



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE
State Attorney

DATE: SEPTEMBER 18, 2018

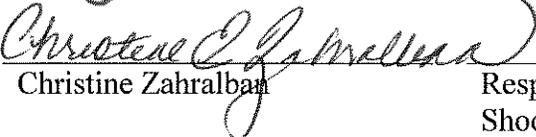
FROM: STAFFING/REVIEW TEAM

RE: POLICE SHOOTING
CASE #: SA0 #62/17/02/13/005
INJURED: WILLIAMS, Dwanaunne A.

Based on the information obtained and reviewed during the course of the investigation, the conclusion of the staffing/review team is the following: A burglary in progress was called in by the owner of a residence who was able to watch video surveillance of her home from a Ring Video Doorbell system. Mr. Dwanaunne Williams and another subject were observed exiting a vehicle parked in the driveway of the homeowner. Later, the two subjects entered the house. This information was given to the dispatcher and broadcasted to the Officers who were responding to the scene. Officer Bolinger saw Mr. Williams enter the vehicle in the driveway. Mr. Williams maneuvered the car in an effort to flee the scene. He refused to comply with police commands to exit the car. Mr. Williams got the car turned around in the driveway. Thereafter, he headed for the roadway by trying to drive through bushes in the front yard of the house.

At the time Mr. Williams entered the vehicle, Officers had probable cause to arrest him for burglary based on information the officers received before arriving at the scene. When he attempted to drive through the bushes to get away from the officers, he became a fleeing felon. Therefore, based on Florida Statute 776.05 (3) we find that Officer Michael Mundy (#0203) and Officer Michael Bolinger (#0062) were legally justified in the use of force by firing their weapons.

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

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

Approved by State Attorney on this 19 day of Sept, 2018.



KATHERINE FERNANDEZ RUNDLE
State Attorney





INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: SEPTEMBER 18, 2018

FROM: FRANK LEDEE & KERI BAGALA
ASSISTANT STATE ATTORNEYS

RE: POLICE SHOOTING CLOSEOUT MEMO
Case # PD170213058966

OFFICERS INVOLVED:	NMBPD OFFICER MICHAEL MUNDY (0203) NMBPD OFFICER MICHAEL BOLINGER (0062)
INJURED:	DWANAUNNE A. WILLIAMS
INJURIES:	GUNSHOT WOUND
DATE & TIME:	FEBRUARY 13, 2017, AT APPROXIMATELY 11:35 AM
LOCATION:	FRONT YARD OF RESIDENCE LOCATED AT: 15131 NE 13 TH AVENUE, NORTH MIAMI BEACH, MIAMI-DADE COUNTY, FLORIDA
WEAPON:	OFFICER MICHAEL MUNDY - GLOCK 21, .45 CALIBER, SERIAL NUMBER MRD854 OFFICER MICHAEL BOLINGER - GLOCK 21, .45 CALIBER, SERIAL NUMBER MRD847
LEAD:	DETECTIVE RICHARD RAPHAEL (030-3531)
CASE #:	MDPD - PD170213058966 NMBPD - 20170213-12 (BURGLARY) NMBPD - 20170213-13 (BURGLARY) MDPD - PD170213058983 (BURGLARY)
SAO CASE #:	62-17-02-13-005



SUMMARY

On Monday, February 13, 2017, at approximately 11:25 A.M., while away from her residence, Ms. Maria Collazo received an alert from their Ring Video Doorbell surveillance system that someone was at their front door. The residence is located at 15131 NE 13th Avenue in North Miami Beach. Upon reviewing the surveillance system from her cellphone, Ms. Collazo observed an unknown black male at her front door and an unknown black vehicle in her driveway. Ms. Collazo subsequently observed a second unknown black male walking to the rear of her residence with the unknown black male who was previously at her front door. After making these observations Ms. Collazo called 911. She reported what she had observed from her Ring Video Doorbell surveillance system. North Miami Beach Police Officers were dispatched to the residence reference reports of a burglary in progress. Dispatchers advised responding units that the homeowner could see the suspects inside of her home via home security video surveillance footage.

