

Close-out Memorandum of the
Investigation Regarding
Jason Brad Pearce
September 7, 2017



State Attorney's Office
Eleventh Judicial Circuit
Miami-Dade County
March 27, 2018



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE
State Attorney

DATE: August 23, 2021

FROM: STAFFING/REVIEW TEAM

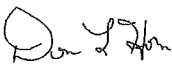


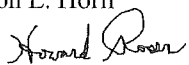
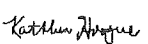

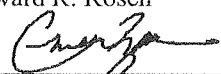
RE: SAO Case #62/20/07/24/002
Deceased: Ariel Martinez Ruiz

Based on the information obtained and reviewed during the course of the investigation, the conclusion of the staffing/review team is the following:

On July 24, 2020, Ariel Martinez Ruiz drove to the apartment of his ex-wife, and opened fire on her and three others who were standing with her outside the apartment. One individual was wounded. His ex-wife retreated into the apartment in fear and Ruiz opened fire a second time into the apartment. Ruiz was observed by a responding officer leaving the scene of the shooting at a high rate of speed. The officer attempted to effectuate a stop. Ruiz fled the officer and struck a traffic control device before crashing his vehicle into a tree in the median of the roadway located at the 16300 block of SW 88 Street. Officers responded and in attempting to extract Ruiz from his vehicle observed him moving with a firearm in his hand. The officers assumed tactical positions around the rear of his vehicle and ordered Ruiz to drop the gun. Instead, Ruiz fired his weapon, whereupon Officers Joshua Perez, Kevin Perez, Bryan Rodriguez, Adrien Couto, and Alexander Aguilar returned fire. Ruiz was mortally wounded. An Iberia pistol was recovered from underneath Ruiz' body, and a spent casing in his car was matched to that weapon. Ballistic evidence recovered from the area of the apartment shooting was also matched to the pistol found underneath Ruiz' body.

Based on the totality of the evidence, including review of the body cam video footage recorded during the event, there is sufficient evidence to conclude Ruiz failed to obey commands to put his gun down and was the first to fire his weapon. The officers positioned around the rear of his vehicle returned fire in response. The officers also knew that less than an hour earlier, Ruiz had opened fire upon several civilians. Section 776.012, Florida Statutes, permits the use of deadly force when a person 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, Section 776.05, Florida Statutes, 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. Based on these statutory provisions we find this use of deadly force by Officers Joshua Perez, Kevin Perez, Bryan Rodriguez, Adrien Couto, and Alexander Aguilar to be legally justified.

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

 _____ Don L. Horn	 _____ Deisy Hernandez	 _____ Stephen K. Talpins
 _____ Howard R. Rosen	 _____ Kathleen Hoague	 _____ J. Scott Dunn
 _____ Christine Zahralban		

Approved by State Attorney on this 27 day of August, 2021.


KATHERINE FERNANDEZ RUNDLE
State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: August 23, 2021

FROM: Brenda Mezick
Assistant State Attorney

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO Case #62/20/07/24/002

OFFICER(S) INVOLVED:	Officer Kevin Perez, ID 30-6994 Officer Joshua Perez, ID 30-8596 Officer Bryan Rodriguez, ID 30-6519 Officer Adrien Couto, ID 30-7289 Officer Alexander Aguilar, ID 30-6993
DECEASED	Ariel Martinez Ruiz
DATE & TIME:	July 24, 2020, approx. 2222 hours
LOCATION:	Roadside - 16300 Block SW 88 Street (Kendall Drive), Miami, Florida
WEAPON:	.40 S&W Iberia pistol, sn N005512 – Ariel Martinez Ruiz 9mm Glock pistol, sn BHSM450 – Officer Kevin Perez .223 Daniel Defense Rifle, sn DDM4196075BHSM450 – Officer Joshua Perez 9mm Glock pistol, sn BGDD158 – Officer Bryan Rodriguez 9mm Glock pistol, sn REF893 – Officer Adrian Couto 9mm Glock pistol, sn BBZY089 – Officer Alexander Aguilar
LEAD/REPORTS:	Michael Stein, report submitted January 7, 2021
CASE #:	MI-27-0135
SAO CASE #:	#62/20/07/24/002



FACTUAL SUMMARY

On July 24, 2020, shortly after 10:00 p.m., Ariel Martinez Ruiz (Ruiz) drove to the apartment of his ex-wife, Tania Perez (Perez), located at 7680 SW 153rd Court, Apartment 103. Perez had days before obtained a temporary domestic violence injunction against him. While Perez was standing in the courtyard outside of the apartment socializing with three other adults, Ruiz appeared, aimed a gun at Perez, and opened fire. Ruiz shot twice missing Perez but hitting her co-worker Cesar Suarez-Castro who was standing behind her. Perez and the three other adults ran into her apartment and called 911. Ruiz left on foot but returned minutes later, opened fire again into Perez' apartment, and then drove away in a Toyota.

