

23-002880-CV-85

Cause No. \_\_\_\_\_

CYNTHIA HOPKINS and GEOFFREY  
HOPKINS,

Petitioners,

v.

CITY OF COLLEGE STATION,

Respondent.

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IN THE DISTRICT COURT OF

BRAZOS COUNTY, TEXAS

\_\_\_\_ JUDICIAL DISTRICT

**PETITION PURSUANT TO TEX. R. CIV. PRO. RULE 202  
FOR DEPOSITIONS TO INVESTIGATE CLAIMS**

**REASON FOR REQUEST**



1. In the early morning hours of February 8, 2023, employees of the College Station Police Department (“College Station PD”) executed a Search Warrant based upon glaringly false statements at an off-campus home that Mark Hopkins rented with another student, Lauren Decoux. Mark was a 22 year old student in Aggieland at Blinn Junior College preparing to transfer to Texas A&M. The College Station PD were purportedly targeting

an alleged drug dealer, Abraham Escobar, a boyfriend of Decoux who neither lived at the rental house nor was present when the house was assaulted. College Station PD employees shot Mark Hopkins dead after exploding a so-called flash bang device intended to disorient its targets. Despite months of requests by Mark’s parents, Cynthia Hopkins and Geoffrey Hopkins, College Station PD has only been willing to provide to the family abbreviated and highly edited body camera footage of the warrant execution that led to Mark’s death. As a result, the City has forced the grieving family to file this Rule 202 petition – the only available method for them to learn why their son and brother died in a hail of bullets in his own bedroom.

2. Neither Mark nor his girlfriend Alyssa Wilson, who was present during the assault, participated in any illegal activities of any kind, including those that were stated in the purported basis for the search warrant. To secure the warrant, however, College Station PD Investigator Taylor Lovelace identified Mark and Alyssa as “Suspected Part[ies].”

Hopkins, Mark Bennett W/M, DOB: 7/17/2000



Said Suspected Party #2

Wilson, Alyssa Michelle W/F, DOB: 11/18/1998



Said Suspected Party #4

Worse yet, to justify targeting wholly innocent citizens, Mark Hopkins and Wilson, College Station PD employee Lovelace falsely claimed under oath that Escobar had transferred money to Mark Hopkins via Venmo, a popular money transfer computer app. College Station PD employee Lovelace made these false statements under penalty of perjury to Judge Ed Spillane of the College Station Municipal Court.

3. Armed with this false warrant, College Station PD employees proceeded with a full-scale military tactical gear assault on the off-campus housing at or around 6:00 am in the morning – a time that anticipated the residents would likely be asleep. The raid members then utilized a flash bang device as part of their entry and attack. And because Abraham Escobar’s vehicle was not parked at or near the home, College Station PD employees also knew that the purported target was not present.

4. As confirmed by Alyssa in every statement since the killing of Mark Hopkins, at 6:00 am, Mark and Alyssa were asleep. Both were awoken and stunned by the explosion of the flash bang grenade and the shattering of a window. During the commotion, they did not hear any knocking or attempt by the raid members to identify themselves as police officers. Instead, they believed that burglars had broken into the home. Mark told Alyssa to call 911, and she struggled to find her phone in a panic. Alyssa hid in the closet and Mark grabbed his shotgun. College Station PD employees forced the bedroom door open, and Alyssa did not hear the unknown persons assaulting the home announce or identify themselves as police officers as they entered the room. Alyssa then heard instantaneous shots, and witnessed Mark fall to the ground after he was repeatedly struck by gunfire.

5. After College Station PD employees killed Mark, they handcuffed and detained Alyssa for eight hours. During her detention, College Station PD employees repeatedly accused Mark, falsely, of being engaged in criminal conduct, presumably to justify their conduct after the fact. College Station PD employees seized Alyssa's phone and laptop computer, and then refused to return Alyssa's laptop, even to the present day.

6. Each step in this terrible ordeal has brought home to the Hopkins Family that they need to press on with their efforts to uncover the full truth about what led to the untimely and unjustifiable death of their son and brother. This is especially true after a "no bill" was issued for Officer Dakota Norris, the College Station PD employee who was identified as responsible for repeatedly shooting Mark to death. Despite compelling public interest in Officer Norris's body camera footage from that day, and requests to clarify whether the search warrant affidavit falsely alleged Mark's involvement in a criminal activity, College Station PD has consistently elected to withhold any information that does not fit its original narrative of an allegedly "justified" homicide. And, although College Station Police Chief Billy Couch allowed the Hopkins Family's agent to view a limited portion of the body camera footage, this left the family with more questions than answers – among them, "What is College Station PD attempting to hide by only providing edited body camera footage and no other meaningful information about the false affidavit and circumstances of Mark's death?"

