

Medical Examiner rules Gaslamp-Quarter death a 'homicide' due to physical restraint by police officers

Family sues the City of San Diego for civil rights violations and for withholding information about the death in police custody.

SAN DIEGO, CA, UNITED STATES, May 30, 2025 /EINPresswire.com/ -- The family of Gabriel Jesus Garza filed a federal lawsuit against the City of San Diego Wednesday (25-CV-1350-JLS-SBC) alleging wrongful death, civil rights violations, as well as the wrongful withholding of police bodycam recordings under California's Public Records Act.



The suit was filed on behalf a 40-year-old-man, Gabriel Garza, who was experiencing a mental-health crisis near a Gaslamp Quarter bar in January of 2025. The County Medical Examiner's office later concluded that the manner of death was "homicide" due to "physical restrain[t] by police officers."

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Civil rights attorney Lauren M. Mellano

According to the complaint filed yesterday, Gabriel Garza was unarmed, and was breathing and speaking when San Diego police encountered him outside of the Star Bar downtown. Police forced Garza onto his stomach, and applied downward pressure while he was in the prone position until he died. The complaint alleges that medical experts and law enforcement have known "for more than

thirty years" that "restraining someone in the prone position can kill them" and that prone restraint of a compliant detainee "clearly violates established law." Garza's [attorneys, McKenzie Scott PC](#), assert that prone restraint also violates California's Assembly Bill 490, which passed in 2021 and was designed to curb deaths, like Garza's, resulting from positional asphyxia. As a result of AB 490, state law now prohibits law enforcement agencies from authorizing techniques or transport methods involving a substantial risk of positional asphyxia.

In addition to wrongful death and civil rights claims, the lawsuit alleges that the City of San Diego wrongly denied requests made under California's Public Records Act for body worn camera footage related to Garza's death. [Civil rights attorney Lauren M. Mellano](#), who represents Garza's family, noted that "withholding video recordings of a police homicide is a blatant violation of California law. State law now requires that 'critical incident' recordings be disclosed, and the City has not provided any lawful justification for its failure to do so."

The deceased's brother, Carlos Garza, added that his brother's death "has been one of the most difficult things my family has ever been through. Not getting any answers from the San Diego Police Department has made it even more difficult to deal with. I have gotten more answers from strangers than the people that are here to protect and serve. There has been zero transparency from police."

[San Diego trial lawyer Tim Scott](#), who represents Garza along with Ms. Mellano, said that "positional asphyxia deaths are entirely preventable, but they continue to occur—usually to the most vulnerable members of our community. Our goal in filing this lawsuit is not just to obtain justice for Gabriel, but to help change SDPD policy and training before more San Diegans die needlessly in police custody."

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