



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE
State Attorney

DATE: AUGUST 13, 2019

FROM: STAFFING/REVIEW TEAM

RE: POLICE SHOOTING CLOSEOUT MEMO
CASE # SAO #62/18/09/28/20/001
DECEASED: CARBALLIDO, Alexander

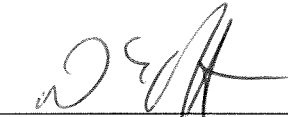
Based on the information obtained and reviewed during the course of the investigation, the conclusion of the staffing/review team is the following: Miami and Miami-Dade Police officers were working with the FBI in the apprehension of Alexander Carballido regarding an armed home invasion.

As officers approached the subject at a gas station, he immediately fired at them. The officers returned fire. As Carballido fled from the area, he continued to fire shots at the officers in pursuit, endangering the lives of the officers and agents as well as anyone in the surrounding area.

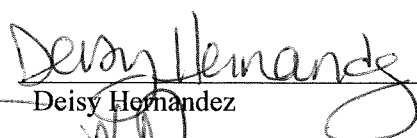
Using "stop sticks" officers were able to stop the subject vehicle. Once more, Carballido fired at the officers with an assault rifle. Officers and Agents returned fire and Carballido died on the scene.

Based on the sworn statements, crime scene reports, body-worn camera video footage, evidence compiled by FDLE, and pursuant to Florida Statute 776.012 and 776.05, we find that Detective Michel Ulloa, Officer Kevin Font, Officer Leyan Muniz, Detective Yovani Sosa, Officer Lazaro Fresnedo, Detective Carlos Sordo, Detective Lillian Smith, Officer Amanda Laffita, Officer Alexei Soto-Caballero, Sgt. Roberto Mallon, Officer Michael New, Officer Norberto Melendres, Officer John Calabrese, Sgt. Juancarlo Erigoyen, and Special Agents Brandon Whitis, Jason Burke, Nicholas Jones and Adam Felde were legally justified in the use of deadly force by firing their weapons.

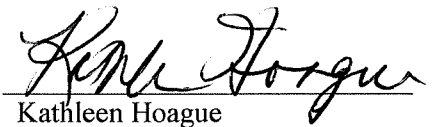
The members of the staffing/review team for this case are:



Don L. Horn



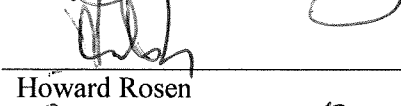
Deisy Hernandez



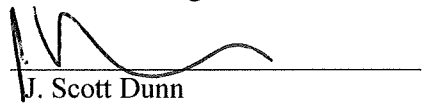
Kathleen Hoague



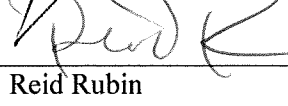
Stephen K. Talpins



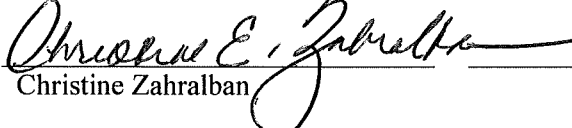
Howard Rosen



J. Scott Dunn

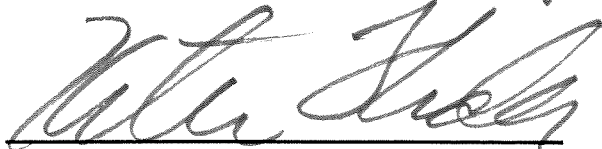


Reid Rubin



Christine Zahralban

Approved by State Attorney on this 15 day of August, 2019.



