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NOTICE OF CLAIM
Pursuant to A.R.S. § 12-821.01 and
Ariz.R.Evid. 408

November 21, 2025

**Via Personal Service and
First Class Mail and
Registered Mail (return receipt requested)**

City of Phoenix
City Clerk
200 W. Washington Street
Phoenix, AZ 85003

Phoenix Police Department
620 W. Washington Street
Phoenix, AZ 85003

Officer Cesar Perez (Badge No. 10171)
Phoenix Police Department
620 W. Washington Street
Phoenix, AZ 85003

Officer Edwin Garcia (Badge No. 10535)
Phoenix Police Department
620 W. Washington Street
Phoenix, AZ 85003

Re: The Killing of Victor Altamirano on October 2, 2025

To Whom It May Concern:

We represent the Estate of Victor Altamirano for Federal civil rights violations under 42 U.S.C. § 1983 and Victor's Arizona state tort law statutory beneficiaries under A.R.S. § 12-612. We are submitting this Notice of Claim pursuant to A.R.S. § 12-821.01.

At this time, we have limited information, and the primary source of information has been from our clients who were witnesses to the scene, a short four-page incident report (attached hereto as an enclosure), and the "Critical Incident Briefing" from the Phoenix Police Department on YouTube. Therefore, this Notice of Claim may be subject to supplementation in the future.

Although three officers appear to be involved (as seen in the YouTube video), the only names we have listed at this time are Officers Cesar Perez (Badge No. 10171) and Edwin

Garcia (Badge No. 10535). Once we have the true identities of all the officers confirmed, we will be able to supplement this Notice of Claim accordingly.¹

Victor is a father of five and a grandfather of 12, and he enjoyed steady employment as a plumber. His daughter, Melissa, came to drop off Victor's granddaughter on the morning of October 2, and he expressed suicidal thoughts to his daughters Melissa and Victoria, and to his partner of 40 years, Lorena. He had become despondent after losing both his parents and a sister within the last year.

Hoping that the police would help calm Victor down, Melissa called 9-1-1. While outside the house, officers speak to Victor's family and they explain that he is suicidal and mentally distressed.

Regrettably, instead of helping Victor, the officers killed someone having suicidal thoughts when he posed an immediate threat to anyone. As the first officer was talking to Melissa and Lorena, Victor came running out of the house. He ran past everyone into the middle of the street asking to be shot. Below is a still photo of him running out of his driveway into the street.

This is the closest that Victor ever gets to anyone during the entire encounter:



¹ Please note that my firm made a public records request on November 7, 2025, to which there has not yet been a response.

While running, Victor yells, “C’mon, m*ther-f*ucker, kill me!” Victor then puts himself on the firing line to be shot:



The first officer on the scene attempts to oblige Victor’s suicidal request and fires no less than seven (7) times. He appears to miss every shot – probably because Victor is so far away from him. He fires without attempting any sort of de-escalation, even though he knows that Victor is in a mental crisis at the moment. Only after missing multiple times, does the officer began to talk to Victor, by telling him to “Get on the ground!”

In response to the command to, “Get on the ground,” Victor says, “I want to die. Kill me.” Anyone listening to Victor at this point knows that Victor’s current request is to get shot, but, wholly oblivious to the situation, Officers tell Victor, “Do not move … you will get shot.” Although Victor has a knife, he never comes close enough to anyone to be a threat with the knife; after all, a knife is a far less effective projectile weapon than the weaponry the officers attempted to use on Victor.

When Victor refuses to put the knife down, another shot rings out (and another shot misses). This shot appears to come from another officer who is behind the Tahoe on the right of the picture.

Only after the second officer shooting does anyone move to less-lethal means. In this case, it was the 40 mm bean bag. Given the situation, use of this weapon was likely

unconstitutional – had Victor lived – because these can cause serious injury or death. *Glenn v. Washington County*, 673 F.3d 864, 871 (9th Cir.2011) (citations omitted).

