



## STATE ATTORNEY

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

**KATHERINE FERNANDEZ RUNDLE**  
STATE ATTORNEY

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February 14, 2020

Alfredo Ramirez III, Director  
Miami-Dade Police Department  
9105 NW 25<sup>th</sup> Street  
Doral, FL 33172

Dear Director Ramirez:

Enclosed is our final report regarding the investigation into the police-involved shooting of Leonardo Cano on July 10, 2018. The officers involved in this incident were Officer Anthony Jimenez (30-7384), Officer Manuel Quintero (30-1349), and Officer Orlando Sanchez (30-5329).

These officers declined to provide sworn statements, and the evidence does not clearly establish their reasons for discharging their weapons. Nevertheless, considering all of the facts gathered in our investigation, as well as the FDLE Use of Force report, we cannot in good faith proceed with criminal charges against the shooting officers.

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

Sincerely,



KATHERINE FERNANDEZ RUNDLE  
State Attorney

KFR:iah

Enclosures

c: Listed Officer(s)  
MDPD Homicide Bureau  
Sgt. Kent Journey, Jr. – Professional Compliance  
Sgt. Steadman Stahl, PBA  
Andrew Axelrad, PBA  
Robert Senior (AUSA)  
Troy Walker (FDLE)



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INTEROFFICE MEMORANDUM

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TO: KATHERINE FERNANDEZ RUNDLE      DATE: FEBRUARY 11, 2020  
State Attorney

FROM: STAFFING/REVIEW TEAM      RE: POLICE SHOOTING CLOSEOUT MEMO  
CASE # SAO #62/18/0/10/001  
DECEASED: CANO, Leonardo


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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: MDPD Police officers were dispatched reference a woman having trouble with an ex-boyfriend, later identified as Leonardo Cano. MDPD detectives were aware of previous domestic violence incidents that had occurred at this residence and Cano's propensity for violence. Upon arrival, Cano was observed driving away from the scene. Officers Fluty and Colon followed Cano, who proceeded to drive erratically and ultimately crashed.

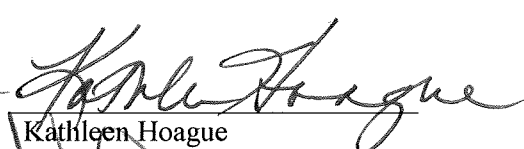
As the officers approached the subject vehicle, Cano exited the driver's side door, discarded a rifle and brandished a firearm, which he discharged in the officers' direction. Officer Fluty returned fire and, in the exchange, suffered a gunshot wound. Still armed, Cano fled on foot and attempted to hide in a garbage dumpster. Cano refused to obey police commands to show his hands and exit the dumpster. A firearm was observed in close proximity to Cano as Officer Jimenez struggled with him inside the dumpster. During the confrontation, the responding officers discharged their firearms fatally wounding Leonardo Cano.

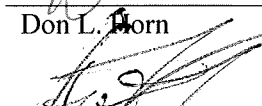
There is some circumstantial evidence that suggests their decision to use deadly force could have been legally justified. However, the officers involved declined to provide sworn statements regarding the shooting. In the absence of information directly from them about the incident (or body-worn camera footage of the shooting), we do not have sufficient evidence to make a finding that Officers Anthony Jimenez (30-7384), Manuel Quintero (30-1349), and/or Orlando Sanchez (30-5329), were legally justified in their use of deadly force. Nevertheless, evaluating all of the facts and circumstances, and pursuant to Florida Statutes 776.012 and 776.05, we cannot in good faith proceed with criminal charges. It should be noted that Officer Paul Fluty's actions were not reviewed because he was not present when Cano was shot.


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

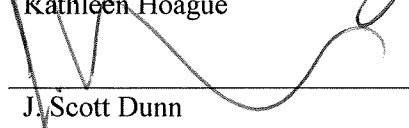
  
Don L. Horn

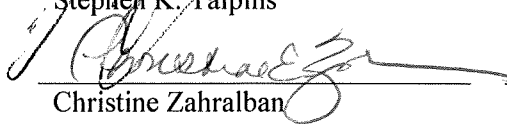
  
Deisy Hernandez

  
Kathleen Hoague

  
Stephen K. Talpins

  
Howard Rosen

  
J. Scott Dunn

  
Christine Zahralban

Approved by State Attorney on this 18 day of February, 2020.

  
KATHERINE FERNANDEZ RUNDLE  
State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: FEBRUARY 18, 2020

