

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 DATE: February 8, 2022
State Attorney

FROM: STAFFING/REVIEW TEAM RE: SAO/Case #: 62/21/05/14/001
Deceased/Injured: Thaddeus Thane Jackson

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

On May 14, 2021, a Macy's Asset Protection Detective at the Falls shopping mall called 911 to report a shoplifter, later identified as Thaddeus Thane Jackson. The caller advised police about Jackson's location and provided a detailed description. Miami-Dade Police Department uniformed officers responded to the store. The Officers observed Jackson exiting the store with a cup in his left hand, and his right hand in his pants pocket. Jackson was told multiple times to take his hand out of his pocket and to "show me your hands." As officers struggled with him, Jackson removed an object from his pants pocket. Officer Pedro Martinez 30-9939 fired twice striking him in the groin and the object dropped to the ground. Shortly thereafter, Body-worn camera footage captured Officer Martinez advising other officers to "stay by that gun." In response to "did he pull a gun on you?", Officer Martinez replied "yes, he did." The object was later revealed to be a folding knife with a handle that resembled the grip of a pistol. Jackson was transported to the hospital, underwent surgery, and survived the injuries.

The evidence demonstrates Officer Martinez actually and reasonably believed that deadly force was necessary to protect himself, his fellow officers, and other persons in the area from an armed gunman. In addition, the evidence supports a finding that Officer Martinez was justified in using deadly force to protect himself and others from bodily harm while making a lawful arrest. Thus, pursuant to F.S. 776.012 and 776.05, we find Officer Martinez' use of deadly force 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 8 day of February, 2022.

KATHERINE FERNANDEZ RUNDLE State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: February 7, 2022

FROM: Laura Adams
Assistant State Attorney

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO Case # 62/21/05/14/001

OFFICER(S) INVOLVED:	OFFICER PEDRO MARTINEZ, MDPD ID 30-9939
INJURED:	THADDEUS THANE JACKSON GUN SHOT WOUNDS TO THE GROIN AREA
DATE & TIME:	FRIDAY, MAY 14, 2021 AT 8:48 P.M.
LOCATION:	9100 SW 136 TH STREET MIAMI, FL "THE FALLS" SHOPPING MALL, JUST OUTSIDE THE MACY'S NORTH ENTRANCE
WEAPON:	9 MM GLOCK PISTOL, MODEL 17 GEN 5
LEAD/REPORTS:	SPECIAL AGENT JOSEPH ROMERO, FDLE
CASE #:	FDLE: MI-27-0160 and MDPD: PD210514152190
SAO CASE #:	62/21/05/14/001

