



INTEROFFICE MEMORANDUM

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TO: KATHERINE FERNANDEZ RUNDLE      DATE: OCTOBER 29, 2019  
State Attorney

FROM: STAFFING/REVIEW TEAM      RE: POLICE SHOOTING CLOSEOUT MEMO  
CASE # SAO #62/18/05/23/011  
INJURED: LAINES, Antonio De Von

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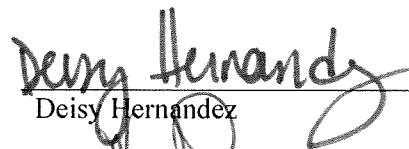
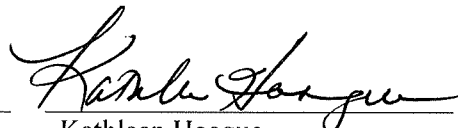
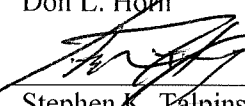

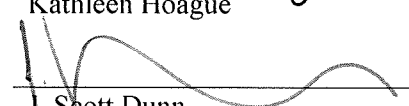
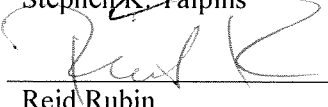
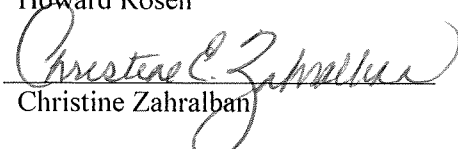
Based on the information obtained and reviewed during the course of the investigation, the conclusion of the staffing/review team is the following: MDPD Robbery Bureau Officers were working a proactive enforcement detail in Opa-Locka when they tried to stop a vehicle traveling at a high rate of speed. The subject vehicle eluded police and was later found parked behind an apartment complex.

A police surveillance was conducted, and three black males were observed approaching the subject vehicle; one of them attempting to remove the vehicle's license plate. When the RID (Robbery Intervention Detail) Officers approached the subjects on foot, commanding them to stop, they all fled. Two were apprehended, while a third (Antonio De Von Laines) continued fleeing. A radio communication was sent out advising that the fleeing suspect had a gun.


Officer Christopher Ellison encountered Laines, who was running towards him and appeared to be holding something behind his back. Subsequently, Officer Ellison discharged his weapon, striking Laines in the hand and abdomen. No firearm was found in the surrounding area. A flathead screwdriver was found in the vicinity. Officer Ellison's BWC was not activated during this incident.

The discharge officer was the only witness to the shooting. In the absence of witness statements or BWC footage, we do not have sufficient evidence to determine whether this officer was legally justified in the use of deadly force by firing his weapon. Nevertheless, evaluating all of the facts and circumstances, and pursuant to Florida Statue 776.012, we cannot in good faith proceed with criminal charges against Officer Christopher Ellison.

**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 5 day of November, 2019.

  
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KATHERINE FERNANDEZ RUNDLE  
State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: OCTOBER 29, 2019

FROM: CHIAKA IHEKWABA and  
SANDRA MILLER BATISTE  
Assistant State Attorneys

RE: POLICE SHOOTING CLOSEOUT MEMO  
Case # FDLE MI-27-0086; PD 109523189608

OFFICER INVOLVED:	MDPD Officer Christopher Ellison, ID 030-7515
INJURED:	Antonio De Von Laines
INJURIES:	Gunshot wounds to left hand and lower abdomen area.
DATE & TIME:	May 23 <sup>rd</sup> , 2018 at 1:14 P.M.
LOCATION:	Glorieta Gardens Apartment Complex 113010 Alexandria Drive, Opa-Locka, Florida 33054
WEAPON:	Glock, model 17 Gen4 9mm pistol, S/N REE999
LEAD:	FDLE SA Dean Wellinghoff
SAO CASE:	# 62/18/05/23/011
CASE NUMBER	FDLE MI-27-0086 MDPD PD109523189608

### SUMMARY OF FACTS

On May 23<sup>rd</sup>, 2018, officers from MDPD robbery bureau Robbery Intervention detail (RID) were conducting a proactive enforcement detail in the Opa-Locka area of Miami Dade County. In the course of the detail, the officers observed a white 2018 Cadillac XTS3.6 vehicle with a paper Florida tag GIGQ24 driving at a high rate of speed in the area. The RID officers try to stop the vehicle and it then accelerated at a high rate of speed, weaving in and out of traffic. The officers observe the vehicle go into the Glorieta Gardens Apartment Complex, known as the "Back Blues", where they follow it and subsequently locate it parked in a parking spot at the back of the complex. Officers conduct surveillance on the vehicle and soon thereafter observe 3 black males approach the vehicle. One of the males began to remove the license plate from the vehicle. RID officers decide to engage the males on foot, giving them commands to stop as they approached the 3 black males. The black males ignored the commands to stop, and fled on foot. Two of the three males were apprehended right there while a third male later identified as Antonio De' Von Laines fled eastbound through the apartment complex towards the courtyard, but out of sight of the RID officers who conducted the surveillance.

