



Office of the New York State Attorney General Lettla James

Office of Special Investigation

April 28, 2026

Report on the Investigation into the Death of Jesus Alberto Nunez Reyes

SUMMARY

New York Executive Law Section 70-b authorizes the Office of the Attorney General, through the Office of Special Investigation (OSI), to investigate and, if warranted, to prosecute offenses arising from any incident in which the death of a person is caused by a police officer or a peace officer, as defined. When OSI, as in this case, does not seek charges, Section 70-b requires OSI to issue a public report. This is the public report of OSI's investigation of the death of Jesus Alberto Nunez-Reyes, who was shot and killed on April 20, 2024, by New York City Police Department (NYPD) Officer Kenneth Guzman. Having thoroughly investigated the matter and analyzed the law, OSI will not seek charges against Officer Guzman because it concludes a prosecutor would not be able to disprove beyond a reasonable doubt that his use of deadly force against Mr. Nunez Reyes was justified under New York law.

On April 20, 2024, Officer Guzman and NYPD Officer Cristal Ramirez-Nunez were assisting in a robbery prevention detail at the corner of Roosevelt Avenue and 103rd Street in Queens. At 4:07 a.m. the officers heard people shouting for help on 103rd Street. The officers walked toward the commotion and saw Mr. Nunez Reyes holding a knife next to Witness 1 (OSI does not publish the names of civilian witnesses). Witness 1 tried several times to push Mr. Nunez Reyes away, but he continued to grab her. Officer Guzman yelled several times at Mr. Nunez Reyes to drop the knife, but Mr. Nunez Reyes continued to hold the knife. Officer Guzman fired a Taser at Mr. Nunez-Reyes, with no effect. As Mr. Nunez-Reyes, still holding the knife, walked toward Officer Ramirez-Nunez and a group of people standing on the sidewalk, Officer Guzman shot Mr. Nunez Reyes three times. Mr. Nunez Reyes died of his injuries. The knife was recovered on the ground next to him.

Mr. Nunez Reyes was 65 years old when he died.

FACTS

Site of Shooting

The shooting occurred in front of 39-21 103rd Street, between Roosevelt Avenue and 39th Avenue in Queens. Officer Guzman and Officer Ramirez-Nunez were assigned to a standing foot post at the intersection of 103rd Street and Roosevelt Avenue at the time of the incident.



Bar where witness saw
Nunez-Reyes

Officers assigned to
foot post at 103rd and
Roosevelt

39-21, 103rd
Street. Site of
shooting.

Witness Interviews

Witness 1

Witness 1 said that she and Mr. Nunez Reyes had been in a casual romantic relationship since 2017 and that Mr. Nunez Reyes was upset with her because he wanted the relationship to be more serious. Witness 1 described Mr. Nunez Reyes as possessive and jealous of other men.

Witness 1 said that on April 19, 2024 (the calendar day before the shooting), Mr. Nunez Reyes texted that he wanted to see her; Witness 1 responded that she did not want to meet and that she was going out that evening with Witness 2. Witness 1 said she and Witness 2 went to a bar on 37th Avenue between 102nd and 103rd Streets and said she planned to meet a man (Witness 3) at the bar. Witness 1 said she and Witness 2 arrived at the bar about 11:00 p.m. and saw Mr. Nunez Reyes drinking alone. Witnesses 1, 2, and 3, sat together at a table at the other side of the bar and drank until about 1:00 a.m. (April 20), when they left to go to a bar around the corner, on 103rd Street. When they left, Mr. Nunez Reyes was still drinking alone.

Witness 1 said she and Witnesses 2 and 3 stayed at the second bar until 3:45 a.m., when they left to go home for the evening. While they were walking on 103rd Street, looking for a cab, Mr. Nunez Reyes approached them, holding a knife. Mr. Nunez Reyes yelled at Witness 3, pointed the knife at him, and chased him away. Mr. Nunez Reyes grabbed Witness 1 by the arm and said, "Let's go home." Witness 1 tried to pull away from Mr. Nunez-Reyes, but he kept holding her arm and pushed her toward a gated store front. Witness 1 said Witness 2 yelled for help and two police officers showed up. Witness 1 said the officers kept yelling at Mr. Nunez-Reyes, but he would not drop the knife. Witness 1 said Mr. Nunez Reyes had started to walk away when the police shot him.

