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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

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

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 to 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 projective, 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

Page 1 of 4

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	
<input type="checkbox"/> DOMESTIC VIOLENCE		<input type="checkbox"/> INTIMATE PARTNER		<input type="checkbox"/> BIAS		<input type="checkbox"/> GRAFFITI		<input type="checkbox"/> GANG INVOLVED	
<input type="checkbox"/> HOME INVASION									
PHOTO, AUDIO, VIDEO:		AUDIO RECORDED: No PHOTOS TAKEN: No		AUDIO STORED: PHOTOGRAPHER:		BODY CAMERA ACTIVE: Yes SQUAD:		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	
ADMINISTRATIVE INFORMATION									
REPORTING OFFICER DE SANTIAGO, PABLO C				SERIAL # 06270			SQUAD C33		
ASSISTING OFFICER(S)									
STATUS Closed			CLEARANCE DISPOSITION Exception		CLEARED BY EXCEPTION Death of Offender			EXCEPTIONAL CLEARANCE DATE 10/2/2025	
OFFENSE INFORMATION									
OFFENSE # 1	IBR CODE 13A	IBR DESCRIPTION AGGRAVATED ASSAULT				IBR GROUP A	CRIME AGAINST Person	CARGO THEFT	
STATUTE CODE: ARS 13-1204 - AGGRAVATED ASSAULT									
COMPLETED Yes		PREMISE TYPE Street / Roadway / Sidewalk		# PREMISES ENTERED		ENTRY		WEAPONS Knife/Cutting Instrument (Icepick, Ax, Etc.)	
BIAS None (No Bias)									
CRIMINAL ACTIVITY None/Unknown					OFFENDER USING Not Applicable				
TOOLS					SECURITY MEASURES PRESENT				
VEHICLE TYPE - ATTEMPTED THEFT					PROPERTY TYPE - ATTEMPTED ARSON				
SUSPECT INFORMATION									
SUSPECT # 1	TITLE	NAME (LAST, FIRST MIDDLE) ALTAMIRANO, VICTOR CONRAD					SUFFIX	JUVENILE No	PRIMARY LANGUAGE
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
IDENTIFICATION INFORMATION									
DRIVER'S LICENSE	DL STATE	DL CLASS	DL RESTRICTIONS	OTHER ID	OTHER ID NUMBER		ISSUING ENTITY		
CONTACT INFORMATION									
HOME PHONE (602) 243-7640	CELL PHONE	OTHER PHONE		INTERNATIONAL PHONE	EMAIL ADDRESS				
SOCIAL MEDIA HANDLE (SOCIAL MEDIA TYPES)									
SUSPECT ADDRESS INFORMATION									
STREET ADDRESS 5607 S 6th St							ADDRESS TYPE Home		
CITY PHOENIX				STATE AZ	ZIP 85040		COUNTRY CODE		
EMPLOYER / SCHOOL INFORMATION									
EMPLOYER / SCHOOL					OCCUPATION / GRADE				
STREET ADDRESS									
CITY			STATE			ZIP		WORK PHONE	
SECONDARY CHARACTERISTICS									
HAIR STYLE		HAIR LENGTH		FACIAL HAIR		FACIAL HAIR COLOR		MARITAL STATUS	
BUILD		COMPLEXION		TEETH		GLASSES		HAND	
SPEECH / ACCENT								SECONDARY LANGUAGE	
CLOTHING DESCRIPTION									
NATIONAL ORIGIN									
PLACE OF BIRTH				NATIONALITY			IMMIGRATION STATUS		
SCARS, MARKS, TATTOOS									



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Case Report

CASE FOLDER NUMBER
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CFS INCIDENT #
PH25001438254

CASE REPORT NUMBER
202501438254-001

Page 2 of 4

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

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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 Yes		HOSPITAL / FACILITY Banner Good Samaritan Medical Center					FIRE DEPARTMENT INFORMATION 2025-434073				DECEASED Yes
VICTIM INFORMATION											
VICTIM # 1		TITLE NAME (LAST, FIRST MIDDLE) Perez, Cesar #10171						SUFFIX	JUVENILE No	PRIMARY LANGUAGE	
RACE U	SEX Male	ETHNICITY 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 Yes	TESTIFY Yes	VICTIM RIGHTS INFO PROVIDED No				HOW RECEIVED			VICTIM RIGHTS DECISION		
VICTIM # 2		TITLE NAME (LAST, FIRST MIDDLE) Garcia, Edwin #10535						SUFFIX	JUVENILE No	PRIMARY LANGUAGE	
RACE U	SEX Male	ETHNICITY 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
CASE REPORT NUMBER 202501438254-001	Page 3 of 4
DATE / TIME OCCURRED 10/2/2025 7:48:08 AM	DATE / TIME REPORTED 10/2/2025 7:48:08 AM

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 Yes	TESTIFY Yes	VICTIM RIGHTS INFO PROVIDED No	HOW RECEIVED	VICTIM RIGHTS DECISION	

NARRATIVES			
NARRATIVE # 1	OFFICER 06270 - DE SANTIAGO, PABLO C	DATE ENTERED 10/6/2025	PRIMARY / SUPPLEMENTAL Primary



PHOENIX POLICE DEPARTMENT (0723)

Case Report

CASE FOLDER NUMBER 202501438254		CFS INCIDENT # PH25001438254
CASE REPORT NUMBER 202501438254-001		Page 4 of 4
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**