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Report of the Law Enforcement Involved Fatal Incident In-Custody Death of Angelo Voithugo  
Quinto on December 24, 2020

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## **Privacy Statement**

This report includes redactions of the names and other identifying information of victims, witnesses, neighbors, and Mr. Quinto's family members. Specific addresses are also not provided in this report. The public interest in such information is limited as it is not necessary to gain an understanding of the incident. Thus, the interest in nondisclosure clearly outweighs any public interest in disclosure.

For reasons related to privacy, as well as the readability of this report, the victims and witnesses will be indexed as follows:

- Witness 1 (W-1), Quinto's Mother
- Witness 2 (W-2), Quinto's Sister
- Witness 3 (W-3), Friend of Quinto's Sister
- Witness 4 (W-4), Quinto's Father
- Location #1, Quinto's residence, and location of incident

## Executive Summary

On December 23, 2020, at approximately 11:10 p.m.<sup>1</sup>, Antioch Police Department Dispatch Center received a call from Witness #2 (W-2) who stated Angelo Quinto was hurting her mother, Witness #1 (W-1). W-2 was screaming, "Stop it, Stop it." W-2 stated she was calling from inside her residence, Location #1. The call suddenly disconnected.

At approximately 11:11 p.m., the dispatcher called the residential telephone number, and W-2 answered. W-2 stated her brother is being very aggressive and he's hurting my mom, W-1. W-2 stated he's physically restraining us. W-2 said she retrieved a hammer to protect herself, but her brother is grabbing for it. She stated he uses drugs. A woman's voice (W-1) can be heard in the background saying, "I can't breathe, stop it." W-2 said he is strangling her.

At approximately 11:11:23 p.m., Officers Arturo Becerra and James Perkinson, Antioch Police Department (APD) were dispatched to respond to a priority one call involving an unknown problem at Location #1.

Upon arrival, Officers Becerra and Perkinson were contacted by W-2, who was holding a hammer in her hand. W-2 led the officers down the hallway to the rear bedroom. As they were walking towards the rear bedroom, officers could hear a commotion coming from that direction. As they reached the rear bedroom, they observed W-1 and Quinto on the floor engaged with one another in a "bear hug." W-1 reported she was trying to keep Quinto calm because he was acting erratic and had been physically aggressive. W-1 also believed Quinto would be scared and paranoid when the police arrived.

Officers Becerra and Perkinson separated W-1 and Quinto from their bearhug position on the floor. Officer Becerra kneeled, placed one knee on Quinto's shoulder, with his other knee on the floor. Quinto was handcuffed, lying on his stomach, with Officer Becerra near his shoulder, and Officer Perkinson holding his legs. They were able to place Quinto in handcuffs, but he was still resisting and moving his legs around. Officer Perkinson controlled Quinto's legs by placing them in a "figure four"<sup>2</sup>. This was the extent of force utilized by the two officers to restrain Quinto, and to prevent him from harming himself, W-1, or the officers.

Officer Perkinson was assigned as the primary officer, he concluded that this was a medical situation, and he believed Quinto was a danger to himself. Therefore, he requested a "wrap"<sup>3</sup>

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<sup>1</sup> All times and distances listed in this report are approximations.

<sup>2</sup> Figure four – a secure hold used in law enforcement where a subject's legs are secured by folding one leg into the posterior crease of the other leg and applying pressure to the upper leg to control the lower body

<sup>3</sup> Wrap – a safe restraint system, designed to protect subjects, officers, and staff by reducing the possibility of injury and death.

and an ambulance. Officer Perkinson explained to W-1 that Quinto would be transported to the hospital and not arrested.

Officers Daniel Hopwood and Nicholas Shipilov arrived on the scene and entered the residence. Officer Perkinson asked Officer Hopwood to relieve him because he needed to go outside to obtain a Welfare & Institution Section 5150 form. Officer Becerra re-positioned to Quinto's legs and Officer Hopwood kneeled in a "catchers" position near Quinto's shoulder. Officer Hopwood hovered over Quinto's shoulder, but he did not use any unnecessary pressure. He stated Quinto had calmed down.

At approximately 11:18 p.m., American Medical Response (AMR) personnel were dispatched to Location #1.

At approximately 11:23 p.m., American Medical Response (AMR) personnel arrived on the scene. The paramedics rolled Quinto over and his face was purple in color, there was blood on his face and the floor, and he was unresponsive. They placed him on the gurney and began life saving efforts.

At approximately 11:30 p.m., Quinto was transported to Sutter Delta Hospital where attempts to save his life were unsuccessful. He was pronounced dead on December 26, 2020, at 1:44 p.m. by Registered Nurse's (RN) Carol Bratanov and Ken Quach.

On December 24, 2020, at approximately 12:15 a.m., Chief Inspector Paul Mulligan, Contra Costa County District Attorney's Office (CCDAO) was notified of the incident. The CCDAO sent four senior inspectors to investigate the incident on behalf of the office.

No officers were injured during this incident. There were no injuries noted on W-1 or W-2.

On December 28, 2020, the Contra Costa County Sheriff's Coroner's Office conducted an autopsy on Quinto's remains. The forensic pathologist determined the cause of death to be Excited Delirium Syndrome due to acute drug intoxication with behavior disturbances, also due to arrest related death with physical exertion. With a comment that prone position with weight on the back may have played an additional role.

The Contra Costa County Sheriff's Office Coroner's Inquest was held on Friday, August 20, 2021. The jury returned a verdict of death caused by accident.

The legal issue to be decided by the CCDAO is whether any of the involved law enforcement officers violated any criminal laws. The Contra Costa District Attorney's Office analyzes each fatal incident on the case specific facts and circumstances. The community, including the deceased, his family and the involved officers, deserve an independent factual and legal analysis. Criminally liable depends on the facts of the case and whether those facts constitute a crime under the applicable laws.

While there are conflicting medical opinions as to the cause of death, the accounts of what transpired in the bedroom are consistent among all witnesses. The manner in which the Antioch officers engaged with Quinto was both lawful and objectively reasonable under the circumstances. Following the review of all available evidence and relevant law, the Office of the District Attorney has determined that the officers utilized reasonable force during the contact with Quinto.

## **INTRODUCTION**

This report is the final step in the CCCDAO investigation of the Antioch Police Department's in-custody death of Angelo Voithugo Quinto on December 24, 2020, in Antioch, California.

The CCCDAO and every law enforcement agency in Contra Costa County follow the Law Enforcement Involved Fatal Incident Protocol ("the Protocol")<sup>4</sup> to investigate incidents when officers or civilians are shot, killed, or die during an encounter with law enforcement. Under the Protocol, the CCCDAO investigates all in-custody deaths in Contra Costa County for the purpose of making an independent determination of criminal liability. The purpose of the criminal investigation is to determine whether any of the involved individuals, officers or civilians, committed a crime.

Pursuant to the Protocol, immediately after an in-custody death, the involved law enforcement agency is required to notify the appropriate district attorney personnel. Once notified, trained and experienced members of the District Attorney's Office respond to the scene and begin the criminal investigation. In addition, criminal investigators from the law enforcement agency involved in the incident and from the jurisdiction where the incident occurred, if different, respond to the scene as well. It is important to note that although these investigations happen simultaneously, each agency conducts its own independent investigation.

As part of the criminal investigation, law enforcement officers and civilians who witnessed the incident may be interviewed evidence is collected at the scene and may be submitted to the county crime lab for testing and analysis, in addition to any other relevant investigative work necessary to complete the investigation. The Contra Costa County Sheriff's Office Crime Lab responds to every incident and is responsible for evidence collection of all in-custody deaths.

During the course of the criminal investigation, an officer or deputy has the right to be represented by an attorney. They may voluntarily choose to provide a statement, physical evidence, or other relevant information during the criminal and administrative investigations. Under the law, neither an officer nor civilian can be compelled to give a statement as part of a law enforcement agency administrative investigation only. (See, Public Safety Officers

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<sup>4</sup> Contra Costa County was one of the first counties in the country to adopt a fatal incident protocol between the District Attorney and the law enforcement agencies within the county. The complete LEIFI protocol document can be located on the Contra Costa County District Attorney's Office website.

Procedural Bill of Rights Act, Government Code Sections 3300 et seq.). In accordance with the law, the CCCDAO does not participate in compelled administrative investigation interviews and does not review them as part of the independent criminal investigation. There are very narrow circumstances where an exception to this rule is allowed.

Independent of the CCCDAO and in accordance with the Protocol, the Coroner's Division of the Contra Costa County Sheriff's Office (CCCSO) conducts a Coroner's Inquest following most deaths that involve law enforcement personnel or law enforcement operations or activities within Contra Costa County.

The Coroner's Inquest is open to the public, conducted by a hearing officer (a private attorney hired by the Coroner's Division) and is held in front of a jury of citizens randomly selected from the Contra Costa County Superior Court jury pool. During the inquest, the hearing officer questions witnesses, and additional evidence may be presented. After hearing all of the evidence, the role of the jury is to decide whether the death was by (1) natural causes, (2) suicide, (3) accident, or (4) at the hands of another person other than by accident (i.e. homicide). The jury's decision has no legal bearing on the civil or criminal investigations or liability of any person(s) involved in the incident.

\*Note – This report contains sensitive information, photos, and or descriptions of an in-custody death.

## INVESTIGATION

### Overview

On December 24, 2020, at approximately 12:15 a.m., Paul Mulligan, CCCDAO Chief of Inspectors, received a call from the Antioch Police Department Dispatch Center stating that an in-custody death had occurred in their city. Chief Mulligan made the decision to respond to the scene with four District Attorney senior inspectors to conduct the criminal investigation on behalf of the CCCDAO.

When the CCCDAO investigative team arrived at Location #1, the crime scene was being physically guarded by Antioch PD personnel and the entire surrounding area was marked off with crime scene tape to aid the preservation of any physical evidence. Our team also observed the location of key items of evidence, paying particular attention to the room where the incident took place. After CCCDAO investigators reviewed the scene, the CCCSO Forensics Division (Crime Lab) was notified and arrived on scene to document their findings and collect evidence.

