

CASE CLOSING

CASE NO: 2010-040
DATE: June 29, 2010
INVESTIGATOR: Chief Investigator Kevin Smith
SUBJECT: In-custody Death, Collier County Sheriff's Office,
Demetrio Jaquez

This investigation is in regards to an in-custody death of Demetrio Jaquez (aka Jaques) which occurred July 10th, 2009, in Collier County, Florida. The incident was reported to and investigated by the Florida Department of Law Enforcement. FDLE Special Agent Steve Uebelacker delivered a formal summary of their investigation on March 23rd, 2010. This review is a culmination of that summary report, as well as additional information obtained by FDLE and the State Attorney's Office through June 28th, 2010. It is my opinion that the information contained within the investigative files is sufficient for the purposes of our review.

In summary, on July 10th, 2009, at about 3:30 am, the Collier County Sheriff's Office received a 911 call from Carol Wheeler reporting that her roommate Ferdonia Garcia was being attacked by her live-in boyfriend (Demetrio Jaquez) at 213 Washington Avenue, Immokalee, Florida. Wheeler reported that Jaquez was holding Fredonia Garcia behind the locked door of their bedroom and would not let her up.

A review of the 911 call audio provides some insight into the condition of Mr. Jaques as well as the initial actions of the officers on the scene. Mr. Jaquez can be heard in the background continually yelling excited statements such as "lord please help me". As the officers arrive, aggressive verbal commands to "get off of her now" were given followed by calm statements to "relax" while Jaquez continued outbursts.

Sgt. Theodore Epright, Corporal Dan Tess, Corporal Alan Catlin, and Deputy Esteban Rodriguez responded to the call where Wheeler opened the door allowing access into the home. Deputies found Jaquez holding Garcia down on the floor in the kitchen/living room area. Corporal Tess drew and pointed his Taser at Jaquez ordering him to release Garcia, Jaquez did not respond and was physically moved off of Garcia by Deputy Epright.

Jaquez continued to talk of Satan and pray to God and Jesus. Jaquez was found to be hot, sweaty, and breathing rapidly causing the deputies to begin developing suspicion of Jaquez's personal condition.

Deputy Epright and Catlin rolled Jaquez to his stomach and attempted to secure him in handcuffs. Jaquez initially resisted requiring Epright to use his baton the pry Jaquez's arm free. After applying pressure, Jaquez ceased resistance allowing the handcuffs to be

secured. As soon as Jaquez was secured, Deputy Epright requested Emergency Medical Services (EMS) to respond.

Jaquez stated that he had been smoking crack cocaine and drinking beer for 5 days straight then resumed praying and talking about demons. Jaquez then began exhibiting violent behavior by screaming and thrashing about requiring deputies to physically secure him on his side until EMS arrived.

Jaquez's girlfriend, Ferdona denied any domestic relationship with Jaquez although they had been seeing each other for about a month. Ferdona told deputies that she did not want to press charges and that she was not victim of any crime. As EMS arrived, Epright advised of the possible cocaine usage and that no criminal charges existed. Epright reports that Jaquez was placed secured on the backboard and put into the ambulance. EMS reports that the deputies refused to remove the handcuffs as the subject was still agitated. Corporal Tess was assigned to ride with EMS at their request due the subject's behavior. While the reports indicate that Jaquez was not under arrest, it is apparent regardless of reasoning that Jaquez remained in the deputy's custody and control for the purposes of our review.

Jaquez began vomiting while in route to the hospital and began losing all vital signs. EMS attempted lifesaving measures while stopping on the roadside then, continued on to North Collier Hospital. Doctors and staff attempted to save Jaquez until pronouncing death at 5:21 am.

An autopsy was conducted by Doctor Marta U. Coburn, M.D., District Twenty Medical Examiner in Collier County on July 10th, 2009. The death was ruled accidental caused by Cocaine-Induced Excited Delirium.

Based on the provided reports it is the stated position of the deputies that Jaques was not under arrest. In spite of the deputies' position, for our purposes, it is apparent that Jaquez remained detained and in-custody up to the time of Jaquez's vitals ceasing. While each of the four deputies used some level of force to secure and/or detain Jaquez, it is well supported that the level of force was necessary, and that the force was not the cause of, or a contributing factor to this death.

This investigation will be closed pending legal review.