



INTEROFFICE MEMORANDUM

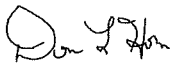
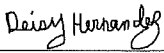

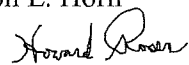
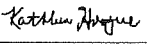

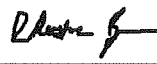
TO: KATHERINE FERNANDEZ RUNDLE      DATE: December 8, 2020  
State Attorney

FROM: STAFFING/REVIEW TEAM      RE: POLICE SHOOTING  
CASE # 62/19/03/30/011  
DECEASED: Pierre Cher Frere

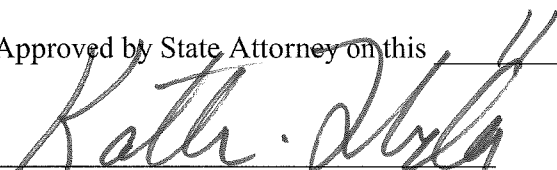
Based on the information obtained and reviewed during the course of the investigation, the conclusion of the staffing/review team is the following: On Saturday, March 30, 2019, at approximately 2:30 PM, Florida Department of Law Enforcement (FDLE) were called to West Dixie Highway and NE 119 Street to investigate a use of deadly force incident involving members of both the Miami-Dade Police Department and the North Miami Police Department against Pierre Cher Frere, who was pronounced deceased on the scene after sustaining multiple gunshot wounds. A Miami-Dade police officer, Sergio Rivera, received a non-life-threatening gunshot wound during the incident and was transported to Jackson Memorial Hospital's Ryder Trauma Center, where he was treated and released.

Cher Frere, agitated, wearing body armor, and armed with a loaded shotgun, confronted a North Miami code enforcement officer who was sitting in his vehicle completing paperwork. The Officer drove away and notified police. Officers from North Miami, Miami Shores, and Miami-Dade responded, and a standoff with Cher Frere forced authorities to shut down businesses and traffic in area. Cher Frere held police at bay for almost an hour while negotiators unsuccessfully attempted to get him to put down the shotgun. Eventually a decision was made to attempt to stun and possibly disarm Cher Frere by employing a "less lethal" shotgun, which discharges a non-deadly round of ammunition (a bean bag round). The less lethal shotgun was deployed, striking Cher Frere. In response, Cher Frere, raised the shotgun and pointed it at the officers. The officers subsequently discharged their firearms, fatally wounding Cher Frere. Therefore, pursuant to F.S. 776.012 and 776.05, it is the conclusion of the committee that the Officers were justified in the use of deadly force.

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

 _____ Don L. Horn	 _____ Deisy Hernandez	 _____ Stephen K. Talpins
 _____ Howard R. Rosen	 _____ Kathleen Hoague	 _____ J. Scott Dunn
 _____ Christine Zahralban		

Approved by State Attorney on this 8 day of Dec, 2020.

  
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KATHERINE FERNANDEZ RUNDLE  
State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: December 8, 2020

FROM: ABBE S. RIFKIN  
Assistant State Attorney  
Senior Trial Counsel

RE: POLICE SHOOTING CLOSEOUT  
MEMORANDUM  
Case # 62/19/03/30/011

OFFICER(S) INVOLVED:	Sergeant Phillip Veloso, MDPD, 30-7596 Officer Jose Hernandez, MDPD, 30-5814 Officer Bradley Gomez, MDPD, 30-6770 Officer Jaime Richter, MDPD, 30-7158 Officer Keith Edwards, MDPD, 30-7008 Officer Clifford Cayard, MDPD, 30-7411 Officer Victor Planells, MDPD, 30-7204 Officer Joshua Perez, MDPD, 30-8596 Officer Kevin Perez, MDPD, 30-6994 Officer Shawn Norfleet, NMPD, 06-0452 Officer Farokh Sean Mirjah, NMPD, 06-0369
DECEASED	Pierre Cher Frere
INJURED:	Officer Sergio Rivera, MDPD, 30-7272 (graze wound to right hip)
DATE & TIME:	March 30, 2019, Approx. 2:30 PM
LOCATION:	West Dixie Highway and NE 119 <sup>th</sup> Terrace, North Miami (roadway)



WEAPONS:	<p>Glock, model 34, 9mm semi-automatic pistol, serial # LVR985 (Veloso)</p> <p>Sword International, MK15, .556 caliber rifle, serial #15190007 (Hernandez)</p> <p>Colt M4, .556 caliber rifle, serial # LE474114 (Richter)</p> <p>AXTS, MIT, .556 caliber rifle, serial # 00024 (Edwards)</p> <p>Colt M4, .556 caliber rifle, serial # LE571738 (Cayard)</p> <p>Glock, model 17, 9mm semi-automatic pistol, serial # BGDD067 (Gomez)</p> <p>Colt M4, .556 caliber rifle, serial # LE479303 (Planells)</p> <p>Colt M4, .556 caliber rifle, serial # LE567443 (J. Perez)</p> <p>Colt M4, .556 caliber rifle, serial # LE512681 (K. Perez)</p> <p>Mossberg, Maverick 88, 12-gauge shotgun, serial # MV58343J (Norfleet)</p> <p>Smith &amp; Wesson, M&amp;P15, .223 caliber rifle, serial # 17046 (Mirjah)</p>
LEAD:	Special Agent Luis Alvarez, FDLE
CASE #:	<p>MI-27-0101 (FDLE)</p> <p>PD190330113662 (MDPD)</p> <p>2019-11704 (NMPD)</p>
SAO CASE #:	62/19/03/30/011

## CASE SUMMARY

On Saturday, March 30, 2019, at approximately 2:30 PM, MDPD requested the Florida Department of Law Enforcement (FDLE) respond to West Dixie Highway and NE 119th Street, located within Miami-Dade County, Florida, to investigate an incident where members of the Miami-Dade Police Department and the North Miami Police Department used deadly force against Pierre Cher Frere, killing him. During the incident, MDPD Officer Sergio Rivera received a non-life-threatening gunshot wound. He was transported to Jackson Memorial Hospital's Ryder Trauma Center, where he was treated and released.

Investigation revealed that earlier in the day, North Miami Code Enforcement Officer (NMCEO) Jose Perez was sitting in his marked city vehicle completing paperwork. He advised that a black male, later identified as Pierre Cher Frere tapped on his window. When he looked up he was startled to see that Cher Frere was armed with a shotgun and wearing tactical body armor in the form of a ballistic vest. He observed Cher Frere to be acting erratically. Perez drove away but maintained visual contact with Cher Frere. He contacted dispatch, told them what happened, and advised them about Cher Frere's direction of travel.