#### **LEGAL BASIS FOR THIS PETITION**

7. The Hopkins Family seek to investigate a potential legal claim against the City of

College Station (“the City”) arising from the untimely loss of Mark Hopkins. The Hopkins Family wishes to proceed with further legal action if the claims would be fully justified in fact and law. Texas law provides for a legal process to request an order for depositions, which include provisions for requesting documents be provided at the time of the deposition, to investigate a potential claim or suit. Tex. R. Civ. P. 202.1(b); 199.2(b)(5). As set forth by law, this Court would be a proper venue and would have full jurisdiction for claims, if a suit was to be filed. Tex. R. Civ. Pro. 202.2(b)

8. The potential claims against the City include those provided under the Texas Wrongful Death/Survival Statute, Tex. Civ. Prac. & Rem. Code § 71.021 and as applied through 42 U.S.C. §§ 1983, 1988 for Cynthia Hopkins and Geoffrey Hopkins as legal heirs. The potential claims also include those that might arise from violation of Mark Hopkins’ rights under the Fourth Amendment of the United States Constitution (wrongful search and seizure; excessive force) enforced pursuant to 42 U.S.C. § 1983. The City would be directly liable for such deprivations caused by “governmental custom” demonstrated by proof of repeated incidents suggesting a pattern or practice so permanent and well-settled to constitute a custom or usage with the force of law. *Monell v. New York City Department of Social Services*, 436 U.S. 658, 690-92 (1978).

#### **PARTIES TO BE DEPOSED**

9. The City may have interests adverse to the Hopkins Family in any legal action that might be filed after investigation and will therefore be served with this Petition. The City of College Station (Police Department) is a municipal corporation that may be served with

process by serving the City Secretary's Office, 1101 Texas Avenue, College Station, Texas 77842, Tel. 979.764.3541. It is therefore requested that the City designate a representative or representative(s) able to testify as to the information known or reasonably available to the City regarding the following matters:

- a. Complete and unedited body camera footage of all CSPD officers involved in the Warrant at Spring Loop, the underlying raid, and the shooting of Mark Hopkins on February 8, 2023.
- b. Complete and unedited body video and/or audio recordings of the interrogation of Alyssa Wilson.
- c. The records that relate to the training provided to Dakota Norris regarding the following: (1) the use of force by police officers, including the use of force against civilians; (2) the use of police weapons against civilians; (3) the use of force during the execution of search warrants; and (4) the use of flash bangs during a raid.
- d. The records that relate to the training provided to Taylor Lovelace regarding the following: (1) the process, investigation, and use of search warrants and (2) the process and investigation regarding obtaining search warrants.
- e. The Documents and Communications relating to the Complaints against Dakota Norris and/or Taylor Lovelace alleging misconduct committed within the scope of their employment with the City of College Station. This request includes but is not limited to the Documents related to civil or criminal suits in which Dakota Norris and/or Taylor Lovelace were named as having committed misconduct, Complaints (internal, civilian, etc.), and the Documents and Communications relating to the review or investigation conducted by the City of College Station or the Department, including the internal affairs or professional standards unit or any other unit, division or agency of the Department or the City of College Station, concerning the alleged misconduct of Dakota Norris and/or Taylor Lovelace.
- f. The policies or procedures of the City of College Station or the Department at the time of the incident regarding: a. the use of force by police officers, including the use of force against civilians; b. the use of police weapons against civilians; c. the process, investigation, and use of search warrants; d. the use of force during the execution of search warrants; e. the process and

investigation regarding obtaining search warrants, f. the oversight, supervision, and audits of officers regarding (1) the process and investigation regarding obtaining search warrants (2) the execution of search warrants, and (3) the use of force against civilians.

- g. The complete incident reports and investigative documents relating to the search warrant at 925 Spring Loop, execution of the search warrant at 925 Spring Loop College Station, Texas, the shooting of Mark Hopkins, and arrest and interrogation of Alyssa Wilson.
- h. Aggregate data, and/or tracking of officer involved shootings from 2005 to present, including but not limited to the determinations of whether those shootings were justified.

### **REQUEST FOR RELIEF**

The College Station PD appears fully content to let its concealment of important facts about the false affidavit and the resulting death of Mark Hopkins leave a dark cloud of unjustified suspicion on Mark and his family. The Hopkins Family respectfully request an order authorizing the oral depositions, with subpoena duces tecum, as set forth herein, for the reasons outlined above.

Respectfully submitted,

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**The Family of Mark Hopkins**





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