KATHERINE FERNANDEZ RUNDLE
State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: AUGUST 13, 2019

FROM: REBECCA DIMEGLIO
DIVISION CHIEF

RE: POLICE SHOOTING CLOSEOUT MEMO
Case # 62/18/09/20/001

OFFICER(S) INVOLVED:	DET. MICHEL ULLOA, MDPD #30-5679 OFC. KEVIN FONT, MDPD #30-7417 OFC. LEYAN MUNIZ, MDPD #30-7498 DET. YOVANI SOSA, MDPD #30-7726 OFC. LAZARO FRESNEDO, MDPD #30-7641 DET. CARLOS SORDO, MDPD #30-7315 DET. LILLIAN SMITH, MDPD #30-5343 OFC. AMANDA LAFFITA, MDPD #30-7961 OFC. ALEXEI SOTO-CABALLERO, MDPD #30-6437 SGT. ROBERTO MALLON, MPD #01-27510 OFC. MICHAEL NEW, MPD #01-27511 OFC. NORBERTO MELENDRES, MPD #01-4691 OFC. JOHN CALABRESE, MPD #01-41051 SGT. JUANCARLO ERIGOYEN, MPD #01-27907 SA BRANDON WHITIS, FBI MIAMI SA JASON BURKE, FBI MIAMI SA NICHOLAS JONES, FBI MIAMI SA ADAM FELDE, FBI MIAMI
DECEASED	ALEXANDER CARBALLIDO
INJURIES:	MULTIPLE GUNSHOT WOUNDS
DATE & TIME:	SEPTEMBER 20, 2018 AT APPROX. 8:55PM
LOCATION:	ROADWAY, NW 7 TH STREET AND NW 72 ND AVE

WEAPON:	<p>GLOCK 17 GEN 4 9MM HANDGUN, SERIAL #REF413 (ULLOA) GLOCK 34 9MM HANDGUN, SERIAL #HGP892 (FONT) GLOCK 17 GEN 4 9MM HANDGUN, SERIAL #RZX015 (MUNIZ) GLOCK 17 GEN 4 9MM HANDGUN, SERIAL #RZX013 (SOSA) GLOCK 17 GEN 3 9MM HANDGUN, SERIAL #LVS799 (FRESNEDO) GLOCK 17 GEN 4 9MM HANDGUN, SERIAL #RED231 (SORDO) GLOCK 17 GEN 4 9MM HANDGUN, SERIAL #REF257 (SMITH) GLOCK 17 GEN 4 9MM HANDGUN, SERIAL #RZX029 (LAFFITA) COLT CARBINE M4 5.56 CAL RIFLE, SERIAL #LE476750 (LAFFITA) GLOCK 17 GEN 4 9MM HANDGUN, SERIAL #BLGA858 (SOTO-CABALLERO) GLOCK 22 .40 CAL HANDGUN, SERIAL #MIA1405 (MALLON) GLOCK 22 .40 CAL HANDGUN, SERIAL #MIA1407 (NEW) GLOCK 22 .40 CAL HANDGUN, SERIAL #MIA1281 (MELENDRES) GLOCK 22 .40 CAL HANDGUN, SERIAL #MIA2006 (CALABRESE) BUSHMASTER XM-15 RIFLE, SERIAL #L404006 (ERIGOYEN) COLT M16-A1 5.56 CAL RIFLE, SERIAL #5620629 (FBI SA JONES) COLT M4-A1 5.56 CAL RIFLE, SERIAL #W350097 (FBI SA FELDE) COLT M4-A1 5.56 CAL RIFLE, SERIAL #W320064 (FBI SA BURKE) COLT M4-A1 5.56 CAL RIFLE, SERIAL #W230288 (FBI SA WHITIS) HI POINT FIREARMS MODEL 4595 .45 CAL RIFLE, SERIAL #R59291 (CARBALLIDO) HI POINT FIREARMS MODEL JH .45 CAL HANDGUN, SERIAL #316069 (CARBALLIDO) MOSSBERG MODEL 500A 12 GAUGE SHOTGUN, SERIAL #L402898 (CARBALLIDO)</p>
LEAD:	FDLE SPECIAL AGENT ALBERTO BORGES #76-1363
CASE #:	FDLE MI-27-0091
SAO CASE #:	62/18/09/20/001

SUMMARY

On Thursday, September 20, 2018, officers and detectives from the City of Miami Police Department (MPD) and the Miami-Dade Police Department (MDPD) were working in conjunction with agents from the Federal Bureau of Investigations (FBI) to track, locate and attempt to apprehend Alexander Carballido (“Carballido”) for a recent armed home invasion that had occurred in the City of Miami. At approximately 8:40 pm, the FBI tracked Carballido’s cellular telephone to the area of SW 57th Avenue and 7th Street.