North Miami Beach Police Officer Jonathan Perigny, Badge 312, and North Miami Beach Police Officer Michael Bolinger, Badge 62, arrived on the scene first. Officer Perigny observed and pursued a man who would later become known to him as Mr. Olajuwon Baker. Mr. Baker was located at the rear of the residence. Upon seeing Officer Perigny, Mr. Baker fled in a southeast direction. In an effort to get away Mr. Baker jumped a number of fences and ran through the yards of several homes in the area.

Officer Bolinger arrived at the scene and parked his marked police vehicle behind a black Chrysler that was parked in the driveway of the residence. Officer Bolinger checked the vehicle, discovered that it was unoccupied but noted that the engine was running. He was standing in front of the residence when he observed a person who later became known to him as Mr. Dwanaunne Williams, enter the driver's seat of the black Chrysler. Officer Bolinger ran towards the driver side window of the Chrysler and began giving Mr. Williams loud verbal commands to exit the vehicle. Mr. Williams did not comply with those commands. Subsequently, North Miami Beach Police Officer Michael Mundy, Badge 203, arrived and parked his marked police vehicle next to Officer Bolinger's vehicle.

Mr. Williams continued to ignore Officer Bolinger's loud verbal commands to exit the vehicle, and instead, Mr. Williams made erratic maneuvers with his vehicle in an attempt to flee the scene. Mr. Williams was able to maneuver the black Chrysler in such a manner that he was able to get the car turned around in the driveway. In an effort to flee, Mr. Williams tried to drive through the hedges and bushes in the yard which were standing between him and the street. At that point, Officers Bolinger and Mundy discharged their weapons at Mr. Williams, striking him. Mr. Williams sustained one gunshot wound to his left inner upper arm and one to the back of his left arm. He was taken into custody immediately. Fire Rescue was

summoned to treat Mr. Williams and thereafter, they transported him to Aventura Hospital. The entire shooting incident was captured on Ms. Collazo's Ring Video Doorbell surveillance system.

CRIME SCENE

The crime scene is the home located at 15131 NE 13th Avenue in North Miami Beach. The scene is confined to the front yard of 15131 NE 13th Avenue, which is located on the east side of NE 13th Avenue, and faces west. The front yard consists of a paved driveway located on the south end, and a grassy area with shrubbery on the north end. Both marked patrol vehicles were parked at the entrance way of the driveway and were facing northeast. The black Chrysler was wedged against a metal light pole and shrubbery in the front yard. East of the marked police vehicles and lying throughout the driveway were eleven (11) "Federal" .45 auto +P casings and a "Federal" .45 +P cartridge. There was an additional "Federal" .45 auto +P casing located in the front grassy area. There was a projectile resting inside the side view mirror housing and another projectile was located on the right front passenger seat in plain view. All casings and projectiles were collected by crime scene technicians.

A damaged black light pole was lying on the grass by the driver side door of the black Chrysler. Several projectile holes were located on the left front window, left front door, left "B" pillar, left rear window, left rear door, right front window, and the right bottom side windshield. The black Chrysler had damage on the left front bumper and left quarter panel.

There was a black "True Religion" hooded jacket, size 3XL lying on the ground by the front passenger seat with two perforations. A white bloodstained tank top and a white/gray "Nike" bloodstained shirt size 2XL was lying on the driveway, north of the hooded jacket. All clothing items were collected by crime scene technicians.

No weapon was found on or about Mr. Williams, nor was a weapon found in the black Chrysler.

MARIA COLLAZO'S 911 CALLS

We are not aware of any statement taken from Maria Collazo, the owner of the residence. However, a great deal of information was gathered from video surveillance footage and recordings of Ms. Collazo's calls to the 911 call takers. The facts from that review are set out below.

On Monday, February 13, 2017, Ms. Collazo stated that she received an alert from her Ring Video Doorbell surveillance system (hereinafter, the "Ring Video") and observed, via the surveillance video, that someone was at her front door knocking hard. Ms. Collazo had other video surveillance cameras in and around her home. Watching footage from those cameras Ms. Collazo observed the unknown person go to

the side of her residence and then walk behind the sliding glass door in the rear of her residence. Ms. Collazo observed a black 4-door car parked in her driveway. After making these observations on her cellphone at 11:28 A.M., Ms. Collazo called 911 to report a burglary in progress at her residence. During the call, and based on questions from the 911 caller, Ms. Collazo described the man as a tall, thin, black male wearing jean shorts and a light gray hoodie. Ms. Collazo informed the 911 call taker that she was not able to observe video surveillance while she was on the phone. The first 911 call ended at 11:34 A.M.