NMPD units located Cher Frere on the northwest corner of West Dixie Highway and NE 119th Terrace and confirmed that Cher Frere was armed with a shotgun and wearing what appeared to be body armor. A perimeter was formed around the immediate area to block traffic and isolate Cher Frere for the safety of the public and responding officers.

Negotiations with Cher Frere were commenced in both English and Creole. He continued to act erratically, and never relinquished control of the shotgun. After attempting to negotiate with Cher Frere for nearly an hour (forty-seven minutes) without a cogent response, change in his behavior, or relinquishment of the weapon, a plan was formulated by NMPD to attempt to stun and possibly disarm Cher Frere by employing a "less lethal" shotgun. A less lethal shotgun discharges a non-deadly round of ammunition. In this case it was a bean bag round. The less lethal shotgun was deployed, striking Cher Frere. In response to being hit by the less lethal, Cher Frere raised the shotgun and pointed it at the officers. Officers subsequently discharged their firearms, fatally wounding Cher Frere. Fire Rescue responded and determined that he was deceased.

Officers subsequently examined the firearm Cher Frere had and determined it was a 12-gauge shotgun. It was fully loaded with five live rounds and was located on the roadway close to the Cher Frere's body. In addition, officers a 9mm semi-automatic fully loaded pistol from Cher Frere's waistband. Officers also discovered 108 live rounds of ammunition and identification belonging to him in a backpack that Chere was carrying prior to the incident.

FDLE assumed the lead in the investigation headed by Special Agent Luis Alvarez.

### CIVILIAN SWORN STATEMENTS

#### JOSE PEREZ, North Miami Code Enforcement

A sworn recorded statement was obtained from Mr. Perez.

He stated that on Saturday, March 30, 2019, at approximately 2:30 he was parked in his assigned City of North Miami vehicle on NE 2nd Avenue between NE 122nd and 123rd Streets doing paperwork on his computer when he heard a loud tapping on his driver's side window. Perez looked up to see a black male wearing what appeared to be a bullet proof vest. Perez became alarmed when he observed this male carrying a shotgun in one hand as he banged on Perez's window with the other. He appeared agitated and kept asking for the time. Perez called North Miami dispatch while driving away slowly. Perez continued to monitor the black male's movements as he stayed on the line with the dispatcher. He followed the male to West Dixie Highway and NE 119th Terrace and observed two marked NMPD units approach him, stopping just south of the man's location. Perez remained in his vehicle, watching the activity through his rearview mirror. He observed two uniformed officers confront the man from the safety of their vehicles. The officers began shouting commands at him as he continued to hold the shotgun. He did not put down the shotgun.

Additional officers arrived as backup and negotiations began with the man. They negotiated for approximately 40 minutes. Perez then observed a group of tactical team officers line up behind two shields. He heard a NMPD SWAT officer giving commands, but he was unable to make out what he was saying. He then heard a single gunshot. Immediately after hearing the shot, he observed the man raise the shotgun from a position across his body and pointing in the direction of the officers. He then heard a barrage of gunfire, and saw the man lying on the ground where he had been standing. Officers then advanced towards the man.

#### MICHAL KLEWICKI

Mr. Klewicki lived in the area on West Dixie Highway, west of where Cher Frere was shot. He provided a sworn statement.

Mr. Klewicki stated he walked outside of his residence and saw "a bunch of police cars" and also saw officers pointing guns. He said he "saw a guy" standing on the sidewalk on the west side of West Dixie Highway, near the building located at 11950 West Dixie Highway. He said the man had his back towards him, so he could not describe what the man was wearing or his race. However, he said the man was "holding something" in his hands in a downwards direction. Klewicki could not see

what the man was holding, but he assumed it was a gun because of all of the police. Mr. Klewicki returned to the safety of his residence where he stayed until he felt it was safe to venture back outside. He advised that he did not hear any shots, did not know what had occurred, and "did not want to be involved in it."

#### LEGUY BALTHAZAR

Mr. Balthazar was driving in the area when he was stopped by a police officer on NE 119<sup>th</sup> Street due to an "issue" up the road. Balthazar could not see the incident from where his vehicle was stopped by the officer. Shortly thereafter the officer asked him to back his vehicle up a little bit, and he complied. Mr. Balthazar said several minutes after that he heard gunshots and out of fear laid down in his vehicle. Mr. Balthazar advised that he did not see anyone fire any weapons, and that he only heard the gunshots.

#### WINNIE ST. FAR

Ms. St Far was another North Miami resident who lived in the area of the shooting. She provided a sworn statement. She stated she was on the second floor of her apartment building when she saw a male holding a firearm at the corner of West Dixie Highway and NE 119<sup>th</sup> Terrace. The male was "pacing" as he held the weapon. She said she saw numerous police officers.

Ms. St. Far became fearful that something might occur so she left the area because she "did not want to see a shooting." She said that she heard numerous gunshots approximately one to three seconds after she walked away. She said she did not see any portion of the shooting. A short while after hearing the gunshots, Ms. St. Far walked downstairs and saw the male lying on the ground on the corner where she had earlier seen him pacing.

#### LEON DANCY

Mr. Dancy provided a sworn statement. He advised that he became aware of some police activity outside while working inside his rental property located at 300 N.E. 119<sup>th</sup> Terrace. He walked to the fence line on the west side of the property and began watching what was occurring. He recorded what he saw with his cellphone. Mr. Dancy observed a black male west of his property on West Dixie Highway carrying what he described as a "sawed off shotgun." He said the man was at a distance from two NMPD officers, who repeatedly commanded the man to put down the weapon. Dancy stated that he also yelled out to the man to "put it down."

He said shortly after the first two officers confronted the man, "more than 30" additional police officers arrived on the scene. Mr. Dancy believed one was a "negotiator." He said they negotiated with the man for approximately 40 minutes before a "task force" of officers in black vests arrived and formed behind a large black shield. Mr. Dancy said he then heard a "pop" and saw the man "turn his head" in the direction of the officers behind the shield. After the man turned his head toward

the officers, the man began raising the shotgun in their direction. As the man raised his shotgun, there was a volley of gunfire and he fell to the ground.