At approximately 10:22 p.m., uniform officers from the Hammocks District were dispatched to the shooting. Miami-Dade Police Department (MDPD) Officer Raziel Tejada pulled over to put on his ballistic vest when he observed a blue Toyota Corolla, four-door sedan exiting the area of the shooting "in a very fast and aggressive manner." Officer Tejada radioed dispatch requesting the tag number and back up stating that he believed "it's going to be one of the subjects." Officer Tejada activated his emergency equipment and attempted to conduct a traffic stop. The vehicle refused to stop. Officer Tejada radioed his location and repeated his request for back-up. Officer Tejada pursued the fleeing vehicle westbound until the vehicle struck a large traffic control device in the roadway then crashed into a palm tree in the median of the roadway located at the 16300 block of SW 88 Street.

MDPD officers responded and positioned themselves around the vehicle. Lt. Daniel Chala testified that he looked into the passenger side window using his flashlight and observed Ruiz armed with a handgun "by his belly and then underneath the air bag."

Body camera video worn by Officer Alexander Aguilar shows Officer Aguilar and other officers looking into the passenger front window and attempting, unsuccessfully, to open the passenger door. Officer Aguilar can be heard calling out his observations that the subject's hands were "moving a lot," stating, "hands moving, hands moving." Officer Aguilar then yells "I got something. I got something. I don't know what it is." Officers can be heard repeatedly yelling out commands, "let me see your hands" and "drop the gun." Officer Aguilar takes the tactical position to the rear passenger side of the vehicle. A distinct, single shot is heard. A volley of gunshots are discharged in response, including from Officer Aguilar who can be seen shooting into the rear passenger window breaking the glass.

Body camera video worn by Officer Kevin Perez shows the rear window broken, with glass missing from the left side of the window leaving an exposed gap. An officer can be heard stating that the subject was unconscious. Discussion is made about removing the subject to which Officer Kevin Perez responded, "let me get my shield." Officer Perez returns with a ballistics shield. Officer Kevin Perez can be heard yelling, "Get back. Get back. He has a gun." Officers can be seen moving back. Officer Kevin Perez moves back with his shield to the driver's rear door in close proximity to the rear window exposed gap. An officer is heard asking, "Is he dropping it, Kevin?" An Officer responds, "he's under the airbag." Shots are fired. An officer can then be heard asking, "Kevin, what do you see?" An officer responds, "He's still moving." Officer Kevin Perez repeatedly yells, "Hold."

In the body camera video worn by Officer Bryan Rodriguez, Officer Rodriguez can be seen running towards the crashed Toyota. The driver's door is open and a deployed driver's seat air bag is visible. Officer Rodriguez takes the position behind and to the left of Officer Kevin Perez who is holding

a ballistic shield. Officer Rodriguez can be heard asking Officer Kevin Perez, "What do you see?" The sound of a distinct, single shot fired can be heard, followed by a volley of gunshots being fired into the vehicle.

In body camera video worn by Officer Joshua Perez, Officer Joshua Perez obtains a rifle from the trunk of a vehicle and walks from the front passenger window around the back of the vehicle and behind the officers by the driver's side door. Ruiz' body is prone across the cars seats and his feet are visible hanging over the driver's seat. Ruiz' feet retract into the car consistent with someone who is drawing his legs up closer to his torso. Officer Joshua Perez can be heard telling officers repeatedly to "back it up" and several instructions to block traffic are given. Officer Joshua Perez moves back to the rear of the vehicle behind the other officers. A distinct, single shot fired can be heard followed closely by a second shot and then immediately a volley of shots.

