



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE  
State Attorney

DATE: AUGUST 27, 2019

FROM: STAFFING/REVIEW TEAM


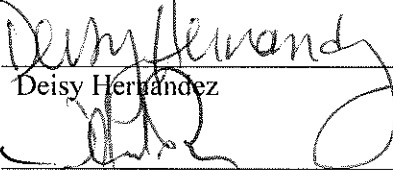
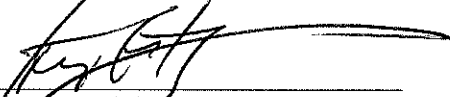
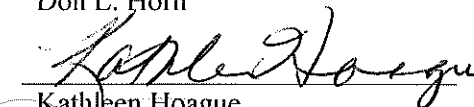
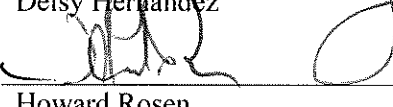
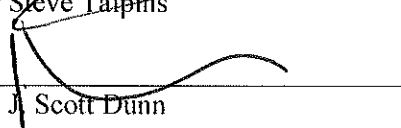


RE: POLICE SHOOTING CLOSEOUT MEMO  
CASE # SAO # 62/17/05/28/008  
DECEASED: MITCHELL, Jilani

Based on the information obtained and reviewed during the course of the investigation, the conclusion of the staffing/review team is the following: A shooting occurred in Miami Beach during the 2017 Memorial Day weekend, resulting in the death of one man and injuries to another. A BOLO (Be on the Lookout) was issued for the suspect vehicle; and once located, police officers activated their emergency lights and sirens and attempted to stop it. The driver, Jilani Mitchell, did not stop. At one point, a gun was thrown out of this suspect vehicle. It was recovered and later proven to be the weapon used in the deadly shooting.

While eluding police, Mitchell drove recklessly and dangerously, even striking a police car and continuing to flee. Ultimately, Mitchell lost control of the vehicle and crashed into a tree. Police commands to show their hands were yelled to the occupants of the vehicle. Shortly thereafter, Sgt. Jose Reina and Officer Laurence Villa fired at the vehicle. Mitchell was transported to the hospital by fire rescue where he died of a gunshot wound. Two other occupants of the vehicle were apprehended. One additional occupant had fled the scene but was later detained.

Both shooting officers declined interviews, and evidence does not clearly establish the officers' reasons for shooting. Nevertheless, taking into account the facts gathered in the footage from the body-worn cameras, audio recordings, sworn testimony from other officers on the scene and evidence compiled by Miami-Dade Police, we cannot in good faith proceed with criminal charges against Sgt. Jose Reina (#02-0755) and Officer Laurence Villa (#02-0974).

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

 _____ Don L. Horn	 _____ Daisy Hernandez	 _____ Steve Talpins
 _____ Kathleen Hoague	 _____ Howard Rosen	 _____ J. Scott Dunn
 _____ Reid Rubin	 _____ Christine Zahralban	

Approved by State Attorney on this 28 day of August, 2019.

  
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KATHERINE FERNANDEZ RUNDLE  
State Attorney





INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: AUGUST 27, 2019

FROM: LAURA ADAMS  
ASSISTANT STATE ATTORNEY

RE: POLICE SHOOTING CLOSEOUT MEMO

OFFICER(S) INVOLVED:	Ofc. Laurence Villa, Miami Beach Police Department ID 0974 Sgt. Jose Reina, Miami Beach Police Department ID 0755
DECEASED:	Jilani Mitchell
INJURIES:	Gunshot wound of the chest
DATE & TIME:	Sunday, May 28, 2017 at approximately 10:40 p.m.
LOCATION:	Alton Road and 6 Street in Miami Beach
WEAPONS:	Ofc. Villa: Smith & Wesson M&P .40 caliber pistol serial number DWP3610 Sgt. Reina: Smith & Wesson, M&P .40 caliber pistol, serial number DWP3621
LEAD:	Det. Christopher Villano, Miami-Dade Police Department ID 5394
CASE #:	PD170529202343
SAO CASE #:	62/17/05/28/008

### STATEMENT OF FACTS

On Sunday, May 28, 2017, at approximately 10:40 p.m., there was a fatal police-involved shooting in Miami Beach on 6<sup>th</sup> Street near Alton Road. The person who was shot and killed by the police was named Jilani Mitchell. The officers involved in this shooting were Officer Laurence Villa and Sergeant Jose Reina of the Miami Beach Police Department. At the time he was shot, Jilani Mitchell was the driver of a white BMW that was involved in a shooting at about 10:35 p.m. in the area of Ocean Drive and 2<sup>nd</sup> Street. That shooting occurred after there was a parking dispute between the occupants of the BMW and two (2) pedestrians named Ladarian Tyrell Phillips and Edward Ellis. One of the occupants of the BMW shot at both men; Mr. Phillips was hit, and despite medical intervention, succumbed to his injuries. Mr. Ellis also was hit, but he survived and provided the police with a description of what had occurred.

