



State of Connecticut
DIVISION OF CRIMINAL JUSTICE

OFFICE OF
THE STATE'S ATTORNEY
JUDICIAL DISTRICT OF FAIRFIELD

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CHIEF STATE'S
ATTORNEY'S OFFICE

JONATHAN C. BENEDICT
STATE'S ATTORNEY

1061 MAIN STREET
BRIDGEPORT, CONNECTICUT 06604
TELEPHONE (203) 579-6506
FAX (203) 382-8401

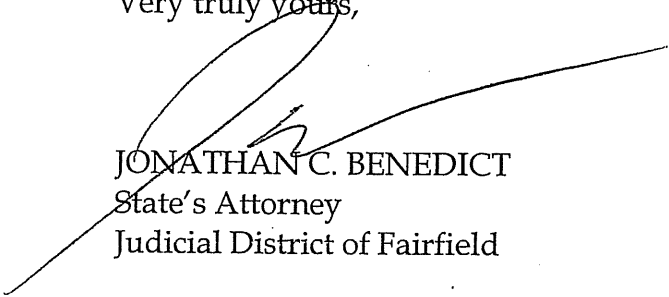
May 5, 2003

Christopher L. Morano
Chief State's Attorney's Office
300 Corporate Place
Rocky Hill, CT 06067

Dear Chris:

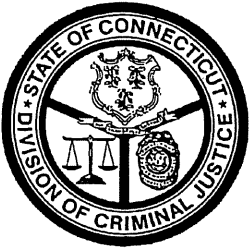
Enclosed herewith please find my report of the deadly force investigation which I have conducted pursuant to Section 51-277a regarding the death of Abimael Quinones on December 1, 2001 in the City of Bridgeport.

Very truly yours,


JONATHAN C. BENEDICT
State's Attorney
Judicial District of Fairfield

JCB/rah

Enclosure



JONATHAN C. BENEDICT
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DEADLY FORCE INVESTIGATION REPORT
RE:
Death of Abimael Quinones on 12/01/01

Pursuant to Connecticut General Statutes 51-277a, the undersigned State's Attorney for the Judicial District of Fairfield has conducted an investigation into the death by gunshot of Abimael Quinones of Bridgeport, which occurred on December 1, 2001, in a garage located at 68 Alice Street in the City of Bridgeport.

Connecticut General Statutes 51-227a requires the prosecuting authority to conduct an investigation whenever a peace officer, in the performance of his duties, uses deadly physical force upon another person and such person dies. Such investigation is conducted for the limited purpose of determining whether the use of deadly physical force was appropriate under section 53a-22, which limits the use of deadly physical force by a peace officer to situations where he reasonably believes that such force is necessary to "(1) defend himself or third person from the use or imminent use of deadly physical force; or (2) effect an arrest or prevent the escape from custody of a person whom he reasonably believes has committed or attempted to commit a felony which involved the infliction or threatened infliction of serious physical injury and if, where feasible, he has given warning of his intent to use deadly physical force."¹

¹Connecticut General Statutes Section 53a-22(c)(1), (2)

Scope of the Investigation

Inspectors from the Office of the State's Attorney for Fairfield County were notified immediately upon the death of Mr. Quinones in accordance with previously established policy and arrived at 68 Alice Street within 30 minutes and provided oversight of the initial investigation by the Bridgeport Police Department. This office continued to monitor the investigation and has conducted a review of all reports generated and all statements taken by the Bridgeport Police Department, the Office of the Chief Medical Examiner, and the State Police Forensic Laboratory. Members of the State's Attorney's Office conducted personal interviews of 28 civilian witnesses as well as more than 30 police officers and detectives of the Bridgeport Police Department. As a result of the investigation, Javier Santana and Gary Cooke were charged with numerous criminal offenses including felony murder, robbery in the first degree and unlawful restraint for their participation with Abimael Quinones in the events of November 30, 2001, at 68 Alice Street. Forty-four of the above mentioned individuals testified under oath during a trial of this matter which ended on March 20, 2003, with the conviction of both defendants on all charges.

Factual Findings

In the evening hours of November 30, 2001, approximately thirty- three people had gathered in a converted garage at 68 Alice Street for a birthday party. At about 11:45 PM, Abimael Quinones, along with Javier Santana and Gary Cooke entered the building for the purpose of robbing the occupants. All three men were dressed in black, wore black neoprene ski masks, and were armed with assault style weapons. Mr. Quinones was also armed with a handgun. Upon entering the building, all of the occupants of the room were ordered to lie face down on the floor and to surrender their valuables. Those who did not comply were forced to do so.

