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9
10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF ARIZONA**

12 Matthew Massucci, an individual,

No. _____

13 Plaintiff,

COMPLAINT

14 vs.

(Tort – Civil Rights)

15 City of Prescott, a municipality; Amy
16 Bonney, in her individual capacity and in her
17 official capacity as Chief of the Prescott
18 Police Department; John Hanna, an
19 individual; Dustin Parra, in his individual
20 capacity and in his official capacity as
21 Deputy Chief of Operations of Central
22 Arizona Fire and Medical; Malan Parra, an
23 individual; and Gunnar Parra, an individual,

(Jury Trial Demanded)

24 Defendants.

25 Plaintiff Matthew Massucci brings this complaint against Defendants City of
26 Prescott, Amy Bonney, John Hanna, Dustin Parra, Malan Parra, and Gunnar Parra and
27 alleges as follows:

PARTIES

28 1. Plaintiff Matthew Massucci is a citizen and resident of Suffolk County, New
York.

2. Defendant City of Prescott is a municipality and a political subdivision of the
State of Arizona, organized and existing under the laws of the State of Arizona. It is a “state

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1 actor” as that term is used under the jurisprudence of 42 U.S.C. § 1983. For purposes of
2 diversity jurisdiction, Defendant City of Prescott is a citizen of Arizona.

3 3. Defendant Chief Amy Bonney is the Chief of Police for the Prescott Police
4 Department and is a citizen of Arizona who resides in Yavapai County, Arizona.

5 4. At all times alleged herein, Defendant Bonney was a policymaker for
6 Defendant City of Prescott and is responsible for the training and supervision of Prescott
7 Police Department personnel, as well as for implementing and, upon information and belief,
8 establishing policies governing said personnel. Defendant Bonney is named in both her
9 official and individual capacities.

10 5. Defendant John Hanna is an individual and a citizen of Arizona who resides
11 in Yavapai County, Arizona.

12 6. At all times alleged herein, Defendant Hanna was a police officer employed
13 by the City of Prescott, acting within the course and scope of his employment, and under
14 color of state law. He is a “state actor” as that term is used under the jurisprudence of 42
15 U.S.C. § 1983.

16 7. Defendant Dustin Parra is an individual and a citizen of Arizona who resides
17 in Yavapai County, Arizona.

18 8. At all times alleged herein, Defendant Parra was employed by Central Arizona
19 Fire and Medical Authority, acting within the course and scope of his employment, and
20 under color of state law. He is a “state actor” as that term is used under the jurisprudence of
21 42 U.S.C. § 1983. Chief Parra is named in both his official and individual capacities.

22 9. Defendant Malan Parra is an individual and a citizen of Arizona who resides
23 in Yavapai County, Arizona.

24 10. Defendant Gunnar Parra is an individual and a citizen of Arizona who resides
25 in Yavapai County, Arizona.

26 11. For Plaintiff’s claims under Arizona state law, Defendant City of Prescott is
27 responsible for the conduct of its officers and employees, including Defendants Hanna and
28

1 Bonney, and is liable to Plaintiff for the damages resulting from their conduct under the
2 theory of *respondeat superior*.

3 **JURISDICTION AND VENUE**

4 12. Pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1343, this Court has subject
5 matter jurisdiction over Plaintiff’s Counts I and II brought under 42 U.S.C. § 1983.

6 13. Pursuant to 28 U.S.C. § 1367(c), this Court has supplemental jurisdiction over
7 Plaintiff’s Counts III and IV because those claims are so closely related to Counts I and II
8 as to form part of the same “case or controversy under Article III of the United States
9 Constitution.”