On the same date at approximately 8:30 pm, Carballido had a phone conversation with his aunt and next of kin, Layda De Cardena. During that brief conversation, Carballido told Ms. De Cardena that he loved her and apologized for all of the bad things he had done.

Upon arriving in the area, uniformed officers driving both marked and unmarked police cars saw Carballido in the parking lot of the Rocket Gas Station located at 5695 West Flagler Street. He was driving a grey Nissan Altima. Carballido fired an assault rifle at MPD Officer John Calabrese and MPD Officer Michael New as they arrived at the scene. Officer Calabrese and Officer New returned fire. Carballido fled northbound on 57th Avenue and a chase ensued. Carballido continued to fire gunshots from his vehicle at pursuing officers. At differing points, several officers and detectives and FBI agents joined the pursuit. It should be noted that this chain of events was corroborated by several patrons of the Rocket Gas Station as well as the physical evidence.

One witness at the Rocket Gas Station, Mr. Jose Candelario, stated that he had been in his car at the gas station when Carballido pulled in. Carballido’s vehicle blocked Mr. Candelario’s car at the gas pump so Mr. Candelario exited his vehicle to ask Carballido to move his car. At that time, police officers arrived at the gas station and exited their vehicles. Mr. Candelario then saw Carballido produce what he described as an AK-47 firearm at which time the witness fled the area. As Mr. Candelario ran, he heard gunshots.

A second witness at the gas station, Ms. Daniela Abrante, was sitting in the passenger seat of Mr. Candelario’s vehicle when she saw Carballido’s vehicle. Ms. Abrante advised that Carballido was honking his horn and yelling for Candelario to move his vehicle. Carballido then produced a “long

weapon” and Ms. Abrante ducked down in her seat. Ms. Abrante advised that she observed through her mirror that police arrived at the gas station and Carballido began to fire his gun at the police. Ms. Abrante advised that officers returned fire.

Also corroborating the details of the incident was a patron who had been sitting at an outside patio dining at a restaurant located diagonally across the street from the Rocket Gas Station. Mr. Peter Joseph Garcia was eating dinner in the patio area of Palacio De Los Jugos, located across the street from the Rocket Gas Station. Mr. Garcia heard gunshots coming from the gas station and noticed a police officer taking cover behind a vehicle. Mr. Garcia then witnessed a four-door silver sedan driven by a male in his 30’s (fitting the description of Carballido and his vehicle) traveling northbound on NW 57th Avenue. Mr. Garcia observed that the driver of the silver sedan was holding an assault rifle as he fled the area in his vehicle.

About ten (10) minutes later, at approximately 8:50 pm, Carballido’s vehicle came to a stop in the area of NW 72nd Avenue and NW 7th Street as a result of running over “stop sticks” placed in the road by MDPD Officer Jack Exter, #30-3863. As Carballido’s vehicle came to rest, he continued to fire an assault rifle at approaching officers, detectives and agents from MPD, MDPD and the FBI. Sixteen (16) officers, detectives and agents returned fire and Carballido was pronounced deceased on the scene. No officers, detectives or agents were injured in the exchange of gunfire. It should be noted that investigators initially thought an additional officer, Officer Leonardo Laplaceliere, had also fired his weapon during the incident due to body worn camera footage. It was later determined that Officer Laplaceliere did not fire his weapon.

Several civilian witnesses in the area advised that they had seen all or part of the events as they occurred. Mr. Castor Perez was driving a concrete truck that was stopped at the red light signal at the intersection of NW 72nd Avenue and NW 7th Street. While stopped at the light, Mr. Perez saw police officers following a vehicle that was traveling southbound on NW 72nd Avenue. The vehicle turned right onto NW 7th Avenue and hit the rear side of Mr. Perez’s concrete truck. Mr. Perez advised that he believed the driver of the vehicle began to fire at police officers at which time they returned fire.