After ending the call Ms. Collazo viewed more video surveillance on her cell phone. She discovered that there were two subjects. At 11:35 A.M., Ms. Collazo called 911 again and spoke to a different call taker. Ms. Collazo advised that two subjects were now inside of her residence. She advised that although she did not see any weapons in their possession and there was a firearm inside her residence. The second 911 call ended at 11:37 A.M.

At 11:29 A.M., dispatchers began providing much of this information to responding units regarding the burglary in progress. Dispatch advised responding units that the subject arrived in a black 4-door vehicle and the subject was a slim, black male wearing a light-colored hoodie and blue jean shorts.

RING VIDEO DOORBELL SURVEILLANCE FOOTAGE

The entire shooting incident and many of the events that led to the initial 911 call from Ms. Collazo were captured on the Ring Video. Ms. Collazo's Ring Video Surveillance system captures and records audio and video from a camera located in the doorbell near her front door. On the morning of February 13, 2017, Ms. Collazo received an alert from her Ring Video. When she looked at the video images on her cell phone she observed an unknown person (later identified as Mr. Olajuwon Baker) knocking very loudly on Ms. Collazo's front door. She also saw a 4-door black car parked in her driveway. She did not recognize that car. At some point Mr. Baker left the front of the house and via other surveillance cameras at the house, Ms. Collazo realized that the man had walked around to the side of her residence.

Thereafter, the Ring Video captures another unknown man (later identified as Mr. Dwanaunne Williams) exit the driver's side door of the black car. Mr. Williams followed Mr. Baker to the side of the residence. Other video surveillance cameras in the house would eventually reveal that both subjects were able to get inside the house. This information was given to several 911 call takers in three separate calls from Ms. Collazo to 911 and later provided to police officers who were responding to the call of the "burglary in progress".

The Ring Video captured Officer Bolinger as he arrived on the scene in his marked police vehicle. He parked directly behind the 4-door black car he observed parked in the driveway. Ring Video also

captured Officer Perigny as he approached the front of the house on foot with his firearm drawn. Officer Bolinger exited his police vehicle, drew his firearm, and approached the residence as well. Video footage captured Officer Perigny as he went to the same side of the house where Ms. Collazo had previously seen Mr. Baker and Mr. Williams. Officer Perigny observed someone in the rear of the residence and called this information out to Officer Bolinger. At that time, (and not captured on the Ring Video) Officer Perigny became involved in a foot pursuit of one of the subjects in the rear of the residence who later turns out to be Mr. Baker.

Officer Bolinger remained in the front driveway of the residence and opened the driver's side door of the black car. He discovered that it was an unoccupied Chrysler 200 with the engine running. Ring Video next captured someone approaching the Chrysler. When the Chrysler's security system produced an audible chirp, Officer Bolinger turned around and saw Mr. Williams entering the driver's side door of the black Chrysler. Immediately, Officer Bolinger ran over to the driver's side of the Chrysler and began yelling for Mr. Williams to get out of the car. At one point, he even banged on the driver's side window to get Mr. Williams to exit the vehicle. Mr. Williams ignored those commands. Mr. Williams put the vehicle in drive as the Ring Video captured him driving forward (toward the house) with Officer Bolinger standing next to the vehicle.

At that point, Ring Video captured Officer Mundy as he arrived and parked his marked police vehicle next to Officer Bolinger's vehicle. Parking in this location essentially blocked Mr. Williams's vehicle in the driveway. As Officer Bolinger continued to give loud verbal commands for Mr. Williams to exit the vehicle, Mr. Williams puts his vehicle in reverse and accelerated, causing his car to whip around Officer Bolinger. As reflected on the Ring Video, Mr. Williams was turning his car around. At that point, Officer Mundy had exited his police vehicle and, with his firearm drawn, was standing near Officer Bolinger.