10 14. Pursuant to 28 U.S.C. § 1332(a), this Court has subject matter jurisdiction over
11 all of Plaintiff’s claims because the matter in controversy exceeds the sum of \$75,000,
12 exclusive of interest and costs, and is between citizens of different states. Plaintiff Matthew
13 Massucci is a citizen of the State of New York. Defendant City of Prescott is a political
14 subdivision of the State of Arizona and a “citizen” of Arizona, and Defendants Amy Bonney,
15 John Hanna, Dustin Parra, Malan Parra, and Gunnar Parra are citizens of the State of
16 Arizona. Accordingly, complete diversity of citizenship exists between Plaintiff and
17 Defendants.

18 15. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b) because a
19 substantial part of the events or omissions giving rise to Plaintiff’s claims occurred in this
20 district, and because Defendants reside within this district.

21 16. As to Plaintiff’s claims under Arizona state law against the City of Prescott,
22 Chief Bonney, Detective Hanna, and Dustin Parra, Plaintiff served timely notices of claim
23 under A.R.S. § 12-821.01. The notices of claim complied in all ways with the statute, were
24 timely served, and were deemed denied by operation of law.

25 **JURY DEMAND**

26 17. Plaintiff demands a jury trial.
27
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FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

A. Chief Parra assaults Matthew at the Star Mart.

18. On July 16, 2023, Central Arizona Fire and Medical Authority Deputy Fire Chief Dustin Parra (“Chief Parra”) drunkenly assaulted Matthew in the parking lot of a Prescott Star Mart.

19. Matthew had just made a purchase at the Star Mart. Matthew was unarmed and was walking out of the store and toward his car. As he did so, he walked in front of Chief Parra’s Toyota Tacoma (the “Parra Tacoma”), which was parked directly in front of the exit of the Star Mart.

20. Matthew did not gesture at or speak to anyone in the Parra Tacoma.

21. When Matthew reached his car, he was accosted by a very drunk Chief Parra.

22. Matthew was startled and afraid of Chief Parra, who was agitated, drunk, and screaming.

23. Matthew had entered his vehicle and was attempting to close his car door, but was unable to do so because Chief Parra was holding the door, preventing it from closing.

24. Chief Parra’s actions prevented Matthew and his female passenger from leaving in their car.

25. Chief Parra was trying to enter Matthew’s car and forcibly remove him from the car.

26. Chief Parra’s actions reasonably led Matthew to believe that Chief Parra posed an immediate risk of serious bodily injury to Matthew and his female passenger.

27. Matthew retrieved his legally purchased and legally carried pistol from the center console of the car and displayed it to Chief Parra as permitted by A.R.S. § 13-418.

28. Upon seeing the pistol, Chief Parra ceased trying to enter Matthew’s car, let go of the car door, and went to the Parra Tacoma.

29. Matthew then closed the door to his car and drove away.

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1 **B. Defendants Chief Parra, Malan Parra, Gunnar Parra, and Detective**
2 **Hanna initiate a prosecution maliciously and without probable cause.**

3 30. After the incident at the Star Mart, Chief Parra, his wife Malan Parra
4 (“Malan”), and his son Gunnar Parra (“Gunnar”) made a series of false reports to the police
5 to have Matthew falsely arrested and prosecuted, and to protect Chief Parra from criminal
6 liability for his own conduct.

7 31. They did this to protect Chief Parra, who was the drunken aggressor in the
8 incident.

9 32. Immediately after Matthew left the Star Mart, Malan, with Gunnar, called 9-
10 1-1.

11 33. In the 9-1-1 call, Gunnar admitted that Matthew had not said anything to
12 anyone in the Parra family before Chief Parra’s assault.

13 34. During the call, Malan made multiple false statements that were designed to
14 protect her husband from criminal liability for his drunken and assaultive conduct. Malan
15 was inside the Star Mart at the time of the incident and did not see or hear what happened.

16 35. Specifically, Malan and Gunnar told the 9-1-1 operator that Matthew had
17 walked around the Parra Tacoma and stated, “I’m going to kick some 15-year-old ass.”

18 36. While Malan and Gunnar were on the phone with the 9-1-1 operator, Chief
19 Parra called his friend, Detective John Hanna.

