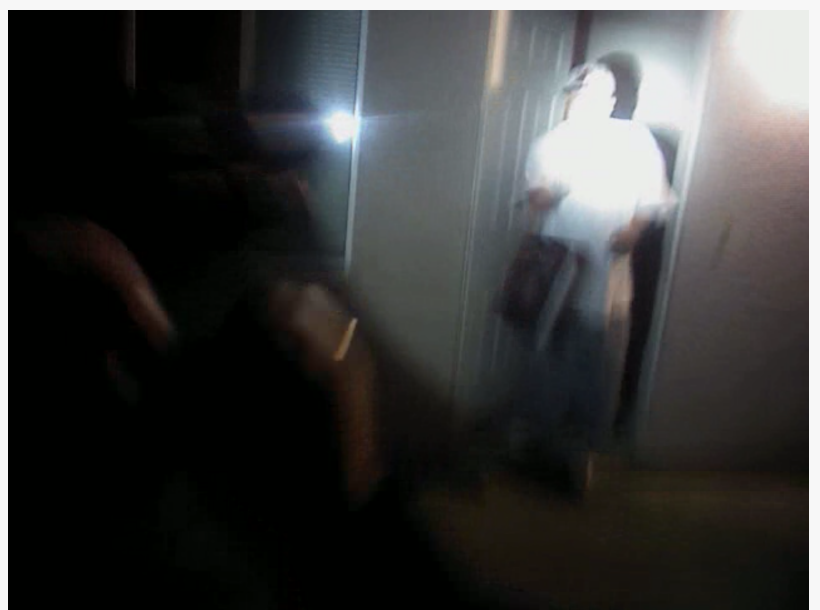


AFTER STALLING FOR FIVE YEARS, MODESTO PD RELEASES BODYCAM VIDEO SHOWING OFFICER SHOOT UNARMED VICTIM

Underhand toss of a junior high school yearbook was no reason to shoot, says federal civil rights lawsuit

MODESTO, CALIFORNIA, USA, January 27, 2020 /EINPresswire.com/ -- After more than five years of refusing to do so, Modesto Police have finally released an officer's body camera video showing the shooting of an unarmed, intoxicated man in the doorway of his home in 2014.

The newly-released video shows Jesse Montelongo use an underhand toss to lob a junior high school yearbook toward Modesto Police Officer Dave Wallace as he stood with his gun drawn. Wallace's body camera shows the officer move or dodge to his left to avoid the book. Then, as a fearful Montelongo retreats into his home and starts to close the front door, Wallace turns back, draws down on Montelongo, and fires.



Jesse Montelongo tosses a junior high school yearbook in the direction of Modesto Police officer Dave Wallace on Oct. 17, 2014.

Montelongo was hit once in his lower abdomen. Wallace's bodycam video appears to show the yearbook on the driveway behind where he was standing.

“

I can only believe it was because they had a vested interest in keeping this video private... They have tried everything they could to stall and prevent the disclosure of the video...”

Civil Rights Attorney DeWitt Lacy

“Jesse was shot even though he was unarmed and clearly did not pose an immediate threat to the officer,” said Civil Rights Attorney [DeWitt Lacy](#) of the [John Burris Law Firm](#), of Oakland, Calif., which represents Montelongo and his family in a federal lawsuit. The Oct. 17, 2014 shooting left Montelongo, then 35, with lifelong medical problems. He has undergone multiple surgeries to alleviate the damage done to his internal organs.

The shooting happened within four seconds of Montelongo opening the front door, according to Wallace's

bodycam video:

00:00:46 — Wallace stands several feet away from the front door as Montelongo opens it up.

Wallace shouts: “Show me your hands!”

00:00:47 — Wallace again: “Show me your hands!”

Montelongo: "What?"

Montelongo lobs yearbook in direction of Wallace.

00:00:48 — Wallace moves to his left to dodge the tossed yearbook.

00:00:49 — Wallace turns back to the right. He draws down and fires once at Montelongo as the intoxicated man retreats and is closing the front door.

00:01:02 — Wallace: "Shots fired — He threw something at me. He wouldn't show me his hands. Threw his object at me."

00:01:08 — Wallace's body camera shows the yearbook lying on the driveway.



After turning away from the yearbook, Officer Dave Wallace fires his service weapon at Montelongo, who is retreating into the house.

The federal lawsuit, filed in 2015 in U.S. District Court in Sacramento, accuses Wallace and the City of Modesto of excessive force, violating Montelongo's civil rights, and intentional infliction of emotional distress. The plaintiffs are Montelongo and other family members, including five children, who were at the house when he was shot.

For years, Modesto Police maintained that the video was part of an open investigation and therefore could not be released to the plaintiff's attorneys, nor to the public. Montelongo was never charged with a crime. The city held onto their "open investigation" argument — even after Wallace retired from the department in 2018 and started lobbying against a proposed state law placing more limits on law enforcement's use of deadly force.

After handing over copies of the videos, the defendants took legal steps to prevent them from becoming part of the public record.

"I can only believe it was because they had a vested interest in keeping this video private," Lacy said. "They have tried everything they could to stall and prevent the disclosure of the video to plaintiffs and to the public, including attempting to unnecessarily mark this video as confidential, pursuant to a protective order."

The defense finally removed the stipulation from the Wallace video on Jan. 21.

Lacy noted that Officer Wallace had been shot at twice, in the line of duty, before the Montelongo shooting. "Modesto Police really needs to make a better consideration of officers' readiness to return to duty. Transparency — such as releasing this video years ago — helps us all," Lacy said. "Had the officer received the psychological help he may have needed following the earlier incidents, Jesse Montelongo might not have been shot, and his family not traumatized by their experience with a law enforcement officer who concluded that a yearbook presented a deadly threat."

A copy of the video, and the federal civil rights lawsuit (1:15-cv-01605-TLN-BAM), are available upon request.

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