After walking through the crime scene and reviewing the associated evidence, the CCCDAO investigative team joined the Antioch PD Detectives at the Antioch Police Department. A joint briefing with both agencies was held to give an overview of the incident to ensure everyone with an active role in the investigation had the same information before any further steps were taken in the investigation.

After the briefing, Chief Inspector Paul Mulligan, CCCDAO, assigned each of the four CCCDAO senior inspectors different tasks. The investigative assignments were as follows:

- Senior Inspector Dave Mathers – Interview Antioch PD Witness Officers
- Senior Inspector John Garcia – Interview W-2 & assist CCCSO Crime Lab
- Senior Inspector Sean Eriksen – Ascertain the status of Quinto at Sutter Delta Hospital
- Senior Inspector Steve Cheatham – Interview Antioch PD Officers who were categorized as actors

Consistent with the Protocol, each senior inspector was accompanied by an Antioch Police Detective when performing the assigned investigative tasks. The officers involved in the incident were interviewed separately and were represented by an attorney after having been sequestered<sup>5</sup>.

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<sup>5</sup> The process where the involved officer(s) are physically separated and isolated from others immediately following a use of force incident and are ordered to not discuss the incident with anyone, except their attorney.

The Antioch Police Department officers do not wear body worn video cameras; therefore, the CCCDAO personnel were not able to view video footage of the incident prior to interviewing the officers who were categorized as actors.

Once the scene was processed and all the interviews were completed, the next steps in the investigation were to await the formal autopsy results, the completion of the crime lab testing, and the Coroner's Inquest hearing.

Overall, the CCCDAO investigation of the in-custody death investigation of Quinto was comprehensive, thorough, objective, and independent. In all, four Antioch PD officers, five civilian witnesses, and firefighter and emergency personnel were interviewed. The crime scene was also processed for evidence. This report represents hundreds of hours of investigation conducted by the CCCDAO,APD, and the Contra Costa County Sheriff's Office.

### **Evidence Reviewed**

- The crime scene (Location #1) on Crestwood Drive, Antioch, California
- Dispatch records and logs of the incident, 20-093098
- 9-1-1 audio recordings
- California Department of Justice criminal history information involving Quinto
- Prior police reports involving Quinto
- Interviews of all police officers categorized as actors (3), and witnesses (1)
- Interviews of all civilian witnesses associated with this incident (5)
- Interviews of the responding support personnel
- Autopsy of Quinto, by CCC Sheriff's Coroner's Office (Report Number 20-6944)
- CCC Forensics Services Division Report, 20-6944
- CCCSO Coroner's Inquest testimony and findings

### **Crime Scene Description**

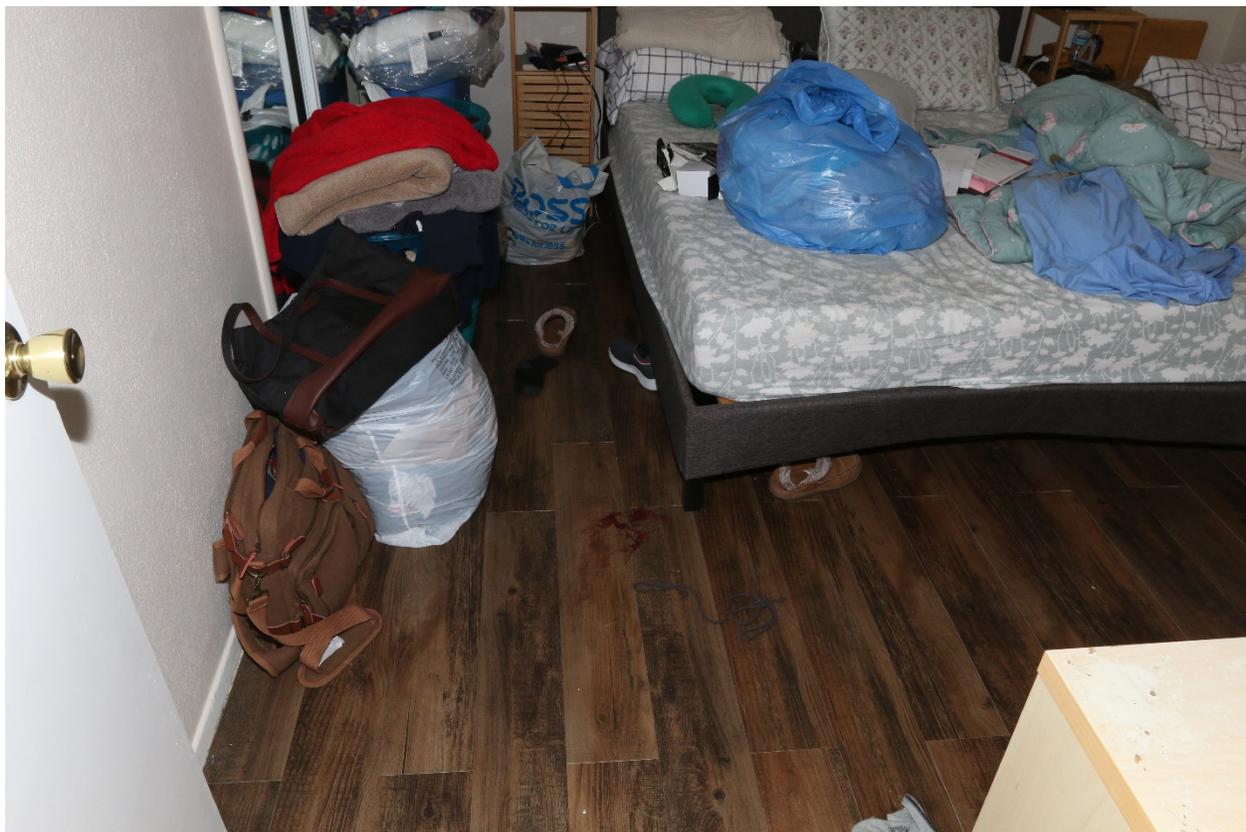
The incident took place at Location #1 which is located in a residential neighborhood in the city of Antioch. Location #1 is a single-story residence, with 3 bedrooms, and 2 bathrooms. As you enter the front door, the kitchen is located to the left of the front door, and the living room is straight ahead. The rear sliding door that leads to the backyard is located between the kitchen and living room.

### **Crime Scene Evidence Recovery**

The evidence at the crime scene located inside the master bedroom of Location #1 was processed by criminalists from the CCCSO Crime Lab. Evidence recovery, scene documentation, and photographs were completed by the lab. The master bedroom was located at the end of the hallway. A moderate amount of dried blood was smeared on the floor next to the front left corner of the bed. The dried blood was documented, as well as photographs of the vertical

blinds lying on the ground near the rear slider. A hammer was recovered from a couch in the living room near the entry way. There were 2 containers of G Fuel Energy Formula located on top of the center island in the kitchen.

The first bedroom down the hallway was identified as Quinto's room. There was a computer desk with a computer on top of it, and a black gamer chair in front of the desk. There were numerous plastic water bottles with blue liquid scattered around the room. A brown paper bag was located, with several empty plastic water bottles, containing blue liquid residue in them. There were 2 dietary supplement containers on top of the computer desk. One bottle was labelled Purely Optimal Brain Booster and the other was labelled Natures Craft Nero Health, Brain and Focus Formula. Also recovered in this room, were two individual packages of unopened medication labeled Modafinil 200. There were twenty tablets in total in these packages. There were also crumbled packages of Modafinil found on the top corner of the wood bed frame.



Photograph depicting the rear bedroom area with a small amount of blood on the floor



Photograph depicting the blood on the floor inside the rear bedroom



Photograph depicting two packages containing ten pills each of unopened medication labeled Modafinil 200

### **Angelo Quinto – Relevant Prior Incidents**

On October 4, 2020, members of the APD were dispatched to a call next door to Location #1. The police officers were responding to a call where a male was reported to be jumping on a fence and yelling. Officers arrived in the area and restrained Quinto. Quinto was placed in a 4-point restraint and moved to the gurney. According to the American Medical Response (AMR) report under case no. 0-163172, Quinto was not cooperating with the officers, and he was refusing to provide them with his name and age. He refused to answer assessment questions, and he appeared to be under the influence of drugs. He was transported to the hospital where he provided the staff with his name. The primary impression listed on the patient care report was agitated delirium and abnormal behavior. The chief complaint was an altered level of consciousness and the patient appeared to be psychologically impaired.

There was no police report authored by the APD.

### **Factual Summary**

On December 23, 2021, prior to the call for service, Quinto was acting paranoid, nervous, and he was being physically aggressive towards W-1 and W-2. W-1 and W-2 were concerned for his safety and their safety. W-2 retrieved a hammer to protect herself; however, she never struck anyone with the hammer.

The following information is meant to give the reader a detailed understanding of how the events unfolded. The remainder of this summary will be relayed according to a chronological timeline of when the events occurred<sup>6</sup>.

At approximately 11:10 p.m., APD Dispatch Center received a call from W-2 who stated Quinto was hurting her mother. W-2 was screaming, "Stop it, Stop it." W-2 stated she was calling from inside her residence, Location #1. The call between dispatch and W-2 suddenly disconnected.

At approximately 11:11p.m., the dispatcher called the residential telephone number, and W-2 answered. W-2 stated Quinto is being very aggressive and he's hurting my mom. W-2 stated Quinto's physically restraining us, and she retrieved a hammer to protect herself. She stated Quinto is grabbing for the hammer. W-2 stated that Quinto uses drugs. W-1's voice can be heard in the background saying, "I can't breathe, stop it." W-2 said he is strangling her. Officers Becerra and Perkinson, APD, were dispatched to Location #1. Officer Perkinson was designated as the primary officer.

At approximately 11: 12 p.m., the APD dispatcher broadcast that W-2 was armed with a hammer. She can hear her brother hurting their mom, and the brother is known to use drugs. Officer Hopwood stated he was responding.

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<sup>6</sup> The times, distance, and information provided is a summary of what occurred, for more detailed information see the CAD printouts and interviews with the referenced personnel.