From the video currently available, it appears that in between the first 40mm shot and the second 40mm shot, a third officer (nearest the one with the 40mm launcher – also covered behind the Tahoe on the right) tried to use pepper balls on Victor. It is unclear at this time how many pepper balls were fired and how much effort was made by the three officers on scene to use this least-lethal of all the available range weapons. It is also unclear at this point as to whether the officers had Tasers, and, if so, whether they were close enough to Victor to be able to use Tasers.

Incredibly – at no point does any responding officer try to talk to Victor. There is no video evidence that Victor is threatening to harm anyone but himself, and the officers simply oblige his request for “suicide by cop.” Although some physical force may be warranted when a person poses a threat to no one but himself, there is no legal authority allowing police “to use a *significant* amount of force to try to stop someone from attempting suicide.” *Glenn*, 673 F.3d at 872 (citations omitted) (emphasis in original).

After being hit by what appears to be the second 40mm beanbag projectile, Victor runs behind the Tahoe – most likely because he is no longer suicidal – and at least two more shots ring out.





The first officer – the one who missed several times with his handgun – then moved behind nearby cover and closed the distance with Victor (who is now behind the Tahoe).

Victor then begins to run away – he is doubled-over in pain and no longer wants to die.

Apparently because he was out of 40mm beanbags, the officer behind the Tahoe goes back to his service pistol. No more pepper balls are fired (perhaps because Victor is out of range). This time, the officer was able to connect with Victor's back and bring him down.

The use of deadly force under color of state law is excessive unless the officer has “probable cause to believe that the suspect poses a threat of significant death or serious physical injury.” *Tennessee v. Garner*, 471 U.S. 1, 3 (1985). There is absolutely no video evidence to suggest that Victor posed a threat to anyone but himself.

By the time Victor was doubled over and running away in pain, he was no longer requesting that the cops kill him. At this point, he was trying to avoid further pain. If he was suicidal at that point, he would have kept advancing on the police – demanding to be



shot by another beanbag and getting closer so as to be easier to hit with a shot one of the three Glock pistols.

After being shot by the less-lethal firearms, no officer warned Victor that if he ran away he would be shot in the back. “Before using deadly force, law enforcement must, ‘where feasible,’ issue a warning.” *Estate of Aguirre v. County of Riverside*, 29 F.4th 624, 628 (9th Cir.2022) (*citing Garner*, 471 U.S. at 11-12).

Victor’s daughter called the police because Victor was suicidal and threatening “suicide by cop.” Moments later, he was no longer interested in “suicide by cop,” and he was running away. That is when he was inexplicably shot in the back. Regardless of the alleged volatility of the situation, what goes on before the shooting does not, on its own, warrant deadly force. *Aguirre v. Riverside*, 131 F.4th 702 (9th Cir.2025). The fact that the suspect is armed does not, on its own, warrant deadly force. *Johnson v. Myers*, 129 F.4th 1189 (9th Cir.2025). Further, officers must take into account the suspect’s mental state. *Hayes v. County of San Diego*, 736 F.3d 1223 (9th Cir.2013).

In addition to the Estate’s Fourth Amendment claims, Victor’s children also have their own 14th Amendment claims and state law wrongful death tort claims. Victor has five adult children with the woman that he has spent over 40 years with.

All of the Plaintiffs offer to settle all claims with all of the Defendants² for a sum certain of \$10 Million Dollars (\$10,000,000.00). This offer shall remain open pursuant to the terms of A.R.S. § 12-821.01, *et seq.*

Very truly yours,

/s/Richard D. Lyons

Richard D. Lyons, Esq.

Encl. (1)

² Including the currently un-identified third officer.