Witness 2

Witness 2 said that on April 19, 2024, at about 11:00 p.m., she and Witness 1 went to a bar on 37th Avenue to meet a male friend (Witness 3) of Witness 1. They stayed at the bar until about 1:00 a.m., when they went to a second bar, on 103rd Street, where they stayed until about 4:00 a.m. (on April 20). Witness 2 said Witnesses 1 and 3 walked her to a cab. After getting in the cab, Witness 2 heard screaming and saw Witness 1 arguing with a man she knew as Jesus. Witness 2 got out of the cab and saw that Mr. Nunez Reyes was holding a knife and pushing Witness 1. Witness 2 approached Mr. Nunez Reyes but backed away when he pointed the knife at her. Witness 2 thought Mr. Nunez Reyes was going to stab her. Mr. Nunez Reyes held the knife against the side of Witness 1 and pushed her toward some buildings and said, "Let's go home." Witness 2 said she heard Witness 1 telling Mr. Nunez Reyes in Spanish that he was going to get hurt if he did not drop the knife. Witness 2 also told Mr. Nunez Reyes in Spanish to drop the knife. Witness 2 then started screaming for help. Two officers immediately came over and began telling Mr. Nunez Reyes to drop the knife. The

officers tried to Tase Mr. Nunez-Reyes, but it had no effect. The officers shot Mr. Nunez Reyes when he started walking toward a group of people with the knife in his hand.

Witness 3

Witness 3 said that on April 19, 2024, at about 10:00 p.m. he met up with Witnesses 1 and 2 at a bar. He first saw Mr. Nunez Reyes when the group left the bar and were walking near Roosevelt Avenue and 104th Street. As they were walking on 103rd Street, Mr. Nunez Reyes charged at him with a knife, forcing him to run away. Mr. Nunez Reyes then charged toward Witness 1 and 3 with the knife and dragged Witness 1 by the coat. Two officers approached the commotion and Witness 3 ran toward them to warn them about the knife. Witness 3 heard Mr. Nunez Reyes say multiple times that he was going to kill Witness 1. He saw the officers Tase Mr. Nunez Reyes and heard several shots after Mr. Nunez Reyes charged toward the female officer and the crowd standing nearby.

Security Video

Kentucky Fried Chicken, 39-21 103rd Street

Security video from 39-21 103rd Street showed that Witness 2 walked past the camera followed by Witness 1 and Witness 3 as they linked arms. Mr. Nunez Reyes approached Witnesses 1 and 3 from behind while holding the knife and pushed Witness 3 out of the camera's view and followed him off camera. Moments later, Mr. Nunez Reyes reentered the camera's view, walked toward a group of people with the knife in his right hand, and fell to the ground after being shot by the police. The knife fell on the ground next to Mr. Nunez Reyes (video linked [here](#)).

39-19 103rd Street

Security video from 39-19 103rd Street showed Witness 2 walking on 103rd Street and getting into a white car. Witnesses 1 and 3 walked behind her with their arms linked. Mr. Nunez Reyes approached Witnesses 1 and 3 from behind and grabbed Witness 1 by the arm. Mr. Nunez Reyes was holding a knife in his right hand. Mr. Nunez Reyes chased Witness 3 into the street toward Roosevelt Avenue. Mr. Nunez Reyes walked back to Witnesses 1 and 2. Mr. Nunez Reyes appeared to be yelling and pushed both women. Mr. Nunez Reyes pushed Witness 1 toward a gated store front and tried to pull her down the street. Witness 2 started to yell, several people on the street approached, and a crowd began to form around the disturbance. Officers Guzman and Ramirez-Nunez walked over from the Roosevelt Avenue and 103rd Street intersection. Officer Guzman took out his gun and pointed it at Mr. Nunez-Reyes, who continued to yell and push Witness 1. Officer Guzman took out his Taser and fired it at Mr. Nunez-Reyes, with no effect. Mr. Nunez Reyes walked away from Witness 1, past Officer

Guzman, and toward Officer Ramirez-Nunez. Officer Ramirez-Nunez fired her Taser at Mr. Nunez-Reyes, to no effect. Officer Ramirez-Nunez backed away from Mr. Nunez Reyes as he walked toward her and the other people. Officer Guzman shot Mr. Nunez Reyes three times in the back. The knife Mr. Nunez Reyes was holding was visible at various points throughout the video (video linked [here](#)).