20 37. In violation of Prescott policy, Detective Hanna failed to record the phone call
21 or document its contents.

22 38. Approximately 20 minutes after the 9-1-1 call and Chief Parra’s unrecorded
23 call with Detective Hanna, Prescott police officer Astorga interviewed Gunnar. In this
24 interview, Gunnar changed his story to claim that Matthew had said, “the fuck you want?”

25 39. **Prescott Police policy, as well as sound police practices generally, barred**
26 **Detective Hanna from investigating this incident because his friendship with Chief Parra**
27 **created an obvious conflict of interest.**

28

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1 40. **Detective Hanna ignored Prescott policy and pursued a malicious prosecution**
2 **of Matthew to help his friend, Chief Parra, and to cover up Chief Parra’s wrongdoing.**

3 41. On information and belief, Detective Hanna directed Officer Astorga not to
4 interview Chief Parra on the night of the incident because Chief Parra was “too intoxicated.”

5 42. Approximately four days after the incident, Detective Hanna interviewed
6 Gunnar, who made claims that were both verifiably false and contradicted his prior
7 statements.

8 43. In his interview, Gunnar claimed that before entering his car, Matthew had a
9 gun in his waistband and that he pointed the gun at Chief Parra while outside of his car.

10 44. Gunnar also claimed in his interview that when he walked by the Parra
11 Tacoma, Matthew not only said, “What the fuck do you want?” but that he threw his hands
12 up...like freaking out,” and then continued cussing. These statements directly contradict his
13 prior statements.

14 45. On the date of Detective Hanna’s interview with Gunnar, Detective Hanna
15 knew that Gunnar’s statements in that interview, as well as his prior statements and the
16 statements of Malan, were false.

17 46. Detective Hanna knew this because he had already obtained the videos from
18 the Star Mart, which demonstrated that they were false and that Chief Parra was the
19 aggressor who had assaulted Matthew and attempted to enter Matthew’s vehicle.

20 47. On or before July 20, 2023, Detective Hanna obtained the two Star Mart
21 surveillance videos that captured the majority of the incident from both inside and outside
22 the store.

23 48. The videos show that Malan could not have seen any of the things that she
24 reported in her statements to the 9-1-1 operator because she was inside the store buying beer
25 when the encounter occurred.

26 49. The videos show Matthew walking in front of and then away from the Parra
27 Tacoma to exit the store and go to his own car.

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1 50. The videos show Chief Parra exiting the Parra Tacoma and pursuing Matthew
2 to his car.

3 51. The videos show that Matthew is in his car as Chief Parra unlawfully opens
4 the door to the car and attempts to obtain access to it:¹

- 5 • At approximately 8:34 p.m. on the store security cameras, Matthew is
6 inside the store completing his purchase.
- 7 • The front and back of Matthew’s waistband are visible in the video, and
8 it is clear that he does not have a firearm or other weapon.
- 9 • At approximately 8:34:32 p.m. on the store security camera, the Parra
10 Tacoma pulls into a parking spot directly in front of the store’s front
11 door.
- 12 • At approximately 8:34:54 p.m. on the store security camera, Malan gets
13 out of the backseat and goes into the Star Mart.
- 14 • At approximately 8:35:12 p.m. on the store security camera, Matthew
15 walks out of the store and passes by the Parra Tacoma parked directly
16 in front of the Star Mart door.
- 17 • Matthew does not make any physical gestures towards the occupants of
18 the Parra Tacoma.
- 19 • Matthew walks out of the view of the internal store security camera
20 toward his car.
- 21 • Seconds later, at 8:35:24 p.m. on the store security camera, Chief Parra
22 exits the rear driver’s side seat of the Parra Tacoma and follows after
23 Matthew, walking out of view of the internal security camera.
- 24 • At approximately 8:35:25 p.m. on the exterior store security camera,
25 Chief Parra is visible at the driver’s side door of Matthew’s car.
- 26 • The exterior camera shows that Matthew and a passenger are in the car.

