

# Federal Lawsuit Filed Against Pittsburg, Calif., Police for Unjust Shooting of Man in Mental Health Crisis

*The officer who pulled the trigger previously choked a man to death, resulting in a \$7.3 million settlement*

PITTSBURG, CALIFORNIA, USA, May 31, 2024 /EINPresswire.com/ -- Police officers unnecessarily escalated what should have been a non-threatening wellness check, involving a man whose

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*Civil Rights Attorney Adanté Pointer, of Pointer & Buelna*

family had called 911 seeking help, into a deadly confrontation that nearly cost the father of six his life, according to a federal civil rights lawsuit filed Tuesday.

On Feb. 24, 2022, Ashton Porter was shot twice by Ernesto Mejia-Orozco, a federally indicted Pittsburg, Calif., SWAT officer, who had previously choked another man to death, resulting in the city reaching a \$7.3 million settlement with that victim's family.

Porter was afraid to leave his room at the Hampton Inn Suites as he was experiencing a psychotic break in which he believed people were trying to get him. He survived being shot twice when he was forced out after police needlessly abandoned their overnight efforts to peacefully coax him out.

“Instead of continuing to dialogue and resolve the situation without using force, police dismissed the mental health counselors from the scene and began drilling holes into the hotel room's wall in order to flood it with pepper spray and tear gas,” said [Oakland civil rights attorney Adanté Pointer](#), of Oakland's [Pointer & Buelna, Lawyers For The People](#).

The noxious fumes flushed the disoriented Porter out of the room and into a chaotic hallway filled with officers clad in SWAT gear yelling commands and pointing weapons at him. Porter was holding a knife above his head and made no threats or attempts to stab at anyone, the lawsuit states.

Nevertheless, officers opened fire on Porter with rubber bullets which caused him to turn away from them. Immediately after, Mejia-Orozco shot Porter in the arm and abdomen without

warning and without waiting to see if the rubber bullets had been effective, the lawsuit states.

“While Mr. Porter fortunately survived the shooting, he was further demeaned when he was dragged, unclothed, through the hotel like a piece of luggage,” Pointer said.

According to the lawsuit, this is not the first instance of questionable conduct by some of the involved officers. Despite his history of misusing deadly force, Mejia-Orozco was designated the officer in charge of lethal force. Additionally, both Lt. William Hatcher and Sgt. Cory Smith have previously been accused of misconduct involving excessive force.

While criminal charges were initially brought against Porter, all charges were dismissed.

“The decision to employ lethal force in a situation that clearly called for patience and understanding is not just tragic, it's a glaring example of the failures within the Pittsburg Police Department to ensure its officers comply with their training, department policy and the law,” Pointer said. “We seek justice for Mr. Porter and aim to ensure that defendant Ernesto Mejia-Orozco is never again in a position to take anyone’s life while wearing a badge and a gun.”

“This case raises significant concerns about the use of force and the importance of de-escalation tactics, especially when dealing with individuals in distress. This lawsuit seeks to shine a spotlight on the critical issue of police response to mental health crises and the need for accountability and reform,” Pointer said.

The incident, captured on body-worn cameras, contradicts the officers' self-serving accounts of the events, Pointer said, highlighting the discrepancies between their statements which sought to justify the shooting by alleging Porter was “sprinting” at the officers while pointing a knife.

The lawsuit was filed in U.S. District Court, Northern District of California, San Francisco; Porter v. City of Pittsburg et. al; Case 4:24-cv-03179 (May 28, 2024).

About Pointer & Buelna, LLP, Lawyers for the People: Civil rights attorneys Adanté Pointer and Patrick Buelna started their law firm to give people a chance against large institutions like the police, government, corporations and insurance companies. They have secured many of the largest trial verdicts and settlements in these practice areas.



Ashton Porter

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