#### ABEL RODRIGUEZ

Mr. Rodriguez was employed as a driver for Ace Construction and was on his way back to Ace Construction when he ran into the police roadblock. Rodriguez parked on the east side of West Dixie Highway near Ace Construction and saw numerous police vehicles. He observed uniformed officers with their firearms drawn. He noticed that the focus of the police was an armed black male on the corner of the street in front of Ace Construction. The man who was "carrying" a shotgun. Rodriguez stated that police officers repeatedly told the man to put down the shotgun, but that he was unresponsive. He shifted the shotgun into different holding positions including placing it between his legs and making a hand motioning beckoning the police towards him "to come get him."

Police officers continued to negotiate with the man. At one point Rodriguez saw the man raise up the shotgun and point it in the direction of the police officers that were south of him. The officers shot the man, who fell to the ground and laid motionless. Rodriguez said he did not see the man discharge the shotgun he was carrying and did not believe he shot at the officers.

### WOUNDED OFFICER STATEMENT

#### OFFICER SERGIO RIVERA

Officer Rivera is employed as an officer by MDPD and assigned to the Priority Response Team (PRT). His partner at the time was Officer Bradley Gomez. They were near the Falls when they heard a transmission on the MDPD Headquarters frequency that advised of a man in North Miami armed with a shotgun and wearing a bulletproof vest, later identified as Pierre Cher Frere. Officer Rivera heard other PRT units responding and he and Officer Gomez responded as well.

Officers Rivera and Gomez went to the area south of where Cher Frere was contained where other PRT personnel were "staging." PRT Sergeant Veloso began to form a response team for a plan developed by a NMPD supervisor to distract and subdue the armed subject. Officer Rivera and another PRT officer assumed the roles of "shield operator." Two shields were used, one from Miami Shores PD which Rivera was using and a PRT shield. Officer Rivera was the second shield in the formation because the PRT shield was rated for protection against rifle fire. Officer Rivera stated that several officers were behind the first shield and that he was behind them and to their right, with additional PRT officers behind him. Officer Rivera heard radio communications that NMPD was going to deploy a less lethal shotgun in an attempt to cause Cher Frere to drop his weapon. The plan was that upon deployment of the less lethal shotgun, the "shields" were to move toward Cher Frere with the PRT arrest teams behind them to subdue, disarm, and then take Cher Frere into custody. Due to his position

behind the first shield, Officer Rivera was unable to see Cher Frere before and during the time the less lethal shotgun was fired. He heard a single gunshot followed by a barrage of multiple gunshots and felt a burning sensation in his right side. Believing he might have been hit, he glanced down to his right hip, but did not see any indication that he had been shot and moved forward toward Cher Frere with the rest of the PRT formation. Officer Rivera provided cover while PRT personnel established that Cher Frere was no longer a threat. It was only then that he observed he was bleeding in the right hip area and ran toward the Rescue truck on the scene. While he was running, he noticed that his holster and firearm had fallen off his gun belt. He called out to other PRT personnel to retrieve his firearm.

Officer Rivera was transported to Ryder Trauma Center where he was treated for a graze wound and released a short while later. It is believed he was wounded during the shooting of Cher Frere, as there is no evidence to support that Cher Frere discharged his weapon.

### **OFFICER SWORN STATEMENTS**

#### **OFFICER JONATHAN RUIZ**

Officer Ruiz was a Miami Shores Police Department bicycle patrol officer. Officer Ruiz was on duty and heard a call on his radio regarding a male with a shotgun who was refusing to comply with officers on the scene. Ruiz and his partner, Officer Moises Reynoso, responded to the scene and took up a perimeter position. Officer Ruiz observed a black male wearing a green "bullet proof vest," and holding a shotgun horizontally in front of his body. A female officer was shouting commands at the male using a "loud speaker." The man was responding to the female officer but did not drop the gun.

After some time Officer Ruiz heard on his radio that a team was being prepared to approach the male. Shortly thereafter, Officer Ruiz heard a volley of shots fired and took cover behind a vehicle. When the gunfire concluded, Officer Ruiz stood up and observed "county officers" approaching the man who was now "on the floor." Ruiz then observed a county officer running towards him saying that he had "been hit" and Ruiz believed it was in the area of the officer's right hip. Ruiz helped that injured officer over to paramedics who had arrived at the scene.

#### **OFFICER JEAN FANOR**

Officer Fanor was one of the first arriving officers from the North Miami Police Department. He was dispatched to "a man with a shotgun wearing a green vest and a green hoodie. Upon arrival, Officer Fanor joined two other NMPD officers already at the scene. He observed a black male (later identified as the deceased, Cher Frere) wearing black jeans and green "body armor." The male had a backpack and was holding a shotgun in what appeared to be a "ready type position." One of the two officers was telling Cher Frere to put down the gun, but he refused to comply.

Officer Fanor began speaking to Cher Frere in Creole and it was clear that he understood him. Officer Fanor told Cher Frere to put the gun down which he refused to do. Cher Frere told the officers that he wanted the police to shoot him and pointed at his own forehead to indicate where he wanted to be shot. At some point thereafter, Cher Frere stopped responding, so another Creole-speaking officer, Abigail Mary, began speaking to him at the direction of Sergeant Crystal Thompson who was assigned to the NMPD Crisis Intervention Team.

MDPD officers began to arrive. At some point, a "bean bag" was shot at the deceased, although Officer Fanor was unsure who shot the "bean bag." Cher Frere responded to this by raising his shotgun and pointing it at a team of officers staged to apprehend him. The team fired their guns, striking Cher Frere, who fell to the ground.

#### SERGEANT CRYSTAL THOMPSON

Sergeant Thompson is a North Miami PD officer. She heard a call on her radio regarding a man armed with a shotgun at about 2:30 PM. Sgt. Thompson and her squad cleared roll call and responded to the scene. Upon arrival, officers from both NMPD and MDPD were already on scene. Sgt. Thompson observed a black male (the deceased, Cher Frere) wearing "green body armor" and holding a black gun "backwards under his arm." Sgt. Thompson, commander of the NMPD Hostage Negotiation Team, began directing negotiations with Cher Frere utilizing two Creole-speaking officers, Fanor and Mary. Officer Mary got on the public address (PA) system, and repeatedly instructed Cher Frere to put the gun down. Cher Frere did not comply and never relinquished control of the gun, although he did change holding positions.

As negotiations continued, NMPD Commander Carter in conjunction with Miami-Dade County Police developed a contingency plan to approach Cher Frere utilizing a "less lethal" shotgun to stun him and shields to cover the approaching officers. MDPD officers requested a less lethal shotgun from NMPD, so Sgt. Thompson retrieved her less lethal shotgun from the trunk of her car and provided it to NMPD Commander Ransom Carter. After negotiations failed, Commander Carter announced over police radio that he was going to deploy the less lethal shotgun. Subsequently, Sgt. Thompson heard the "boom" of the less lethal shotgun being fired. She took cover behind a vehicle, as a barrage of gunfire started. When the gunfire ceased, she emerged from her cover and observed Cher Frere was on the ground surrounded by MDPD officers.