27
28 ¹ Please note that the time clocks on the Star Mart videos are off by a matter of minutes.

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- 1 • The internal security video shows Gunnar exiting the front passenger
- 2 seat of the Parra Tacoma, running toward Matthew’s vehicle, and going
- 3 out of view of the security camera.
- 4 • The video then shows Chief Parra and Gunnar moving away from
- 5 Matthew’s car toward the back of the Parra Tacoma.
- 6 • Chief Parra’s 17-year-old daughter, their designated driver, then exits
- 7 the driver’s side door of the Parra Tacoma and joins her father and
- 8 brother at the rear of the vehicle.
- 9 • Malan is seen exiting the Star Mart and goes to the back of the Parra
- 10 Tacoma with her husband and children.
- 11 • Matthew’s vehicle drives away from the Star Mart.

12 52. Even though the video showed that Malan and Gunnar’s account was false,
13 **Detective Hanna falsified his report to assert that the video supported Malan and Gunnar’s**
14 **account of the incident.**

15 53. **By placing false statements in his report, Detective Hanna deliberately**
16 **fabricated evidence. He did this to protect his friend, Chief Parra.**

17 54. Based on the false statements of the Parra family, on July 20, 2023, at
18 approximately 1826 hours, Prescott police officers performed a high-risk traffic stop on
19 Matthew’s vehicle.

20 55. Matthew and his passenger were ordered out of the car at gunpoint.

21 56. Matthew was detained and ultimately arrested on two falsified counts of
22 aggravated assault (as to Chief Parra and Gunnar), and one count of disorderly conduct with
23 a deadly weapon or dangerous instrument and booked into the Yavapai County jail with a
24 \$20,000.00 cash-only bond, which Matthew’s family was forced to raise.

25 57. Matthew was ultimately released from jail on July 22, 2023.

26 58. Detective John Hanna, acting within the course and scope of his employment
27 as a detective with the Prescott Police Department, intentionally initiated and pursued false
28 criminal charges against Matthew.

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1 59. Without probable cause, Detective Hanna reported, endorsed, or presented
2 false or misleading information to the Yavapai County Attorney’s Office, which resulted in
3 Matthew being arrested at gunpoint and held in jail for approximately two days, and
4 subsequently prosecuted for serious felonies.

5 60. On July 25, 2025, the prosecution dismissed the criminal charges against
6 Matthew.

7 **C. Chief Amy Bonney’s false and defamatory statements.**

8 61. On October 10, 2025, in response to media reports about the failures in the
9 City of Prescott’s investigation, Prescott Police Chief Amy Bonney (“Chief Bonney”)
10 circulated an email to various Prescott officials. See Email, attached as **Exhibit A** (emphasis
11 in original).

12 62. The purpose of this email was not to provide information for use in City
13 business or council deliberations, but to provide false talking points for the officials to spread
14 publicly “in case [they] are asked.”

15 63. The email contains false and misleading statements that are intended to harm
16 Matthew’s reputation and to defend the Parras, Detective Hanna, and the Prescott Police
17 Department.

18 64. The email also materially omits facts known to Chief Bonney and the Prescott
19 Police Department that exonerated Matthew.

20 65. The email reasserts and adopts false statements made by Malan and Gunnar.

21 66. The email omits the fact that Malan is shown inside the Star Mart at the time
22 of the incident and that she could not have seen the events in question.

23 67. The email selectively quotes from the contradictory statements made by Malan
24 and Gunnar to falsely suggest that they told consistent stories.

25 68. The email omits the fact that Chief Parra was intoxicated and that he was, in
26 fact, “too intoxicated to be interviewed,” according to Prescott police reports.

27 69. The email omits the fact that the Star Mart video shows that Chief Parra was
28 the aggressor who chased after Matthew and unlawfully attempted to enter Matthew’s car,

1 and that he opened Matthew’s car door and held it open, preventing Matthew from leaving
2 the Star Mart.

