plates provided which were LSN and were actually LSM). Officer Alvarado proceeded to conduct a traffic stop on the vehicle, which came to a complete stop on Medical St. itself (Medical St. is a narrow two-way traffic residential street with no improved shoulder).

Officer Alvarado approached the driver side of the vehicle and made contact with the driver. Officer Alvarado began his interview by asking the driver "are you Mark Anthony?", to which driver said "yes sir". Officer Alvarado then advised Mark Anthony "they called man" and then told him he could turn off his car if he wants. Mark Anthony then turned off the vehicle and replied by saying "my baby momma or what?". Officer Alvarado replied by saying "yes" and asked "what happened over there on Gilson?" (the site of the assault), to which Mark Anthony replied "I mean she was arguing with me so I just left". Officer Alvarado then asked Mark Anthony for a drivers license, but he claimed he only had an ID, to which Officer Alvarado said it was fine. At that time, Mark Anthony handed over to Officer Alvarado his TX identification card, further confirming that he was in fact Mark Anthony Galvan. While searching for insurance documents, Mark Anthony asked Officer Alvarado "what did she say?" Mark Anthony is advised by Officer Alvarado that officers are at Gilson investigating what happened. Officer Alvarado then asked Mark Anthony to step out of the vehicle while officers figured out what had occurred on Gilson Rd.

Mark Anthony stayed inside his vehicle for a few moments, then asked Officer Alvarado "do you need me to step out?" to which Officer Alvarado replied "yes please man". Instead of stepping out of his vehicle, Mark Anthony inserted his vehicle's key in the ignition and turned the vehicle back on. Officer Alvarado then ordered Mark Anthony to turn the vehicle back off, and step out, which he refused. Mark Anthony then questioned Officer Alvarado why he needed to step out, to which Officer Alvarado replied that things needed to be sorted "over there". While the interview continued, Sgt. John M. Jones #5119 arrived at the scene of the traffic stop and assisted as the back-up officer by standing near the front passenger side area of Mark Anthony's vehicle.

Officer Alvarado then advised Mark Anthony that he was asking him to step out of the vehicle and asked Mark Anthony if he was going to comply or not. Mark Anthony then claimed that he was complying. Officer Alvarado further stated that he was going to explain to Mark Anthony what was going on once he was outside of his vehicle and ordered Mark Anthony to turn off the vehicle. Mark Anthony continued to question Officer Alvarado's orders, and at that point, Officer Alvarado tells Mark Anthony that he had been asking for his compliance nicely, and advised him that he could comply or things could go a different way. Officer Alvarado once again ordered Mark Anthony to turn off the vehicle and exit. Mark Anthony once again claimed he was complying and moved the vehicle's gear selector back. Officer Alvarado then ordered Mark Anthony to put the vehicle on park, unholstered his conducted energy device (taser), and aimed it at Mark Anthony.

Mark Anthony then accelerated at a high rate speed, and began to evade the officers in his motor vehicle at around 1:37am. As this happened, Officer Celeste Rivera #6394 arrived at the location, and she along with Officer Alvarado and Sgt. Jones began to pursue Mark Anthony in their individual marked police units with emergency lights and sirens on. Officer Alvarado then advised dispatch via unit radio what had just occurred, and other police units were dispatched to assist. Mark Anthony then reached the end of Medical St. (dead end street) and drove back towards the direction of the officers. Near 47 Medical St., the officers (Sgt. Jones, Officer Alvarado, & Officer Rivera) quickly exited their police units. Due to the exigent circumstances, and because of two vehicles being parked on the right side of the narrow road (facing southbound), Officer Alvarado stopped and parked his unit on the oncoming lane. Officer Rivera's unit was behind Officer Alvarado's unit slightly to the right also near the oncoming lane. Sgt. Jones unit was behind Officer Rivera's unit to the left on the oncoming lane. All units appeared to be at a slight angle towards the left facing southbound.