The still frame images from the 39-19 103rd Street security video, below, show Mr. Nunez Reyes standing next to Witness 1 and then walking toward Officer Ramirez-Nunez. OSI measured the sidewalk squares outside 39-19 103rd Street and found them to be about five feet on each side. OSI measured the distance between the trash bins and curb line to be about seven feet.



Still frame from security video showing Mr. Nunez Reyes standing next to Witness 1 with a knife in his right hand (circled).



Still frame from security video showing Officer Ramirez-Nunez, center, holding a Taser and standing near the front passenger door of the white car, less than 10 feet from Mr. Nunez-Reyes.



Still frame from security video showing Mr. Nunez Reyes walking toward Officer Ramirez-Nunez; he was stepping into the five-foot-wide sidewalk square where Officer Ramirez-Nunez was standing.



Still frame from security video showing Officer Ramirez-Nunez walking away from Mr. Nunez-Reyes; she was stepping out of the five-foot-wide sidewalk square that he was within.



Still frame from security video showing Officer Ramirez-Nunez continuing to walk away from Mr. Nunez-Reyes; the officer was midway within a sidewalk square, and Mr. Nunez Reyes was midway within the adjacent sidewalk square.



Still frame from security video showing Officer Ramirez-Nunez about three feet from Mr. Nunez-Reyes, based on the position of their feet in the sidewalk squares; the frame shows Officer Guzman with a gun in his hand.



Still frame from security video showing Officer Guzman as he began shooting.



Still frame from security video showing Officer Guzman as he continued to shoot.

Video from NYPD Body-Worn Cameras (BWCs)

Officer Guzman

Officer Guzman activated his BWC when he approached Mr. Nunez Reyes and took out his gun. Upon activation, NYPD's BWCs begin to record video with audio; prior to activation, NYPD's BWCs record 60 seconds of video only, in a pre-event buffering mode. Prior to activation, the BWC video showed Officer Guzman standing with Officer Ramirez-Nunez at the corner of 103rd Street and Roosevelt Avenue. Officer Guzman turned and walked across the street. When Officer Guzman activated his BWC, Mr. Nunez-Reyes, holding a knife in his right hand, and Witness 1 were standing next to a gated storefront. Witness 1 tried to push Mr. Nunez Reyes away several times, without success. Officer Guzman took out his gun and yelled several times for Mr. Nunez Reyes to drop the knife. Officer Guzman took out his Taser and fired it at Mr. Nunez-Reyes, to no effect. Mr. Nunez Reyes pulled out the Taser prongs and walked past Officer Guzman and toward Officer Ramirez-Nunez and the people who seemed to be watching the incident. Officer Ramirez-Nunez backed away from Mr. Nunez-Reyes. Officer Guzman shot Mr. Nunez Reyes as he walked past Officer Ramirez-Nunez.

After the shooting, another officer asked Officer Guzman if he was all right. Officer Guzman said Mr. Nunez Reyes was menacing a lady with a knife, that he (Officer Guzman) told him (Mr. Nunez-Reyes) to drop the knife several times, that he Tased him but he didn't go down, and that he shot him when he started to walk toward Officer Ramirez-Nunez (video linked [here](#)).



Still frame from Officer Guzman's BWC video showing Mr. Nunez Reyes standing next to Witness 1 with a knife in his right hand (circled).



Still frame from Officer Guzman's BWC video showing Mr. Nunez Reyes standing within feet of Officer Ramirez-Nunez.



Still frame from Officer Guzman's BWC video showing the first shot he fired.



Still frame from Officer Guzman's BWC video showing the second shot he fired.



Still frame from Officer Guzman's BWC video showing the third shot he fired.

Officer Ramirez-Nunez

Officer Ramirez-Nunez activated her BWC after Officer Guzman fired his gun. Prior to activation, her BWC video showed her standing with Officer Guzman at the corner of 103rd Street and Roosevelt Avenue. The officers walked toward Mr. Nunez Reyes and the witnesses. Witness 1 and Mr. Nunez-Reyes, holding a knife in his right hand, were standing next to a gated storefront. Witness 1 unsuccessfully tried to push Mr. Nunez Reyes away several times. Officer Guzman fired his Taser at Mr. Nunez-Reyes, to no effect. Mr. Nunez-Reyes, with the knife in his right hand, walked toward Officer Ramirez-Nunez and several people standing near her. Officer Ramirez fired her Taser Mr. Nunez-Reyes, to no effect. Officer Guzman shot Mr. Nunez Reyes when he neared Officer Ramirez-Nunez and the group of people (video linked [here](#)).