3 70. The email omits the fact that the Star Mart video shows that Matthew was
4 unarmed as he exited the Star Mart and that he did not have a gun in his waistband.

5 71. The email falsely asserts that police had probable cause to arrest Matthew,
6 when, in fact, there was no probable cause to believe that Matthew had committed a crime
7 because the video directly contradicts the false and contradictory statements made by Malan
8 and Gunnar.

9 72. The email repeats false statements made by Malan and Gunnar that are directly
10 contradicted by the video evidence and omits known and obvious facts. Specifically, the
11 email falsely asserts that Matthew “pulled a gun from his waistband.”

12 73. The email fails to mention multiple false statements by Gunnar and Malan that
13 the videos directly contradict.

14 74. The email falsely presents the case as “he said/she said,” when, in fact, the
15 City of Prescott, Chief Bonney, and Detective Hanna had known for years that the video
16 directly contradicted the Parras’ claims of being attacked.

17 75. The email also fails to mention that Detective Hanna and Chief Parra were
18 close friends and that Detective Hanna had a conflict of interest.

19 76. The email further omits that Prescott policy forbade Detective Hanna from
20 investigating a matter involving his friend, Chief Parra, but that Detective Hanna
21 nevertheless pursued the investigation to help and protect his friend.

22 77. The email fails to mention that A.R.S. §§ 13-418 and 419 create presumptions
23 that the use of deadly force is reasonable to protect against a person forcefully attempting to
24 enter an occupied vehicle and that the video shows that this is exactly what Chief Parra was
25 attempting to do when Matthew displayed his firearm.

26 78. The email includes only A.R.S. § 13-404 in order to mislead the public about
27 whether there was probable cause to believe that Matthew had committed a crime.
28

1 79. The false statements and omissions in the email were made intentionally, or
2 with reckless disregard to their truth or falsity.

3 80. The purpose of the false statements and omissions in the email was to cover
4 up the City of Prescott and Detective Hanna’s false arrest and malicious prosecution of
5 Matthew, with the intent of shielding the City of Prescott and Detective Hanna from liability.

6 81. The cumulative effect of these false statements and omissions is to falsely
7 assert or imply by innuendo that Matthew had committed a felony when Defendants knew
8 that Matthew had committed no crime and was acting lawfully at all relevant times.

9 **COUNT I**

10 **42 U.S.C. § 1983 – Violation of Fourth and Fourteenth Amendment**
11 **Right to be Free of Malicious Prosecution**
(Against Defendants City of Prescott, Amy Bonney, John Hanna, and Dustin Parra)

12 82. Plaintiff incorporates all preceding paragraphs as if fully set forth herein.

13 83. Matthew Massucci has a Fourth Amendment right to be free from unlawful
14 searches and seizures, including malicious prosecutions made without probable cause.
15 Alternatively, Matthew Massucci’s right to be free from malicious prosecution arises under
16 the Fourteenth Amendment.

17 84. The Defendants violated Matthew Massucci’s Fourth and Fourteenth
18 Amendment rights when they initiated his prosecution maliciously and without probable
19 cause to believe that he had committed a crime.

20 85. The prosecution terminated in Matthew’s favor when prosecutors dismissed
21 the charges against him.

22 86. Matthew Massucci suffered damages as a result of the deprivation of his
23 Fourth Amendment right to be free from malicious prosecutions.

24 87. Defendants’ actions in falsely arresting Matthew Massucci were done
25 knowingly, intentionally, maliciously, or with reckless disregard for his constitutional rights,
26 and Matthew Massucci is entitled to recover compensatory and punitive damages.