At approximately 11:13 p.m., Officers Becerra and Perkinson arrived at the location. Officers Becerra and Perkinson were contacted by W-2, and she was holding a hammer in her hand. They told her to put the hammer down as they walked down the hallway towards the rear bedroom. The officers could hear commotion coming from the back bedroom. As they reached the threshold of the bedroom, they observed W-1 on the floor “bear hugging” Quinto. Quinto also had his arms around W-1 as they were facing each other.

Officers Becerra and Perkinson separated W-1 and Quinto from their bearhug position on the floor. Officer Becerra kneeled, placed one knee on Quinto’s shoulder, with his other knee on the floor. Quinto was handcuffed, lying on his stomach, with Officer Becerra near his shoulder, and Officer Perkinson holding his legs. They were able to place Quinto in handcuffs, but he was still resisting and moving his legs around. Officer Perkinson controlled Quinto’s legs by placing them in a “figure four” position. This was the extent of force utilized by the two officers to restrain Quinto, and to prevent him from harming himself, W-1, or the officers.

At approximately 11:16 p.m., Officer Perkinson requested a “wrap” and an ambulance.

At approximately 11:17 p.m., Officer Hopwood arrived on the scene. Officer Hopwood entered the rear bedroom and he switched positions with Officer Becerra. Officer Hopwood kneeled in a “catcher’s” position above Quinto’s shoulder. Officer Becerra moved down to Quinto’s legs to replace Officer Perkinson. W-1 was standing in the room, monitoring the situation, and she ultimately turned on the video/audio recording function on her cellular telephone.

Officer Perkinson told W-1 that Quinto would be transported to the hospital, and he is not under arrest. Officer Perkinson was treating this call as a medical call; therefore, he believed Quinto needed to be evaluated to see if he is a potential danger to himself or to others. Officer Perkinson walked outside to obtain a W&I 5150 form, which he received from Officer Shipilov.

At approximately 11:18 p.m., American Medical Response (AMR) personnel were dispatched to Location #1.

At approximately 11:23 p.m., AMR personnel arrived on the scene. The paramedics entered the residence, rolled Quinto over, and noted his face was purple in color, there was blood on his face and the floor, and he was unresponsive.

At approximately 11:29 p.m., Officer Becerra broadcast that Quinto became unconscious, while being detained, “CPR” is in progress, and he requested a supervisor to respond to the scene.

At approximately 11:30 p.m., Quinto was placed on the gurney and transported to Sutter Delta Medical Hospital (SDMH) by AMR personnel.

At approximately 11:32 p.m., Quinto arrived at SDMH.

On December 24, 2020, at approximately 12:15 a.m., the APD Dispatch Center notified Chief Mulligan (CCDAO) and the Contra Costa County Law Enforcement Involved Fatal Incident Protocol was invoked.

On December 26, 2020, at approximately 1:44 p.m., Quinto succumbed to his injuries and was pronounced dead by Registered Nurse's Bratanov and Quach.

### **Cellular Telephone Footage**

The cellular telephone audio and video footage was captured by Quinto's mother, W-1. The audio and video footage are only seventeen minutes and twenty-five seconds in length. Only some portions of this incident were captured on video. The video had a time stamp of the recording at 11:21 p.m.

The relevant portions of the cellular telephone audio and video footage depict the following information:

The audio and video footage starts, and it depicts part of the bed and wall in the bedroom, and you can hear W-1 breathing hard in the background. The video is grainy, and Officers are heard in the background talking, but the officers and Quinto are not visible. Officers are asking W-1 questions. Do you have an inhaler? Does he take any medication? W-1 replies that she is not aware of him taking any medication. The officers tell W-1 that they are taking Quinto to the county hospital because he may be a danger to others. W-1 states he was hallucinating, and he wasn't attacking us. The officers tell W-1 that Quinto is being transferred to the hospital and he is not going to jail. W-1 inquires if there is a possibility of Quinto receiving rehabilitation or potentially being placed in a halfway house. The officer states there are places or services like requested, but a lot of place or services are closed due to Covid-19. W-1 states that Quinto doesn't need to go to jail, and officers reinforced to her that he will be transported to the hospital.

The Officer asked if Quinto has ever been placed on a psychiatric hold? The officer says he has calmed down a lot, and he's going to be good. The officer says, "Angelo, you going to be calm?" "Angelo", W-1 asks if he fell asleep? She then states, "There's blood." The officer can be overheard yelling, "Angelo, Angelo!" There is no verbal response from Angelo. The officer asked W-1 if Quinto had anything to eat today, and W-1 stated when she arrived at home, Quinto was sleeping.

At the 4 minute and 53 second mark of the audio and video footage, Quinto is now visible on the floor, handcuffed, and lying on his side in a recovery position. There is one officer visible standing by his feet and the other officer is standing near his head. One Officer appears to rub Quinto's chest. The officers then roll him over on his side, and then his stomach, and remove the handcuffs. A paramedic arrives and they place Quinto on his back, on top of a white plastic

tarp. They lift him and place him on a gurney in the hallway. A paramedic is visible conducting chest compressions on Quinto.

At the seven minute and eighteen second mark, paramedics are visible and pushing Quinto down the hall on the gurney. W-1 can be overheard asking if he is okay, or if he is dead.

At this point, the officers can be heard asking W-1 for personal identifying information, and they begin asking her detailed questions about Quinto. For further details refer to the civilian interview section.

### **Interviews of Involved Officers**

There were four Antioch Police Officers who responded and were involved in this incident. Three of those officers are considered actors, meaning they were in a position where they could have used force on Quinto<sup>7</sup>. This report will detail the interviews of the actors and those who witnessed a key portion of this incident and can help provide a more complete picture of what occurred<sup>8</sup>. The interviews will describe the incident from the perspective of the involved officers. There may be information, statements, or recollections of events that are inaccurate or inconsistent with the facts of this incident as they are currently understood. The information is being listed in the manner in which it was relayed to the investigators during the interviews<sup>9</sup>. The APD does not have Body Worn Camera's (BWC); therefore, there was no video footage to observe from the responding officers.

During the course of the criminal investigation, an officer has the right to be represented by an attorney. They may choose to provide a statement, physical evidence, and other relevant information. It's important to note that, neither an officer or civilian can be compelled to provide a statement or other relevant information during an internal administrative investigation by the officer's employer<sup>10</sup>. In this investigation, all the involved officers provided voluntary statements to the CCCDAO and the APD with their attorney present. Each officer was interviewed separately from others within hours of the incident after being subject to sequestration.

### **Officer Arturo Becerra**

Officer Arturo Becerra was interviewed on December 24, 2020, at approximately 5:48 am, by Detective (Det) John Cox, APD, and Senior Inspector Steve Cheatham, CCCDAO. His attorney, Doug Foley, was present for the interview.

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<sup>7</sup> Actors-Law Enforcement personnel whose conduct was actually or conceivably a factor in the fatality (CCC Protocol, pg.14).

<sup>8</sup> The original records are retained by agencies involved in this incident. Copies can be obtained by contacting them directly.

<sup>9</sup> The authors of this report did not participate in the interviews of the involved officers.

<sup>10</sup> Public Safety Officers Procedural Bill of Rights Act, Government Code sections 3300 et seq.

The following is a summary of the relevant portions of Officer Becerra's interview:

Officer Becerra stated that he understood he was providing a voluntary interview and he wanted to participate. Officer Becerra stated he has been employed as a police officer with the APD approximately 2 ½ years. He stated he attended the Alameda County Sheriff's Office Training Center Academy in February of 2018. Officer Becerra stated he is currently assigned to the swing shift, from 2:30 pm to 12:30 am, and his call sign for the night was 2Y2. Officer Becerra stated he was wearing his department issued uniform, with APD patches, and his name badge.

Officer Becerra stated he was dispatched to a "911" call, where the caller stated she and her mother were being attacked by a male subject inside the house. The caller stated the male subject was armed with a hammer, but the female caller said she had taken the hammer away from the male. The female caller stated the male was choking her mother, and there was an active fight inside the house.

Officer Becerra stated he arrived at the residence in approximately three to five minutes, and Officer Perkinson arrived on the scene at approximately the same time. Officer Becerra stated he could hear screaming coming from inside the residence. Officer Becerra observed a female exit the residence with a hammer in her hand, and a cellular telephone in the other hand. The female stated, "He's in the house!" The female directed the officers into the house and pointed down the hallway, to a room at the end of the hallway.

Officer Becerra stated he walked down the hallway and entered the bedroom. He observed Quinto and his mother struggling in a physical altercation on the bedroom floor. Officer Becerra specifically stated that the mother was on top of Quinto, and she had him in a "bear hug." As described by Officer Becerra, Quinto was positioned on his back partially against a TV entertainment stand. Officer Becerra indicated that it took a little while to get W-1 off Quinto, and he directed W-1 to separate from Quinto stating, "we're going to put him in handcuffs." Officer Becerra grabbed one of Quinto's free arms to attempt to control him. Quinto started to struggle and attempted to pull away, but he was able to get Quinto's arms behind his back. Quinto continued to struggle and Officer Becerra rolled Quinto onto his side in an attempt to handcuff him. Officer Becerra stated he tried to de-escalate the situation, and Officer Perkinson had entered the room. Officer Becerra kneeled near Quinto's shoulder area and placed pressure on his shoulder, as Officer Perkinson attempted to grab Quinto's legs to prevent him from kicking the officers. Officer Becerra and Officer Perkinson were able to place Quinto's hands behind his back and handcuff him. Quinto had been rolled from his back onto his stomach, to handcuff his hands behind his back.

Officer Becerra stated the only force used to handcuff Quinto was placing his hands behind his back. He further stated they overpowered Quinto's strength to get his arms close enough, behind his back, to place handcuffs on him. Officer Perkinson initially controlled Quinto's legs to

prevent him from kicking. Shortly thereafter, Officer Becerra switched to Quinto's legs, when Officer Perkinson left the room. Officer Perkinson left the room to obtain the proper paperwork to complete after they determined Quinto was going to be placed on a psychiatric hold. An ambulance had been requested, and Officer Perkinson needed to coordinate with the ambulance.