Ms. Maryana Escoto-Leyva was traveling southbound on NW 72nd Street in her vehicle and came to a stop at the intersection of NW 72nd Avenue and NW 7th Street. Ms. Escoto-Leyva saw a grey Nissan

with a broken rear windshield pass her vehicle at a high rate of speed. Ms. Escoto-Leyva then saw multiple police vehicles which began to stop around her vehicle. She then began to hear gunfire and lay across her front seat to protect herself.

Mr. David Jimmy Gallo was traveling southbound on NW 72nd Avenue in the area of NW 7th Street. Mr. Gallo observed a vehicle being pursued by multiple police vehicles. Mr. Gallo noted that the vehicle being pursued was driving in a reckless manner, weaving in and out of traffic. Mr. Gallo saw the vehicle travel past him and turn westbound on NW 7th Street. Mr. Gallo described hearing an exchange of gunfire and described some of the gunfire as coming from the area where the vehicle that was being pursued had come to a stop. Mr. Gallo described hearing rapid fire as if it came from a rifle.

Several witnesses in the area advised that they were unable to see the exact chain of events because they were forced to take immediate cover when Carballido began firing and as the police officers returned fire.

Crime scene investigators from MDPD processed the scene located at NW 72nd Avenue and 7th Street, about fifteen (15) streets away from the Rocket Gas Station scene, following the incident. Multiple spent casings were recovered from the roadway near the grey Nissan Altima that Carballido had been driving. Multiple spent casings were also located to the north and south of the gray Nissan Altima. Also, multiple firearm magazines were also located in the area.

MPD crime scene investigators processed the scene, located at 5695 West Flagler Street, and recovered five (5) spent shell casings. Spent casings were also recovered along the route of the pursuit between the Rocket Gas Station and the scene at NW 72nd Avenue and NW 7th Street. Spent shell casings were also located in the roadway near the following locations: 57th Avenue and West Flagler Street; NW 60th Court and NW 7th Street; NW 58th Court and 7th Street; and NW 71st Street and 7th Street. It should be noted that officers advised of shots being fired at several other locations, but no casings or evidence could be obtained from those locations.

MDPD crime scene investigators also processed the vehicle that Carballido had been driving. Carballido was the only occupant of the vehicle and was located deceased in the driver's seat. Inside the vehicle, crime scene investigators located a Hi Point Model 4595 rifle containing an empty magazine lying across Carballido's body with the barrel protruding out of the vehicle. Investigators located a

Mossberg 12-gauge shotgun with one shotgun shell within the tube of the firearm and the action in the open position. Crime scene detectives also recovered a Hi Point .45 caliber handgun containing an empty magazine located between the driver's seat and center console of the vehicle. Also recovered from the vehicle and associated with Carballido's firearms were two (2) .45 caliber spent casings, eighty-four (84) .45 caliber cartridges, a baggie with an unknown white powdery substance, a cellular telephone and a nylon handgun holster.

Also found in the vehicle were approximately twenty-seven (27) projectiles and projectile fragments that were associated with the firearms belonging to law enforcement officers.

The MDPD Crime Laboratory Firearms and Toolmark Section analyzed twenty-four (24) submitted suspect weapons and 346 spent casings and projectiles. The submitted firearms consisted of the weapons discharged by eighteen (18) officers (Officer Laffita discharged two separate weapons during the incident), the three (3) firearms recovered from Carballido's vehicle and the two (2) weapons that were carried by Officer Leonardo Laplaceliere, #30-6660. It should be noted that it initially appeared from body worn camera footage that MDPD Officer Leonardo Laplaceliere discharged his firearm. Upon further review of the footage, it became clear that Officer Laplaceliere did not discharge his firearm, but both his handgun and rifle were submitted for analysis in an abundance of caution. No casings or projectiles were matched to Officer Laplaceliere.

Two hundred seventy-two (272) of the submitted casings were matched to the officer's weapons, although not all matches were conclusive due to the condition of the evidence. Five (5) of the submitted fired casings could have been fired by the Hi Point rifle located in Carballido's lap but damage prevented a conclusive match. Thirteen (13) projectiles were matched to the officer's submitted firearms. Fifteen (15) projectiles were possible matches to the officer's submitted firearms. One (1) submitted .38 caliber casing and one (1) submitted 9mm casing could not be matched to any of the submitted firearms. The remainder of the submitted projectiles were not matched to any firearm due to damage.