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COUNT II
42 U.S.C. § 1983 – *Monell* Claim
(Against Defendants City of Prescott and Amy Bonney)

88. Plaintiff incorporates all preceding paragraphs as if fully set forth herein.

89. Chief Bonney is the final policymaker for the City of Prescott.

90. Chief Bonney knew that Matthew Massucci’s arrest and prosecution were unlawful and were not supported by probable cause.

91. Chief Bonney ratified Matthew Massucci’s unlawful prosecution by her email and by other actions she took, such that the malicious prosecution of Matthew Massucci amounted to an official policy of the City of Prescott.

92. Defendant City of Prescott was deliberately indifferent to the proper training and supervision of its employees, including Detective Hanna, regarding the actions of Chief Bonney, which caused and contributed to the deprivation of Plaintiff’s rights under the Fourth and/or Fourteenth Amendment.

93. The City of Prescott and Chief Bonney are liable for all damages arising from the constitutional violations they caused.

COUNT III
Arizona State Law Malicious Prosecution
(Against Defendants City of Prescott, John Hanna,
Dustin Parra, Malan Parra, and Gunnar Parra)

94. Plaintiff incorporates all preceding paragraphs as if fully set forth herein.

95. Defendants initiated or took an active part in the prosecution of a criminal action against Matthew Massucci.

96. The action or proceeding terminated in Plaintiff’s favor when it was dismissed on July 25, 2025.

97. Defendants acted without probable cause.

98. Defendants acted with malice.

99. Defendants’ malicious conduct caused injury, damage, or loss to Plaintiff Matthew Massucci.

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COUNT IV

**Arizona State Law Defamation
(Against Defendants Amy Bonney and City of Prescott)**

100. Plaintiff incorporates all preceding paragraphs as if fully set forth herein.

101. Chief Bonney published statements of fact about Matthew Massucci to multiple third parties with the intent that those statements be widely disseminated to others.

102. Chief Bonney’s statements of fact about Matthew Massucci were false.

103. Chief Bonney’s false statements of fact about Matthew Massucci were defamatory because they exposed Matthew to disrepute and impeached his honesty, virtue, and reputation.

104. Chief Bonney’s false statements of fact about Matthew Massucci constitute negligence *per se* because they were intended to cause people to believe that Matthew had committed a felony.

105. Chief Bonney’s false statements injured Matthew Massucci.

106. At the time of the false statements, Chief Bonney knew that they were false or acted in reckless disregard to whether they were true or false.

WHEREFORE, Plaintiff prays for judgment as follows:

A. For special damages, including but not limited to current and future medical fees and expenses, lost wages, and other economic losses;

B. For general and compensatory damages, including but not limited to pain and suffering, emotional distress, harm to reputation, and loss of enjoyment of life;

C. For punitive damages;

D. For taxable costs and pre- and post-judgment interest to the extent permitted by law;

E. For attorneys’ fees and costs under 42 U.S.C. § 1988 to the fullest extent permitted by law; and

1 F. Such other relief as the Court deems just and proper.

2 RESPECTFULLY SUBMITTED: June 30, 2026

3 **ROBBINS CURTIN MILLEA & SHOWALTER, LLC**

4 By: /s/ Jesse M. Showalter
5 Jesse M. Showalter
6 301 E. Bethany Home Road, Suite B-100
7 Phoenix, Arizona 85012
8 *Attorneys for Plaintiff Matthew Massucci*

9 **CERTIFICATE OF SERVICE**

10 I hereby certify that on June 30, 2026, I electronically transmitted the attached
11 document to the Clerk’s Office using the CM/ECF system for filing.

