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Addendum to the Law Enforcement Involved Fatal Incident Investigation of
ANGELO VOITHUGO QUINTO on December 24th, 2020

On September 2nd, 2022, the Contra Costa County District Attorney's Office (CCDAO) issued a Law Enforcement Involved Fatal Incident (LEIFI) report regarding Antioch Police Officers and the death of Angelo Voithugo Quinto. The LEIFI report explored the complexities of the case and concluded that the officers utilized reasonable force with Mr. Quinto and accordingly, no criminal charges would be filed against any of the involved parties.¹

The purpose of this addendum is to incorporate and address information which has been provided by the Quinto family's legal representation following the publication of the original LEIFI report. The documents provided to the CCDAO included material derived from the wrongful death civil lawsuit brought by the Quinto family against the City of Antioch.

The CCDAO reviewed said material, which included:

- 1) Digital Surveillance Video;
- 2) Civil deposition transcripts of Antioch Police Officers Becerra, Hopwood, Perkinson and Shipilov;
- 3) Civil deposition transcripts and exhibits of Dr. Ikechi Ogan, the forensic pathologist who conducted Quinto's original autopsy;
- 4) Medico-Legal Report from a forensic pathologist, Dr. Bennet Omalu, hired by the Quinto family to conduct a private autopsy.

Factual Summary:

1. Digital Surveillance Video:

The CCDAO was provided video footage from a Ring camera located outside the residence in question, which was consistent with the statements of witnesses obtained during the LEIFI investigation regarding the timing and duration of events.

2. Civil Deposition Transcripts of Officers:

The CCDAO was provided with civil deposition testimony of police officers, paramedics, and civilian witnesses. CCDAO was not party to the depositions and received the transcripts from the Quinto family's legal representation. The testimony taken April 18-19, 2023, was generally consistent with the officers' statements obtained during the LEIFI investigative interviews which took place in December of 2020.

3. Civil Deposition Transcripts of Dr. Ikechi Ogan's Testimony:

Dr. Ikechi Ogan, the forensic pathologist who conducted Mr. Quinto's original autopsy, was deposed in the civil lawsuit on three different dates. Dr. Ogan's initial deposition, which was referenced in the original CCDAO LEIFI report, occurred July 27, 2022. His two subsequent

¹ To read the complete initial LEIFI report involving Angelo Quinto, please [click here](#).

depositions occurred on August 10, 2022, and February 1, 2023. CCCDAO was not party to the depositions and received the transcripts from the Quinto family's legal representation.

During the course of the civil deposition, Dr. Ogan stated that his findings and conclusions regarding Mr. Quinto's cause of death remained fundamentally the same. Dr. Ogan reiterated that physical exertion, acute drug intoxication, reports of behavioral disturbances, and physical evidence -- coupled with the excited delirium² -- caused Mr. Quinto's cardiac arrhythmia and death.

During the deposition, Dr. Ogan acknowledged that having weight on Quinto's back may have played a role in his death due to compression of the ribcage causing asphyxiation. Dr. Ogan further noted that, in retrospect, he would have worded Mr. Quinto's cause of death to include the term, "positional asphyxiation." However, in Dr. Ogan's opinion, the cause of death was a complex nexus of factors including cardiac arrest -- that was complicated by physical exertion, the presence of a stimulant, and prone restraint.

4. The Medico-Legal Report of Forensic Pathologist Dr. Bennet Omalu:

Dr. Bennet Omalu's Medico-Legal report provided a factual synopsis of the case, a summary of Dr. Ogan's deposition, an evaluation of the medical evidence, and a conclusion that restraint asphyxiation was the cause of death. Dr. Omalu's Medico-Legal Report was authored on March 21, 2022, with an addendum authored on May 18, 2023. CCCDAO was not aware of the privately commissioned Medico-Legal report until the CCCDAO received the report and addendum from the Quinto family's legal representation in June of 2023.

In the Medico-Legal report, Dr. Omalu opined: "in spite of any pre-existing medical history Angelo Quinto may have had, a novel, independent and mutually exclusive, unnatural event occurred which comprised restraint asphyxiation."

Dr. Omalu concluded: "if not for the physical restraints suffered by Angelo Quinto in the hands of the police on December 23, 2020, it was more likely than not that he would not have died on December 26, 2020, from the asphyxial brain injury he suffered in the hands of another person or other persons."

Legal Analysis

The additional information released to CCCDAO by the Quinto family's legal representation supplements the conflicting medical opinions previously considered by the CCCDAO in the initial LEIFI report issued on September 2, 2022.

² On Oct. 8, Gov. Gavin Newsom signed Assembly Bill 360, to become effective on Jan. 1, 2024. AB 360 eliminates from official use of the term "excited delirium" while permitting factual circumstances surrounding the case and descriptions of an individual's behavior.

As detailed in the original LEIFI report, the CCCDAO reviewed and considered the opinion of Dr. Omalu regarding Mr. Quinto's cause of death, which he authored on October 16, 2021. While Dr. Omalu's Medico-Legal Report provides further details as to why he came to a different opinion than the one expressed by Dr. Ogan, a differing expert opinion is just one piece of evidence to consider in a legal analysis of the evidence. As previously noted, Dr. Ogan's findings are supported by the opinion of the County of Santa Clara Medical Examiner-Coroner. And while the medical conclusions differ, the original video and primary statements of those present at the scene remain critical components to the legal analysis.

In order to prove beyond a reasonable doubt that the actor officers committed a criminal offense, the prosecution would have to establish that the officer(s) acted with criminal negligence amounting to disregard for human life or reckless indifference to the consequences of that act (CALCRIM 581). While medical opinions differ regarding the cause of death, the fact remains that the degree of engagement with Quinto by the police did not equate to either reckless disregard or reckless indifference.

Conclusion:

As was the case when the original LEIFI report was published on September 22, 2022, there remains conflicting medical opinions as to the cause of death of Angelo Quinto. Contradictory expert opinions are not uncommon in the legal world. Multiple factors were at play – acute drug intoxication, physical exertion, prone restraint, and underlying psychiatric issues. The officers' decisions to detain Mr. Quinto, and their subsequent use of minimal restraint, was objectively reasonable under the totality of the circumstances. Mr. Quinto's death was tragic and complex. However, the manner by which the Antioch officers engaged with Mr. Quinto does not amount to criminal wrongdoing.

As such, no further action will be taken on the case.