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*Attorneys for Plaintiff*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF ARIZONA**

Victoria German, Elizabeth German and  
Melissa German on their own behalf as  
statutory beneficiaries, and on behalf of  
the Estate of Victor Altamirano,

Plaintiffs,

v.

The City of Phoenix, a municipal  
corporation; Cesar Perez and Jane Doe  
Perez, husband and wife; Edwin Garcia  
and Jane Doe Garcia, husband and wife;  
Officer John Doe and Jane Doe, husband  
and wife.

Defendants.

No.

**COMPLAINT**

**(Excessive Force; Wrongful Death)**

Plaintiffs hereby submit this Complaint.

**Introduction**

1. On October 2, 2025, Victor Altamirano was shot and killed.
2. After expressing suicidal thoughts, Plaintiffs called the police to come help calm Victor down.

1           3.     After the police arrived, Victor ran out into the middle of the street asking  
2 to be shot.

3           4.     Instead of trying to help Victor, three Phoenix police officers opened fire on  
4 Victor.

5           5.     Upon information and belief, Officers Cesar Perez and Edwin Garcia were  
6 on the scene.

7           6.     A third, currently unknown officer, was also on the scene. He is named as  
8 "Officer John Doe," and the Complaint will be amended when his true identity becomes  
9 known.

10          7.     Shots were fired without any sort of de-escalation attempts as Victor  
11 requested that the police shoot him.

12          8.     Although Victor had a knife, he made no attempts nor came close enough  
13 to anyone to be a threat.

14          9.     The first officer on the scene attempts to oblige Victor's suicidal request and  
15 fires no less than seven (7) times.

16          10.    This officer appears to miss every shot – probably because Victor is so far  
17 away from him.

18          11.    Only after missing multiple times, does the officer began to talk to Victor,  
19 by telling him to "Get on the ground!"

20          12.    In response to the command to, "Get on the ground," Victor says, "I want to  
21 die. Kill me."

22          13.    In response, Officers tell Victor, "Do not move ... you will get shot."

23          14.    Another officer then fired at – and missed – Victor once again.

24          15.    Only after the second Officer began shooting did anyone attempt to do  
25 anything other than kill Victor.

26          16.    Without using any sort of de-escalation techniques, officers deployed what  
appear to be less-lethal bean bags and pepper spray.







1 encountered Victor.

2 50. Although some physical force may be warranted when a person poses a  
3 threat to no one but himself, there is no legal authority allowing police “to use a  
4 *significant* amount of force to try to stop someone from attempting suicide.” *Glenn*, 673  
5 F.3d at 872 (citations omitted) (emphasis in original).

6 51. The foregoing law was well-established long before Defendants  
7 encountered Victor.

8 52. When Victor was shot and killed, Defendants had no clue whether Victor  
9 posed a threat of death or significant bodily harm to others.

10 53. When Victor was shot and killed, he did not pose a threat of death or  
11 significant bodily harm to others.

12 54. Defendants made no effort – other than the use of lethal force – to detain  
13 Victor.

14 55. Defendants encounter with Victor should have made it apparent there was  
15 potential that Victor had mental health issues.

16 56. The call history preceding the encounter with Victor should have made it  
17 apparent there was potential that Victor had mental health issues.

18 57. As a result of Defendants conduct as alleged herein, Victor was killed, and  
19 Plaintiffs has suffered damages.

20 58. The Altamirano Estate is further entitled to general damages for the fear,  
21 anxiety, and mental anguish suffered by Victor as Defendant was shooting at him while  
22 he was fleeing. *Andrich v. Kostas*, 470 F.Supp.3d 1048 (D.Ariz.2020).

23 59. Defendants’ acts were willful, wanton, malicious, and oppressive, thereby  
24 justifying an award to the Altamirano Estate of exemplary and punitive damages to  
25 punish the wrongful conduct alleged herein and to deter such conduct in the future.  
26 *Morgan v. Woessner*, 997 F.2d 1244,1245 (9<sup>th</sup> Cir. 1993) and *Rawlings v. Apodaca*, 151  
Ariz. 149, 726 P.2d 565 (1986).

1  
2 **COUNT THREE**

3 **Loss of Family Relationship—14<sup>th</sup> Amendment**

4 **42 U.S.C. § 1983**

5 **(Against Defendant Officers Perez, Garcia, and Doe)**

6 60. Plaintiffs reallege and incorporate by reference all previous allegations.

7 61. The 14<sup>th</sup> Amendment to the United States Constitution prohibits state actors  
8 from interfering with familial relationships.

9 62. By his conduct as alleged herein—killing Victor by excessive force—  
10 Defendants has forever stopped Plaintiffs’ and Victor’s familial relationship.

11 63. Defendants conduct as alleged herein constitutes an unreasonable  
12 interference with Plaintiffs’ 14<sup>th</sup> Amendment rights.

13 64. As a result of Defendants conduct, Plaintiffs has suffered damages.

14 65. Defendants’ acts were willful, wanton, malicious, and oppressive, thereby  
15 justifying an award to Plaintiffs of exemplary and punitive damages to punish the  
16 wrongful conduct alleged herein and to deter such conduct in the future. *Morgan v.*  
17 *Woessner*, 997 F.2d 1244,1245 (9<sup>th</sup> Cir. 1993).

18 **PRAYER FOR RELIEF**

19 WHEREFORE, Plaintiffs prays for relief against Defendants as follows:

20 A. For all damages recoverable pursuant to A.R.S. § 12-611, *et seq.*;

21 B. For general damages to Plaintiffs against each Defendant, jointly and  
22 severally, for their emotional pain, distress, hardship, suffering, shock, worry, anxiety,  
23 sleeplessness, and suffering for the loss of their father.

24 C. For general damages to Plaintiffs for their loss of familial relations with their  
25 father;

26 D. For damages due to the Estate of Victor Altamirano, including pain and  
suffering, pursuant to 42 U.S.C. § 1983;

1 E. For punitive and exemplary damages against the individual Defendants, to  
2 be applied and paid jointly and severally, in amounts appropriate to adequately punish  
3 them and deter others from engaging in similar misconduct;

4 F. For prejudgment interest;

5 G. For costs and reasonable attorneys' fees pursuant to 42 U.S.C. § 1988 and  
6 as otherwise authorized by any other statute or law; and

7 H. For such other relief as the Court may deem proper.

8 DATED this 27<sup>th</sup> day of May, 2026.

9  
10 **KELLY & LYONS, PLLC**

11 /s/ Jason M. Kelly  
12 Richard D. Lyons  
13 Jason M. Kelly  
14 Anoop Bhatheja  
15 *Attorneys for Plaintiffs*

16 **CERTIFICATE OF SERVICE**

17 I hereby certify that on May 27, 2026, I electronically transmitted the attached  
18 document to the Clerk's Office using CM/ECF System for filing.

19 By: /s/ Karli Spires  
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