12
13 By: /s/ Julie W. Molera

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EXHIBIT A

From: "Amy Bonney" <amy.bonney@prescott-az.gov>
To: "Elected Officials" <Elected.Officials@prescott-az.gov>
sarah.thornhill@prescott-az.gov
phil.goode@prescott-az.gov
matt.podracky@prescott-az.gov
amber.fraser@prescott-az.gov
eric.moore@prescott-az.gov
brandon.montoya@prescott-az.gov
connie.cantelme@prescott-az.gov
lois.fruhworth@prescott-az.gov
ted.gambogi@prescott-az.gov
patrick.grady@prescott-az.gov
CC: "Joseph Young" <joseph.young@prescott-az.gov>
"Dallin Kimble" <dallin.kimble@prescott-az.gov>
"Michael Morris" <michael.morris@prescott-az.gov>
"Holger Durre" <holger.durre@prescott-az.gov>
"Jon Brambila" <jon.brambila@prescott-az.gov>
"Gary Novak" <gary.novak@prescott-az.gov>
"Danielle Trotter" <danielle.trotter@prescott-az.gov>
"John Heiney" <john.heiney@prescott-az.gov>

Date: 10/10/2025 3:17:19 PM

Subject: Fw: ABC 15

Good afternoon,

Last night we became aware of a story being run by ABC15 out of the Valley. The reporter is well known for his reputation of conducting "hit pieces" on Arizona Police Departments. His article, about a nearly two year old case, was riddled with inaccurate information, which has created some buzz.

Soon, another headline will take its place, in fact it already has, but it is important to me that you understand that the Prescott Police Department and all involved with this investigation conducted themselves with professionalism and integrity. They acted in complete accordance with the law and policy.

Below is a summary of the actual case, with some notes highlighting some of the issues the reporter called out.

This is to provide you with accurate information in case you are asked. At this point we do not intend to provide any additional information about this case to the media or on social media.

Thank you-
Chief Bonney

On 7/16/23 at 2026 hrs. Malan Parra was contacted by phone by the Prescott Police Department at her request to report an aggravated assault occurring at the Shell gas station at 1325 Iron Springs Rd. Malan reported she and her family had just left the services of a deceased relative. They stopped for beer at the Shell station. Malan went inside while her family which consisted of Gunner Parra, **RJP**, and her husband Dustin Parra remained in their vehicle. Mr. Massucci exited the store and allegedly made verbal comments to the Parra family. Dustin Parra exited his vehicle and confronted Mr. Massucci about the comments at which time Mr. Massucci entered his vehicle and produced a gun, pointing it at Dustin Parra. Gunner had exited the vehicle and was standing next to Dustin.

Patrol Officer Astorga spoke with Gunner Parra who confirmed Malan's account of the event and described the pistol as a tan pistol that looked like a 9mm. Gunner said the suspect vehicle was a silver 4-door sedan possibly a Nissan or a Mazda. The suspect vehicle left the area turning right on Gail Gardener Way.

Detective John Hanna received a call from Dustin Parra around 2033 hrs., AFTER Malan had reported to patrol, as Detective Hanna knows Mr. Parra through community sports and public safety work. Detective Hanna informed Mr. Parra he would look at the case the following morning. Detective Hanna, who is the

Investigations Section violent crime detective, was assigned the case. Mr. Parra works for an outside agency, is not a family member, and has no financial relationship with Detective Hanna. There is no established conflict of interest in reference to this case. **Any allegation of preferential treatment is false.**

Detective Hanna obtained surveillance footage from the Shell gas station which shows Mr. Massucci exit the store, walk in front of the Parra vehicle, and enter his vehicle. Mr. Parra can be seen approaching the driver side of Mr. Massucci's vehicle. Mr. Parra can be seen at the driver's side of Mr. Massucci's for a few seconds before Mr. Massucci's vehicle leaves the area. Detective Hanna notes the skip in the surveillance footage in his report. **Any allegation that members of the Prescott Police Department altered or deleted footage are false.**

On 7/20/23 Mr. Massucci's vehicle was identified as a possible suspect through the Flock camera system. A photo line up was created and presented Mr. Parra who identified Mr. Massucci as the suspect who pointed a gun at him. Detective Hanna re-interviewed Gunner Parra who stated Mr. Massucci was yelling and cussing while starring at **RJP**. Gunner said he saw his dad get out of the vehicle and walk toward Mr. Massucci who was about 10 feet away at the time. Gunner told Detective Hanna he saw Mr. Massucci produce a handgun from his waistband and point it at his dad. Gunner said he got out of the truck because he thought the man was going to shoot his dad and moved his dad to the rear of the truck.

