KEN PAXTON
ATTORNEY GENERAL of TEXAS

CUSTODIAL DEATH REPORT

Agency Information

PA Number:	PA16191C	Report Date:	5/10/2016 10:29 AM
Status:	Submitted		

Agency/Facility Information

Department ID:	357	Department Type:	COCONST
Agency Name:	Harris County Constable Precinct 5	Agency Number:	TX1015000
Agency Phone:	7314923500	Agency Address:	17423 Katy Freeway
Agency City:	Houston	Agency County:	Harris
Agency State:	TX	Agency Zip:	77094

Director Information

Director Salutation:

Constable

Director First Name:

Phil

Director Middle Name:

Director Last Name:

Camus

Capt. Terry

Reporter Name: Allbritton Reporter Email: terry.allbritton@cn5.hctx.net

Location / Custody Information

Where did the event causing the death occur?

Street Address: 7500 W. Sam Houston Toll Rd. S

City: Houston

County: Harris

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 Peace Officer during/fleeing arrest

Custody Type Facility:

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: At the crime/arrest scene

Death Location Elsewhere:

Decedent Information

Identity of Deceased

First Name: Ashtain

Middle Name: Duane

Last Name: Barnes

Suffix:

Date of Birth: 8/17/1991 Sex: Male

Ethnicity: African-American

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

Death Date and Time: 4/28/2016 2:58 PM

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

Date/Time of Custody or Incident:

4/28/2016 2:47 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:

Other Homicide

Manner of Death Description:

Death Reason:

Injuries only

Medical Cause of Death:

Medical Cause of Death:

Gunshot

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 staff

Death Causer Other:

If a weapon caused the death, what type of weapon caused the death? (mark all that apply)

Type of Death Weapon:

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

General Information

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:

Possible Possession of Marijuana

Offense 2:

Operate M/V on Tollway When Prohibited

Offense 3:

Were the Charges::

Not filed at time of death

What were the types of charges or reason for contact?

Type of Offense:

Injuries of Decedent

Injured By: Injured by Officer

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

Appear intoxicated (alcohol or drugs):	No	Exhibit any mental health problems?:	
Exhibit any medical problems?:			

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

Threaten the officer(s) involved:	No	Resist being handcuffed or arrested?:	No
Try to escape/flee from custody:	Yes	Grab, hit or fight with the officer(s):	No

Other Behavior:

Specify Other Behavior:

Use weapon threaten/assault officer(s):	0

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 Thursday April 28, 2016, at approximately 2:40 p.m., Harris County Precinct 5 Deputy Roberto Felix, Payroll #906611, located a prohibited vehicle on the Harris County Toll Road. Deputy Felix confirmed the license plate with dispatch and initiated a traffic stop on the southbound side of the 7500 block of the West Sam Houston Tollway. Deputy Felix made contact with the driver and advised him of the reason for the traffic

stop (Operate Motor Vehicle on Tollway When Prohibited). The driver, later identified as Ashtian Duane Barnes, stated the vehicle was a rental and further advised that he did not have his driver's license.

Deputy Felix smelled an odor of marijuana and requested a back-up unit to check by. The driver began to behave suspiciously; fumbling through papers and then reaching toward the passenger side floor board towards a cup that appeared to have trash in it. After Deputy Felix ordered Barnes to stop reaching, he turned off the ignition to the car. When Deputy Felix inquired about the odor of marijuana, Barnes changed his story and said his driver's license was in the trunk. Barnes activated the trunk release and offered Deputy Felix an opportunity to retrieve it.

Deputy Felix opened the driver's door and asked Barnes to step out of the vehicle. At that point, Barnes reached for the keys and turned the vehicle back on. Deputy Felix drew his weapon and ordered Barnes not to make any further movements; however, he put the car in drive. At the same time, Deputy Felix was attempting to stop him from doing so; consequently, his body was partially in the vehicle as Barnes accelerated away. Fearing that he would be pinned and dragged by the vehicle or run over, Deputy Felix jumped onto the door sill and tried to grip the windshield. Deputy Felix was unable to see inside the vehicle, however, he felt pressure being applied to his right hand which was holding his firearm. Deputy Felix yelled for Barnes to stop and at that point felt that he would be crushed by the retaining wall or thrown from the vehicle. Deputy Felix fired his weapon one time and the vehicle sped up. Fearing that Barnes could kill him by crushing him or taking his weapon, Deputy Felix fired a second time. The vehicle slowed to a stop and Deputy Felix was able to disengage from the vehicle and hold Barnes at gunpoint until additional units and Houston Fire Department Personnel arrived. Barnes suffered at least one gunshot wound to the chest and died at the scene.