FROM: PHILIP MANIATTY and  
LARA PENN  
ASSISTANT STATE ATTORNEYS

RE: POLICE SHOOTING CLOSEOUT MEMO  
Case # FDLE MI-27-0088

OFFICER(S) INVOLVED:	OFC. ANTHONY JIMENEZ (30-7384) MDPD OFC. MANUEL QUINTERO (30-1349) MDPD OFC. ORLANDO SANCHEZ (30-5329) MDPD
DECEASED:	LEONARDO CANO
INJURED:	OFC. PAUL FLUTY- GUNSHOT WOUND
DATE & TIME:	JULY 10, 2018 AT 10:46 P.M. TO JULY 11, 2018 AT 1:00 A.M.
LOCATION:	6491 WEST 2 <sup>ND</sup> AVENUE, HIALEAH, FLORIDA
WEAPON:	GLOCK, MODEL 17, 9MM PISTOL, S/N REE260 (FLUTY) GLOCK, MODEL 17, 9MM PISTOL, S/N RED047 (JIMENEZ) COLT, .223 CALIBER RIFLE, S/N A0204566 (QUINTERO) COLT, .223 CALIBER RIFLE, S/N A0197985 (SANCHEZ) HERSTAL .57 PISTOL, S/N 386214976 (CANO)
LEAD:	FDLE AGENT CONFESOR GONZALEZ
CASE #:	FDLE MI-27-0088
SAO CASE #:	62/18/07/10/001



## SUMMARY

On Tuesday, July 10, 2018, at 10:13 p.m., Miami-Dade Police Department (MDPD) Northwest District uniform officers were dispatched to 19801 W. Oakmont Drive, Miami, Florida 33105, in reference to a female, Monica Cundiff, who was having trouble with an ex-boyfriend. The ex-boyfriend was identified as the decedent, Leonardo Cano. MDPD Northwest District Crime Suppression Team (CST) detectives, who were monitoring the MDPD Northwest District radio frequency, were aware of previous domestic violence incidents that had occurred at the residence. CST Detective Damian Colon was very familiar with Ms. Cundiff's address because he had been there previously concerning domestic violence issues involving Cano. Based on this history, Detective Colon was aware that Cano had a propensity for violence and had previously threatened to kill Cundiff. Furthermore, MDPD CST detectives had knowledge that a probable cause message to arrest Mr. Cano had been issued by the Hialeah Police Department based on an incident that had occurred involving the armed kidnapping of Monica Cundiff on June 27, 2018. MDPD CST detectives immediately responded to the area and observed Mr. Cano leaving the scene in a gray Nissan sedan. Detective Abraham Solano and Sergeant Alberto Falcon attempted to stop Cano in the vicinity of NW 186 Street and 87 Avenue, but he fled from them and pursuit of Cano was discontinued due to his erratic driving. Knowing that Cano resided in Hialeah, CST officers responded there in an effort to find Cano. Thirty-six minutes after the previous chase had been abandoned 3½ miles away, Officers Paul Fluty and Damian Colon observed Cano's vehicle at West 28 Avenue and 60 Street in Hialeah and attempted to stop it. Cano fled at a high rate of speed and drove erratically. Following a 4-minute chase, Mr. Cano crashed his vehicle in front of the incident location, Little Angels Christian School, located at 6491 W 2<sup>nd</sup> Avenue, Hialeah, Florida 33012, a distance of about 4½ miles from where his vehicle was first spotted in Hialeah. The two attempts to stop Cano's vehicle utilized emergency lights, but not sirens, as the law enforcement vehicles involved were unmarked, rented vehicles.

Officers Fluty and Colon approached Mr. Cano's vehicle, at which time Mr. Cano exited the driver's side door. After emerging from his vehicle with and discarding a .223 Remington Colt Carbine rifle, Cano brandished a pistol. That pistol, later determined by lab analysis of ten spent casings to have been a Herstal .57 pistol, was discharged by Cano in the direction of Officers Fluty and Colon. Officer Fluty returned fire and, during an exchange of gunfire, Officer Fluty was struck by one of Mr. Cano's

projectiles. Officers Fluty and Colon lost sight of Mr. Cano, as he fled on foot and was initially able to evade capture.

As a result of the exchange of gunfire, Officer Fluty suffered a gunshot wound to his upper right back area. Personnel from the City of Hialeah Fire Department were summoned to the scene and Officer Fluty was airlifted to Jackson Memorial Hospital Ryder Trauma Center. Officer Fluty was treated and released. A projectile was recovered from his back, but it was damaged and had insufficient detail for the lab to make a conclusive determination as to the firearm from which it was expelled.

A perimeter was established and efforts to locate Mr. Cano began with the assistance of members of the MDPD Special Response Team (SRT) and MDPD K-9 units. Mr. Cano was subsequently located by the involved officers while he was attempting to conceal himself inside a garbage dumpster. Officer Leslie Lee observed a holster inside the dumpster and was able to remove it with his extendable baton. He also detected two black objects inside the dumpster and, when he tapped them with his baton, detected movement within the dumpster. At that time, loud verbal commands were given by Officer Lee and other officers for Cano to show his hands and exit the dumpster, but he refused. Officer Jimenez entered the dumpster and tried to take Cano into custody. Per Officer Lee, Officer Jimenez was having a hard time with Cano because he wouldn't cooperate and struggled with Officer Jimenez. Officer Lee attempted to enter the dumpster to assist Officer Jimenez and heard Officer Quintero yell at Officer Jimenez to move and heard two shots from Officer Quintero's gun. Officer Lee jumped back and pointed his firearm at Cano. Officer Lee heard Officer Quintero say that Cano had a firearm next to him. Officer Lee also observed the firearm in the dumpster. Officer Lee then once again attempted to enter the dumpster and heard shots coming from other officers' firearms. City of Hialeah Fire Department personnel responded to the scene and determined at 1:04 a.m. on July 11<sup>th</sup> that Mr. Cano was deceased. During this incident, Officer Jimenez fired four rounds, Officer Quintero fired two rounds and Officer Sanchez fired ten rounds.