PHOENIX POLICE DEPARTMENT (0723)

Case Report

CASE FOLDER NUMBER
202501438254CFS INCIDENT #
PH25001438254CASE REPORT NUMBER
202501438254-001

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DATE / TIME OCCURRED
10/2/2025 7:48:08 AMDATE / TIME REPORTED
10/2/2025 7:48:08 AM

INCIDENT OVERVIEW

ARRESTED SUSPECTS 0	ADDITIONAL SUSPECTS 1	UNKNOWN SUSPECTS 0	VICTIMS 2	OTHER PERSONS 0	VEHICLES 0	ITEMS 0	EVIDENCE 0	LEOKA COUNT 2
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 DOMESTIC VIOLENCE INTIMATE PARTNER BIAS GRAFFITI GANG INVOLVED HOME INVASION

 PHOTO, AUDIO, VIDEO: AUDIO RECORDED: Yes AUDIO STORED: SQUAD: BODY CAMERA ACTIVE: Yes
 PHOTOS TAKEN: No PHOTOGRAPHER: BODY CAMERA uploaded: Yes
 INTERVIEW VIDEO: No
RELATED REPORT #
202501440749

CRASH REPORT #

HEXAGON IR #

INCIDENT ADDRESS

STREET ADDRESS 5607 S 6TH ST	CITY PHOENIX	STATE AZ	ZIP
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ADMINISTRATIVE INFORMATION

REPORTING OFFICER DE SANTIAGO, PABLO C	SERIAL # 06270	SQUAD C33
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ASSISTING OFFICER(S)

STATUS Closed	CLEARANCE DISPOSITION Exception	CLEARED BY EXCEPTION Death of Offender	EXCEPTIONAL CLEARANCE DATE 10/2/2025
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OFFENSE INFORMATION

OFFENSE # 1	IBR CODE 13A	IBR DESCRIPTION AGGRAVATED ASSAULT	IBR GROUP A	CRIME AGAINST Person	CARGO THEFT
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STATUTE CODE: ARS 13-1204 - AGGRAVATED ASSAULT

COMPLETED Yes	PREMISE TYPE Street / Roadway / Sidewalk	# PREMISES ENTERED	ENTRY	WEAPONS Knife/Cutting Instrument (Icepick, Ax, Etc.)
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BIAS

None (No Bias)

CRIMINAL ACTIVITY None/Unknown	OFFENDER USING Not Applicable
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TOOLS

VEHICLE TYPE - ATTEMPTED THEFT	SECURITY MEASURES PRESENT
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PROPERTY TYPE - ATTEMPTED ARSON

SUSPECT INFORMATION

SUSPECT # 1	TITLE ALTAMIRANO, VICTOR CONRAD	SUFFIX No	JUVENILE	PRIMARY LANGUAGE
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RACE W	SEX Male	ETHNICITY Hispanic or Latino	DATE OF BIRTH 02/11/1967	AGE 58	SSN 526-95-9393	HEIGHT 5' 4"	WEIGHT 140	HAIR COLOR Black	EYE COLOR Brown
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IDENTIFICATION INFORMATION

DRIVER'S LICENSE	DL STATE	DL CLASS	DL RESTRICTIONS	OTHER ID	OTHER ID NUMBER	ISSUING ENTITY
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CONTACT INFORMATION

HOME PHONE (602) 243-7640	CELL PHONE	OTHER PHONE	INTERNATIONAL PHONE	EMAIL ADDRESS
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SOCIAL MEDIA HANDLE (SOCIAL MEDIA TYPES)

SUSPECT ADDRESS INFORMATION

STREET ADDRESS 5607 S 6th St	STATE AZ	ZIP 85040	COUNTRY CODE	ADDRESS TYPE Home
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EMPLOYER / SCHOOL INFORMATION

EMPLOYER / SCHOOL	OCCUPATION / GRADE
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STREET ADDRESS

CITY	STATE	ZIP	WORK PHONE
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SECONDARY CHARACTERISTICS

HAIR STYLE	HAIR LENGTH	FACIAL HAIR	FACIAL HAIR COLOR	MARITAL STATUS
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BUILD	COMPLEXION	TEETH	GLASSES	HAND
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SPEECH / ACCENT	SECONDARY LANGUAGE
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CLOTHING DESCRIPTION