What is not clear in the report or interview is if Mr. Massucci was seated in his vehicle at the time he allegedly pointed the gun at Mr. Parra. In viewing the "enhanced video", it is still difficult to tell if the door is open or shut. A presumptive observation would be the door was open and what Gunner thought was the gun being pulled from a waistband was the gun being pulled from the center console.

On 7/20/23 at 1824 hrs. Mr. Massucci's vehicle gave a Flock alert. Mr. Massucci's vehicle was stopped in the 1600 block of Iron Springs Rd. Mr. Massucci who officers believed was an armed aggravated assault suspect was directed to exit his vehicle at gunpoint. Mr. Massucci was detained and transported to the Prescott Police station where Detective Hanna attempted to interview him. Mr. Massucci invoked his right to remain silent. A search of the vehicle incident to arrest found a tan 9mm pistol inside the driver's compartment.

The removal of Mr. Massucci at gunpoint is an appropriate use of force in accordance with *Graham vs Connor* in terms of reasonableness, severity of alleged crime, posing an immediate threat, and flight risk having left the scene of the crime. **The allegation that officers would have shot Mr. Massucci if he had been alone in the vehicle is false.**

Factors establishing probable cause include statements made by Mr. Parra, Mrs. Parra, and Gunner Parra. Mr. Massucci left the scene, where now according to him, he was assaulted to the point he had to produce a weapon to protect himself. Mr. Massucci did not contact police to report the altercation. When stopped Mr. Massucci was in possession of a unique colored firearm as described by the victim and witness. The news report makes reference to the Police Department making a phone call to Mr. Massucci before stopping him. The method of contacting Mr. Massucci on a traffic stop prevented Mr. Massucci from being able to hide or destroy the primary piece of evidence, the gun.

On 10/10/25 Lt. Small spoke with County Attorney Mike Morris who informed me that this case did not go to Grand Jury due to Mr. Massucci waiving his right to a probable cause hearing. **Mr. Morris agreed that Detective Hanna had established probable cause with the information he had available at the time. Mr. Morris believed due to the inaccuracy of witness statements beyond a reasonable doubt conviction could not be achieved.**

Inaccuracies in witness accounts are common and due to a large number of factors. What is in question is the claim of self defense which Detective Hanna was not privy to due to Mr. Massucci invoking his right to remain silent. Arizona Revised Statutes 13-404 state the following.

A. Except as provided in subsection B of this section, a person is justified in threatening or using physical force against another when and to the extent a reasonable person would believe that physical force is immediately necessary to protect himself against the other's use or attempted use of unlawful physical force.

B. The threat or use of physical force against another is **not justified:**

1. **In response to verbal provocation alone;** or

2. To resist an arrest that the person knows or should know is being made by a peace officer or by a person acting in a peace officer's presence and at his direction, whether the arrest is lawful or unlawful, unless the physical force used by the peace officer exceeds that allowed by law; or
3. If the person provoked the other's use or attempted use of unlawful physical force, unless:
 - (a) The person withdraws from the encounter or clearly communicates to the other his intent to do so reasonably believing he cannot safely withdraw from the encounter; and
 - (b) The other nevertheless continues or attempts to use unlawful physical force against the person.

In the news interview Mr. Massucci says he brought the gun to the low ready and never stated that Mr. Parra physically assaulted him. The Parra's dispute Mr. Massucci's account just as Mr. Massucci calls the Parra's account lies. Mr. Parra insists the gun was pointed at him. What we are left with are the elements that established probable cause for arrest. Mr. Massucci has the right to remain silent but would have been well served to explain his side of the events when he was given the opportunity.
