



HALL OF JUSTICE
330 WEST BROADWAY
SAN DIEGO, CA 92101
(619) 531-4040
SanDiegoDA.com

OFFICE OF
THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO

DAVID P. GREENBERG
ASSISTANT DISTRICT ATTORNEY

SUMMER STEPHAN
DISTRICT ATTORNEY

October 11, 2019
For Immediate Release

Contact: [Steve Walker](#) (619) 531-3890
[Tanya Sierra](#) (619) 531-3315
En Español [Barbara Medina](#) (619) 531-3305

DA Releases Review of Man Shot While Brandishing an Assault Rifle and Firing Rounds

The District Attorney's Office has completed [its review](#) of an incident earlier this year in which a man who fired rounds from an assault rifle, and walked around an RV park and motel property waving the gun around, was shot by a San Diego Police officer after failing to comply with a command to drop the weapon.

On April 3, several citizens called the San Diego Police Department to report that Alfonso Cervantes, 50, was walking around the property of an RV park firing a rifle indiscriminately. A police helicopter located Cervantes and captured video of his actions. Several SDPD officers arrived on the scene to find Cervantes armed with an assault rifle similar in appearance to an AK-47. Cervantes fired a round toward the ground and officers briefly lost sight of Cervantes behind a wooden fence as he walked away from them. An officer re-established his view of Cervantes, who had quickly relocated, and was now walking toward officers one street away. Cervantes was swinging the rifle back and forth in his right hand as he walked.

An officer ordered Cervantes to drop the gun, but Cervantes did not comply and continued to walk toward the officers. The officer fired, striking Cervantes. Officers went to Cervantes and found him unresponsive and not breathing. The officer performed CPR, but Cervantes succumbed to his injuries and was pronounced deceased at the scene. Toxicology testing revealed that Cervantes had consumed methamphetamine. During the investigation, family members and people who knew Cervantes well described him as being paranoid and in a panic the day of the shooting. Cervantes was adamant that he was being followed and that someone was trying to kill him—something they say would occur when he used methamphetamine.

After a thorough review, the District Attorney's Office determined the officer fired at Cervantes in his own defense and the defense of others, and therefore bears no state criminal liability for his actions. As

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part of its finding, the DA's Office released video evidence of the incident, as well as a detailed letter of its review.

The DA's detailed analysis [can be found here.](#)

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