Still frames from Officer Ramirez-Nunez's BWC video showing Mr. Nunez Reyes walking toward bystanders with a knife in his right hand (circled). Officer Guzman began shooting. While there is no audio for this portion of Officer Nunez Reyes BWC video, OSI knows Officer Guzman began shooting at 4:08:32 based on the time stamp on his BWC.

Officer Interviews

Officer Kenneth Guzman

When OSI interviewed Officer Guzman he said he had been a member of NYPD since 2022 and was assigned to the 42nd Precinct in the Bronx. On the night of the incident, he was assigned to the corner of Roosevelt Avenue and 103rd Street in Queens with Officer Ramirez-Nunez to address an increase in robberies in the area, particularly at 4:00 a.m., when the bars would close. Officer Guzman said he returned from a meal break at 4:00 a.m. and was standing at the corner of Roosevelt Avenue and 103rd Street when he heard somebody yelling for help in Spanish. He said he walked about halfway up the block when a man told him there was a man with a knife. Officer Guzman saw Mr. Nunez Reyes holding a knife in his right hand and arguing with Witness 1. Officer Guzman said he did not know that Mr. Nunez Reyes and Witness 1 knew each other and thought it was a robbery.

Officer Guzman took out his gun and yelled to drop the knife several times. Mr. Nunez Reyes did not drop the knife and continued to menace Witness 1 with it. Officer Guzman took out his Taser and fired it at Mr. Nunez-Reyes, with no effect. Officer Guzman said he continued to yell to drop the knife. Mr. Nunez Reyes turned toward the officers and a group of spectators while still holding the knife. Officer Guzman then shot Mr. Nunez Reyes several times when Mr. Nunez Reyes got next to Officer Ramirez-Nunez. Officer Guzman said he shot Mr. Nunez Reyes because he feared he was going to stab Officer Ramirez-Nunez or the other people standing nearby.

Officer Cristal Ramirez-Nunez

When OSI interviewed Officer Ramirez-Nunez she said she had been a member of NYPD since 2022 and was assigned to the 42nd Precinct in the Bronx. On the night of the incident, she was assigned to the corner of Roosevelt Avenue and 103rd Street in Queens to address an increase in robberies in the area. Officer Ramirez-Nunez said she and Officer Guzman had just returned from their meal break at 4:00 a.m. when they heard somebody screaming for help in Spanish. Officer Ramirez-Nunez followed Officer Guzman across the street where she saw a man swinging a knife and holding it next to a woman, at the woman's side. Officer Guzman yelled at the man to drop the knife several times, and he did not comply. A crowd started to form around the officers. Officer Guzman fired his Taser at the man, with no effect. The man walked toward the officers and the bystanders. Officer Ramirez-Nunez fired her Taser at him, but he did not drop the knife and continued walking toward her and then turned toward the bystanders when Officer Guzman shot him.

Physical Evidence

Detectives from NYPD's Crime Scene Unit (CSU) went to the scene and took photographs and recovered physical evidence.

Officer Guzman's Firearm

Officer Guzman was equipped with a Glock 17, Generation 4, 9 mm firearm, with a 15-cartridge capacity magazine. CSU recovered thirteen unfired 9mm cartridges from the firearm and magazine (one cartridge from the gun's firing chamber and twelve from the magazine). During his interview with OSI, Officer Guzman said his firearm was fully loaded with one cartridge in the firing chamber and 15 in the magazine. The 13 cartridges recovered from the gun indicate that Officer Guzman fired three rounds during the incident.

Mr. Nunez-Reyes's Knife

CSU Detectives recovered the seven-inch yellow knife Mr. Nunez Reyes was holding during the incident. Detectives also recovered a clear plastic sheath from the ground near where the knife was recovered, as shown in the two photos below:





Autopsy

Dr. Avneesh Gupta of the New York City Office of the Chief Medical Examiner performed the autopsy of Mr. Nunez Reyes on April 21, 2024. According to the autopsy report, Dr. Gupta determined that the cause of death was gunshot wounds of the torso and deemed the manner of death to be homicide. Mr. Nunez Reyes was shot three times, with gunshot wounds to the right upper back, right mid back, and right lower back.