#### OFFICER ABIGHAIL MARY

Officer Mary is a North Miami Police officer, assigned to Sgt. Thompson's squad. During roll call, Officer Mary was advised by Sgt. Thompson of an incident that was occurring. She was told to respond to the scene of a man with a shotgun. Upon arrival, she observed Officer Fanor speaking in Creole to a black male (Cher Frere) who was holding a shotgun and wearing a green "bullet proof

vest," and a gray open hoodie. He also had a black "book bag."

At some point Officer Mary took over the negotiations with Cher Frere from Officer Fanor. Using the PA system, she began to speak to him in Creole. Officer Mary implored Cher Frere multiple times to put the weapon down on the ground, but he would not comply although he appeared to understand her. At some time during negotiations, Officer Mary heard the "beanbag weapon" being deployed, and then observed Cher Frere turn with the shotgun toward the direction of the beanbag deployment. Mary heard a second shotgun round and then multiple rounds. Officer Mary quickly hit the ground and heard the barrage of gunfire. She did not see Cher Frere get struck by the gunfire. After the shooting ceased, she got up and then observed an MDPD officer limping away. Officer Mary went towards Cher Frere, who was on the ground face down and saw him being handcuffed behind his back.

#### SERGEANT EFRAIN NEAL CUEVAS

Sgt. Cuevas was the day shift North Miami PD supervisor. He was on duty when police were dispatched to the area of NE 119<sup>th</sup> Street and West Dixie Highway regarding an armed black male walking on NE 2nd Avenue towards NE 119<sup>th</sup> Street. Upon arrival, Sgt. Cuevas observed the black male on the corner of NE.119 Terrace and West Dixie Highway. He had a back pack and was wearing a ballistic vest. He was holding a black shotgun. Cuevas parked on the north side of the perimeter and observed and heard NMPD and MDPD officers telling Cher Frere to drop his firearm; however, Cher Frere never relinquished control of the shotgun.

At some point Sgt. Cuevas heard a radio transmission regarding a plan for units to make a tactical approach towards the male as a "less lethal" shotgun was discharged to stun him. After the less lethal shotgun was discharged, Sgt. Cuevas saw the male raise the shotgun he was holding. He believed the male fired a shot at the officers who had been lined up in position to approach him. Multiple officers fired, and the male fell to the ground. He did not move after that.

#### OFFICER DWIGHT SMITH

Officer Smith is a North Miami PD uniform officer, dispatched and responding as backup to NE 119<sup>th</sup> Street and NE 2nd Avenue in reference to a black male carrying a shotgun walking down the street. When he arrived in the area, the black male was on the corner of NE.119<sup>th</sup> Terrace and West Dixie Highway. He had on a back pack and ballistic vest and was holding a black shotgun. Officers from NMPD and MDPD were on the scene and giving the male verbal commands in both English and Creole to drop the shotgun. Via the radio, Smith heard that the officers planned to use a less lethal shotgun to stun Cher Frere prior to officers moving forward to apprehend him. However, after officers fired the less lethal shotgun, Cher Frere responded by raising his shotgun and pointing it in the

direction of the negotiating officers, firing one round. Multiple officers returned fire, striking Cher Frere, who collapsed to the ground MDPD officers moved in and handcuffed him behind his back.

#### OFFICER THERESA LUACES

Officer Luaces is employed by MDPD as a uniform officer who responded as a backup to a call in North Miami regarding a black male armed with a shotgun. The officer went to the east side of West Dixie Highway and took cover behind a truck. From her position, she could see the black male holding the shotgun and pointing it in different directions while continuously being commanded to put the gun down. At some point, MDPD PRT officers arrived. A request was made that the other units put down their guns and stand down because they were going to attempt to employ a "less lethal" weapon and wanted to avoid any crossfire incidents.

Officer Luaces was told to respond to an apartment complex located near the incident location, in reference to several civilians gathering outside trying to record what was happening. Officer Luaces was assisting with trying to get the civilians to go back inside the safety of their homes, as she had heard that they were planning a "less lethal" attempt to subdue and disarm the male. As she was talking to these residents, she heard a "pop" followed by multiple shots. She estimated that she heard approximately 10 shots.

#### OFFICER DANIEL GARCIA

Officer Garcia is assigned to the MDPD PRT. He responded as a backup officer. Officer Garcia's partner was one of the shooting officers, Officer Kevin Perez. He and Officer Kevin Perez were in the Wynwood area of Miami when a call went out on the radio regarding a male with a shotgun in the City of North Miami. They immediately responded to the scene in emergency mode with lights and sirens. On the way they heard NMPD units on the radio confirming that the male subject did in fact have a shotgun and he had on body armor. Upon arrival, they donned their own body armor and rifles, activated their body cameras, and headed closer to where they could observe the armed male. Officer Garcia said he could see that the male was wearing a backpack, a green body armor vest, and had a shotgun in his hands. He said NMPD officers were trying to speak with the male in Creole but he was acting "erratic" and "aggressive" and refusing to obey commands to relinquish the shotgun. Several MDPD PRT units arrived and a "contact team" of PRT officers was established by PRT Sergeant Phillip Veloso. The intended plan was to make contact with the male after a "less lethal" shotgun was discharged to distract the man and then move in quickly to subdue and disarm him. A majority of the police units were located to the south of the man while the units to the north of the subject had been cleared in order to avoid a crossfire situation.

Officer Garcia said he put his weapon away as soon as his team set up and then took a position in "the back of the stack" of contact team officers. Initially, he did not have a good vantage point to see

the male. Upon the discharge of the less lethal shotgun, his team moved forward. However, they stopped suddenly as he could see the male raise his shotgun in the direction of his team. That action by the male was followed by a barrage of gunfire, during which Officer Garcia moved behind a NMPD vehicle for cover. Officer Garcia advised that he did not discharge his firearm. Upon hearing "cease fire, cease fire," Officer Garcia rejoined the contact team and approached the male who was lying on the ground. The male's shotgun was also on the ground nearby. Officer Garcia assisted in handcuffing the male.

#### SERGEANT DOMENICO CELLA

Sgt. Cella is an MDPD officer. He heard a call dispatched over the radio in reference to an armed subject at NE 119<sup>th</sup> Street and West Dixie Highway in North Miami. He responded as a backup officer. Since NMPD officers had advised that the subject (later identified as Cher Frere) was armed with a shotgun, he told the dispatcher to send MDPD Intercoastal units to back up the North Miami officers.