Officer Becerra placed Quinto's legs into a "figure-four" to prevent him from kicking the officers. He stated one of Quinto's legs was bent at the knee toward the other leg, the ankle is placed into the inside crook of the opposing knee, which resembles a "figure-four". The outside leg is bent over the ankle, and minimal pressure is applied to the one leg, over the top of the other, and at that time, both legs can be controlled. He stated he was aware of the amount of pressure he was applying to Quinto's legs. He stated he squatted over Quinto's leg and had contact with Quinto's legs with the inside portion of his thighs. He stated there was no pressure on Quinto's torso area. He said Quinto was still struggling, but they were able to control him by using slight pressure on his legs. He was unable to provide the length of time he put pressure on Quinto's legs.

Officer Becerra stated Quinto's mother was in the bedroom the entire time. Following her physical struggle with Quinto, she appeared to be hyperventilating. Officer Becerra asked her if she needed medical attention. She declined. He said Quinto continued to scream. Officer Hopwood entered the bedroom while he was still talking to Quinto's mother. The paramedics arrived in the bedroom with a stretcher, and he released the "figure-four" on Quinto's leg. At this point, he realized Quinto was not moving anymore. He rolled Quinto on his side, observed some blood around his mouth, and that he was unresponsive. Officer Becerra said he immediately removed the handcuffs and the paramedics placed Quinto on the gurney. The paramedics began life saving efforts, placed Quinto in the ambulance, and transported him to the hospital.

Officer Perkinson re-entered the bedroom to interview Quinto's mother. Officer Becerra contacted Quinto's sister and determined she was the female who placed the original call to the police. Quinto's sister stated he had been hallucinating, acting paranoid, and he was grabbing both she and her mother. An altercation started between Quinto and his mother, and the sister ran out of the bedroom to call the police. She stated that Quinto had been depressed and he had a drug problem, but she did not know if he had ingested drugs today.

Officer Becerra stated he learned the "figure-four" technique during his Crisis Intervention Training (CIT) for the APD. Officer Becerra re-stated that he had one knee on the floor, the other one on Quinto's left shoulder, while he was placing Quinto's arms behind his back. Officer Becerra stated he never had his full body weight on Quinto's shoulder, due to one knee being on the floor. He said he was able to control Quinto enough with one knee on his shoulder, to place his arm behind his back, and place the handcuffs on him. He stated there were no physical strikes, control holds, pepper spray, or taser used while they were trying to restrain

Quinto. He stated Quinto was already on the floor when they contacted him, and they rolled him on his stomach to place the handcuffs on him. Officer Becerra was not made aware of any mental health issues pertaining to Quinto, prior to contacting him.

On August 20, 2021, Officer Becerra testified during the Coroner's Inquest and his testimony was consistent with the above listed voluntary statement.

### **Officer James Perkinson**

Officer James Perkinson was interviewed on December 24, 2020, at approximately 6:29 am, by Detective (Det) John Cox, APD, and Senior Inspector Steve Cheatham, CCCDAO. His attorney, Doug Foley, was present for the interview.

The following is a summary of the relevant portions of Officer Perkinson's interview:

Officer Perkinson stated he has been employed as a police officer with the APD for approximately twenty years and he is currently assigned to the patrol division. He is on the blue graveyard team, his call sign is 2Z2, and he started working on the evening in question at 9:30 p.m. Officer Perkinson said he and Officer Becerra were dispatched to a call involving a female screaming an address. The female caller disconnected the call and apparently called back. The female caller stated that someone was in possession of a hammer, and that someone was choking or strangling their mother.

Upon arrival, Officer Becerra entered the residence before him, but he was only one or two seconds behind him. Officer Perkinson said he believed the sister was pointing down the hallway to a back bedroom. They could hear a disturbance coming from the back bedroom. Upon entering the bedroom, Officer Perkinson observed a male and a female on the bedroom floor engaged in a physical struggle on the ground, "bear hugging" one another. At the coroner's inquest Officer Perkinson provided further detail: "They were both on the floor. I want to kind of say she was on top of him, and almost like she was holding him, but he was holding her just the same."

Officer Perkinson indicated that as they attempted to separate W-1 and Quinto, he was trying to pull away. They were able to push him onto his stomach. Officer Perkinson grabbed his right hand and Officer Becerra grabbed his left hand, and they were able to get his hands behind his back. He said they never struck him, used any kind of impact weapon, taser, or anything like that. He said he never observed Officer Becerra use any weapons or conduct any body strikes. They were able to place him in handcuffs with a little bit of a struggle. Officer Perkinson stated that the male continued to struggle, and he tried to pull away from them by flailing his legs. Officer Perkinson held down his legs, but he continued to try to kick. Officer Perkinson stated he is aware of positional asphyxia, and they made sure not to put any weight on his body. He stated Officer Becerra did have his knee on Quinto's shoulder.

Officer Perkinson stated the male never described that he was having any problem breathing, he was talking, and moving around. He never mentioned that he couldn't breathe. We were just trying to hold him down so he wouldn't hurt himself. He said he did remember the male stating, "Don't kill me!" Officer Perkinson said he remembered the mom stated the male was hallucinating.

He stated the mother was in the corner of the room and he conversed with her. He asked her if he was on drugs or if he was suffering from mental illness. She stated there was a mental health issue, but they were still trying to confirm. He stated she felt like there was some drug use, but she wasn't sure.

Officer Perkinson stated the male was continuing to struggle; therefore, he placed him in a "figure-four". He stated he only put the necessary pressure on his legs to overcome the male's resistance. A few minutes later, they realized this was more of a W&I 5150 issue, instead of an assault. They requested an ambulance, a "wrap", and additional officers. He stated Officers Shipilov and Hopwood arrived. He stated they shuffled, as Officer Becerra moved to the leg area, and he left the room to obtain the W&I 5150 form from his patrol vehicle. Officer Shipilov was outside having a conversation with AMR. He stated he couldn't find the appropriate form, but Officer Shipilov gave him one. He began filling out the paperwork.

Officer Perkinson returned inside the residence, looked down the hallway, and observed the paramedics performing lifesaving efforts on Quinto while he was on the gurney. He noticed there was blood on the face of the male, but he did not know what caused him to bleed. He said there was no blood when he initially left the residence to obtain the form.

Officer Perkinson stated the paramedics removed the male from the residence, and he began questioning the mother. The mother stated nobody in the house had struck him and she did not observe any officers strike him. He said he kept everyone away from the bedroom until he was relieved by Officer Ibanez, APD.

Officer Perkinson stated a couple of months ago, he responded to a call on Crestwood Drive, where a subject was attempting to jump over a fence. Officer Perkinson believed Quinto was the same individual he contacted in the neighbor's yard a couple of months ago. He said his actions were similar to the way he acted a couple of months ago. He stated the male was not making any sense, and they requested an ambulance on that occasion as well. He was transported to Sutter Hospital. Upon arrival at Sutter Hospital, he was able to obtain the name of his mother. Officer Perkinson called the mother, and he left the male (Quinto) at the hospital.

On August 20, 2021, Officer Perkinson testified during the Coroner's Inquest and his testimony was consistent with the above listed voluntary statement.

## **Officer Nicholas Shipilov**

Officer Nicholas Shipilov was interviewed on December 24, 2020, by Detective (Det) Gerber, APD, and Senior Inspector Dave Mathers, CCCDAO. His attorney, Doug Foley, was present for the interview. The above listed officers did not document the time the interview started but it was concluded at 8:12 a.m.

The following is a summary of the relevant portions of Officer Shipilov's interview:

Officer Shipilov stated he understood that this interview is voluntary. He stated he has been employed by the APD as a sworn peace officer for approximately 2 ½ years. He stated he has been a police officer in California for approximately fourteen years, as he stated he had prior law enforcement jobs with the city of Fort Bragg, and the County of Mendocino. He stated he also has worked for the Brentwood Police Department for approximately seven years. He stated he graduated from the Alameda County Sheriff's Office Academy in 2006 while being employed by the Santa Clara Police Department.

Officer Shipilov stated he has been a K-9 handler for approximately five years. He stated he is a Field Training Officer (FTO) and he was a prior member of the SWAT Team with the Brentwood Police Department. Officer Shipilov said his normal work shift begins at 9:30 p.m. He described his uniform and the equipment he was carrying on his full duty belt and exterior vest carrier.

While responding to Location #1, Officer Shipilov stated dispatch continued to provide additional updates. The dispatcher stated the male party was armed with a hammer, and the caller heard the male choking her mother. He also heard over the police radio that Officer's Becerra and Perkinson had arrived on the scene. They stated the male was being detained.

Officer Shipilov stated he cleared himself from the call because the male was being detained; therefore, he was no longer needed. He said a short time later, the officers at the scene broadcast that they were going to place the male in the restraint wrap device. He said he had the dispatcher re-assign him to the call because it takes more than two officers to apply the restraint wrap device. He stated he has been on prior calls when the restraint wrap device has been used.

Officer Shipilov, while responding to the location, suspected that it may have been the same male that they dealt with on a similar call for service approximately two or three months ago. He stated there was a male who was acting like he had an altered state of consciousness. He was in the neighbor's yard just north of the residence they were responding to today. The neighbors had called because he was acting kind of unpredictable, and they were not sure what was going on. The male appeared to be under the influence of methamphetamine or a central nervous system stimulant. He said they tried to reason with him, but his level of consciousness was altered to the point where it was fruitless to try to communicate with him. He said they had to physically restrain him to the gurney, because he was kicking and thrashing around.

Officer Shipilov stated the male ended up being the same person (Quinto) they dealt with today.