On the east side of the apartment complex, RID officer Christopher Jay Ellison is approaching from the opposite direction, which is the Southeast area of the parking lot, moving into the courtyard area on foot. He suddenly encounters Christopher Laines who is running towards him and appears to be holding something behind his back. Prior to the encounter between Mr. Laines and Officer Ellison, a radio communication stating that the suspect had a gun was communicated by RID Detective Garcia on the RID operated channel. Upon seeing Mr. Laines running towards him, Officer Ellison discharged his weapon, striking Christopher Laines in the hand and lower abdominal area. There is a conflict in the testimony as to whether officer Ellison gave verbal commands to Laines to "get down," and Officer Ellison's body worn camera was never activated on the incident date. A search of Mr. Laines and the surrounding area was conducted, and no firearm was located. However, an Autocraft flathead screwdriver, with red and black grip and a silver shaft, was found in the vicinity where Mr. Laines was shot.

Detective Angulo, who was also part of the RID team working in the Opa Locka area, responded to the Glorietta Garden Apartments. As he arrived, he heard a BOLO describing a black male wearing a hoodie and armed with a gun running in an easterly direction, which would have been towards

Alexandria Drive. Since Detective Angulo was on Alexandria Drive, he slowed down and began to look for the subject. Detective Angulo stopped when he saw a black male fitting the description running towards him. He exited his vehicle and began running towards the black male fitting the description of the BOLO when he heard gunshots. He did not see who fired the gunshots. Detective Angulo stated that he and Detective Ellison, who was to his right, were the only officers at the scene of the shooting when Mr. Laines was shot. After the shooting, while Mr. Laines was on the ground, Detective Angulo noticed that Detective Ellison had his firearm drawn, and thus concluded that Detective Ellison fired his weapon.

Katherine Munoz, a civilian intern riding with Detective Angulo, was in the right front passenger seat of the marked MDPD police vehicle. Detective Angulo drove his police vehicle into the complex heading south on Alexandria Drive and stopped near the area where the shooting occurred. Ms. Munoz did not witness the gunshots. According to Ms. Munoz, from her vantage point she observed a black male running directly towards RID Officer Ellison. Ms. Munoz thought Mr. Laines had his right hand behind him, possibly in his pocket as he approached Officer Ellison. At that moment, Ms. Munoz stated she looked down at her cellphone briefly as she received a text message, and while looking down she heard gunshots. When Ms. Munoz looked up, she saw Laines on the ground.

### **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 Officer Christopher Ellison constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

The undersigned attorneys have reviewed the entire Florida Department of Law Enforcement (FDLE) file regarding the Police Use of Force in this incident. We have also reviewed the sworn statements, crime scene reports, lab reports, 911 calls, and other evidence compiled by FDLE under


FDLE case Number MI-27-0086. We find the FDLE summary and report to be complete and thorough. We adopt and attach the FDLE report into this memorandum and offer our conclusion based upon the results of our independent review of the evidence.

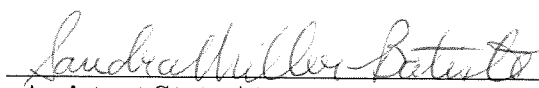
Section 776.012(2), Florida Statutes, permits the use of deadly force when a person reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another or to prevent the imminent commission of a forcible felony.

On May 23<sup>rd</sup>, 2018, a communication was transmitted on the RID station of the police radio that a black male was running towards the courtyard area in the Glorieta Gardens apartments with a gun. Officer Ellison is in the apartment complex approaching from the opposite direction, which is the Southeast area of the parking lot, moving into the courtyard area. There is no evidence to indicate whether or not Officer Ellison heard the radio communication on the RID station, regarding a black male running with a gun. The facts establish that there were no other black males running in the vicinity where Mr. Laines was running, there were no witnesses to the actual shooting, and no gun was found on the scene. Additionally, there is no evidence to indicate Officer Ellison knew why Mr. Laines was running. Further, it is unclear whether or not Officer Ellison shouted instructions for Mr. Laines to stop.

Consequently, in the absence of a statement from Officer Ellison, the evidence does not clearly establish the officer's reason for shooting Mr. Laines especially since Officer Ellison did not activate his body worn camera (bwc) on the date of the incident. As such, we do not have sufficient evidence or information to determine whether the officer was legally justified in his use of deadly force. Nevertheless, considering all of these facts and the law regarding justified use of deadly force, we cannot in good faith proceed with criminal charges against Officer Ellison, as we would not be able to overcome a claim of self-defense.

**Prepared by:**

  
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Assistant State Attorney  
Chiaka Ihekweba

  
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Assistant State Attorney  
Sandra Miller-Batiste