



STATE ATTORNEY

ELEVENTH JUDICIAL CIRCUIT OF FLORIDA
E. R. GRAHAM BUILDING
1350 N.W. 12TH AVENUE
MIAMI, FLORIDA 33136-2111

KATHERINE FERNANDEZ RUNDLE
STATE ATTORNEY

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June 5, 2018

Sergio Velazquez, Chief of Police
Hialeah Police Department
5555 E. 8 Avenue
Hialeah, FL 33013

Dear Chief Velazquez:

Enclosed is our final report regarding the investigation into the police-involved shooting of Eddy Perera Gonzalez on October 8, 2017. The officer involved in this incident was Sgt. Jorge Rodriguez (#1206).

The investigation has determined that the subject refused to heed police commands to drop the machete he was holding while standing on the roof of his home. The subject raised the machete to throw it at the officers, who were directly below him with no place to take cover. It is reasonable to believe that Sgt. Rodriguez considered it necessary to use deadly force by firing his weapon to prevent injury to himself and others. Therefore, no criminal charges will be filed.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Katherine Fernandez Rundle", written over a horizontal line.

KATHERINE FERNANDEZ RUNDLE
State Attorney

KFR:iah

cc: Listed Officer(s)
Hialeah PD – Internal Affairs
Captain Javier Ortiz - FOP
Robert Senior (AUSA)
Troy Walker (FDLE)

Enclosure



Please Recycle



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE DATE: JUNE 5, 2018
State Attorney





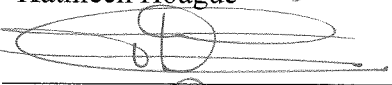
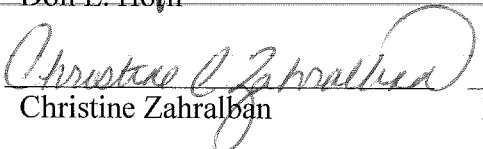
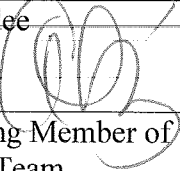
FROM: STAFFING/REVIEW TEAM RE: POLICE SHOOTING
CASE #: HPD 2017-030331
INJURED: Eddy Perera Gonzalez

Based on the information obtained and reviewed during the course of the investigation, the conclusion of the staffing/review team is the following: The investigation has determined that the responding officers observed the subject on the roof of his home with a machete in hand and bleeding profusely. The subject refused to obey police commands and at one point, raised his arm to throw the machete at the officers. Having no immediate cover, Sgt. Rodriguez fired one shot from his police-issued firearm.

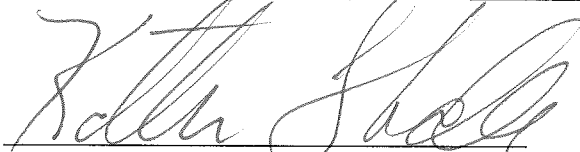
It is reasonable to believe that the Sgt. Rodriguez considered it necessary to use deadly force to prevent injury to himself and others.

We find that Sgt. Jorge Rodriguez (#04-1206) was legally justified in the use of force by firing his weapon.

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

 _____ Jose J. Arrojo	 _____ Kathleen Hoague	 _____ Esther Jacobo
 _____ Don L. Horn	 _____ Frank Ledee	_____ Reid Rubin
 _____ Christine Zahralban	 _____ Responding Member of Shooting Team	_____ Responding Member of Shooting Team

Approved by State Attorney on this 8 day of June, 2018.



KATHERINE FERNANDEZ RUNDLE
State Attorney





INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: May 31, 2018

FROM: Alejandra Lopez/David Gilbert
ASA/Senior Trial Counsel

RE: POLICE-INVOLVED SHOOTING
CLOSEOUT MEMO

OFFICER INVOLVED:	Hialeah Police Sergeant Jorge Rodriguez, ID # 1206
INJURED:	Eddy Perera Gonzalez, DOB 07/27/1986, 31 YOA gunshot wound left side of neck.
DATE & TIME:	October 8, 2017 at 8:50 A.M.
LOCATION:	508 West 16 th Street, Hialeah, FL
WEAPON:	9mm Glock Model 17 Gen4 Ser.
LEAD:	HPD Detective Joseph Elosegui
SAO CASE #:	62/17/10/01/018
FDLE Case # Hialeah PD Case #	N/A 2017-030331 Felony Case # – F17-19139

SUMMARY OF FACTS

On October 8, 2017, at approximately 8:50 A.M., police officers were called to a home, located at 509 West 16th Street in Hialeah, Florida, reference a bleeding man on the roof. The officers who responded to the location were Sgt. Jose Rodriguez (04-1216) and Officers O. Mejia (04-1952); M. Lopez (04-2054); Y. Rodriguez (04-2034); E. Gonzalez (04-2044); and V. Estrada (04-2047). Upon their arrival to the home, the homeowners unlocked the gate for them to enter. The officers also observed the victim, Eddy Perera Gonzalez, on the roof of the home with a machete in hand, bleeding profusely from the neck area. Witness later indicated that, prior to the officers' arrival, the victim was sawing his neck with the machete.