NATIONAL ORIGIN

PLACE OF BIRTH	NATIONALITY	IMMIGRATION STATUS
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SCARS, MARKS, TATTOOS



PHOENIX POLICE DEPARTMENT (0723)

Case Report

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DATE / TIME OCCURRED
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10/2/2025 7:48:08 AM

SCAR, MARK, TATTOO

SMT LOCATION

DESCRIPTION

ALIAS / NICKNAME

ALIAS / NICKNAME

ALIAS DOB

ALIAS SEX

ALIAS RACE

ALIAS ETHNICITY

ALIAS SOCIAL SECURITY

M.O. / HABITUAL OFFENDER INFORMATION

M.O.

HABITUAL OFFENDER STATUS

SUSPECT INJURY / HOSPITAL INFORMATION

SUSPECT INJURY

Wounded by Gunfire - Multiple - Fatal Wounds;

HOSPITALIZED
YesHOSPITAL / FACILITY
Banner Good Samaritan Medical CenterFIRE DEPARTMENT INFORMATION
2025-434073DECEASED
Yes

VICTIM INFORMATION

VICTIM # 1

TITLE
Perez, Cesar #10171

SUFFIX

JUVENILE

PRIMARY LANGUAGE
NoRACE
USEX
MaleETHNICITY
Unknown

DATE OF BIRTH

AGE
33

SSN

HEIGHT

WEIGHT

HAIR COLOR

EYE COLOR

IDENTIFICATION INFORMATION

DRIVER'S LICENSE

DL STATE

OTHER ID

OTHER ID NUMBER

ISSUING ENTITY

CONTACT INFORMATION

HOME PHONE

CELL PHONE

OTHER PHONE

INTERNATIONAL PHONE

EMAIL ADDRESS

SOCIAL MEDIA HANDLE (SOCIAL MEDIA TYPES)

VICTIM ADDRESS INFORMATION

STREET ADDRESS

ADDRESS TYPE

CITY

STATE

ZIP

COUNTRY CODE

EMPLOYER / SCHOOL INFORMATION

EMPLOYER / SCHOOL
City of Phoenix

OCCUPATION / GRADE

STREET ADDRESS
620 W Washington St

CITY

Phoenix

STATE

AZ

ZIP

85003

WORK PHONE

SECONDARY CHARACTERISTICS

FACIAL HAIR

COMPLEXION

HAND

MARITAL STATUS

SPEECH / ACCENT

SECONDARY LANGUAGE

CLOTHING DESCRIPTION

NATIONAL ORIGIN

PLACE OF BIRTH

NATIONALITY

IMMIGRATION STATUS

SCARS, MARKS, TATTOOS

SCAR, MARK, TATTOO

SMT LOCATION

DESCRIPTION

ALIAS / NICKNAME

ALIAS / NICKNAME

ALIAS DOB

ALIAS SEX

ALIAS RACE

ALIAS ETHNICITY

ALIAS SOCIAL SECURITY

VICTIM INJURY / HOSPITAL INFORMATION

VICTIM INJURY

HOSPITALIZED

HOSPITAL / FACILITY

FIRE DEPARTMENT INFORMATION

DECEASED

ID / TESTIFY / RIGHTS

CAN ID
YesTESTIFY
YesVICTIM RIGHTS INFO PROVIDED
No

HOW RECEIVED

VICTIM RIGHTS DECISION

VICTIM # 2

TITLE
Garcia, Edwin #10535

SUFFIX

JUVENILE

PRIMARY LANGUAGE
NoRACE
USEX
MaleETHNICITY
Unknown

DATE OF BIRTH

AGE
33

SSN

HEIGHT

WEIGHT

HAIR COLOR

EYE COLOR

IDENTIFICATION INFORMATION

DRIVER'S LICENSE

DL STATE

OTHER ID

OTHER ID NUMBER

ISSUING ENTITY

CONTACT INFORMATION

HOME PHONE

CELL PHONE

OTHER PHONE

INTERNATIONAL PHONE

EMAIL ADDRESS



PHOENIX POLICE DEPARTMENT (0723)