The officers then took different positions in the confined area due in part to the split second difference in their arrival time at that specific location. Officer Alvarado was the first to be confronted by Mark Anthony as Mark Anthony approached him in his vehicle, while Sgt. Jones was coming from behind Officer Alvarado and was second in being confronted by Mark Anthony. Upon exiting her police unit, Officer Rivera ran towards her right counterclockwise and around a police unit that was in front of her. Upon reaching the front of said police unit, Officer Rivera observed Mark Anthony approaching Officer Alvarado. The officers had their assigned duty pistols drawn and began to actively target Mark Anthony as they gave him verbal commands to stop the vehicle multiple times as he approached them coming northbound. Mark Anthony disobeyed the officer's multiple verbal commands to stop the vehicle and instead he drove his vehicle on top of the right curb and onto the front yard of 47 Medical St. (facing northbound). The residence had an open front yard with no fence. Mark Anthony continued to drive his vehicle near and in the direction of Officer Alvarado and Sgt. Jones. Then Sgt. Jones can be heard telling the officers "don't get in front of him" while they were all exposed in a tightly spaced area due the narrowness of the road, surrounding parked vehicles, a stucco mailbox, a street light pole, a neighbor's residence concrete block fence, a residence (47 Medical St.), and the parked positions of the police units which blocked the roadway and boxed them in due to Mark Anthony's unlawful behavior.

Having no means of escape, and while driving on top of the front yard area at 47 Medical St., Mark Anthony then suddenly accelerated quickly causing his vehicle's tires to squeal. Officer Alvarado and Sgt. Jones then subsequently shot at the direction of Mark Anthony as he felonious crashed into a police unit at around

1:37am (approximately 42 seconds after evading from the traffic stop). Officer Alvarado advised Mark Anthony had come within inches from striking him and then observed Mark Anthony drive directly towards Sgt. Jones. He also advised he was unaware who else was at the scene behind Sgt. Jones or in the police units behind his police car. Officer Alvarado reasonably believed that deadly force was immediately necessary to protect Sgt. Jones, the other officers on scene, himself, and the citizens in the area against the suspect's use of unlawful deadly force and took several shots at the driver side area to try and eliminate the immediate threat.

After observing Mark Anthony come within inches of striking Officer Alvarado, Sgt. Jones was confronted by Mark Anthony and observed the Mustang coming directly towards him. When Sgt. Jones heard the vehicle accelerate quickly causing the tires to squeal, Sgt. Jones felt his life was now in jeopardy along with the other officers on scene and the citizens in the area. Sgt. Jones stated he did not know who else was at the scene behind him or in the police units parked at the location. Sgt. Jones reasonably believed that Mark Anthony used his vehicle as a deadly weapon and shot in the direction of Mark Anthony.

After being shot by Sgt. Jones and Officer Alvarado and intentionally crashing into a police unit with great force, Mark Anthony then placed his vehicle on reverse, and backed up towards the direction of the officers who were still exposed in the narrow confined area and in close proximity of the vehicle. Multiple verbal commands by the officers to Mark Anthony to stop his vehicle were ignored again. Mark Anthony then quickly accelerated forward as all three officers (Sgt. Jones, Officer Alvarado, & Officer Rivera) subsequently shot at the direction of Mark Anthony as he crashed into two police units in order to escape and evade from the area, which he accomplished. The officers believed an officer was inside the police unit Mark Anthony had felonious struck with great force. They feared officers could have been outside and around the police vehicles on scene. The officers felt their lives were in danger as well as the citizens in the area. They reasonably believed it was immediately necessary to use deadly force to stop the imminent threat and performed their duties.

Officer Alvarado was able to continue to pursue Mark Anthony in his police unit (approximately 27 seconds later) while Sgt. Jones & Officer Rivera stayed at the scene of the shooting on Medical St. A few moments later, Mark Anthony crashed his vehicle into a palm tree near the 1300 block of Boca Chica Blvd. After the crash, Officer Alvarado approached the vehicle and assisted Mark Anthony by taking him out of the vehicle. Once outside the vehicle, Mark Anthony was provided with first aid by multiple officers at the scene. Brownsville EMS responded to the scene and transported Mark Anthony to Valley Baptist Medical Center for further treatment. Mark Anthony Galvan succumbed to his wounds and died at 3:32am at VBMC. The preliminary Cameron County Forensic Pathology report documented the cause of death as "gunshot wounds of the chest" (confirmed on final autopsy report, see Manner / Cause of Death).