



INTEROFFICE MEMORANDUM

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TO: KATHERINE FERNANDEZ RUNDLE      DATE: MAY 8, 2018  
State Attorney

FROM: STAFFING/REVIEW TEAM      RE: POLICE SHOOTING

CASE #: MDPD PD170310093623  
FDLE MI-27-0057

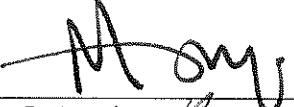

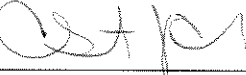

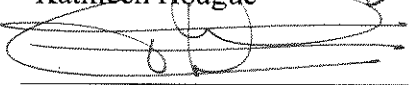

INJURED: HARRY, Antown  
ROGERS, Kiko

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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: The investigation has determined that Officer Edwards was approached by a victim, who indicated that two home invaders were terrorizing her family. The subjects were shot by Officer Edwards as they were leaving the scene, and they later confessed to the armed home invasion robbery and being shot as they were fleeing.

It is reasonable to believe that Officer Edwards considered it necessary to use deadly force to prevent armed and dangerous felons to flee and remain at large in the community. Therefore, we find that Derrick Edwards 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 14 day of May, 2018.

  
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KATHERINE FERNANDEZ RUNDLE  
State Attorney





INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: MAY 8, 2018

FROM: REID RUBIN  
ALEJANDRA LOPEZ  
Assistant State Attorneys

RE: POLICE-INVOLVED SHOOTING  
CLOSEOUT MEMO  
Case # # 62/17/03/19/008

OFFICER INVOLVED:	MDPD Officer Derrick Edwards ID # 5759
INJURED:	Antown Harry DOB 12/28/1990 Gunshot wound left leg. Kiko Rogers DOB 1/1/1990 Gunshot wound right foot.
DATE & TIME:	March 10, 2017 11:20 P.M.
LOCATION:	8887 N.W. 180 <sup>th</sup> Terrace
WEAPON:	9mm Glock Model 17Gen4 Ser. REF280
LEAD:	FDLE SA Alex Villanueva
SAO CASE #:	#62/17/03/19/008
FDLE Case # MDPD Case #	MI-27-0057 PD170310093623

## **SUMMARY OF FACTS**

On March 10, 2017, at approximately 11:20 P.M., two home invasion robbers arrived by car to a single-family residence located at 8887 NW 180<sup>th</sup> Terrace armed with a solid black metal rod. Mr. Ignacio Sierra was outside of the residence working on his car when he heard a gray vehicle suddenly stop and a short black male came running toward the front door to his residence while a second taller black male forced him inside. Once inside the residence, one of the men started beating Mr. Sierra with the metal rod causing him to fall to the floor. As Mr. Sierra's mother, Leonor Sierra-De Andres, who was seventy-two years old, came into the foyer, she was struck and fell to the floor. The subjects demanded a necklace from Ms. Sierra-De Andres. Mr. Sierra removed the necklace from her and gave it to them. Leonor Sierra-De Andres recalled seeing one of the subjects with a firearm<sup>1</sup>. While Mr. Sierra and his mother were still on the floor, his daughter V.S., who was six years old, came into the area. One of the subjects grabbed her by her hair and said he would kill her if they didn't get money. Mr. Sierra gave them his wallet and iPhone. One subject initially stayed in the foyer while the other subject forced Mr. Sierra into the bedroom where his wife, Julie Sierra, who had just gotten out of the shower, was hiding in the closet with a towel around her. She was forced out of the closet and onto a bed. One subject began striking Mr. and Mrs. Sierra with the metal pipe. Both subjects threatened to kill Julie Sierra. Other property, including currency, was taken during the robbery. After the subjects left the bedroom, Julie Sierra called 911.

The subjects eventually started arguing about keys and left the residence. However, before they left, Leonor Sierra-De Andres, was able to escape the residence and run past the subjects' vehicle across the street to a neighbor's home to summon help. She crouched on the porch so she wouldn't be seen by the robbers as she was ringing the door bell and begging an off-duty police officer who was there to please help her family from some men who were inside their house. She couldn't recall everything she said to him because she was still frightened and shaking. Off-duty Miami Dade County (MDPD) Officer Derrick Edwards exited the house with his firearm as Leonor Sierra-DeAndres ran inside the house to hide. Leonor Sierra-De Andres heard several shots fired. When she looked back outside, the subjects' vehicle was already leaving the area. She did not see Officer Edwards fire at the subjects.

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<sup>1</sup> Neither Mr. Sierra nor his wife, Julie Sierra, recalled seeing a firearm.

Police officers and crime scene technicians responded and processed the scene. They recovered a total of sixteen (16) spent casings and five (5) projectiles. The casings and three (3) of the projectiles matched Officer Edwards' firearm. Two (2) of the projectiles were consistent with Officer Edwards' firearm, but the damaged condition of the projectiles precluded a more certain identification. Subsequent investigation revealed that no one saw the actual shooting. One neighbor saw the getaway car strike a mail box. Victims and neighbors heard several shots fired. Although Officer Edwards declined to provide a statement, it was apparent that he fired at the suspects and/or their vehicle as they fled. It was unknown whether either of the assailants had been shot, however, notices were sent to local hospitals to be alert for gunshot patients.

