

# Man killed by cop had replica gun

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PUBLISHED: March 9, 2006 at 5:15 am | UPDATED: August 17, 2016 at 7:05 am

NEWARK — The man who was killed by Newark police Tuesday afternoon was carrying a replica firearm and may have been intoxicated when he was shot, authorities said.

A day after the city's first officer-involved shooting in more than a decade, Newark police Chief Ray Samuels announced that

33-year-old Victor Faras Macisas of Fremont was carrying a chrome-colored look-alike handgun when he was slain outside Chavez Meat Market in Newark Square shopping center.

Replica guns are harmless but often closely resemble real firearms. Just three months ago, Newark police warned local residents not to carry them in public, for fear it could lead to just such a tragedy.

Samuels said that based on witness statements and surveillance video footage, Tuesday's shooting appeared to be within police protocol.

Family members could not be reached for comment Wednesday night.

At a news conference Wednesday, Samuels held up photos of the replica weapon Macisas was carrying, as well as a real chrome semiautomatic pistol, and told reporters that veteran Officer Andrew Heckman feared for his safety as well as that of nearby patrons when he fired four shots from an AR-15 rifle from about 40 feet away, killing Macisas.

Because preliminary autopsy information has not been released by authorities, it is unclear exactly how many bullets hit Macisas, who was pronounced dead at Eden Medical Center in Castro Valley.

Two representatives for the Alameda County Coroner's Bureau declined to answer questions Wednesday, referring all inquiries to the Police Department.

According to court records, Macisas — who also was known as Macias — had two pending cases for misdemeanor charges of being drunk in public. He reportedly was in court just hours before the shooting.

Newark authorities confirmed they had had several run-ins with Macisas, stopping him five times for being drunk in public.

— but none of the officers involved in Tuesday’s incident recognized him, Samuels said.

Heckman, an eight-year veteran of the department and a member of the SWAT team, and patrol Sgt. Steve Holbert were dispatched to the shopping center, at the corner of Thornton Avenue and Cedar Boulevard, shortly before 4:30 p.m. Tuesday after numerous callers reported that an armed man was walking through the shopping plaza, Samuels said.

At the same time, police learned that Macisas had confronted at least one person in front of Oliveira’s Liquors, demanding drugs and asking if the person was gang-affiliated, the chief said.

When officers arrived, Macisas was seen pacing in front of Chavez Meat Market, at the east end of the shopping center, looking as if he was going to rob the store, authorities said.

Shortly thereafter, Heckman and Holbert started to approach Macisas, but then a woman exited a Round Table Pizza in the complex and stepped into the middle of the action, Samuels said.

“Recognizing her vulnerability, (Holbert) stepped from his position of cover and pushed her back into the store,” the chief said.

This commotion caught Macisas’ attention, and he drew the weapon from his waistband as Heckman and Holbert began shouting — in English and Spanish — to put the gun down, Samuels said.

Witness Robert Fernandez, 28, was inside a nearby barbershop getting his hair cut when he heard the commotion. He went outside and saw Macisas pull out the weapon.

“Right when I saw that, I knew it was going to get bad,” he said, adding that he instinctively ducked.

At that point, Macisas took a “shooting stance” and pointed the weapon at the officers, prompting Heckman to shoot him, Samuels said.

Fernandez, who was about 20 feet behind the officers, said the gun looked real and said he would have reacted the same way if he was a police officer.

“If it’s going to be either me or him, it’s definitely going to be him,” he said.

Samuels said surveillance video footage reviewed by detectives reaffirms the statements from witnesses and officers. He said the department may release the images at a later date.

By Wednesday afternoon, Macisas' home in Centerville — which he reportedly shared with his brother and sister-in-law — was quiet.

Just 12 hours earlier, about 2:30 a.m., Macisas' brother, Arturo, was arrested by Fremont police officers who were responding to a disturbance call, Detective Bill Veteran said.

Arturo Macisas was arrested on suspicion of being drunk in public and obstructing police officers, Veteran said, but he was released hours later when charges were dropped.

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