He stated he and Officer Hopwood arrived tonight at the location at the same time. He said they entered the house, walked to the back bedroom, and the male was on the floor. The male's mother was there with Officers Perkinson and Becerra. The male was handcuffed, laying on his stomach, and Officer Perkinson was restraining his lower body. He stated Officer Perkinson was using a "figure-four" leg restraint. Officer Shipilov said he didn't recall if Officer Becerra was kneeling on the male's chest. He just stated he was in a kneeling position, and he couldn't see his hand positions. He said, "I think he was just kind of holding his chest down." He stated the male was talking incoherently, but he was communicating. The male was not complaining about any kind of difficulties due to the position he was physically placed in.

Officer Shipilov was unable to determine the amount of weight he applied to the upper body, but he said Officer Perkinson was basically using his arms to hold the foot of the male. He stated Officer Perkinson was not applying any body weight. He stated the male calmed down and they decided not to apply the wrap. Officer Perkinson asked either Officer Hopwood or himself to switch positions with him. Officer Hopwood switched positions. Officer Perkinson was the primary officer on the call, and he wanted to return to his patrol vehicle to obtain a 5150 form. He said Officer Hopwood entered the bedroom. Officer Shipilov walked outside the residence with Officer Perkinson.

Officer Shipilov stated the paramedics arrived approximately two minutes later, and he gave them a quick briefing outside, and they entered the residence. Officer Shipilov gave Officer Perkinson a 5150 form. He said he returned inside the residence and the officers were still in the bedroom, the paramedics were in the hallway with the gurney, and the mother was in the bedroom. Officer Shipilov stated he did not have a good view of the bedroom. The paramedics used the tarp to pick up the male and place him on the gurney. At that point, the male looked unconscious with no signs of life. His face was expressionless, and there was no rise and fall of his chest. There was just a blank stare, no facial movements, and a little bit of blood was on his face. The paramedics immediately started life saving efforts.

Officer Shipilov did not testify at the Coroner's Inquest.

### **Officer Daniel Hopwood**

Officer Daniel Hopwood was interviewed on December 24, 2020, at approximately 7:18 a.m., by Detective (Det) Gerber, APD, and Senior Inspector Dave Mathers, CCCDAO. His attorney, Doug Foley, was present for the interview.

The following is a summary of the relevant portions of Officer Hopwood's interview:

Officer Hopwood and his attorney confirmed that the interview was voluntary, and he was under no order to participate. Officer Hopwood stated he has been a police officer with the City

of Antioch for approximately seven years. He stated he completed the Pittsburg Police Department Law Enforcement Academy in 2013. Officer Hopwood stated he is also a member of the rifle team, but he is currently assigned to the Patrol Division. He started work on Tuesday night at approximately 9:30 p.m. and he concluded his shift at 7:30 a.m.

Officer Hopwood stated he was wearing a fully marked APD uniform, with patches on both shoulders, and an exterior vest with the metal APD issued badge. He was also wearing a department issued utility belt and his sidearm. Officer Hopwood stated his call sign was "2Z1".

Officer Hopwood stated he overheard the call with the reporting party stating that the son is choking or strangling the mother. He stated he responded to the dispatch and was enroute to the call as the third officer assigned. He stated another unit also advised they were responding to the scene as well. Officer Hopwood stated as he was closer to the scene, units on scene advised the subject was detained. They advised the incoming units to bring a "wrap".

As he arrived on the scene, he overheard the officers inside the residence requesting an ambulance for a possible 5150 committal. Officer Hopwood stated Officer Shipilov arrived on scene at the same time, and they went inside the residence together. As they arrived in the bedroom, the officers stated that they do not need a "wrap", because the plan was to restrain him on the gurney. Officer Hopwood stated there were two officers in the bedroom and the mother was also standing in the room. He observed the male was handcuffed and lying face down on the ground. Officer Perkinson had his feet in a "figure-four" lock. He observed Officer Becerra on the subject's left shoulder.

Officer Hopwood stated the male was screaming and hollering. He moved some items from the hallway to make room for the paramedics. Officer Perkinson asked him to switch positions with him, because he needed to go outside to retrieve some paperwork. He said Officer Becerra switched with Officer Perkinson and Officer Hopwood was near the males left shoulder blade. Officer Becerra continued with the "figure-four" leg lock.

Officer Hopwood stated they were telling the male to calm down, and they asked the mother if she needed medical attention. She declined. Officer Hopwood said he was hovering over the male like he was in a "pitcher stance." His legs started to get tired; therefore, he placed one of his knees on the ground. The male eventually calmed down. Officer Hopwood believed he was near the left shoulder blade for approximately three minutes, and during this time it appeared the male's chest was moving.

The paramedics arrived just after he switched over to the right shoulder blade area of the subject. The paramedics rolled him over, placed him on a white bag, and was going to lift him onto the gurney. As they rolled him over, they observed his nose was bleeding. This was the first time he noticed there was blood, and he was also unresponsive. The mom started saying that Quinto was not trying to hurt her. She said he was trying to save her because he was seeing things or hallucinating.

Officer Hopwood stated they immediately called “fire” and asked for a supervisor to respond to the scene. Officer Hopwood assisted the paramedics in placing the male onto the bag, and then onto the gurney. They started life saving efforts after he was placed on the gurney.

Officer Hopwood stated he was aware of some things being said in the media regarding George Floyd, so he was not trying to hurt the subject or anything like that. He said he was conscious of his interaction with Quinto. He said he told Officer Becerra to be aware of his position and the amount of pressure he was applying to the “figure-four” leg lock. He said that Officer Becerra was positioned further down the legs, and he didn’t think there was any pressure being applied. Officer Hopwood now described his position as a “catcher” position. Officer Hopwood ultimately stated that he stood up because the male was not resisting anymore.

The interview was concluded at 7:43 a.m.

Officer Hopwood testified at the Coroner’s Inquest and his testimony was consistent with his voluntary statement. During the inquest, he stated his knee was on Quinto’s left shoulder blade for approximately twenty to thirty seconds only. He stated he was in this position while they were repositioning the leg lock.

### **Interviews of Civilian Victims and Witnesses**

The following civilian interviews were conducted by Sr. Inspectors from the CCCDAO and Detective’s from the APD. The following voluntary civilian interviews were recorded by law enforcement personnel.

#### **Dr. Leann Mainis, Sutter Delta Emergency Physician**

On December 24, 2020, at approximately 1:08 a.m., Sr. Inspector Sean Eriksen, CCCDAO, contacted Dr. Leann Mainis, Sutter Delta Emergency Physician, to ascertain the status of Quinto.

The following is a summary of the relevant portions of the statement:

Dr. Mainis stated Quinto suffered cardiac arrest while being transported to the hospital and he was revived upon his arrival. His brain was not receiving oxygen during his cardiac arrest, and he suffered neurological damage as a result. Dr. Mainis explained Quinto was unable to breathe on his own and he was convulsing. He was scheduled to be transferred to the Intensive Care Unit and a Neurologist would examine Quinto to determine the extent of the neurological damage. She stated Quinto was in very critical condition and said surviving through the night was unlikely.

Dr. Mainis stated the hospital conducted a drug screen on Quinto’s blood and the results were negative for illicit drugs. She stated she was not confident in the results as she has experienced cases where patients’ drugs screens showed false negatives. She attributed some of the

negative results to the narrow scope for which the drug screen tests and suggested a full toxicology report to determine if any drugs or narcotics were in his system.

Dr. Mainis said she was also skeptical of the negative drug screen because she remembered Quinto from a prior emergency room visit a few months prior, where he suffered a dislocated shoulder while being under the influence of methamphetamine.

### **Witness #1 (W-1)**

W-1 was interviewed on December 24, 2020, at approximately 2:55 a.m., by Sr. Inspector Sean Eriksen, CCCDAO, and Detective Gragg, APD, inside the second-floor interview room at the APD. W-1 is the mother of Quinto, and a witness in this incident.

The following is a summary of the relevant portions of W-1's interview:

W-1 stated she returned home from work at approximately 7:30 p.m. She stated she works for an import/export business in Hayward, California. She stated her daughter accompanied her to work today. Upon arriving home, W-1 opened Quinto's bedroom door, and gave him a keyboard that was delivered today. She left the room and closed the door behind her.

W-1 later woke to Quinto asking what she was going to make for dinner. W-1 was upset that Quinto woke her up to ask that question. She attempted to fall back asleep; however, she was awakened by Quinto, asking her to join him outside to smoke a cigarette. She described Quinto's behavior as being "weird" and suspected "something's wrong." She stated Quinto has had anxiety attacks in the past, and she would always try to remain calm. She would normally smoke a cigarette with Quinto to calm his nerves.

Quinto called for W-2 to come inside the house and W-1 told Quinto to leave W-2 alone. W-2 entered the house and Quinto attempted to pull W-1 and W-2 together. He pleaded with them, "Let's talk, let's talk!" W-2 tried to pull away from Quinto as she stated, "You're hurting Mom!...You're hurting me!...Stop!...Don't touch me!" W-1 stated they were scared; therefore, W-2 called the police. W-2 decided to pick up a hammer, because there were tools scattered around the house, and she was afraid of Quinto.

As the police were responding, W-1 stated she was inside her bedroom with Quinto. W-1 stated she placed Quinto in a bear hug as she had him pinned against the wall, and she was using her bed as leverage. She was relieved to see the police arrive. W-1 stated she was holding onto Quinto because she was concerned how he would respond to the police. She said Quinto "freaked out" when he learned the police were called.

W-1 stated the police arrived and handcuffed Quinto, and he was saying, "Help...Help... stop!" She heard an officer tell him that he was going to be okay, and to stop moving. Quinto was placed "face-down on the floor and the feet up--crissed—cross." W-1 said she called out to

Quinto to “stop,” while the police officers detained him. Quinto finally stopped resisting. The police officers requested an ambulance. The police officers turned him over and she observed blood coming from his mouth. She stated Quinto’s face was purple and she was very concerned for his well-being. W-1 stated she was not suffering from any injuries.

W-1 stated Quinto wasn’t “really resisting” and one police officer had his knee placed on his back, between the shoulder blades, while he was being placed in handcuffs. W-1 did not see any of the officers strike Quinto. W-1 stated she recorded the interaction with the police officers via her cellular telephone. She said, “You won’t see anything, you know like resisting or the cops being aggressive.” She stated there was really no violence. She was concerned because the officers didn’t check on Quinto’s health sooner, rather than waiting for the paramedics to arrive.