Case Report

CASE FOLDER NUMBER 202501438254	CFS INCIDENT # PH25001438254
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SOCIAL MEDIA HANDLE (SOCIAL MEDIA TYPES)

VICTIM ADDRESS INFORMATION

STREET ADDRESS		ADDRESS TYPE	
CITY	STATE	ZIP	COUNTRY CODE

EMPLOYER / SCHOOL INFORMATION

EMPLOYER / SCHOOL City of Phoenix	OCCUPATION / GRADE
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STREET ADDRESS
620 W Washington St

CITY Phoenix	STATE AZ	ZIP 85003	WORK PHONE
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SECONDARY CHARACTERISTICS

FACIAL HAIR	COMPLEXION	HAND	MARITAL STATUS
SPEECH / ACCENT			SECONDARY LANGUAGE

CLOTHING DESCRIPTION

NATIONAL ORIGIN

PLACE OF BIRTH	NATIONALITY	IMMIGRATION STATUS
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SCARS, MARKS, TATTOOS

SCAR, MARK, TATTOO	SMT LOCATION	DESCRIPTION
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ALIAS / NICKNAME

ALIAS / NICKNAME	ALIAS DOB	ALIAS SEX	ALIAS RACE	ALIAS ETHNICITY	ALIAS SOCIAL SECURITY
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VICTIM INJURY / HOSPITAL INFORMATION

VICTIM INJURY

HOSPITALIZED	HOSPITAL / FACILITY	FIRE DEPARTMENT INFORMATION	DECEASED
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ID / TESTIFY / RIGHTS

CAN ID Yes	TESTIFY Yes	VICTIM RIGHTS INFO PROVIDED No	HOW RECEIVED	VICTIM RIGHTS DECISION
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NARRATIVES

NARRATIVE # 1	OFFICER 06270 - DE SANTIAGO, PABLO C	DATE ENTERED 10/6/2025	PRIMARY / SUPPLEMENTAL Primary
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PHOENIX POLICE DEPARTMENT (0723)

Case Report

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DATE / TIME OCCURRED 10/2/2025 7:48:08 AM	DATE / TIME REPORTED 10/2/2025 7:48:08 AM

Detective Pablo De Santiago #6270
PHOENIX POLICE DEPARTMENT
VIOLENT CRIMES BUREAU
HOMICIDE UNIT / C33 Squad

*** Officer Involved Shooting (OIS)***

INITIAL CALL: Attempt Suicide with a Knife
INCIDENT NUMBER: 2025-1438254
INCIDENT LOCATION: 5607 South 6th Street
TYPE OF INCIDENT: Aggravated Assault on a Police Officer

RECEIVED DATE: Thursday, 10/02/2025
RECEIVED TIME: 0748 Hours
DISPATCHED TIME 0749 Hours
ARRIVAL TIME: 0757 Hours
OIS TIME: 0759 Hours

Investigative Agency

Arizona Department of Public Safety-Major Incident Division (MID)

MID Report Number: I25059816
Case Agent: Detective C. Gardner #10122

Phoenix Police Liaisons

Sergeant A. Volpe #9899
VIOLENT CRIMES BUREAU
HOMICIDE UNIT C-33

DETECTIVE P. De Santiago #6270
VIOLENT CRIMES BUREAU
HOMICIDE UNIT C-33

Response

On 10/02/25 at 0800 Hours, I was contacted by Sergeant A. Volpe #9899 and directed to respond to 5607 South 6th Street in reference to a police officer involved critical incident. I responded from my Phoenix Police Headquarters and arrived at the scene at 0915 hours.

At 1127 hours, I attended a briefing conducted by Sergeant A. Volpe, who provided us with the circumstances of the incident.

This investigation was turned over to the Arizona Department of Public Safety- Major Incident Division. Refer to their internal report number I25059816.

***End of Report**