

Waco grandfather sues city after police officer shoots him in the hand

A Waco man sued the city last week after a police officer shot him in the hand according to Hissey Kientz, LLP, the family's attorneys.

A Waco man sued the city last week after a police officer shot him in the hand as the man was restraining his distraught grandson. The lawsuit, filed on behalf of Tommy and Vicky Smith, alleges that a combination of poor judgment, inadequate training and poor marksmanship led Officer Francisco Reyes to shoot Smith in the dining room of his home on Lyle Avenue.

According to the [complaint](#) filed in federal court, Reyes arrived at Smith's home on March 18 to find Smith restraining his grandson, Alex Mendoza, who was holding an unloaded rifle. Smith had restrained Mendoza and the rifle in a "bear hug" by the time police arrived.

The filed complaint states that the unloaded rifle was always pointed at the ceiling and could not have been moved from Mendoza's chest.

[Case 6:13-cv-00179-WSS](#) alleges that Reyes opened fire without announcing himself or shouting a warning and that when he did fire, he did so without aiming. According to the court documents, Reyes relied on a "spray-and-pray" approach, sending three bullets scattershot into Smith's home. In the complaint, family members content every bullet Reyes fired hit something or someone it should not have, including a wooden post, a chair and Smith.

The bullet that struck Smith passed through his hand, shattering bone and permanently disabling it, before continuing into Mendoza's abdomen, according to the [filed complaint](#).

While Smith has not been charged with any crime, [Case 6:13-cv-00179-WSS](#) contends officers delayed medical treatment and sought to implicate him in a crime after Smith demanded to know why Reyes shot him.

"A police officer's use of deadly force is the most extreme form of government intrusion into the lives of private citizens," said Erik Walker, one of the attorneys for the family. "The police are never to use deadly force where no imminent threat exists, and when an officer does use deadly force, he must do so carefully."

"I don't think anyone wants to live in a world where the police can blindly fire into a house full of people."



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