Upon his arrival he observed Cher Frere standing on the sidewalk armed with a shotgun. He had on what appeared to be a green ballistic vest and a backpack. Cher Frere held the shotgun at a "low ready" position. The NMPD officers were attempting to negotiate with him and were speaking in Creole. They were commanding him to put the weapon down. Sgt. Cella advised that Cher Frere was not acknowledging the Creole speaking officer, although he appeared to understand him, and Cher Frere did not obey the commands to put the shotgun down.

Sgt. Cella said that NMPD Commander Ransom Carter organized a plan to apprehend Cher Frere utilizing a less lethal shotgun to distract and stun him and MDPD PRT personnel to take him into custody after Commander Carter fired the less lethal shotgun. Commander Carter began positioning his officers to take down Cher Frere.

Sgt. Cella further advised that there was a male in the parking lot of a nearby apartment complex, west of the scene, telling officers that he knew Cher Frere and that the gun Cher Frere had was a BB gun. However, Sgt. Cella added that he was close enough to Cher Frere to see that it was a real shotgun.

Sgt. Cella observed Commander Carter move behind Cher Frere. He then heard Commander Carter advise that he was prepared to fire a less lethal round at Cher Frere, alerting PRT personnel who were already in formation that the plan was being initiated. Commander Carter fired the less lethal round, but it seemed to have little effect on Cher Frere. Cher Frere then pointed the shotgun in the direction of the officers causing the PRT officers to immediately discharge their firearms. Sgt. Cella stated that he had a view of the shooting officers but could not definitively say which of the officers

fired their firearms. Cher Frere fell to the ground. PRT officers rushed at the motionless Cher Frere and placed him in handcuffs.

#### LIEUTENANT EVANS GABRIEL

Lt. Gabriel is with the Intercoastal District of the MDPD. He heard a report of a male armed with a shotgun over police radio. Lt. Gabriel responded as backup after a request for Intercoastal backup for the North Miami Police Department. After arriving he made contact with a NMPD sergeant who was the incident commander and they began to coordinate assets in order to contain the scene and clear some of the civilians from the area. A NMPD officer was already attempting to negotiate with the male, identified as Pierre Cher Frere. That officer was speaking to Cher Frere in English and Creole but Cher Frere was not complying with commands to put the gun down.

After a fairly long period of unsuccessful negotiations, the NMPD sergeant told Lt. Gabriel that the commander of NMPD SWAT, Ransom Carter, was going to fire a less lethal round at Cher Frere and MDPD PRT officers were going to apprehend him. Lt. Gabriel spoke with MDPD PRT Sergeant Phillip Veloso, who briefed him on the plan to apprehend Cher Frere.

As the plan went into effect, Commander Carter positioned himself behind a fence in a parking lot in an apartment complex located west of where Cher Frere was standing with the gun and waited until Lt. Gabriel advised him that Miami-Dade Fire Rescue (MDFR) was on the scene as a precaution. Once it was confirmed that they were, Commander Carter fired one round from the less lethal shotgun. It had no physical effect on Cher Frere. Upon the discharge of the less lethal shotgun, a group of six (6) PRT officers began to move toward Cher Frere in a single file. The first officer had a ballistic shield, and the remaining officers were armed with rifles and handguns. Lt. Gabriel advised that Cher Frere responded by pointing the shotgun in the direction of the approaching officers. After Cher Frere pointed his weapon at the PRT officers, officers fired numerous shots at him. He could not specifically say which officers fired their weapons as he took cover once the shooting began.

After the shooting, one of the PRT officers said he had been shot. That officer was struck on his side and was taken to the Rescue truck for transport to the hospital.

#### OFFICER ANTHONY POMAR

Officer Pomar is an MDPD officer who responded to the scene as backup. He and MDPD Officer Ivan Bandana rode together to the scene and observed a black male standing on a street corner holding a shotgun. He and Officer Bandana positioned themselves on the east side of West Dixie Highway, in front of an auto mechanic business, making sure civilians were kept back and away.

Officer Pomar was able to see the male shifting the shotgun and holding it in different positions. As NMPD officers unsuccessfully negotiated with him in an attempt to get him to drop the weapon, Officer Pomar heard over the radio that officers were setting up in preparation to use less lethal

munitions to distract the man and take him into custody. Officer Pomar heard one less lethal shot fired then saw MDPD's contact team lined up in single file move forward towards the male. As the contact team moved forward the male pointed the shotgun in their direction. Gunfire erupted, but Officer Pomar could not see who fired their weapons from his vantage point.

#### OFFICER IVAN BANDANA

MDPD Officers Bandana and Pomar were both MDPD uniform officers riding and responding to the scene together. They stayed stationary at a location in front of an auto mechanic business in order to keep the public out of harm's way. Officer Bandana said he could see the man across the street from him holding a shotgun and heard someone on a loudspeaker trying to speak to him. He saw there were "plenty of officers" so he held his position in the event he was needed. Officer Bandana said he was able to see the man holding the shotgun under his arm. An officer acting as a negotiator was speaking with him, but the man did not seem to be responding.

Officer Bandana said he heard over police radio that a team was being assembled to attempt to apprehend the male. He heard what he thought was a pop and then saw the male point the shotgun toward the officers. He then heard numerous shots. He could not see if any officers moved toward Chere Frere and could not identify which officers fired their weapons.

#### OFFICER JACOB LENDIC

Officer Lendic was assigned to the MDPD PRT. Officer Lendic and his partner, MDPD Officer Clifford Cayard, were riding a two-man unit in the same vehicle when they responded to a call in the City of North Miami concerning a black male holding a shotgun in public. Officer Lendic observed the subject pacing back and forth and fumbling with a shotgun. PRT Sergeant Phillip Veloso directed Officer Lendic to put away his own shotgun and retrieve a shield as they planned to use a less lethal shotgun against the male. He said that once the less lethal round was fired, a team of PRT personnel would move forward and take the armed male into custody. Officer Lendic was assigned to be the "first shield" of two shields and would be followed by other officers that were to take Cher Frere into custody and provide cover. Officer Lendic advised that his shield was a ballistic shield and his job was to rush the male with the shield and knock him down once he was hit by the less lethal round.