SUMMARY

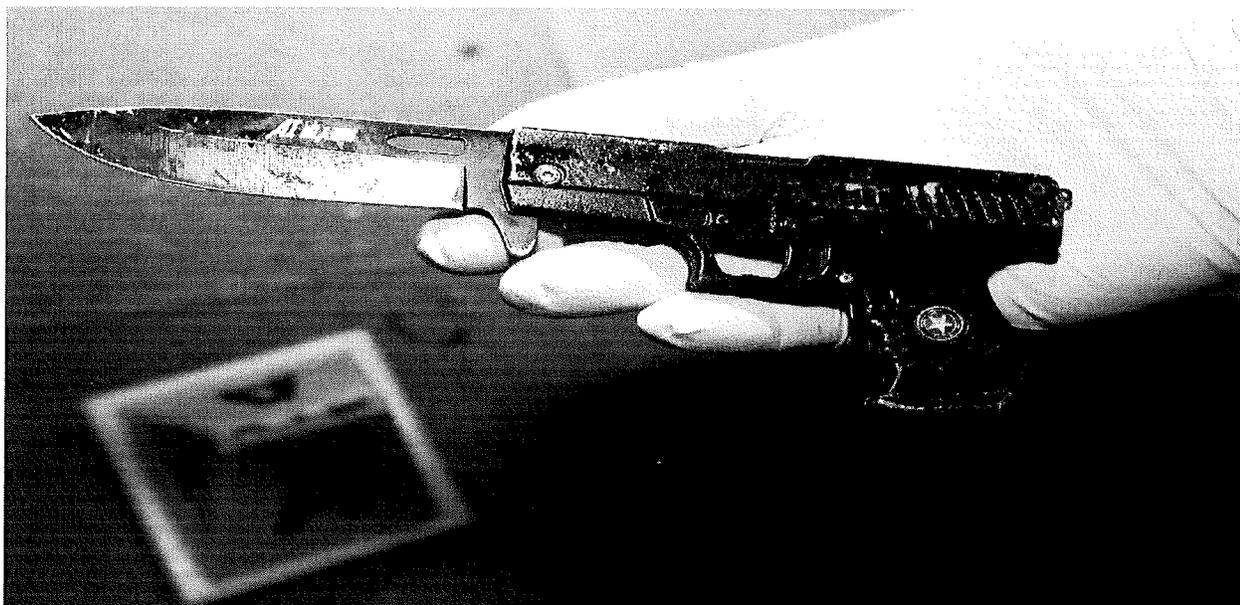
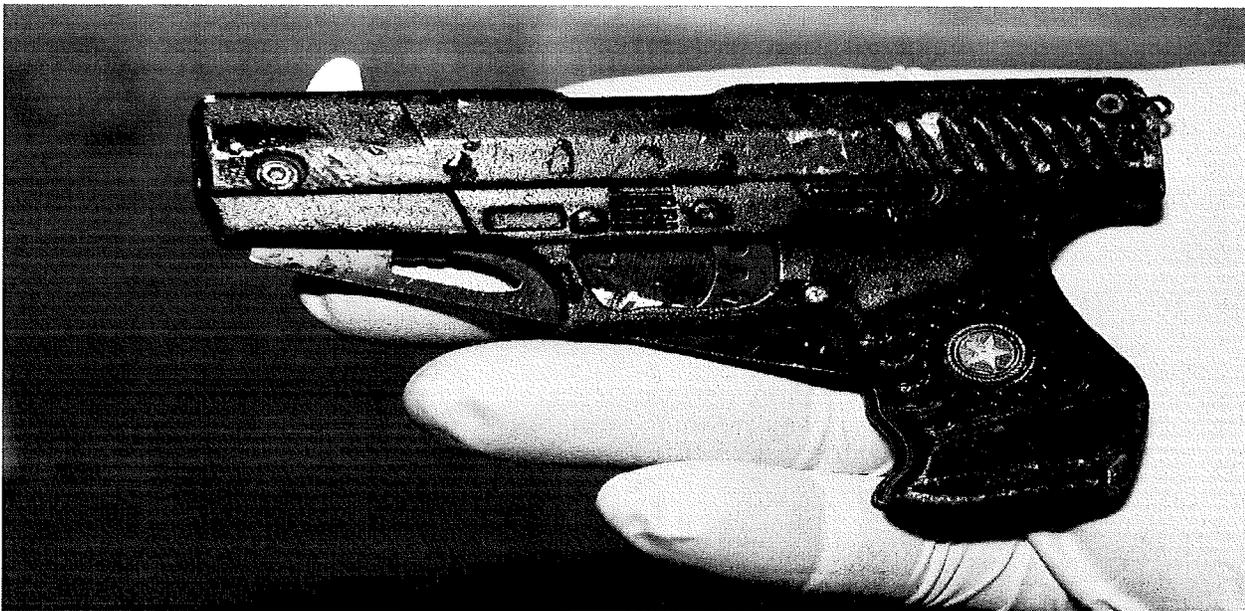
At approximately 8:21 p.m. on Friday, May 14, 2021, a Macy's Asset Protection Detective ("APD") at the Falls shopping mall called 911 to report that a shoplifter was in the store. He had been monitoring the actions of a man (later determined to be Thaddeus Thane Jackson, hereinafter "the subject") on the in-store security cameras and recognized Jackson as someone who had stolen goods from the store earlier that same day. He advised the 911 operator about the subject's location and gave a description of the clothing the subject was wearing and the backpack he was carrying, as well as the items that the APD had seen the subject take to the fitting rooms.

As a result of this call, five (5) Miami-Dade Police Department officers responded to the store's location. The officers who responded were: Officer Lazaro Fernandez, Officer Silvio Garcia, Officer Darlene Lorenzo, Officer Pedro Martinez and Officer Michael Marrero. They were all in police uniforms, making it easy to determine that they were police officers. Upon arrival at the store, they gathered outside the north entrance, waiting for the subject to exit. After several minutes of waiting, the officers observed the subject leave the store. The subject matched the description that the APD had given of him. The subject was carrying a cup in his left hand, and his right hand was in his pants pocket.

