



KEN PAXTON

ATTORNEY GENERAL *of* TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number: 20-1938-UF

Version Type: ORIGINAL
VERSION

Report Date: 2/5/2021 4:55 PM

Status: Submitted

Agency/Facility Information

Agency Name: Pearland Police
Dept.

Agency Address: 2555 Cullen Pkwy.

Agency City: Pearland

Agency State: TX

Agency Zip: 77581

Director Information

Director Salutation: Captain

Director First Name: Patrick

Director Middle Name:

Director Last Name: Savage

Reporter Name: Patrick Savage

Reporter Email: psavage@pearlandtx.gov

Decedent Information

Identity of Deceased

First Name: Mark

Middle Name: G.

Last Name: Bernadiner

Suffix:

Date of Birth: 9/19/1940

Sex: Male

Race: Anglo or White

Age At Time Of Death: 80

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

Date/Time of Custody or Incident: 12/15/2020 3:32 PM

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

Death Date and Time: 12/15/2020 3:32 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:

Gunshot wounds to torso.

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?: 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: 1114 Sussex Trail

City: Pearland

County: Brazoria

Zip: 77584

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:

N/A

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:

Aggravated Assault F1, F2

Offense 2:

Terroristic Threat SJF, M/B

Offense 3:

Unlawful Restraint M/A

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: Displayed other weapon, specify:

Specify Weapon Displayed:

Marksman BB Repeater Air Pistol, black in color

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; Attempted to injure 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): No

Make suicidal statements?: No

Exhibit any mental health problems?: Yes

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?: No

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: No

Summary of Incident

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

Summary:

Pearland police officers were dispatched to the 1100 block of Sussex Trail in Pearland, Brazoria County on December 15, 2020 at 1522hrs in reference to a 911 emergency call report of a female subject being held against her will by a known male subject who was pointing a gun at her. The Reportee on the phone named the suspect and advised that he was 85 yoa and suffered from dementia. During the call, while police were responding to the scene, the Reportee advised that the suspect fired the gun at the ground and then approximately two minutes later that the suspect shot at her. Officers arrived at the scene and found that the suspect and Reportee appeared to still be inside of the house.

An officer knocked on the garage door and shortly thereafter the suspect walked out of the front door of the residence. The suspect, who was an elderly white male, was ordered, "Hands up," after he exited the residence. The male walked down the driveway with a black pistol in his left hand. Officers ordered him numerous times, "Drop the gun," as he continued to walk down the driveway toward the officers behind a marked Pearland Police vehicle. As the suspect neared the sidewalk, he continued to be ordered to, "Drop the gun," however he raised the pistol toward the officers. An officer discharged his rifle four times and struck the suspect. After ensuring that the suspect did not have the pistol in his hand, first aid efforts, including CPR and dressing the wound, were immediately started by officers at the scene and a request for EMS was made. The suspect was deceased at the scene; the victim was located unharmed inside of the residence. It was found that the black pistol brandished by the suspect was a Marksman brand BB gun.

This incident was presented to the Brazoria County Grand Jury on January 20, 2021 with a resolution of "No Action" to close the case.

The incident is documented by Pearland PD cases 20-009467 and 20-009530.