She stated Quinto was under the care of a therapist, who told W-1 that Quinto should be diagnosed by a physician, but she didn’t disclose Quinto’s possible medical condition. Quinto would normally start acting paranoid and he would have an overwhelming desire to be close to family members. On one occasion, he was suffering from paranoia, and W-1 slept in the living room with him to calm him down. She said he had no other pre-existing medical conditions. She did state he was “formally discharged” from the Navy due to allergic reactions. The Navy was unable to determine the cause of the allergic reactions; therefore, he was discharged. W-1 stated Quinto has a history of drug and alcohol abuse. She didn’t know the specific kind of drugs, but she did mention cocaine and marijuana. W-1 also stated that Quinto has received medical attention on numerous occasions, because he has a problem with his shoulder popping out of the socket. On a prior occasion, he “sneezed,” and his shoulder popped out of the socket.

## **Witness #2 (W-2)**

W-2 was interviewed on December 24, 2020, at approximately 2:55 a.m., by Sr. Inspector John Garcia, CCCDAO, and Detective Matthew Summers, APD. W-2 is the sister of Quinto, and a witness in this incident.

The following is a summary of the relevant portions of W-2’s interview:

W-2 resides at Location #1 with Quinto and her mother; however, she attends college out of state. She is currently home visiting with her family during the holidays. W-2 said she shares the master bedroom with her mother. W-2 and her mother returned home tonight at approximately 6:00 p.m., and Quinto was in his bedroom with the door closed. They assumed he was asleep. Around 9:30 p.m., W-2 said she was in her room having a conversation with a friend via Zoom. Her brother, Quinto, kept coming in and out of the room and she became annoyed. He kept removing Q tips from the bathroom, and he was acting paranoid as he often does. She moved to the garage area to have more privacy.

Quinto followed her into the garage, and he was making her feel uncomfortable. He was acting paranoid and nervous, and he kept asking her what she was doing. W-2 walked Quinto back into the residence, where her mother was, and she left her cellular telephone in the garage. Once inside, Quinto grabbed his mother's arm and W-2's arm, while standing between them, and clutching his hands to his chest. W-2 said Quinto wanted all of them together, and he stated he wanted to smoke a cigarette. They were standing near the kitchen and living room, near the rear sliding door.

Quinto was acting nervous, paranoid, but not angry. W-2 said he kept repeating, "what's happening, what are you doing?" W-2 told Quinto to let them go multiple times, and she stated she wanted to retrieve her phone to tell her friend she can't talk right now. Quinto refused to let them go.

W-2 said he was acting rough, and he was "frantically desperate" on holding them together. W-2 stated Quinto had acting like this in the past, but not as bad as tonight. W-2 said they attempted to pull away, but Quinto would tighten his grip or re-position his hold. W-2 was concerned for her mother's safety; therefore, she told Quinto if he didn't let go, she would call the police.

W-2 observed a hammer on a table near the front door as she was looking for something to defend herself with. W-2 said Quinto appeared to look at the hammer as well, and she feared he would grab it, but she was able to grab it for her safety first. She clutched it to her chest. She said Quinto was holding them for less than ten minutes, but she was able to call the police while he was holding them. Her mother complained of pain while Quinto tightened his grip, and she believed her mother was starting to panic.

W-2 said she was able to free herself, walk to Quinto's room, and close the door. Quinto was still in the other room holding his mother. W-2 could hear the struggle and her mother telling Quinto to stop. She said her mother was yelling for help. W-2 stated the police arrived approximately one minute later. She opened the door, and two officers entered the residence. W-2 said she returned to Quinto's bedroom. She was unable to see Quinto and her mother. She said she opened the door momentarily, and she observed Quinto face down on the floor of the master bedroom, close to the doorway. She observed one officer kneeling next to him, but she couldn't see where his knee was placed. Her view was obstructed.

W-2 heard Quinto yelling, "Don't kill me! or "Are you going to kill me?" The officer stated they were not going to kill him. Her brother was uncooperative, but he was not fighting with the police. W-2 said she never observed the officers place Quinto on the ground, and she did not have any knowledge of how he was placed on the ground. She said she did not remember hearing loud struggling noises. After a few moments, Quinto became silent. She overheard the officers ask each other where the blood came from. She opened the door and observed her brother being attended to by the paramedics on the gurney. She said his face was purple. W-2

placed the hammer on the couch. The officers told her when they arrived, her mother had her arms wrapped around Quinto, and was restraining him near the master bedroom.

W-2 stated that they moved to Location #1 in September of 2020, and she arrived home for the first time to this location in November of 2020. She said they lived in Berkeley prior to moving to Location #1. She stated Quinto does not have a history of violence, but she believes he suffers from mental illness. She stated depression, paranoia, and she also said he may have a chemical imbalance. He has suffered from clinical depression, and he has seen a therapist in the past.

Prior to W-2 leaving for college, there was an incident where Quinto was taking a substance that “gamers” use to increase their focus. She believed he became paranoid, and his behavior changed while under the influence of this substance. W-2 said this was the first time she ever observed Quinto become physical with her and her mother. She also stated this was the first time she ever called the police on her brother. She said Quinto had grabbed her on her upper biceps, but there were no visible injuries.

### **Witness #3 (W-3)**

W-3 was interviewed via the telephone on December 24, 2020, by Detective Matthew Summers, APD. W-3 is a friend of W-2, and they were having a Zoom conversation when the incident was taking place.

The following is a summary of the relevant portions of W-3’s interview:

W-3 stated she was using Zoom with W-2 to watch videos via a shared screen. While they were watching videos, Quinto started acting weird and kept bothering W-2. W-3 said W-2 told her she had to leave the room and she abruptly left the room. A short time later, W-2 returned and said she had to go, and she ended the Zoom session. W-3 stated she did not hear anything in the background while she was on hold, because the music was playing, and she was on her cellular telephone.

W-3 stated Quinto was acting weird as he kept asking W-2 for the whereabouts of his mother, and it was clear she was in the other room. At one point, Quinto was in front of the Zoom camera, and she was able to see him. Quinto said “Hello.” W-3 stated that W-2 has stated that Quinto is unstable, and he was addicted to drugs in the past. W-3 stated he has made a lot of bad decisions while being under the influence of drugs. W-3 believed Quinto is verbally abusive towards their mother, but she was unaware of any physical altercations.

#### **Witness #4 (W-4)**

W-4 was interviewed on December 24, 2020, at approximately 8:00 a.m., by Sr. Inspector John Garcia, CCCDAO, and Detective Matthew Summers, APD. W-4 is the stepfather of Quinto. W-4 was not present during the incident; however, he arrived at the residence prior to law enforcement leaving the scene. W-4 arrived at the residence with Quinto's brother.

The following is a summary of the relevant portions of W-4's interview:

W-4 identified himself as the stepfather of Quinto and his brother, and the father of W-2. W-4 stated he resides in Berkeley, California. W-4 stated that Quinto's mother and himself separated approximately one year ago. W-4 stated that Quinto has had some mental issues in the past. He has been very demonstrative of his frustrations or feelings, and he got involved in graffiti during his high school years. He stated Quinto was arrested for driving under the influence a few years ago in Houston, Texas. He also stated he has had some substance issues in past. He stated Quinto smokes marijuana and sometimes he drinks too much.

W-4 stated Quinto joined the United States Navy a while ago, and while he was in boot camp he was dismissed from the Navy. He stated Quinto had got an allergic reaction and he was not able to finish boot camp.

W-4 stated in 2004 Quinto was the victim of an assault in Berkeley, California and he was hospitalized. He woke up in the hospital and he had been assaulted and he needed stitches in the back of his head. He said the police were called but Quinto left the hospital prior to the police contacting him.

W-4 did not have any relevant information regarding this evening's incident, because he was not present when it occurred.

## CONTRA COSTA CORONER'S REPORT

Quinto was pronounced dead on December 26, 2020, at 1:44 p.m., by Dr. Registered Nurses (RN) Carol Bratanov and Ken Quach at Sutter Delta Hospital.

Dr. Ikechi Ogan (Forensic Pathologist) performed an autopsy on December 28, 2020, at the Contra Costa County Coroner's Office. In Summary, the autopsy<sup>11</sup> results are as follows:

There were blunt force soft tissue injuries, abrasions, contusions, and abraded contusions to the right upper extremity, both knees, and both shins. Multiple contusions to the right side of the back with a 2 x 2 inch contusion to the right shoulder, with a 4 x 3 inch contusion to the right lower back. There were shoulder and back contusion (purplish discoloration) indicating older age, estimated at between 36 and 72 hours. No significant or penetrating injuries were present to the head or torso, and there were no fractures or other major injury to bones of the upper and lower extremities, and torso. The decedent was reportedly bleeding from the mouth at initial contact with Emergency Medical Services. The examination of the mouth and intraoral mucosa shows bite marks on the left inner cheek and on the right side of the tongue. There is no other injury identified. Both upper and lower frenula are intact. There were signs of multi-organ failure, acute respiratory failure, mucopurulent parietal pleural exudates, consistent with evolving acute pleuritis.

There was a clinical diagnosis of: Acute hepatic encephalopathy, shock, and sepsis; metabolic acidosis, lactic acidosis, electrolyte balance disruptions, and leukocytosis; and hyperglycemia with transaminitis. Also present was shock liver, acute kidney injury with tubular necrosis, systemic inflammatory response syndrome (SIRS), twitching, and loss of consciousness.

The toxicology report was positive for the presence of caffeine, Levetiracetam<sup>12</sup>, and Modafinil.

CAUSE OF DEATH: Excited Delirium Syndrome<sup>13</sup> due to Acute Drug intoxication with behavior disturbances and Arrest Related Death (ARD) with physical exertion. Dr. Ogan noted the prone

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<sup>11</sup> For further details regarding the Autopsy, the original records are retained by the Contra Costa County Sheriff Office, Office of the Sheriff-Coroner, under report number 20-6944.