Body-worn cameras of the officers show that the subject was told multiple times to take his hand out of his pocket and ordered by the police to "show me your hands" as the officers approached him from either side. The subject stood at about 6'1" tall and weighed about 200 pounds. As the officers struggled with him to try to get him to comply, the subject removed an object from his pants pocket. Officer Pedro Martinez was standing in front of the subject, with an officer on either side of the subject. When Officer Martinez saw the subject making furtive movements with his right hand once the subject took it out of his pocket, he fired twice at the subject, striking him in the groin area. As the subject fell over, the object that he removed from his pocket dropped to the ground. One of the officers kicked it away from the subject, out of the subject's reach. The object that fell looked like a small handgun; however, upon closer inspection, it was determined that it was actually a folding knife with a handle that looked like the grip of a pistol. The officers at the scene rendered first aid to the subject until fire rescue units arrived. The subject was transported to the hospital with two (2) gunshot injuries to his groin. He underwent surgery and survived the injuries.

INVESTIGATION

The Florida Department of Law Enforcement (“FDLE”) was called to the scene of this shooting to conduct an investigation into the use of deadly force by Officer Martinez. The scene and officers involved in this incident were photographed. In addition, items of evidence including two (2) spent casings, a projectile, and the backpack the subject was carrying which contained the stolen items of clothing from Macy’s were collected. Also collected and photographed was the weapon the subject possessed during this incident.



The Round counts were conducted of the responding officers' weapons and Officer Martinez' weapon was impounded as evidence. Firearms testing by the Miami-Dade Police Department Forensic Services Bureau established that the casings which were found on the scene had been fired in Officer Martinez' service weapon. FDLE obtained the body worn camera footage from the officers who were involved in apprehending the subject, as well as video surveillance footage from Macy's which shows the subject walking through the store gathering various items of clothing. Recordings of the 911 calls and the police radio communications were also gathered and analyzed in this case.

This Assistant State Attorney went to the scene of the shooting that night. I observed evidence that was on the ground and crime scene photographs which were taken of that evidence. The APD showed the investigators and me the video surveillance footage of the subject when he was taking clothes in the Macy's store. In addition, I attended the interviews of the APD and the witness officers that night. Officer Martinez declined to provide a statement about the incident. I was provided with the body worn camera footage of the involved officers from this incident. Finally, Florida Department of Law Enforcement Special Agent Joseph Romero provided me with a comprehensive report regarding his agency's investigation of this matter.

WITNESS STATEMENTS

Asset Protection Detective Alberto Leon-Collazo

APD Alberto Leon-Collazo stated that he was in the security office watching the store security cameras when he saw the subject, who was a known shoplifter. He observed the subject wearing a backpack and picking up a large amount of Polo merchandise. He then called 911 to request assistance and provided a description of the subject and what the subject was doing. He provided the dispatcher his phone number so that the responding officer could speak with him directly. He said that as he was providing details about the subject to Officer Fernandez, the subject picked up items in the Tommy Bahama and sleep wear areas, and then went into the dressing room with merchandise. At that point, he said he left the security office and walked to the dressing room area to see where the subject was, while maintaining telephonic contact with Officer Fernandez. He saw the subject leave the dressing room with fewer clothes than the subject had brought in with him, but when he went into that dressing room, there were no clothes there. The subject started heading toward the north entrance/exit and dropped some items that were in his hands in the Polo department. The APD told Officer Fernandez that the subject

had definitely stolen merchandise. The APD said he saw the subject walk out the interior and exterior doors and advised Officer Fernandez of this information. He then ended the phone call with the officer. The APD remained in the vestibule between the interior and exterior doors as the officers encountered the subject.

The APD said that although it was dark outside, he saw an MDPD police officer detain the subject. He saw the officer grab the subject's left arm (the subject's back was toward the APD at that time). He heard the police tell the subject not to reach into his pocket. He could see the subject "scuffle" with the police. He heard a firearm discharge and went back inside the store. After a few seconds, he went back into the vestibule area between the interior and exterior doors of the north entrance/exit. He saw there were additional officers on the scene and saw the subject on the ground. He saw police officers near the subject. He also said he saw what appeared to be a small dark-grey pistol on the ground a few feet away from the subject and the officers. He saw the officers rendering first aid to the subject, including putting a tourniquet high up on his leg. He did not speak to the subject or any of the involved officers after the shooting. He did not see any officer with a weapon drawn during this incident and did not know which officer had fired the shots.