Officers called out to the victim over several minutes for him to release the machete because they were there to help him. While calling out to the victim, the officers noted that he appeared to have severe cuts in the neck area. Despite their repeated requests, the victim was unresponsive and did not come off the roof or release the machete. After a few minutes, as officers were directly below him, the victim raised his arm to throw the machete at the officers. There were no trees or other features in the lawn that provided cover for the officers. As the victim was about to throw the machete, Sgt. Rodriguez fired one shot from his police issued 9mm, Glock 17 firearm, serial number #BBBM811. At that point, the victim released the machete and laid down on the roof. Officers then climbed onto the roof; lowered the victim to the ground; and secured the machete.

Fire Rescue was called to the scene and took the victim to Ryder Trauma Center for treatment. The victim was taken into surgery for his injuries. During surgery, the doctors thought it was possible the victim had been hit by Rodriguez's firearm. However, it was difficult to tell because the victim had several deep lacerations to his throat. Only after surgery did the doctors determine that the victim had been shot on the left side of the neck, in the middle of the neck lacerations.

Detectives and crime scene responded to the scene shortly after the shooting. They collected the machete, Sgt. Rodriguez's firearm, and one (1) spent 9mm Speer casing. All officer and civilian statements were taken at the scene. The investigation revealed that the machete used in the incident belonged to Mr. Pastor Moreno, the next-door neighbor. Mr. Moreno indicated he left it in his boat on the side of his house and that he had not given the victim permission to be on his property or to use the machete. The investigation also revealed that the victim had been suffering from depression since his divorce two years earlier. He had also previously climbed the roof of his mother's house and threatened

suicide on September 15, 2017. On that occasion, Hialeah PD also responded and took the defendant to Hialeah Hospital for treatment.

A ballistics comparison between the spent 9mm Speer casing and Sgt. Rodriguez's firearm showed that the Speer casing was fired from Rodriguez's Glock 17 firearm. Sgt. Rodriguez has declined to give a statement. The victim eventually recovered from his injuries. However, he was arrested for Aggravated Assault of a Law Enforcement Officer and Armed Burglary with Assault or Battery in case F17-19139 on the date of incident and has never given a statement.

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 Sergeant Rodriguez constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

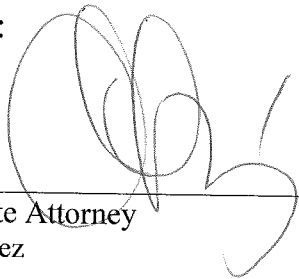
The State Attorney's Office was notified of the shooting when it occurred. However, due to the fact the scene had been cleared and the on call ASAs were on the scene of another police involved shooting, the State Attorney's Office did not respond to the scene. Nevertheless, the undersigned has reviewed Hialeah Police Department's (HPD) file regarding the Police Use of Force in this incident, including all reports and statements. I find the HPD's summary and report to be complete, thorough, and consistent with the witness statements. I adopt and attach all HPD reports into this memorandum and offer my conclusion based upon the results of my independent review of the evidence. The undersigned has also reviewed the Hialeah Police Department reports, statements and crime scene photographs from case number F17-19139.

Sec. 776.05, Fla. Stat. provides: "A law enforcement officer, or any person whom the officer has summoned or directed to assist him or her, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. The officer is justified in the use of any force:

(1) [w]hich he or she reasonably believes to be necessary to defend him or herself or another from bodily harm while making the arrest”.

Although Sgt. Rodriguez did not provide a statement, we know when he arrived at 509 West 16th Street, he observed the victim on the roof of the home bleeding from the neck. He and other officers, upon seeing that the victim was holding a machete, requested he release the weapon and informed him they were there to help him. We also know that the victim would have been familiar as to the fact the officers were there to help and not hurt him since the last time he had gotten on a roof, HPD officers had taken him to Hialeah Hospital for treatment without incident. Despite being repeatedly told to drop the machete, the victim raised it to throw it at the officers who were directly below him and without a place in which to take cover. The evidence shows that in order to prevent serious bodily injury or death to himself or other officers, Sgt. Rodriguez fired one shot at the victim. The victim released the machete and no other shots were fired. He was then arrested. Accordingly, the shooting was legally justified under Fla. Stat. 776.05.

Prepared by:



Assistant State Attorney
Alejandra Lopez