KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

CDR Number:	22-1636-UF	Version Type:	AMENDED
Report Date:	4/25/2023 10:43 AM	Status:	Submitted

Agency/Facility Information

Agency Name:	McKinney Police Dept.	Agency Address:	2200 Taylor-Burk Dr
Agency City:	McKinney	Agency State:	TX
Agency Zip:	75071		

Director Information

Director Salutation:	Chief	Director First Name:	Joe
Director Middle Name:			
Director Last Name:	Ellenburg		
Reporter Name:	Azhar Ahmed	Reporter Email:	aahmed@mckinneytexas.org

Decedent Information

Identity of Deceased

First Name: Austin

Middle Name: Daniel

Last Name: Wellott

Suffix:

Date of Birth: 2/5/1992 Sex: Male

Race: Anglo or White

Age At Time Of Death: 30

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

Date/Time of Custody or Incident: 11/25/2022 3:54 PM

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

Death Date and Time: 11/25/2022 4:06 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:

Multiple rifle wounds 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?:	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:	3549 Medical Center Dr	City:	McKinney
County:	Collin	Zip:	75069

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

Location Category: Field/woods/lake/waterway/beach

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: 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 F2 (FV)

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: Yes, mark all that apply

Decedent Display or Use Weapon Details: Displayed other weapon, specify:

Specify Weapon Displayed:

An axe

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

Attempt to Injure Others?:	Unknown

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?:	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?:	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:	Yes	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 Friday, November 25, 2022, McKinney 911 dispatch received a report of an adult male walking around the apartment complex at 3191 Medical Center Dr, armed with an axe. The caller, Nita WELLOT advised her son, Austin WELLOT, was consuming alcohol and came at her with the axe and said, “someone is going to die today”. Officers attempted to contact WELLOT as he was exiting the apartment complex on foot, however, he was uncooperative and continued walking away, eventually running into a field to elude officers. After a short pursuit, WELLOT lost his balance, falling to the ground. Officers approached WELLOT while giving him verbal commands. WELLOTT made a quick motion towards his waist, as though he was retrieving a weapon, then quickly extended his arm towards officers, causing them to fear an imminent threat of serious bodily injury or

death. Officers discharged a patrol rifle, striking WELLOTT. WELLOTT was transported to Medical Center of McKinney hospital, where he succumbed to his injuries. An autopsy was performed on WELLOT by the Collin County Medical Examiners' office. The case was presented to the Collin County Grand Jury by Texas Ranger Thomas FItzpatrick and the Grand Jury no billed the officer for the shooting. This has been ruled a justifiable homicide.