Ring Video revealed that Mr. Williams had succeeded in turning the car around and the front of the Chrysler was now facing the roadway. In response to the maneuvering of the car by Mr. Williams both officers were again captured on the driver's side of the Chrysler, even after Mr. Williams had turned the car around in the driveway. While both officers were giving Mr. Williams loud verbal commands to exit the vehicle, Mr. Williams put his vehicle in drive again and attempted to drive through bushes in the front yard of the house and into the roadway. At that point Officer Mundy and Officer Bolinger discharged their weapons at Mr. Williams, striking him. The Chrysler knocked down a light pole and came to rest amid the bushes in the driveway.

SHOOTING OFFICERS STATEMENTS

Officer Michael Mundy and Officer Michael Bolinger, through counsel, declined to make themselves available to provide a statement to police regarding their actions in this matter and have instead chosen to rely on their Fifth Amendment right to remain silent.

POLICE OFFICER STATEMENT

Officer Rafael Florencio:

North Miami Beach Police Officer Rafael Florencio, Badge 277, was not a witness to the shooting, however, he was assigned to escort Mr. Williams to Aventura Hospital and to supervise him once he arrived there. Officer Florencio heard Mr. Williams make several statements during the time he was with him. During the drive to the hospital, Officer Florencio heard Mr. Williams spontaneously state, "I don't know why ya' shot me. I was walking down the hood and saw my boy and went to say, "what's up". I got in the car and then the officer shot me for no reason." While at the hospital, Officer Florencio heard Mr. Williams spontaneously state, "I don't know why ya' shot me. I was walking down the hood to meet up with my boy. I sat inside the car and watched the officers pull up. I went to leave and then the officer shot me for no reason." Later, Officer Florencio heard Mr. Williams spontaneously state, "I was walking down the street and I met up with my homeboy. We sat out front the house and then I saw the officers pull up. I wasn't even in that yard man. When I tried to leave they shot me. Do you think that's right? I didn't do anything man."

CIVILIAN WITNESS STATEMENTS

Midayvi Jimenez:

Ms. Jimenez resides at 15190 NE 13th Avenue. She stated that on the date of the incident, she was at home and heard several shots fired. She looked out the window and observed a police officer with someone lying on the ground. She stated she was not able to see the police officer's face or the person on the ground.

Wilbons Dorfils:

Mr. Dorfils resides at 15201 NE 13th Avenue. He stated that on the date of the incident, between 11:00 A.M. and 11:30 A.M. he heard approximately four gunshots and then someone shouting.

Rafael Araluce Quesada:

Mr. Quesada resides at 1316 NE 151 Street. He stated that on the date of the incident, at approximately 11:30 A.M., he was inside his residence with the front door opened and observed two marked police vehicles and officers with their guns drawn. A short time later, he heard approximately three consecutive shots and observed police officers assisting Miami-Dade Fire Rescue place an unknown black male inside a rescue truck.

Dwanaunne Williams:

Mr. Williams, the subject who was shot, gave a statement to the police. He was provided a Miranda Rights Waiver Form by Miami-Dade Police Detective Richard Raphael, Badge 3531. Mr. Williams acknowledged that he understood his rights and signed the Miranda Rights Waiver Form indicating that he was willing to speak to Detective Raphael without an attorney present.

Mr. Williams stated that he arrived at the incident location with his friend Jay, in his girlfriend's Chrysler 200 vehicle. Mr. Williams stated he has known Jay for two years and that they met through his cousin, Gerald Griffin. Mr. Williams stated that when he arrived at the incident location, he walked to Walmart located on NE 163rd Street, leaving Jay at the residence. Mr. Williams stated that during his walk to Walmart, he looked back at the residence and observed a marked police vehicle park directly behind the Chrysler.¹ Mr. Williams stated that he returned to the residence and did not see a police officer. Mr. Williams stated that he entered the vehicle and was approached by a uniform police officer screaming for him to get out of the vehicle. Mr. Williams stated the officer banged on the driver's side window for him to exit the vehicle. Mr. Williams stated that he heard all of the officer's loud verbal commands, but decided to place the vehicle in reverse and began backing up in an attempt to leave the area. Mr. Williams stated that he failed to obey the uniform officer's commands and then stated that the uniform officers situated on the driver's side of his vehicle discharged their weapons when he began driving forward to leave the area.