<sup>12</sup> Levetiracetam is an antiepileptic drug that is chemically unrelated to other antiepileptic compounds available for clinical use. The drug is indicated for adjunct therapy in children and adults with epilepsy. Levetiracetam is marketed in normal release tablets of 250 to 1000 mg. A commonly used initial dosage is 500 mg given twice daily; additional dosing increments may be given after a 2-week stabilization period. Oral absorption of levetiracetam is rapid and complete with peak plasma concentrations occurring in about 1 hour.

<sup>13</sup> The excited Delirium Syndrome (EDS) is a poorly understood physiologic response seen in arrest related deaths (ARD) scenarios, in which the decedents experiencing drug intoxication, exhaustion, pre-existing physical or psychiatric conditions, all of which may trigger fatal cardiac arrhythmias. There is usually a history of law enforcement involvement during attempts at restraint. Autopsy findings maybe rare, although there usually are some blunt force injuries sustained in the altercation, and the decedent usually was prone with hands restrained, and some degree of pressure applied on the back (usually officers sitting on kneeling on the back).

position with weight on the back may have played an additional role, and he noted he reviewed the case with A. Josselson (MD) and M. Super (MD).

He noted the decedent had a physical altercation with his sister and mother who tried to restrain him. Because they were unsuccessful, Police were called and they restrained him in the prone position, with his hands cuffed behind him. Although the family states that police were either sitting or kneeling on his back, the officers admit to only kneeling on one shoulder. The decedent has superficial blunt force injuries, but microscopy is not contributory. The toxicology (expanded panel) detected a central nervous system stimulant, Modafinil<sup>14</sup>.

#### **MEDICAL EXAMINER-CORONER CONSULTATION**

The Contra Costa District Attorney's Office further consulted with the County of Santa Clara Medical Examiner-Coroner. Dr. Ogan's autopsy of Quinto and conclusions were peer reviewed and in conclusion, the County of Santa Clara Medical Examiner-Coroner agreed with the rendered causes of death.

#### **PRIVATE AUTOPSY**

A second full autopsy was privately commissioned on behalf of the Quinto family on January 4, 2021. The report was generated October 16, 2021 and shared with the Contra Costa District Attorney's Office on July 1, 2022. The private autopsy determined the cause of death to be restraint asphyxiation. Relevant to that finding, the medical examiner cited cerebral injury; petechial hemorrhages to the eyes; and patchy cutaneous petechial hemorrhages to the anterior and lateral neck. The internal examination revealed that there were no fractures to the bone and cartilage structure of the larynx and trachea. Examination of the cervical, thoracic, and lumbar spine likewise showed no fractures.

The private autopsy included an independent toxicology screening. The femoral blood sample was again positive for Modafinil and Levetiracetam. In addition to the originally detected drugs, Quinto had .52 ng/mL of Fentanyl in his blood sample.

During a July 27, 2022 depositional hearing, Dr. Ogan's conclusions were subject to examination. Dr. Ogan identified the presence of petechial hemorrhages in exhibits from the private autopsy which were not detected during the original autopsy conducted on December 28, 2020. Dr. Ogan testified that petechial hemorrhages occur due to an increase of intravascular pressure. Dr. Ogan further explained that petechial hemorrhaging can result from multiple causes, including prone position pressure restraint, chest compressions, vomiting, chronic cough, and compression of the abdominal muscles. Dr. Ogan testified that petechial hemorrhaging will enhance with the passage of time and the application of pressure on the

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<sup>14</sup> Modafinil is a central nervous system stimulant that promotes wakefulness. These drugs are indicated for oral use in patients with excessive daytime sleepiness associated with narcolepsy. The most common adverse reactions include headache, nausea, restlessness, irritability, insomnia and dizziness. It is taken orally.

body during examination can also enhance the presence of such hemorrhages. Dr. Ogan did not agree with the private autopsy finding of petechial hemorrhages to Quinto's neck. During the deposition, Dr Ogan testified that that the discoloration was from lividity – the pooling of blood towards dependent areas of the body postmortem. With an appreciation for the complexity of the diagnosis, to include the presence of petechial hemorrhages, Dr. Ogan maintained that his findings and conclusions regarding the causes of death remained the same: Excited Delirium Syndrome due to acute drug intoxication with behavior disturbances, also due to arrest related death with physical exertion. With a comment that prone position with weight on the back may have played an additional role.

### **LEGAL PRINCIPLES**

The California District Attorneys Association Uniform Crime Charging Standards Manual directs that criminal charges shall not be brought unless the prosecutor, based upon a complete investigation and thorough consideration of all the pertinent information readily available to him or her, believes there is evidence that proves beyond a reasonable doubt, that the accused is guilty of the crime to be charged. Additionally, the charging standards direct that there must be legally sufficient admissible evidence to prove each element of the crime. The admissible evidence must be of such convincing force that it would warrant conviction of the crime charged by a reasonable and objective fact finder after the fact finder has heard all the evidence and after considering the most plausible, reasonable, and foreseeable defenses that could be raised under the evidence.

The applicable California Penal Code Sections are as follows:

**Section 187:** Murder is the unlawful killing of a human being or fetus with malice aforethought.

**Section 188:** Such malice may be express or implied. It is express when there is manifested a deliberate intention unlawfully to take away the life of a human being. It is implied when the killing resulted from an intentional act, the natural consequences of the act are dangerous to human life, and the act was deliberately done with knowledge of the danger to and with conscious disregard for human life.

**Section 192:** Manslaughter is the unlawful killing of a human being without malice.

**Section 196:** Homicide is justifiable when committed by peace officers and those acting by their command in their aid and assistance, under either of the following circumstances:

- (a) In obedience to any judgment of a competent court.
- (b) When the homicide results from a peace officer's use of force that is in compliance with Section 835a.

**Section 835a:** (a) The Legislature finds and declares all of the following:

(1) That the authority to use physical force, conferred on peace officers by this section, is a serious responsibility that shall be exercised judiciously and with respect for human rights and dignity and for the sanctity of every human life. The Legislature further finds and declares that every person has a right to be free from excessive use of force by officers acting under color of law.

(2) As set forth below, it is the intent of the Legislature that peace officers use deadly force only when necessary in defense of human life. In determining whether deadly force is necessary, officers shall evaluate each situation in light of the particular circumstances of each case, and shall use other available resources and techniques if reasonably safe and feasible to an objectively reasonable officer.

(3) That the decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force consistent with law and agency policies.

(4) That the decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force.

(5) That individuals with physical, mental health, developmental, or intellectual disabilities are significantly more likely to experience greater levels of physical force during police interactions, as their disability may affect their ability to understand or comply with commands from peace officers. It is estimated that individuals with disabilities are involved in between one-third and one-half of all fatal encounters with law enforcement.

(b) Any peace officer who has reasonable cause to believe that the person to be arrested has committed a public offense may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance.

(c) (1) Notwithstanding subdivision (b), a peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons:

(A) To defend against an imminent threat of death or serious bodily injury to the officer or to another person.

(B) (B) To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

(2) A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.

**Section 197:** Homicide is also justifiable when committed by any person in any of the following cases:

1. When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person; or,
2. When committed in defense of habitation, property, person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against one who manifestly intends or endeavors, in a violent, riotous or tumultuous manner, to enter the habitation of another for the purpose of offering violence to any person therein; or,
3. When committed in the lawful defense of such person, or of a wife or husband, parent, child, master, mistress, or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished; but such person, or the person in whose behalf the defense was made, if he was the assailant or engaged in mutual combat, must really and in good faith have endeavored to decline any further struggle before the homicide was committed; or
4. When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace.

**Section 199:** The homicide appearing to be justifiable or excusable, the person indicted must, upon his trial, be fully acquitted and discharged.

Any killing of a human being at the hands of another is a homicide. A homicide may be criminal or justifiable depending upon the circumstances. It is justifiable if done while resisting a violent felony or in self-defense or in defense of another if it reasonably appears to the person claiming the right of self-defense or the defense of another that he or she actually and reasonably believed that he or she or another was in imminent danger of great bodily injury or death. (See *People v. Williams* (1977) 75 Cal. App. 3rd 731.) In protecting oneself or another, a person may use all force which he or she believes reasonably necessary, and which would appear to a reasonable person, in similar circumstances, to be necessary to prevent the injury, which appears imminent. (See California Criminal Jury Instruction CALCRIM 505) In order to justify killing another person in self-defense or in the defense of another, actual danger of death or great bodily injury is not necessary. (CALCRIM 505.)

**Pursuant to CALCRIM 507:**

A homicide by a peace officer is justifiable and not unlawful when:

1. The defendant was a peace officer  
AND

2. The killing was committed while the defendant

either:

A. Reasonably believed, based on the totality of the circumstances, that the force was necessary to defend against an imminent threat of death or serious bodily injury to the defendant or another person;

OR

B. Reasonably believed, based on the totality of the circumstances, that:

(1) A person was fleeing a felony;

(2) That force was necessary to arrest or detain that person;

(3) The commissioned felony threatened or resulted in death or serious bodily injury,

AND

(4) The person will cause death or serious bodily injury to another unless immediately apprehended.

The People have the burden of proving beyond a reasonable doubt that the killing was not justified. (CALCRIM 505 and 507.) It is not a criminal defendant's burden to prove that force was necessary or reasonable. The People must prove beyond a reasonable doubt that the officer did not have an actual or reasonable belief in the need for self-defense or the defense of others. Absent direct evidence that an officer did not actually or reasonably believe in the need for force, circumstantial evidence must be used. If two reasonable conclusions can be drawn from circumstantial evidence, however, and one of those reasonable conclusions points to innocence, jurors are instructed that they must accept the one that points to innocence. (CALCRIM 224.)

The United States Supreme Court has held that a police officer's use of force should be analyzed under the reasonableness standard of the Fourth Amendment to the United States Constitution. The Supreme Court stated, "The 'reasonableness' of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight . . . the calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments – in circumstances that are tense, uncertain, and rapidly evolving – about the amount of force that is necessary in a particular situation." *Graham v. Conner* (1989) 490 US 386, 396-397.