Officer Lazaro Fernandez

Officer Fernandez stated that he heard a police dispatcher broadcast a shoplifting-in-progress message at the Macy's in the Falls Shopping Center. He indicated that a description of the offender was given, although he could not remember it at the time of his statement. He said he was already in the area, so he responded as a back-up officer. He parked his police car east of the northern entrance/exit to the Macy's. While in his car, he called the Macy's APD using a cell phone to get more details about the description and location of the subject. Shortly thereafter, the subject exited Macy's. He described the subject as being approximately six (6) feet tall and 200 pounds or more and stated that the subject was clothed as the APD had described. Officer Fernandez stated that the subject had his right hand in his right front pants pocket.

He stated that Officer Martinez drew his firearm and told the subject multiple times to take his hand out of his pocket. However, the subject did not comply. Officer Fernandez approached the subject and grabbed the subject's right wrist in an effort to remove the subject's hand from the pocket, but the subject struggled against him. He said that Officer Marrero was on the subject's left side, but he was not able to see exactly what Officer Marrero was doing. He said he then stopped trying to get the subject

to take out his hand and stepped back from the subject, at which point he heard two (2) gunshots. He heard the subject shout out after being hit and saw an unknown object come from the right front pants pocket and hit the ground. He said the gunshots came from the east of where he was standing. Once the subject was on the ground, he was handcuffed and provided with first aid to include a tourniquet. He described the object that came from the subject's pants pocket as looking like a gun, but that it also had the outer plate of where a pocketknife would attach to pants. He was not able to tell whether the object was a knife or a gun.

Officer Silvio Garcia

Officer Garcia responded as a back-up officer to a shoplifting in progress. He met with Officer Lazaro Fernandez, who was communicating with the Macy's APD about the subject's location. He indicated Officers Darling Lorenzo, Michael Marrero and Pedro Martinez were also there. While they were waiting for the subject to exit the store, Officer Garcia walked to his vehicle, then saw Officers Lorenzo and Marrero walking to their vehicles to cover the west entrance. Then, he heard on the police radio that the subject was leaving the store. He began to drive toward the east entrance/exit doors and heard officers shouting "let me see your hands, let me see your hands."

Officer Garcia then stopped his police car, got out of it, and ran toward the north exit doors and saw Officer Fernandez confronting the subject with Officer Martinez standing nearby. As Officer Garcia ran west toward Officer Fernandez, he saw Officers Marrero and Officer Lorenzo running toward Officer Fernandez. Once he arrived at the area outside the north Macy's doors, he saw Officers Fernandez and Marrero trying to control the subject from opposite sides, with all three (3) of them facing north. Officer Marrero was holding the subject's left arm, and Officer Fernandez was holding the subject's right arm.

Officer Garcia explained that as he approached the subject from Officer Fernandez' side, he (Officer Garcia) drew his Taser, and then heard two "pops" (i.e., gunshots) and then heard the subject "screaming in agony." Officer Garcia initially thought the noise was from a Taser but when he checked his Taser, he saw that it had not been fired. He then looked to his right and saw Officer Martinez with his weapon drawn but did not know for sure if Officer Martinez had fired it. He explained that after hearing the two "pops" he saw Officers Fernandez and Marrero back away from the subject, who then fell to the ground screaming that he had been shot in his "private parts." He said he saw what appeared to be a small pistol on the ground about five (5) feet away from the subject and heard someone say to be aware of that object and not to move it. Finally, he stated that he began rendering aid to the subject, and

assisted Officer Fernandez is applying tourniquets to the subject's upper legs and Officer Martinez in applying gauze to the wounded area.