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

¹ Many of these statements are refuted by the Ring Doorbell video surveillance footage.

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 Michael Mundy and Officer Michael Bolinger constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

As neither Officer Bolinger nor Officer Mundy gave statements in connection with this investigation, we do not know why they discharged their firearms. However, we are able to establish the following facts from several witnesses and video surveillance footage.

Ms. Collazo called 911 after she became aware that two unknown subjects were at her home. Those subjects had arrived at her residence in a 4-door black car which she could see was parked in her driveway. After her first conversation with a 911 call taker Ms. Collazo looked at more video footage and was able to see that the subjects were inside her home. She called 911 again and shared this additional information. All of these facts were provided by police dispatchers to the police officers who were directed to respond to this call.

Officers Mundy, Perigny and Bolinger (among others) were on-duty police officers who responded to this call of a burglary in progress at the residence located at 15131 NE 13th Avenue, North Miami Beach. Upon arrival, they saw an empty black Chrysler parked in the driveway with the engine running. This had been reported as the vehicle the subjects used to get to the scene.

Officer Perigny observed Mr. Baker, one of the suspects, in the rear of the residence and pursued him as he fled the scene on foot. Officer Bolinger, who had parked his marked police car behind the suspect's vehicle, remained in the front of the residence. Officer Bolinger observed Mr. Williams enter the driver's seat of the black Chrysler and immediately gave him loud verbal commands to exit the vehicle. He even banged on the driver's side window. Mr. Williams did not comply with these commands. Mr. Williams proceeded to put the vehicle in drive and drove forward while Officer Bolinger was standing next to the Chrysler. At that point, Officer Mundy arrived and parked his marked police vehicle next to Officer Bolinger's vehicle, essentially blocking Mr. Williams's vehicle in the driveway. As Officer Bolinger continued to give loud verbal commands for Mr. Williams to exit the vehicle, Mr. Williams put his vehicle in reverse and accelerated, causing his car to whip around Officer Bolinger. Mr. Williams had succeeded in turning the Chrysler around in the driveway. The front of his car was now pointed toward the roadway. In an effort to flee the scene, Mr. Williams then put his vehicle in drive and attempted to drive through bushes in the front yard of the residence. At that point Officer Mundy and Officer Bolinger discharged their

weapons at Mr. Williams, striking him. After being treated for his gunshot wounds at Aventura Hospital Mr. Williams was arrested. He and Mr. Baker were charged with burglary.²

Officers Mundy and Bolinger were entitled to use any force when necessarily committed in arresting Mr. Williams, a felon fleeing from justice. Based on the information that had been provided by police dispatchers, at the point that Officer Bolinger observed Mr. Williams enter the driver's side door of the black Chrysler, Officer Bolinger had probable cause to arrest Mr. Williams for burglary. This is especially so since Mr. Williams was seen entering the vehicle that was reported as being used in the burglary. As Mr. Williams attempted to drive through the bushes to escape from the driveway in the Chrysler 200, he became a fleeing felon. Section 776.05, Florida Statutes, entitled *Law Enforcement Officers and Use of Force in Making an Arrest*, establishes that under specific situations law enforcement officers are authorized to use force, including deadly force, when making arrests. Section (3) of Florida Statute 776.05 specifically provides that an officer is justified in the use of any force when necessarily committed in arresting felons fleeing from justice. Accordingly, for the reasons detailed in this memorandum we conclude that Officer Mundy's and Officer Bolinger's use of deadly force in the shooting of Mr. Williams was legally justified.

Prepared by:



FRANK LEDEE
Assistant State Attorney



KERI BAGALA
Assistant State Attorney

² Mr. Williams was twenty-years old at the time he committed this crime with no prior convictions. As a result, the court extended an offer of a withhold of adjudication and sentenced Mr. Williams to the Miami-Dade Department of Corrections and Rehabilitation's Bootcamp Program.