Officer Lendic advised that the officer with the less lethal shotgun was behind a fence in the parking lot of an apartment complex located on the west side of the armed man. Officer Lendic and his team of officers staged on the passenger side of a NMPD SUV parked south of the man. Once the less lethal round was deployed, he began to move toward the man. When he and his team came out from behind the cover of the police vehicle, he saw the man raise the shotgun toward them. He then "took a knee" and used the shield to protect himself and the officers behind him. He immediately heard gunshots coming from behind him. He could not see which officers fired and he could not say if the

man fired his shotgun because so many rounds were being fired. After the man fell to the ground, Officer Lendic and others approached and handcuffed him.

#### COMMANDER RANSOM CARTER

Commander Carter is the Commander of the NMPD SWAT. He was the highest-ranking officer at the scene. He was on his way home when he heard a dispatch on the police radio concerning a black male armed with a shotgun. He was wearing a black t-shirt and black athletic shorts and was unarmed at the time of dispatch, but since this was his area of responsibility, he responded to make sure everything was under control. When Commander Carter arrived at the scene, he observed that officers from both NMPD and MDPD were already there. Officers were trying to communicate with the man in both English and Creole. He described the man as armed with a shotgun and wearing body armor.

Shortly after Commander Carter arrived, NMPD Crisis Negotiations Unit Sergeant Crystal Thompson provided him with a less lethal shotgun for deployment. Commander Carter's plan was that if negotiations with the subject were unsuccessful and broke down, he would attempt to get the man to the ground utilizing the less lethal shotgun while a MDPD PRT unit with shields moved forward to apprehend him. Negotiations proved fruitless after a period of time.

The commander positioned himself directly behind the armed man, utilizing a fence that had some panels as cover. Commander Carter stated that when he had a clear shot he deployed the less lethal bean bag at the man but struck him in the back in an area that was covered by the backpack he was wearing. Because of that the less lethal did not have a stunning effect on the man. Instead, he raised his shotgun towards the MDPD PRT contact team, and numerous officers then fired at him. Commander Carter could not see which officers fired.

#### OFFICER MOISES REYNOSO

Officer Reynoso is a Miami Shores police officer, who responded to the scene as backup after hearing a call via his police radio regarding a male walking in the street with a rifle or long gun. Officer Reynoso stated that upon arrival, he became aware that other officers on the scene had already made contact with the subject, so he took a perimeter position at NE 118<sup>th</sup> Street and West Dixie Highway. Officer Reynoso said that he witnessed officers verbally negotiating with the subject, telling him to put the gun down, and he heard the subject speaking in Creole and English. Officer Reynoso stated that he was about 25 to 40 feet away from the incident when he "heard a pop" and then saw the subject raise the firearm and aim it towards officers. He stated that he did not see the shooting but heard gunfire as he was seeking cover.

#### OFFICER ALENS BERNADEAU

Officer Bernadeau is a North Miami police officer who responded to the location as backup on an armed subject call. He parked his vehicle about a block away from the scene and armed himself

with his AR-15 rifle. He observed a black male holding a shotgun. Officer Bernadeau noted that the subject was wearing a green "plate carrier" or vest and had a "book bag." He said officers were giving the armed man verbal commands to drop the shotgun for a substantial period of time, but those commands were having no effect as the man continued to hold the firearm. Officer Bernadeau stated that initially, the man was holding the shotgun in a "pointed down" position, but that at one point he witnessed the man point the barrel up towards the officers, which resulted in a barrage of gunfire and the man falling to the ground.

#### OFFICER KEVIN WARREN

Officer Warren, a North Miami officer, responded as a backup officer to "a man with a gun" call initially at NE 119 Street and NE 2nd Avenue. Officer Warren was one of the first responding officers. When he arrived in the area, the subject was north of NE 119<sup>th</sup> Street, standing in the middle of the median on West Dixie Highway. He observed that the man had a long gun. Fearing for their safety, this officer began directing civilians out of the area.

Officer Warren took protective cover behind a tree on the east side of the street. Along with other officers he participated in giving verbal commands for the subject to drop the weapon; however, the man did not comply. Soon thereafter negotiators took over giving commands to the subject, but without success. Eventually a team of officers formed a group in "stacked form," and prepared to approach the subject. Officer Warren observed the man change the position of holding the firearm from a "low ready" position to pointing it in the direction of the stacked officers. This caused multiple shots to be fired at the man, who then fell to the ground. Officer Warren took cover behind a tree during this volley of gunfire so he could not see who fired their weapons.

#### OFFICER OSWALDO SALIEN

Officer Salien is a North Miami officer who responded to the location as backup. He was at roll call when he heard a call over the police radio concerning a subject holding a gun in the street. He arrived on scene and stood behind a cement pole for cover while NMPD negotiators attempted to persuade the subject to release the weapon. During negotiations, Officer Salien witnessed the subject holding the shotgun in various positions, changing from downward to "low ready" and other positions for several minutes. Negotiators were unable to convince the subject to put down the gun, so a less lethal shotgun was deployed by NMPD Commander Ransom Carter. Officer Salien said this less lethal shot was ineffective, but as soon as the subject was struck with the less lethal round, he raised the shotgun towards officers positioned to approach him. This action resulted in volley of gunfire from those officers.

#### OFFICER SCARLETT GONZALEZ

Officer Gonzalez was dispatched to NE 2<sup>nd</sup> Avenue and NE 123<sup>rd</sup> Street regarding reports of a

man walking in the middle of the street armed with a firearm or a shotgun. While on the way to the scene she heard via the police radio that the subject had traveled to NE 119<sup>th</sup> Street and West Dixie Highway. Upon her arrival, Officer Gonzalez observed that the man was located a block north of NE 119<sup>th</sup> on the west side of West Dixie Highway.

Officer Gonzalez positioned her marked police vehicle on NE 119<sup>th</sup> Street and West Dixie Highway, in order to block traffic from all directions. She stayed at that location for the remainder of the incident. During the time she was there, Officer Gonzalez was aware of ongoing negotiations with Cher Frere, whom she observed continuously "swinging" his shotgun and transitioning from "low ready" to a downward position. At some point Officer Gonzalez heard a radio transmission advising that a less lethal shotgun was being deployed. Officer Gonzalez heard a "boom" which she believed to be the less lethal shotgun, which was then followed by another boom and barrage of gunfire. Upon hearing the first "boom," she took cover behind her vehicle, so she did not witness the officer involved shooting.