LEGAL ANALYSIS

Law of Justification

Article 35 of the New York Penal Law defines the circumstances under which a person may be justified in using deadly physical force against another. Justification is a defense, Penal Law Section (PL) 35.00, not an affirmative defense. To obtain a conviction at trial, a prosecutor must disprove a defense beyond a reasonable doubt, PL 25.00(1).

In *People v Jairo Castillo*, 42 NY3d 628, 631 (2024), the New York Court of Appeals stated:

“The defense of justification provides that a person may use physical force to defend himself against an assailant’s ‘imminent use of unlawful physical force,’ but does not authorize the use of ‘deadly physical force . . . unless . . . [the person] reasonably believes that [the assailant] . . . is using or about to use deadly physical force’ (Penal Law § 35.15). When considering a request for a justification charge, courts examine

the evidence in the light most favorable to the defendant and must provide the instruction if there is any reasonable view of the evidence that defendant was justified in his actions (see *People v Heiserman*, 39 NY3d 988, 990 [2022]). Justification has both a subjective requirement, that ‘defendant . . . actually believed . . . he [was] . . . threatened with the imminent use of deadly physical force,’ and an objective requirement, that defendant’s ‘reactions were . . . those of a reasonable man acting in self-defense’ (*People v Collice*, 41 NY2d 906, 907 [1977]).” (Square brackets and ellipses in the original.)

Deadly physical force is force that “under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing death or other serious physical injury.” PL 10.00(10). Serious physical injuries include permanent scars and lacerations, *People v Brooks*, 165 AD3d 694 (2d Dept 2018), and the loss of an eye or vision, *People v Ingram*, 95 AD3d 1376 (3d Dept 2012); *People v Kirschbaum*, 121 AD2d 744 (2d Dept 1986). Therefore, even if the user of a knife or other sharp object does not succeed in killing a person, the use of such an implement can be deadly physical force.

Police officers attempting to make an arrest for an offense are not obligated to retreat before using deadly physical force in response to deadly physical force, even if they know they can do so in complete safety to themselves or others, PL 35.30 and PL 35.15(2)(a)(ii).

Analysis of Justification in This Case

Based on the evidence in this investigation, OSI concludes that a prosecutor would not be able to disprove beyond a reasonable doubt that Officer Guzman’s use of deadly physical force was justified under the law. Under PL 35.30 Officer Guzman could use the physical force he reasonably believed necessary to effectuate the arrest of Mr. Nunez Reyes and could use deadly force if he reasonably believed it was necessary to defend himself or another against his imminent use of deadly force.

Officer Guzman and Officer Ramirez-Nunez were attempting to apprehend Mr. Nunez Reyes after seeing him menacing Witness 1 with a knife. Officer Guzman did not know that Mr. Nunez Reyes and Witness 1 knew each other and thought he was intervening in an armed robbery. Based on the evidence, Officer Guzman could have reasonably believed Mr. Nunez Reyes was committing the crime of Robbery in the Third Degree, PL 160.05, and Menacing in the Second Degree, PL 120.14 (1). Officer Guzman first attempted to apprehend Mr. Nunez Reyes through non-deadly physical force by shouting verbal commands and using his Taser. Mr. Nunez Reyes did not drop the knife and then walked within feet of Officer Ramirez-Nunez and several other people standing on the sidewalk. Officer Ramirez-Nunez was forced to retreat backward several feet to avoid contact with Mr. Nunez-Reyes. Officer Ramirez-Nunez then unsuccessfully attempted to stop Mr. Nunez Reyes with non-deadly physical force by deploying

her Taser, but he continued to advance toward her and the crowd while still holding the knife. Officer Guzman, then in fear for the safety of his partner and the bystanders, shot Mr. Nunez Reyes when he was a few feet away from them.

Under these circumstances, OSI would not be able to disprove beyond a reasonable doubt that Officers Guzman was justified in shooting Mr. Nunez-Reyes. Therefore, OSI will not seek charges and closes the matter with this report.

Dated: April 28, 2026