In addition to the seven gunshot wounds found by Miami-Dade Chief Medical Examiner Dr. Emma Lew, she observed facial pattern bruising consistent with boot marks. Following this finding, Officer Jimenez surrendered his boots and a forensic examination of them found that the pattern on the

soles was consistent with the bruising on Cano's body. Dr. Lew opined that the pattern bruising did not contribute to Cano's death.

Ten projectiles were recovered from Cano's body by the Medical Examiner's Office. MDPD Criminalist John Mancini made the following findings with respect to those projectiles: Projectiles I, D and 2A are fragments that are of no comparison value; projectiles E, F & G were fired from Officer Jimenez' weapon; projectile H was fired from Officer Sanchez' weapon; projectiles J, K & L could have been fired from Officer Quintero's weapon, but damage and insufficient detail precluded a conclusive determination. Per Criminalist Mancini, projectiles J, K and L could be portions of projectiles and not whole projectiles. Thus, the presence of three projectiles that could have been fired from Officer Quintero's weapon does not indicate a conflict with the round count indicating that Officer Quintero's weapon was fired twice.

Among the items discovered inside Cano's vehicle were a Browning Arms 9mm semiautomatic pistol, a silencer, a 100 round capacity drum magazine, a plastic tarp, two pairs of handcuffs, binoculars and a long-handled metal mallet.

The .223 Remington Colt Carbine rifle that was discarded by Cano after he emerged from his vehicle was recovered in the roadway by a curb in the vicinity of Cano's vehicle. The Herstal .57 pistol was recovered in the grass about four feet north of the dumpster in which Cano had been concealing himself. Due to Officers Jimenez, Quintero and Sanchez not having given statements, it cannot be determined how the pistol was moved from the dumpster to the grass.

### **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 the officers constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

We have reviewed the Florida Department of Law Enforcement Investigative Summary into the police use of force in this incident. We have also reviewed the sworn statements, crime scene reports, autopsy report, and lab report and other evidence compiled by FDLE under FDLE Case Number MI-27-0088. We find the summary to be complete, thorough and consistent with the statements, crime scene evidence and with our observations at the scene. We adopt and attach that Investigative Summary hereto and offer our conclusion based on the results of our investigation and review.

MDPD officers were attempting to apprehend Leonardo Cano for a domestic armed kidnapping. Mr. Cano was known by the area officers for previous domestic disturbances with the female victim in this case. Mr. Cano, while being followed by MDPD Officer Fluty and Officer Colon, crashed his car and immediately exited with a firearm pointed towards these officers. Mr. Cano then fired upon Officer Fluty and Officer Colon, which constituted Attempted Murder on Law Enforcement Officers. Officer Fluty returned fire, apparently to protect himself and his fellow officer.

While still armed, Leonardo Cano fled and ultimately hid in a garbage dumpster. While MDPD SRT officers tried to apprehend him, they observed a firearm within his reach. Mr. Cano had, earlier in this encounter with the police, fired a weapon ten times and injured Officer Fluty. Based on the totality of the circumstances, it could have been reasonable for the officers to believe their lives were in danger. It also could have been reasonable for the officers to believe that deadly force was necessary to prevent death or imminent bodily harm to themselves. Additionally, it could have been reasonable for officers to believe that deadly force was necessary to prevent the continuing commission of a forcible felony, the attempted murder of law enforcement officers.

The only people who can explain exactly why Officers Jimenez, Quintero and Sanchez fired are, of course, the officers themselves. However, they have declined to provide sworn statements in this matter. Thus, the State must evaluate the circumstantial evidence in this case to determine whether criminal charges should be filed against any of the officers.

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

Under this set of circumstances, the circumstantial evidence could potentially support a finding that Officers Anthony Jimenez, Manuel Quintero, and Orlando Sanchez justifiably used deadly force in this matter. Under Florida law, a person cannot be convicted of a criminal charge based on circumstantial evidence unless the evidence is inconsistent with any reasonable hypothesis of innocence. *See McArthur v. State*, 351 So.2d 972 (Fla. 1977); *Mayo v. State*, 71 So.2d 899 (Fla. 1954); and *Hodgkins v. State*, 175 So.3d 741 (Fla. 2015). Because the circumstantial evidence in this case could support a finding that Officers Anthony Jimenez, Manuel Quintero, and Orlando Sanchez justifiably used deadly force when they shot at Leonardo Cano, the State Attorney's Office cannot in good faith file criminal charges against them. However, without direct information from the officers themselves about why they shot at Leonardo Cano, the State of Florida cannot make a finding that Officer Anthony Jimenez or Officer Manuel Quintero or Officer Orlando Sanchez justifiably used deadly force in this matter, either. It should be noted that the conduct of Officer Paul Fluty is not being reviewed as he was never present when Leonardo Cano was shot.

**Prepared by:**

  
Assistant State Attorney

  
Assistant State Attorney