In the body camera video worn by Officer Adrien Couto, Officer Couto is positioned with his gun pointing directly into the exposed gap in the broken rear window and can be heard yelling, "Let me see your hands." An officer yelling "back it up" can be heard. Officer Couto moves to his right closer towards the center rear. Officer Kevin Perez with the ballistic shield takes the tactical position directly behind the exposed gap in the rear window. A distinct, single shot fired can be heard. Officer Kevin Perez can be seen firing a shot through the exposed gap in the rear window which is immediately followed by other officers discharging their firearms.

Witness Officers Raziel Tejada and Edward Henriquez testified that they heard a single gunshot from within the Toyota followed by multiple gunshots. Officer Gabriela Guerra testified that she heard a single gunshot followed by a volley of gunfire. None of the officers who discharged their firearms provided statements.

Post shooting, Officer Guerra testified that she observed Ruiz's body over the center console with his head lying under the glove box. The Miami-Dade Fire Department (MDFD) was called to the scene to assist with removing Ruiz from the vehicle. MDFD Engine 56 responded and removed the front passenger door of the Toyota. Crime scene photos were taken which included a photo showing a black barrel of a firearm on the front passenger floorboard protruding from underneath Ruiz's shoulder where his body had slumped below the glove box.

After Ruiz was extracted from the vehicle, MDPD Detective Roberto Silvestre removed a black Iberia .40 S&W pistol, serial number N005512, with one magazine, from the front passenger floorboard. Also recovered from the front passenger floorboard was a fired .40 S&W casing. A live Federal .40 caliber cartridge was recovered from Ruiz' pant pocket.

Additionally, four fired .40 S&W casings, and two spent projectiles were recovered from the apartment shooting scene. The Firearm and Toolmark Unit of the MDPD Crime Laboratory confirmed that the .40 S&W casing recovered from the Toyota's floorboard and the .40 S&W casings recovered from the apartment shooting scene were fired from the Iberia pistol. It was also concluded that the two projectiles recovered from the apartment shooting scene could have been fired from the Iberia pistol based on class characteristics, but damage prevented a more conclusive determination.

The Daniel Defense rifle, the four officer Glocks discharged by the five involved officers, the casings recovered from the scene, and the projectiles recovered during the autopsy, were also submitted

to the MDPD Crime Laboratory. Detailed comparisons between the casings and projectiles and the submitted firearms were made. Ballistics confirmed that all four Glocks and the Daniel Defense Rifle had been fired.

Associate Medical Examiner Dr. Benjamin Mathis performed the autopsy. Dr. Mathis concluded that there was no evidence of self-inflicted gunshot injury. The following injuries were sustained by Ruiz at the time of his death:

- Blunt force injury to his right eye consistent with the traffic crash;
- Two projectiles entered the right buttocks;
- Three projectiles entered the left hip;
- Three projectiles entered the left buttocks;
- Three projectiles entered the left buttocks to the left thigh area;
- Two projectiles entered the back of the left thigh;
- One gunshot wound to the left arm;
- One gunshot wound to the bowel;
- Graze gunshot wounds to the lower back.

The Iberia pistol was swabbed for DNA. [REDACTED]

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 Officers Joshua Perez, Kevin Perez, Bryan Rodriguez, Adrien Couto, and Alexander Aguilar 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 body camera footage, 911 calls, Computer Aided Dispatch (CAD) Reports, sworn statements, crime scene reports, autopsy report, lab reports, and other evidence compiled by FDLE under FDLE Case Number MI-27-0135. We find the summary to be complete, thorough and consistent with the witness statements and 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.

Based on the totality of the evidence, including actual review of the body cam video footage recorded during the event, there is evidence sufficient to conclude that Ruiz fired his Iberia pistol inside

his vehicle. It is reasonable that the officers who were positioned to the rear and sides of the vehicle would believe that they were being fired upon by a person who had failed to obey commands to put the gun down and his hands up and who, less than an hour earlier, had opened fire upon civilians.

Section 776.012, Florida Statutes, permits the use of deadly force when a person 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, Section 776.05, Florida Statutes, 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. Based on these statutory provisions we find this use of deadly force by Officers Joshua Perez, Kevin Perez, Bryan Rodriguez, Adrien Couto, and Alexander Aguilar to be legally justified.

Prepared by:

/s/ Brenda Mezick

Brenda Mezick
Assistant State Attorney