CONCLUSION

The role of the State Attorney in this investigation and in conducting this review is limited to determining whether a criminal violation of Florida law has occurred, whether any person may be held

criminally responsible, and whether such criminal responsibility can be proven beyond a reasonable doubt in a court of law. The State Attorney does not establish agency policy, procedures, and training requirements. Nor does the State Attorney have any responsibility for determining disciplinary action or pursuing civil litigation in these matters. In other words, given the applicable law, the State Attorney's role is to determine whether the actions of the officers and agents constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

We have reviewed the Florida Department of Law Enforcement Investigative Summary into the Police Use of Force in this incident. We have also reviewed the sworn statements, crime scene reports, autopsy report, lab reports, body worn camera video, and other evidence compiled by FDLE under FDLE Case Number MI-27-0091. We find the summary to be complete, thorough and consistent with the witness statements and body worn camera video as well as consistent with our observations at the scene. We adopt and attach that Investigative Summary hereto and also offer our conclusion based on the results of our investigation and review.

MPD and MDPD officers, working in conjunction with the FBI, were attempting to apprehend Alexander Carballido for an armed home invasion committed in the City of Miami. As Officer Calabrese and Officer New approached Carballido at the Rocket Gas Station located at the busy intersection of NW 57th Avenue and West Flagler Street, he immediately fired upon them. At 8:40 pm, there were civilians throughout the area. The actions of Carballido, when he fired upon Officer Calabrese and Officer New, constituted Attempted Murder on a Law Enforcement Officer. Officer Calabrese and Officer New returned fire to protect not only themselves, but to apprehend Carballido and prevent him from injuring innocent bystanders.

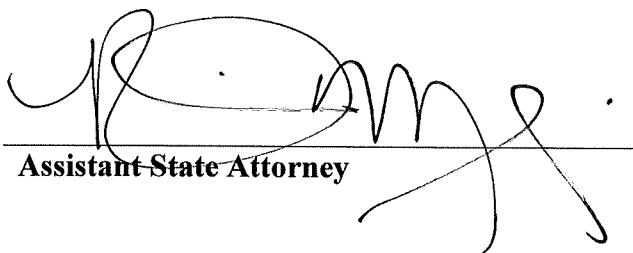
Carballido continued to fire at officers who were in pursuit as he fled from the area, endangering not only the law enforcement officers attempting to apprehend him but also motorists traveling along the roadway. When officers were finally able to stop Carballido's vehicle using "stop sticks", Carballido again began firing at them with an assault rifle. There were motorists traveling in the roadway who were in the vicinity of the gunfire and who were forced to take cover. Carballido's actions endangered the lives of the officers and agents attempting to apprehend him as well as the civilians who were in his path.

Based on the totality of the circumstances, it was reasonable for the officers, detectives and agents to believe their lives and the lives of bystanders were in danger. It was also reasonable for the officers and agents to believe that deadly force was necessary to prevent death or imminent bodily harm to themselves and others in the area. Additionally, it was reasonable for officers to believe that deadly force was necessary to prevent the continuing commission of a forcible felony, the attempted murder of several law enforcement officers.

Section 776.012, Florida Statutes, permits the use of deadly force when a person reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another or to prevent the commission of a forcible felony. Further, Section 776.05, Florida Statutes, permits a law enforcement officer to use any force that he reasonably believes is necessary to defend himself or another from bodily harm while making an arrest.

Based on these statutory provisions we find the shooting by: Detective Michel Ulloa, Officer Kevin Font, Officer Leyan Muniz, Detective Yovani Sosa, Officer Lazaro Fresnedo, Detective Carlos Sordo, Detective Lillian Smith, Officer Amanda Laffita, Officer Alexei Soto-Caballero, Sergeant Juancarlo Erigoyen, Sergeant Roberto Mallon, Officer Michael New, Officer John Calabrese, Officer Norberto Melendres, Special Agent Brandon White, Special Agent Jason Burke, Special Agent Nicholas Jones and Special Agent Adam Felde to be legally justified.

Prepared by:



Assistant State Attorney