Almost immediately after the Ocean Drive shooting, a “Be on the Lookout” (BOLO) was issued for the white BMW. Miami Beach Police officers saw the BMW on Alton Road and 2<sup>nd</sup> Street (very close to the shooting scene) almost immediately after the shooting and initiated a pursuit with their emergency lights and sirens activated. The BMW travelled north on Alton Road, with Officer D. Nieves immediately behind it. Officer Nieves saw a gun being thrown from the passenger’s side of the BMW on Alton and 3<sup>rd</sup> Street. That weapon was later found by the police and submitted for testing. The BMW continued north on Alton Road, but in the *southbound* lanes to 5<sup>th</sup> Street; then, it made a right turn heading eastbound on that road but in the *westbound* lanes, continuing to pose an immediate danger for other motorists and pedestrians in the area. The BMW struck an unmarked police car that had its lights and siren activated, and that unmarked car subsequently hit a marked police vehicle. The BMW then turned back to go west on 5<sup>th</sup> Street and then went north on Alton Road. At the next block north, the BMW turned right to go east on 6<sup>th</sup> Street but came to a stop when it crashed into a palm tree. At that point, multiple officers stopped their cars and directed the occupants of the BMW to put their hands up.

The right front-seat passenger, Jeffrey Alexander; and the right rear passenger, Elijah Walcott, were taken into custody unharmed. The left rear passenger, Omar Louissaint, bailed out of the vehicle after it crashed and ran from the scene but was later taken into custody when he was caught inside the police perimeter with the assistance of a police K9 unit. Driver Jilani Mitchell was shot and treated by Miami Beach Fire Rescue workers. He was transported to Jackson Memorial Hospital for treatment, but died from a single gunshot wound.

Passenger Jeffrey Alexander was initially charged with the murder of victim Ladarian Phillips and the attempted murder of Edward Ellis since Mr. Ellis identified Alexander as the person who shot him and Mr. Phillips. That homicide case was assigned Circuit Court case number F17-10491. However, evidence later obtained in that case (including GSR testing, an additional witness statement and the statement of passenger Louissaint) established that the person who actually shot Mr. Ellis and Mr. Phillips was the *driver* of the BMW, Jilani Mitchell, who was shot and killed by the police when he crashed the BMW into the palm tree. Consequently, the case against Jeffrey Alexander was dismissed by the State Attorney's Office.

### **SUMMARY OF INVESTIGATION**

An autopsy was conducted on the body of Jilani Mitchell. According to Associate Medical Examiner Mark J. Shuman, the cause of death was a gunshot wound of the chest. Dr. Schuman found a single, perforating gunshot wound that entered Mitchell's right upper back, 17-3/4 inches below the top of the head, and 5-7/8 inches to the right of the midline in the right upper back. There was no evidence that this was a contact shooting, or one from close proximity to the weapon. The projectile passed through Mitchell's body and exited through the left chest, approximately 19-3/4 inches from the top of the head and 5-1/2 inches to the left of the left midline. The path of the wound was right to left, back to front, and slightly upward. This trajectory is consistent with Mitchell being shot while seated in the driver's seat through the open window of the right back door. The collision of the BMW Mitchell was driving with the palm tree was not a high-speed collision and did not cause any injuries to Mitchell's body (in fact, the airbags for the BMW did not deploy).

Gunshot residue (“GSR”) kits were collected from the officers who fired their weapons as well as the individuals who were located in the white BMW. The GSR kit obtained from Jilani Mitchell tested positive for primer residue particles. The kits obtained from two (2) of the passengers in the BMW (Jeffrey Alexander, in front right seat; and Elijah Wolcott, in rear right seat) tested negative for primer residue particles. No GSR kit was collected from Omar Louissaint because by the time the police located him after he bailed out of the BMW, any GSR that might have been in his hands would likely have rubbed off. Officer Villa’s kit tested positive for primer residue particles; Sergeant Reina’s kit only had one primer residue particle, and a more conclusive determination could not be obtained from his kit.

Three (3) firearms were also collected and impounded as evidence in this matter. The first one was a Sig Sauer P229 40 caliber semi-automatic pistol with serial number AE37524. This weapon was located at 3<sup>rd</sup> Street and Alton Road on the grassy swale. When it was recovered, the slide was forward, the hammer was cocked and it contained a ten (10) round magazine. There was one 40 caliber cartridge in the chamber of that weapon and the magazine contained six (6) .40 caliber cartridges. The firearm was examined for fingerprints, but there were no latents of value. Swabs collected from this weapon were also tested for DNA, and a mixture of profiles was present consisting of at least three (3) contributors and at least one (1) male. Because of the complexity of the mixture, the analyst could not make any comparisons of the DNA to any persons. This firearm was the one that fired the projectile that was recovered from the body of Mr. Phillips (victim of shooting on Ocean drive) and three (3) additional casings that were found in that area.