#### OFFICER NICKERLINE MONTINA

Officer Montana is a North Miami officer who arrived as backup after negotiations with the subject had already begun. She was in roll call when she learned that there was a male with a shotgun on NE 119<sup>th</sup> Street and West Dixie Highway. When she got to the scene she parked her vehicle north of NE 119<sup>th</sup> Terrace and sought cover behind a parked truck east of the subject. From her vantage point she could hear NMPD negotiators commanding the subject to let go of his weapon. Some time later she watched while an officer from the "take down team" discharged a less lethal bean bag. The less lethal round was ineffective and resulted in the subject pointing his shotgun towards the "take down team." She said they then fired their weapons at the male, killing him.

#### OFFICER MICHEL AUGUSTE

Officer Auguste is a North Miami uniformed officer who responded as backup to an emergency call at NE 119<sup>th</sup> Street and West Dixie Highway regarding a male with a shotgun. Upon arrival, he positioned himself on NE 119<sup>th</sup> Terrace east of West Dixie Highway and took cover behind a parked van. From his location, he was able to observe the subject on NE 119<sup>th</sup> Terrace west of West Dixie Highway. He said the subject was "constantly" transitioning the position of the shotgun from a "low ready" position to a downward position. He heard the negotiating team telling him to drop the weapon and subsequent multiple gunshots, but he did not see the shooting.

While setting up a perimeter after the shooting, Officer Auguste observed a civilian witness recording the incident on his cell phone and obtained the civilian's information. This civilian witness, Mr. Dancy, later gave a sworn statement to lead investigator SA Luis Alvarez as noted above. Officers downloaded and preserved Mr. Dancy's video of the incident.

#### OFFICER KIMBERLY BONNY

Officer Bonny, a North Miami officer, was in roll call when she received an emergency call to respond to the area of NE 2<sup>nd</sup> Avenue and NE 119<sup>th</sup> Street regarding a male walking with a shotgun. Upon her arrival at West Dixie Highway and NE 119<sup>th</sup> Street, Officer Bonny observed a black male holding a black shotgun in his right hand. To avoid getting caught in any potential crossfire, Officer Bonny took cover behind a van on the east side of the subject on NE 119<sup>th</sup> Terrace. From that location, Officer Bonny heard officers giving verbal commands to the subject to drop the weapon. After the man continued to defy the commands to drop the shotgun, officers fired a round from a less lethal shotgun at him. Cher Frere then raised his firearm and pointed it in the direction of officers south of his position. Officer Bonny believes that the subject then fired his shotgun as she reportedly saw "gas released" from the subject's firearm and that multiple officers "returned fire."

#### OFFICER LASHUNDRA JONES

Officer Jones stated that she was at the NMPD station when she heard a police radio transmission about a man wearing body armor walking in the street with a shotgun. She went to the scene and observed the subject at a distance, standing on the west side of West Dixie Highway on NE 119<sup>th</sup> Terrace. Officer Jones took cover behind a wall after she heard a radio transmission warning officers to beware of potential crossfire. Officer Jones did not see the shooting but heard a "bang" followed by numerous gunshots.

#### DETECTIVE SAUL CASTRO

North Miami Police Department Detective Saul Castro responded to the scene as a backup officer after hearing a call go out describing a black male armed with a shotgun. Det. Castro took a position approximately two hundred feet away from the subject. From his position he could hear officers giving the Cher Frere verbal commands, could not make out the specific words. Detective Castro heard a police radio transmission that officers were deploying a less lethal shotgun on the subject. A few minutes later he saw Cher Frere raise his firearm in the direction of some uniformed officers. Detective Castro then heard numerous gunshots but could not see which officers fired their weapons at the subject, who fell to the ground.

#### OFFICER CALVIN RAYBURN

Officer Rayburn is a uniform officer with Miami Shores Police Department (MSPD). He heard a radio transmission over the MDPD Intracoastal District frequency involving a male wearing a bullet proof vest and carrying a shotgun in North Miami. He arrived just after the first officers responded from NMPD. He observed the male with the shotgun several yards north of his location, which was on West Dixie Highway between NE 119<sup>th</sup> Street and NE 119<sup>th</sup> Terrace. Numerous police units arrived over the next several minutes.

At some point Officer Rayburn overheard plans being made to utilize MDPD PRT personnel to form behind two ballistic shields. However, there was only one shield was available on the scene so Officer Rayburn volunteered to supply a shield from the MSPD and retrieved it from the MSPD roll call room. When he got the shield, he observed that it had damage to the right side of the shield. After returning to the scene with the shield, he handed it to an officer with the MDPD PRT. Officer Rayburn stayed on the scene behind his vehicle during the course of the incident. At the time of the shooting, he was behind the cover of his vehicle and could not see what happened.

It should be noted that Officer Rayburn advised when he retrieved the shield from the MSPD rollcall room, he observed damage to the right side of the shield approximately three quarters of the length of the shield from the bottom. He let investigators know about this and his certainty that the damage to the shield predated this shooting incident.

**SUBJECT OFFICERS VELOSO, HERNANDEZ, GOMEZ, RICHTER, EDWARDS, CAYARD, PLANELLS, J. PEREZ, K. PEREZ, (MDPD); S. NORFLEET, F. MIRJAH (NMPD)**

The Officers who discharged their weapons did not provided a statement at any time during this investigation.

**VIDEO SURVEILLANCE AND BODY CAM VIDEO**

**BODY CAM VIDEO**

Body cam video was obtained, reviewed by investigators, and documented from the following officers: 1. Cayard; 2. Garcia; 3. Gomez; 4. Lendic; 5. Lindner; 6. Luaces; 7. J. Perez; 8. K. Perez; 9. Rivera; 10. Norfleet; 11. Mirjah; 12. Mary; 13. Gonzalez; 14. Salien; 15. Montana; 16. Dougall; 17. Thompson; 18. Auguste; 19. Fanor; 20. Cuevas; 21. Mori; 22. Smith.

Investigators reviewed the video footage from all of the involved officers' body cameras and compared the videos with the statements the officers gave. The contents of the body camera footage is documented in the FDLE report. The body camera footage depicts the actions and discussions of the officers, the attempts at negotiations with Cher Frere, and images of Cher Frere both during and after the shooting. The footage is consistent with what the officers' descriptions of the event

**VIDEO SURVEILLANCE FOOTAGE**

1. ACE Construction Company. Ace is located at 11950 West Dixie Highway. The building had a six-camera video surveillance system on the date this incident occurred. The cameras were delineated as ch01, ch02, ch03, ch04, ch05, and ch06 respectively. The incident was captured on

cameras ch02 and ch05. The other cameras were not positioned to view the area where the incident occurred. There is no audio.