If the killing was not justifiable as outlined above, or excusable as in an accidental killing, only then would it be criminal. Moreover, if an act is committed by reason of a mistake of fact which disproves any criminal intent, it is not a crime. Therefore, a person is not guilty of a crime if he or she commits an act under an actual belief in the existence of certain facts and circumstances which, if true, would make the act lawful. (See CALCRIM 3406.)

### **LEGAL ANALYSIS**

The decision by a peace officer to use force shall be evaluated carefully and thoroughly, in a manner that reflects the gravity of the that authority and the serious consequences of the use of force by peace officers, in order to ensure that officers use force is consistent with law and agency policies (PC 835a(a)(3).)

The legal issue to be decided by the CCCDAO is whether any of the involved law enforcement officers violated any criminal laws. The Contra Costa District Attorney's Office analyzes each fatal incident on the case specific facts and circumstances. The community, including the deceased, his family and the involved officers, deserve an independent factual and legal analysis. Criminally liable depends on the facts of the case and whether those facts constitute a crime under the applicable laws.

On December 23, 2020, Officers Arturo Becerra and James Perkinson of Antioch Police Department were dispatched to Crestwood Drive, Antioch, California regarding a domestic disturbance. Prior to the arrival of law enforcement, Quinto was acting paranoid and nervous. During the frantic 911 calls, it was reported that Quinto was aggressive and refusing to let

family members go. Quinto's erratic behavior continued as he became physically assaultive towards his family. Successive 911 calls were placed to the Antioch Police Department. On one such call with a family member heard saying, "I can't breathe," as the caller reported Quinto was strangling her mother. In another call to 911 it was reported that Quinto uses drugs. A drug screening taken during the autopsy revealed that Quinto was under the influence of a central nervous system stimulant, modafinil. A private autopsy revealed that in addition to the originally detected modafinil, Quinto was under the influence of a second controlled substance, fentanyl.

In accordance with Penal Code Section 835, a peace officer may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance (PC 835a(a)(4).) Further, as established by the United States Supreme Court, and subsequently codified by the state legislature, the decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time of the incident. (*Graham, v. Connor* (1989) 490 US 386, 396-397, PC 835a(B).)

Quinto's erratic behavior had escalated to the point that he became physically assaultive towards his family members. As the officers entered the residence, the ongoing disturbance was heard coming from the rear bedroom. Officer Becerra and Officer Perkinson visually observed Quinto and W1 engaged in a physical struggle on the floor of bedroom. W1 was on top of Quinto, the two held one another in a bearhug position as Quinto resisted against submission beneath her.

Based upon the nature of the call, coupled with the ongoing physical struggle, Officer Becerra and Officer Perkinson relieved W1 of her efforts and attempted to handcuff Quinto. It took several commands for W1 to get off Quinto before officers got in position to apply handcuffs. "Where a reasonable suspicion of criminal activity exists, the public rightfully expects a police officer to inquire into such circumstances in the proper exercise of the officer's duties." *People v. Wells* (2006) 38 Cal.4th 1078, 1083. In light of the assaultive behavior described and overheard in the 911 call, coupled with the Officers direct observations inside of the bedroom of the residence, Officer Becerra and Perkinson had ample cause to utilize reasonable force to detain Quinto.

"[T]he decision by a peace officer to use force shall be evaluated from the perspective of a reasonable officer in the same situation, based on the totality of the circumstances known to or perceived by the officer at the time, rather than with the benefit of hindsight, and that the totality of the circumstances shall account for occasions when officers may be forced to make quick judgments about using force." (PC 835a(a)(4).)

By all accounts, the degree of physical force used by the Officers was minimal. Having engaged in a physical struggle with his mother, Quinto was already pinned down on the ground when the officers entered the bedroom. Once W1 was off Quinto's chest, Quinto turned to his side

and then onto his stomach. W1, Angelo Quinto's mother, remained present inside the bedroom during the entire engagement with Antioch Police Officers.

The manner in which the Antioch officers engaged with Quinto was both lawful and objectively reasonable under the circumstances. With Quinto's mother in the bedroom, Officer Becerra kneeled, placing one knee on Quinto's back near Quinto's shoulder, with the other knee positioned on the ground. Officer Perkinson controlled Quinto's legs to prevent him from kicking the officers by placing them in a leg hold. With Quinto now handcuffed, Officers Daniel Hopwood and Nicholas Shipilov entered the residence. While the law does not require officers to retreat with their efforts when met with resistance (Penal Code 835a; CALCRIM 2670), the moment Quinto's resistance diminished, the officers' application of force subsided as well.

As the primary officer on the call, Officer Perkinson then exited the residence to obtain paperwork for a mental health evaluation. Officer Shipilov exited the residence with Officer Perkinson. At that time, the two officers remaining in the bedroom assumed new positions relative to Quinto. Officer Becerra who had been up towards Quinto's head, moved to Quinto's legs. Officer Hopwood, assumed a squat position near Quinto's shoulder. Consistent with the fact that the need force had subsided, Officer Hopwood hovered over Quinto's shoulder. Officer Hopwood only made contact with Quinto's body when a repositioning of the leg hold was necessary. This was the extent of subsequent physical force applied once Quinto was in handcuffs.

While Quinto's level of resistance towards the Officers was described as minimal, so too was the description of force applied by the officers. The officers did not strike Quinto in any way. While blood was seen coming from Quinto's mouth, and the autopsy revealed bite marks to Quinto's inner cheek and tongue. They did not use choke holds or put any pressure on Quinto's neck. Aware of positional asphyxiation, the officers were cognizant not to restrict Quinto's airway and there is no evidence of force applied to Quinto's throat or neck. With an appreciation for the risk of positional asphyxia, the officers utilized a reasonable degree of force necessary to gain control of Quinto. As set forth in Penal Code 835, a peace officer may use objectively reasonable force to effect the arrest, to prevent escape, or to overcome resistance (PC 835a(b)).

The private autopsy concluded the cause of death to be restraint asphyxiation. The private autopsy notes petechial hemorrhages to the eyes and soft tissue hemorrhages. However, the internal examination revealed that there were no fractures to the bone and cartilage structure of the larynx and trachea. Likewise, the examination of the cervical, thoracic, and lumbar spine showed no fractures. The officers took reasonable steps to avoid any holds or weight bearing techniques involving Quinto's neck, and when taken as a whole, the private autopsy findings are consistent with those efforts. While the private autopsy cited petechial hemorrhages to the neck, the internal examination revealed that there were no fractures to the bone and cartilage structure of the larynx and trachea. Dr. Ogan did not agree with the private autopsy finding of petechial hemorrhages to Quinto's neck. During the deposition,

Dr. Ogan testified that that the discoloration was from lividity – the pooling of blood towards dependent areas of the body postmortem. Examination of the cervical, thoracic and lumbar spine likewise showed no fractures. No autopsy can determine the origin of a petechial hemorrhage and anything that increases intravascular pressure can result in petechial hemorrhages. Of critical importance to this evaluation, as confirmed by witness accounts, no officer applied pressure to Quinto’s neck.

The private autopsy included an independent toxicology screening. The femoral blood sample was again positive for Modafinil and Levetiracetam. In addition to the originally detected drugs, Quinto had .52 ng/mL of Fentanyl in his blood sample. Immediately prior to law enforcement contact, Quinto was engaged in a struggle with W1 which culminated in W1 being on top of Quinto as the two bear-hugged one another on the bedroom floor. The cumulative effect of the physical exertion and the polysubstance use was not accounted for in the private autopsy.

Following a review of all available evidence, there is nothing to suggest that the involved officers utilized unreasonable force during the contact. Quinto engaged in a substantial physical struggle with W1 prior to the arrival of law enforcement. This physical exertion left W1 winded. All accounts describe the engagement between Quinto and the officers as minimal. Of significance, W1 who was present in the bedroom during the entire interaction between Quinto and the officers, corroborated this fact. Further, the applied force ceased once Quinto was handcuffed. During medical intervention, Quinto was subject to cardiopulmonary resuscitation (CPR). He went into cardiac arrest and convulsions while being transported to the ER. Petechial hemorrhages occur due to an increase of intravascular pressure: Quinto was subject to prone restraint both before and during police contact; multiple instances of abdominal strain occurred in the home and during medical transport; Quinto was subject to chest compressions during medical intervention – all of which increase intravascular pressure. While the autopsies differ in the cause of death, there is no direct evidence to suggest that unreasonable force was applied by any officer.

The multiple factors which contributed to Quinto’s death – acute drug intoxication, physical exertion, prone restraint, and underlying psychiatric issues make for a complex diagnosis. The medical examiner ascribed Quinto’s cause of death as excited delirium due to acute drug intoxication with behavioral disturbances and arrest related physical exertion. The Santa Clara County Medical Examiner-Coroner Office concurred with the rendered causes of death. The private autopsy concludes the cause of death to be restraint asphyxiation, but such a finding cannot reasonably be attributed to a party. As stated in relevant part in the jury instruction, “If you can draw two or more reasonable conclusions from the circumstantial evidence, and one of those reasonable conclusions points to innocence and another to guilt, you must accept the one that points to innocence.” (CALCRIM 224).

Furthermore, in addition to the stimulant detected during the original autopsy, the femoral blood sample from the private autopsy was also positive for Fentanyl. Polysubstance use, to include Fentanyl, compounds the original finding of drug intoxication and further exacerbated the complications from Quinto's physical exertion both before and after law enforcement arrived at the residence.

Following the review of all available evidence and further expert consultation, there is no evidence to suggest that the involved officers utilized unreasonable force during the contact with Quinto. For the reasons discussed in detail above, the officers' decisions to detain Quinto, and their subsequent use of restraint was objectively reasonable under the totality of the circumstances.

### **CONCLUSION**

In applying the applicable law and the California District Attorney's Uniform Crime Charging Standards to the present case, there is no evidence of a criminal offense committed by Officer Becerra, Officer Perkinson, Officer Hopwood, or Officer Shipilov. As such, no further action will be taken in this case.