The second firearm was a Smith and Wesson pistol model M&P 40, serial number DWP3610. This was Officer Villa’s weapon. When a “round count” was conducted on Officer Villa’s weapon, there was one cartridge in the chamber of the firearm, and the fifteen (15)-round magazine had fourteen (14) cartridges in it, consistent with him having fired once. Near the driver’s side door of the BMW, the police recovered a spent projectile next to the pool of blood and bloody clothes that Fire Rescue workers cut from the driver, Mitchell. This projectile was fired from Officer Villa’s weapon and was, in all probability, the one which caused the fatal, perforating gunshot wound to Mitchell. It is likely that the projectile got lodged in Mitchell’s clothing when it exited his body and fell out when fire rescue workers began to provide medical assistance to Mitchell. In addition, there was one (1) casing recovered next to

Officer Villa's police vehicle which matched Officer Villa's weapon. The conclusion that may be drawn from this physical evidence is that Officer Villa fired at the BMW once, and that the bullet travelled through the open rear right window, struck Mitchell in the left back, travelled through Mitchell's torso and exited the right chest.

The third firearm was also a Smith and Wesson pistol model M&P 40, serial number DWP3621. This was Sergeant Reina's weapon. It was found to have been the weapon that fired seven (7) casings recovered from the scene of the shooting. This finding is consistent with the "round count" that was done for his weapon, as there was one (1) cartridge found in the chamber of the firearm, and his fifteen (15)-round magazine had eight (8) cartridges in it. No projectiles were recovered that matched Sergeant Reina's firearm. There is no evidence to indicate that Sergeant Reina struck any individuals.

Many of the officers involved in the pursuit of the BMW had body-worn cameras (BWC) including Officer Villa, who appears to have fired once upon arriving on the scene. (Sergeant Reina's BWC was not activated during this incident). Officer Villa's BWC shows him driving his police car in emergency mode, he then comes to a stop near to the south and west of the BMW which has already crashed into the palm tree. The officer gets out of his police car but remains behind the open driver's door. He repeatedly yells for the BMW occupants to show their hands. Although the footage is a bit blurry due to the officer moving, the video shows there are men in the BMW who don't seem to have their hands raised at first. As the video continues, multiple gunshots can be heard, presumably one (1) from Officer Villa, and the rest from Sergeant Reina. Eventually the occupants from the right side of the vehicle are removed from it (Jeffrey Alexander from the front and Elijah Wolcott from the rear). The driver (Mitchell) was removed from the vehicle and was unresponsive. The rear passenger on the driver's side (Omar Louissaint) is not seen on the initial responding officers' BWCs because he had already bailed out of the vehicle.

Neither Officer Villa nor Sergeant Reina provided interviews in this case. However, other officers, such as Officer Dhaniel Nieves, did. Officer Nieves stated he was on duty when he heard an announcement over police radio that there had been a shooting in the area of the 200 block of Ocean Drive. Upon hearing that a man had been shot, the officer discontinued the traffic stop he was working

in order to respond to the shooting call. He was advised via police radio communications that the subject vehicle involved in the shooting was a white BMW with a New York license plate. Officer Nieves went from his location on 5<sup>th</sup> Street and Michigan Avenue toward the shooting scene with his lights and siren activated, looking for the vehicle. When the officer arrived at the 200 block of Michigan Avenue, he saw the vehicle that matched the BOLO and initially deactivated his lights and siren. The BMW turned right to go west on 2<sup>nd</sup> Street, and then right again to go north on Alton Road. Another marked police car was behind Officer Nieves' vehicle, but Officer Nieves was the one right behind the BMW. Once the officer saw that there were other police units nearby, he re-activated his emergency equipment with the intent to conduct a traffic stop of the BMW.