2. Cellular phone footage of civilian Leon Dancy. Dancy filmed portions of the events from shortly after the initial responding officers confronted Cher Frere through the shooting and the aftermath. Dancy turned the cellphone camera off and on several times. Dancy captured the incident from a due east perspective, directly opposite from the perspective provided by ACE Construction camera ch05 (see above). Approximately 30 minutes of video covers the time period near the beginning of the incident to just seconds before the shooting. Cher Frere's position and actions and the positioning of numerous responding officers can be seen. Dancy turned off the video just before the shooting and resumed filming just after the shooting (he did not film the shooting itself).

### **MEDICAL EXAMINER AUTOPSY FINDINGS AND PROTOCOL**

On Sunday, March 31, 2019 an autopsy was performed on the body of Pierre Cher Frere at the Miami-Dade County Medical Examiner's Office by Associate Medical Examiner Dr. Katherine Kenerson. Dr. Kenerson determined that Cher Frere died as a result of multiple gunshot wounds. He reported 28 gunshot wounds, including 13 perforating gunshot wounds and between 6 and eight 8 intersecting gunshot pathways. In addition to her internal and external examination, Dr. Kenerson retrieved a folded-up piece of what appeared to be notebook paper from the rectum of the deceased. It is difficult to make out the word that is written, but it clearly starts with the letter "P."

Toxicological findings show the presence of marijuana and marijuana derivatives, but no other drugs in the deceased's system.

### **CRIME SCENE DOCUMENTATION**

#### **FROM THE DECEASED:**

- 1) Yellow shopping bag located near the body of the deceased containing a composition notebook, a screwdriver, a wrench, chocolate candies, a small metal pipe, a cigarette lighter, a deck of cards, a 9mm cartridge, and two pistol magazines, each containing 12 9mm cartridges.
- 2) A black and gray backpack found on the body of the deceased: several pouches filled with 12 gauge cartridges (108 in all), fishing items, and a Bank of America debit card with the name Pierre Cherfrere (spelled just that way with no space in the spelling of the last name)

- 3) A green tactical plate carrier (containing metal plates, front and back) from the torso of the deceased.
- 4) A Jimenez Arms JA9 semi-automatic pistol from the front waistband of the deceased's pants. The weapon contained one 9mm Luger cartridge in the chamber and 12 in the magazine. This firearm was legally purchased by the deceased on November 6, 2018 from Lucky Pawn.
- 5) A black nylon handgun holster and a Remington 12-gauge cartridge in the left front pocket of the deceased's pants.
- 6) Sun City Machinery Co., LTD, Model Stevens 350, loaded 12-gauge shotgun, serial #122492R. The registered owner was Kendahl Hall; later investigation determined that he was deceased. There are no reports that this firearm was stolen, and there is no discernible information as to exactly how this firearm came to be in the possession of the deceased.

### **BALLISTIC EVIDENCE**

#### **SUBMITTED:**

- Two envelopes containing 13 projectiles from the Medical Examiner
- Eight 5.56x45mm/.223 rifles (shooting officers)
  - Two 9mm pistols (shooting officers)
  - One 12 gauge shotgun (shooting officer)
  - One 12 gauge Stevens shotgun, five (5) live 12 gauge shotgun shells (carried by the deceased)
  - One hundred and eight (108) 12-gauge shotgun shells (found in the backpack of the deceased)
  - One 9mm Jimenez Arms pistol, model JA Nine, with one magazine and thirteen live 9mm cartridges (found in front waistband of the deceased's pants)
  - Two 9mm magazines containing 12 live 9mm rounds each (found in the backpack of the deceased)
  - One green tactical ballistic plate carrier containing metal plates (front and back)
  - Five shotgun shell casings (scene roadway)
  - Six 9mm casings (scene roadway)
  - Twenty-seven 5.56x45mm/.223 Rem casings (scene roadway)
  - Six projectiles (scene roadway)
  - One police gun belt with holster carrier plate/without holster (from injured MDPD Officer S. Rivera)
  - One damaged police duty holster containing a Glock model 17, 9mm pistol (from injured officer)

## ANALYSIS

Based on analysis by Criminalist John Mancini of MDPD's Firearm and Tool mark Unit, all of the firearms submitted were found to be in satisfactory operating condition. Comparison microscope examinations were conducted, and the following was determined by Criminalist John Mancini:

One 9mm projectile recovered from the deceased during autopsy attributed to Sergeant Veloso's pistol  
(the 12 other projectiles recovered during autopsy were not of comparison value)

Three 9mm casings were attributed to Sergeant Phillip Veloso's pistol.

Three 9mm casings were attributed to Officer Bradley Gomez's pistol

One 9mm projectile was attributed to Officer Gomez's pistol.

Seven .556 caliber casings were attributed to Officer Jaime Richter's rifle.

Two .556 caliber casings were attributed to Officer Clifford Cayard's rifle.

Six .556 caliber casings were attributed to Officer Joshua Perez's rifle.

Five .12 gauge shotgun shell casings were attributed to Officer Shawn Norfleet's shotgun.

Six .223 caliber casings were attributed to Officer Farokh Sean Mirjah's rifle.

Six unidentified 5.56x45mm/.223 casings recovered from scene could possibly have come from the rifles of officers Edwards, Hernandez, J. Perez, and K.Perez.

## SUMMARY AND ANALYSIS

The purpose of the State Attorney's Office review of this matter is limited to a determination of whether a criminal violation of Florida law has occurred, and, if so, whether any such violation can be proven beyond and to the exclusion of every and any reasonable doubt. The Office of the State Attorney does not establish police agency policy, procedures, or 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 Officers Veloso, Hernandez, Gomez, Richter, Edwards, Cayard, Planells, J. Perez, K. Perez, Norfleet, and/or Mirjah constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

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 prevent the commission of a forcible felony. Section 776.05, Florida Statutes, permits a law enforcement officer to use any force that he believes is necessary to defend himself or another from bodily harm while making an arrest.

The events that unfolded were well-documented. For reasons known only to him, the deceased armed himself with two loaded firearms and held police and a largely residential community at bay for nearly an hour, refusing to cooperate, relinquish the weapon he was brandishing, or surrender. All efforts to negotiate with him were fruitless. When a non-lethal attempt was made to end the standoff, the defendant pointed the loaded shotgun at officers, giving them no choice but to shoot.

There is no evidence to suggest that the officers' actions were criminal or not in self defense or in the defense of others. Therefore, we find the officers' use of deadly force to be legally justified.

Prepared by:

*/s/ Abbe S. Rifkin*

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ABBE S. RIFKIN  
Assistant State Attorney