Shortly after the men had entered the garage, Bridgeport Police received a call from a citizen who reported that she believed that masked gunmen had entered the garage and were robbing the occupants. Several patrol cars were dispatched to investigate. Officer Leonard Alterio III was the first officer to arrive on the scene, followed immediately by Officer Gilberto Del Valle. Upon their

arrival, witnesses at the scene directed them to the garage and advised them that they believed the suspects might be armed. Officer Alterio drew his weapon and took a position to the left of the outer door leading into the garage. Officer Del Valle also drew his duty weapon and opened the outer door. Upon opening the door, both officers observed two men dressed in black clothing with black masks, armed with rifles. One of the masked men who was latter identified as Abimael Quinones was standing just inside the inner door within 6 feet of Officer Del Valle. The other armed individual was positioned in front of the door several feet further into the room. Also visible in the room was a large number of individuals lying face down on the floor. Within a few seconds of the door being opened by Del Valle, one of the men near the door fired a 5.45 x 39 mm Intrac Arms MKII assault rifle at the officers. Although no positive conclusion can be drawn regarding the number of shots fired at the officers, one spent round was recovered behind the officer's position in a house on the opposite side of Alice Street, which was in the direct line of fire. Upon being fired upon, both officers returned fire. Officer Del Valle fired a total of four shots from his department issued Beretta Model 92F 9mm pistol. Immediately after this exchange of gunfire, Mr. Quinones fell to the floor to the right of the door, dropping his rifle. Witnesses inside the garage reported that one of the victims of the robbery, Juan Moreno Castillo, who was lying on the floor attempted to pick up the gun dropped by Mr. Quinones and was shot by one of the robbers who fired the Intrac Arms assault rifle from the other side of the room. Mr. Moreno was killed instantly.

Additional officers responded to the scene and after a standoff of approximately ten minutes Santana and Cooke were persuaded to surrender. When Javier Santana exited the garage, he had in his possession the aforementioned Intrac Arms MkII 5.45x39mm assault rifle, which was loaded with 26 live rounds, as well as a Keltec P-11 9mm pistol with 11 lived rounds. Inside the garage the officers recovered a Mossberg 500A 12 GA shotgun loaded with 3 live rounds and a Ruger Mini-14 .223 cal. rifle with a pistol grip stock loaded with 40 live rounds. Police also discovered the body of Mr. Quinones lying on the floor inside of the garage. Mr. Quinones was dressed in all black clothing, including black gloves and a black neoprene ski mask. He was wearing a Beretta Model 21 .22 cal. pistol in a holster. The gun was loaded with 7 live rounds, while the holster contained an additional, fully loaded, 7 round magazine.

The body of Abimael Quinones was transported to the Office of the Chief Medical Examiner in Farmington where a post mortem examination conducted by Dr. Malka Shah revealed the presence of three bullet wounds. One wound entered the front of the left shoulder, traveled into the chest, through the left lung and came to rest in the right lung. A second wound was noted on the left side of the back, where the bullet proceeded to the left lung and into the heart. A third wound was noted in the area of the left buttock with the bullet passing through to the area of the right hip. Dr. Shah concluded that Mr. Quinones had died from gunshot wounds to the chest. At the trial, Dr. Shah expressed her opinion that the wounds to the chest would have been immediately incapacitating and that death would have ensued within a few minutes, with or without the availability of emergency medical care.

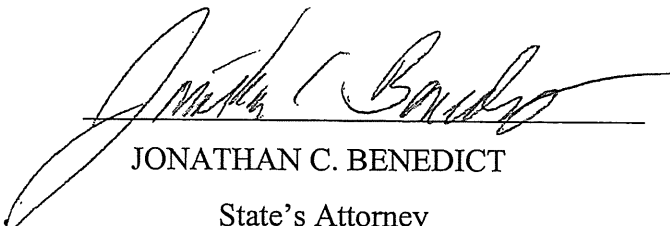
Three bullets were recovered from each of the previously described wounds and turned over to the Bridgeport Police Department. These bullets were submitted to Marshall Robinson, an internationally recognized firearms examiner, for comparison with other firearms evidence submitted in the course of the investigation. He concluded that all three bullets recovered from the body of Abimael Quinones were fired from Officer Del Valle's Beretta. He also determined that another spent bullet, which had been recovered from the door frame near the location where Mr. Quinones was standing, also came from Del Valle's gun.

CONCLUSION

Officer Gilberto Del Valle fired all three bullets that struck the body of Abimael Quinones and caused his death. Prior to firing his weapon, Officer Del Valle was able to observe from a distance of less than six feet that Mr. Quinones was armed with a combat style rifle and that Mr. Quinones was turning towards him with the weapon. Officer Del Valle fired his weapon at Mr. Quinones after he and Officer Alterio were fired upon by a high powered rifle. At the time that he was shot, Mr. Quinones along with two other people was committing an armed robbery of a group of 33 people attending a birthday party. The evidence in this case overwhelmingly and unequivocally supports Officer Del Valle's reasonable belief that his use of deadly physical force was necessary

to defend himself and Officer Alterio from the use of deadly physical force upon them. The use of deadly physical force by Officer Del Valle was appropriate under Connecticut General Statutes Section 53a-22.

May 5, 2003

A handwritten signature in black ink, appearing to read "Jonathan C. Benedict", is written over a horizontal line.

JONATHAN C. BENEDICT

State's Attorney

Judicial District of Fairfield at Bridgeport