Initially, it appeared that the driver of the BMW was going to stop, as the brake lights came on; but then, the officer saw that a firearm was being thrown from the passenger's side of the vehicle (note that this was the Sig Sauer pistol that was recovered on the swale of Alton Road near 3<sup>rd</sup> Street, which was later proven to be the weapon used to kill victim Ladarian Phillips). Officer Nieves advised over the police radio that he had seen the firearm being thrown from the vehicle. The BMW then continued northbound, but at 4<sup>th</sup> Street, it went into the southbound lanes of Alton Road. The car continued northbound, making no effort to stop or slow down, and appeared to go "head-on towards our marked units and completely blow the street traffic light." He saw the BMW turn from 5<sup>th</sup> Street back onto Alton Road, but by this time, a police SUV was between him and the BMW, so the officer's view of the BMW was impeded. However, the officer ultimately stopped his vehicle near Alton and 6<sup>th</sup> Street and approached the vehicle from the right side of the police SUV. He was unable to hear if any commands were given by other officers (although Officer Villa's BWC clearly captures the officer advising the BMW occupants to show their hands), but he said he heard multiple shots fired. He was able to move around the SUV and saw a black male (later identified as Omar Louissaint) running from the vehicle, with Officer Reina firing at that individual as the man fled northbound on Alton Road. Officer Nieves indicated that the individual was later apprehended in a police perimeter. He also indicated that he had seen Sergeant Reina firing in an easterly direction toward the BMW.

Sergeant Arley Flaherty also provided a sworn statement to the police. When she heard the dispatch regarding the shooting on Ocean Drive, she started to drive her police car in that direction. She heard the BOLO for a white BMW and knew that someone had been shot. The sergeant heard police communications about the direction of travel of the subject BMW and began to head toward that location going westbound on 5<sup>th</sup> Street. When Sergeant Flaherty arrived at the intersection of 5<sup>th</sup> Street and Alton Road, she saw the white BMW with other police vehicles pursuing it with their emergency lights and sirens activated. She stated that the BMW wound up continuing north on Alton and at that point, her police car was the first one behind the BMW. She stated that when the BMW got to 6<sup>th</sup> Street, it made a wide right turn. The sergeant followed the BMW and saw it crash to a halt. She observed Sergeant Reina in the street firing toward the vehicle, and then saw a black male take off running (later identified as Omar Louissaint) north on Alton Road. That individual was later detained and taken into custody.

### **ANALYSIS AND 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 Villa and Sergeant Reina constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

I have reviewed the Miami-Dade Police Department's (MDPD) Homicide Unit reports regarding this incident (it should be noted that MDPD is the law enforcement agency which investigates Miami Beach Police Department police shootings). I have also reviewed the crime scene reports, laboratory analysis reports, body-worn camera footage, communications recordings, and medical examiner's report and witness interviews. I also reviewed the police reports and related documents pertaining to the



shooting that occurred on Ocean Drive and 2<sup>nd</sup> Street, which immediately preceded this police-involved shooting. In addition, I responded to the scene of this police shooting and participated in the sworn interviews of Miami Beach Police Officers in this matter.

Evidence gathered and analyzed in this case indicates that at about 10:35 p.m., there was a shooting on Miami Beach on Ocean Drive at 2<sup>nd</sup> Street, which resulted in the death of one man, and injuries to another. The person who shot these victims was inside a white BMW with a New York license plate. Almost immediately after the shooting, a BOLO for the BMW was put out on police radio, and officers located the vehicle and attempted to stop it using their emergency lights and sirens. The driver of the BMW, Jilani Mitchell, did not stop for the police. At one point, he slowed briefly and one of the occupants threw a gun out of the window of the passenger's side of the car. That firearm was recovered and ultimately it was proven that it was the weapon that murdered the victim of the Ocean Drive shooting.

When he was fleeing from the police, Mitchell drove in a manner that was reckless and caused danger to the many other motorists who were on Miami Beach the Sunday night of Memorial Day weekend. He crashed into a police car while trying to evade the officers, and then continued to flee. When he turned right onto 6<sup>th</sup> Street from Alton Road, he lost control of the vehicle and crashed into a tree. Sergeant Reina and Officer Villa were some of the first officers to come upon the crashed BMW, and both officers fired at the vehicle. The evidence indicates that Sergeant Reina fired seven (7) times but did not hit anyone. Officer Villa fired once, and the bullet killed Jilani Mitchell. Evidence gathered later in this investigation (GSR results and witness interviews) indicate that Mitchell was the individual who shot and killed the victim at the Ocean Drive shooting, over a parking space dispute.

Florida Statute 776.012 permits the use of deadly force when a person reasonably believes such force is necessary to prevent imminent death or great bodily harm to himself or another or to prevent the commission of a forcible felony. Further, Florida Statute 776.05 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. While Officer Villa's BWC footage provides relevant information about what happened at the

time he fired, the footage does not provide sufficient information to conclusively establish that this shooting was permissible under either of those statutory provisions. Consequently, without an explanation from Sergeant Reina or Officer Villa about why they fired their weapons, the State cannot make a finding that this was a legally justified shooting. Nevertheless, considering all of the facts in this case, and the law regarding the justifiable use of deadly force, we cannot in good faith proceed with criminal charges against either officer.

**Prepared by:**

A handwritten signature in black ink, appearing to read "Laura Adams", written over a horizontal line.

**Laura Adams**  
**Assistant State Attorney**