A burned 2011 Gray Honda Accord matching the description of the vehicle used in the home invasion robbery was located on Saturday March 11, 2017, at 1:30 A.M. There were four projectile holes in the driver's side of the vehicle. A projectile was recovered that matched Officer Edwards' firearm. The blood-soaked driver's seat cushion was processed for DNA. Also on March 11, 2017, at 2:13 A.M., subject Antown Harry was dropped off at Memorial Regional Hospital in Hollywood, Florida, to be treated for a gunshot wound to his left leg. The projectile recovered from his leg was later found to match Officer Edwards' firearm. Ignacio Sierra positively identified the photograph of Antown Harry as one of the home invasion robbers.

On March 23, 2017, Antown Harry was transported to the Miami Dade Police Department. Harry gave a post Miranda DVD recorded statement concerning the details of the home invasion robbery he committed with a man named "Kiko". Harry said when they realized the grandmother was no longer in the house they decided to leave. Harry saw someone across the street as he was approaching the getaway car and then he heard shots fired as he entered the driver's door. One of the shots struck him in the leg. He said he lost a lot of blood. A woman later picked him up and took him to the hospital. Harry told investigators that Kiko was also shot during the getaway from the home invasion robbery. DNA from the seat cushion of the burned vehicle matched DNA from the projectile recovered from Antown Harry's leg. Antown Harry and charged in case number F17-5467A. The case is pending.

A photograph of Kiko Rogers, a known associate of Antown Harry, was positively identified by three of the victims as the second home invasion robber. On March 25, 2017, Kiko Rogers provided a post Miranda DVD recorded statement during which he confessed that he was the second assailant in the home invasion robbery. He said Harry was the one holding a "stick". Rogers ran to the getaway car when the older lady ran out of the house. Rogers said he was shot in the right foot by one of the neighbors when he got into the passenger side of the car. He was treated for the gunshot wound at a clinic. Rogers said Harry was also shot as Harry was leaving the house and entering the car. Harry was taken to a hospital. Kiko Rogers pled guilty to armed burglary with an assault, armed robbery, and three counts of aggravated battery in case number F17-5467B.

### **CONCLUSION**

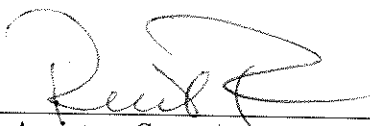
The role of the State Attorney in this investigation and in conducting this review is limited to determining whether a criminal violation of Florida law has occurred, whether any person may be held criminally responsible, and whether such criminal responsibility can be proven beyond a reasonable doubt 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 off-duty Officer Derrick Edwards constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

The initial investigating officers did not know that either of the subjects had been shot by Officer Edwards. The State Attorney's office was not notified of the shooting on the night of the incident and did not respond to the scene. However, the undersigned has reviewed the entire Florida Department of Law Enforcement (FDLE) file regarding the Police Use of Force in this incident including all reports and statements. I find the FDLE summary and report to be complete thorough and consistent with the witness statements. I adopt and attach the FDLE report into this memorandum and offer my conclusion based upon the results of my independent review of the evidence. The undersigned has also reviewed the Miami Dade County Police Department reports, statements and crime scene photographs from the home invasion robbery investigation.

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) which he or she reasonably believes to be necessary to defend himself or herself or another from bodily harm while making the arrest; . . . or (3) [w]hen necessarily committed in arresting felons fleeing from justice."

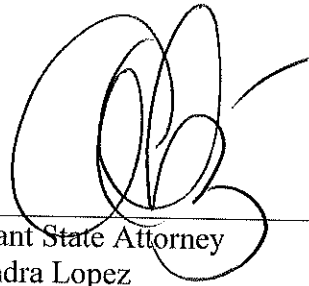
Although Officer Edwards did not provide a statement, we know he was told by a hysterical seventy-two year old eyewitness victim that two male home invaders were in the process of terrorizing her family in the residence located at 8887 NW 180<sup>th</sup> Terrace. It was 11:30 at night. We know Officer Edwards exited with a firearm to confront the subjects and save the victims of the home invasion. And we know shots were fired by him that struck the subjects as they were leaving the scene and also struck their getaway vehicle. These subjects were a threat to the lives of the occupants and to the community if they escaped and remained at large. They were armed and dangerous fleeing felons. Antown Harry and Kiko Rogers have both been positively identified as the home invasion robbers and have confessed that they were shot fleeing the immediate scene of the armed home invasion robbery they had just committed. Accordingly, the shooting was legally justified under Fla. Stat. 776.05.

Prepared by:



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Assistant State Attorney  
Reid Rubin



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Assistant State Attorney  
Alejandra Lopez