

ATTORNEYS

Alison Cordova

Family of San Francisco Native Shot With Stolen SFPD Gun Files Claim Against SFPD And SFPD Officer Marvin Cabuntala

Gunman Murdered 23-Year-Old Abel Esquivel During Crime Spree With Firearm Robbed From Officer's Vehicle

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The mother of Abel Esquivel will take the first step toward pursuing justice for the death of her beloved son, a twenty-three-year-old San Francisco-native who was senselessly shot and killed in the Mission District on August 15, 2017, with San Francisco Police Officer, Marvin Cabuntala's .38 caliber Smith and Wesson revolver. The revolver was stolen only days before after being left loaded and unlocked in an unattended vehicle in San Francisco.

Cotchett Pitre & McCarthy attorney Alison Cordova along with the family of Abel Esquivel announced that an administrative claim has been filed against The San Francisco Police Department and Officer Cabuntala. The claim alleges that SFPD, as well as the officer, failed to follow state and local laws pertaining to securing and storing a firearm in an unattended vehicle. In particular, the claim alleges the officer's conduct violated California Penal Code section 25452—a new criminal law approved by Governor Brown in September 2016 and meant to ensure law enforcement officers were held to the same standards as private citizens in the storage of their handguns, i.e., handguns left in unattended vehicles must be in a locked container out of plain view. Notably, despite an ongoing “internal investigation” into the theft, Officer Cabuntala is still an active SFPD Officer and has not been criminally charged.

“Unfortunately, law enforcement officers have become brazenly comfortable with failing to properly secure their lethal weapons. Despite efforts by legislators to stem this rampant problem and create measurable and impactful consequences, law enforcement officers and agencies are still failing to secure lethal weapons, and furthermore, escaping the consequences. Instead, the family of Abel Esquivel suffers. Just like the family of Kate Steinle and Tony Ramos.” said Alison Cordova.