Officer Darling Lorenzo

Officer Lorenzo stated that she heard a call regarding a theft in progress and that two (2) other officers had been dispatched, so she responded to the call as well. When she arrived at Macy's, she and Officer Marrero walked over to cover the west entrance to the store. She then heard Officer Garcia advise that the subject was about to exit from the north doorway. She recounted the description that had been given of the subject via dispatch which came from the Macy's APD. She stated that Officer Fernandez spoke with the APD by telephone to verify where the subject was heading. After that, she witnessed the subject coming out of the north entranceway to the store. Officer Lorenzo said that when the subject came out of the store, she was on the west side of the entrance/exit. He matched the description that had been given by the APD. At first, she did not see anything in the subject's hands. At that moment, she was standing behind Officer Marrero. She and other officers began directing the subject to show his hands, but that the subject did not comply. She saw Officer Marrero grab the subject's left arm, and Officer Fernandez grab his right arm to try to take him into custody.

She said she was not able to grab the subject and stepped back to get her Taser due to the subject actively resisting arrest. She stated that she was in fear for her safety and that of the other officers at the scene. She explained that before she could fire her Taser, she heard about two (2) gunshots. When she heard the gunshots, she drew her weapon because she was not sure who got shot or what compelled the shooter to fire a weapon. She said at that moment, she was not certain who had fired. She said the shots came from the east side in relation to where she was standing at the time the subject was shot. She said that when the subject fell to the ground, she holstered her weapon and began rendering first aid. She said once the subject fell to the ground, she observed an object that was a knife in the shape of a gun.

Officer Michael Marrero

Officer Marrero stated that he was dispatched as a back-up officer to a "larceny in progress." He heard the description of the shoplifter and arrived at the north entrance to Macy's. There, he met with Officer Lazaro Fernandez, who was on the cell phone speaking with the Macy's APD about the subject's actions. Also present were Officers Darling Lorenzo, Silvio Garcia and Pedro Martinez. Officer Marrero said that after arriving at the north side of Macy's, Officer Garcia advised that the subject was exiting the north doorway. Officer Marrero went to the west side of the entrance and Officers Fernandez and

Martinez went to the east side of the entrance. He did not recall where Officer Garcia was at that moment. At that time, the subject came out of the north door and fit the description that had been given of the shoplifter. He explained that when the subject was about ten (10) feet away from the doorway outside the store, the subject apparently saw him (Officer Marrero) and the subject began to back away, with a look like he was trying to decide whether to fight or to flee. He stated that he grabbed the subject's left arm and saw the subject reach for something near his right groin area, causing a "brief scuffle."

Officer Marrero noted that the subject was very strong and resisted his attempts to prevent him from reaching for what the officer feared could be a weapon. He indicated that during the struggle with the subject, he heard two (2) gunshots coming from his left side. He released the subject, who dropped to the ground screaming that he had been shot in the groin. He said he then drew his own weapon and saw Officer Martinez to his left with his handgun drawn. He said he did not know at first who had fired, but then learned it was Officer Martinez. Once he saw that the subject was no longer a threat, he holstered his firearm and rendered aid to the subject along with Officer Fernandez and Officer Martinez. He said that when the subject fell to the ground, he saw an object that looked like a small handgun on the ground not far from the subject. He said that the object was kicked away from the subject and it was later determined to be a knife in the shape of a handgun.

OFFICER MARTINEZ' BODY WORN CAMERA FOOTAGE

Officer Martinez' body worn camera footage shows him approaching the north entrance/exit to the Macy's store. He confers with another officer about whether they should advise that they were at the doorway. As he continues facing the direction of the doorway, some shoppers can be seen leaving and entering the store without incident. The officer can be heard verifying the description of the subject's clothing/appearance. After about ten (10) minutes of being near the entrance, other officers also arrived at that location. About fifteen (15) minutes after the video footage begins, the subject can be seen exiting the store. He is wearing a white shirt and has a backpack. He is carrying a cup in his left hand. At that time, Officer Martinez is to the subject's left. The first thing that can be heard on the video when the subject comes out of store, as Officer Martinez approaches the subject, is the officer stating "let me see your hands." The subject stops for a moment, and two (2) other officers approach the subject – one from the left (Officer Marrero), and one from the right (Officer Fernandez).

As the officers try to gain control of the subject from either side, Officer Martinez walks around toward the front of the subject, continuing to say “let me see your hands.” The subject’s right hand can be seen down by his front pants pocket and inside the pocket. Officer Martinez continues to tell the subject multiple times to “take your hand out of your pocket!” However, the subject does not take his hand out and continues to struggle with the officers that are on either side of him while taking several steps backwards. One of the other officers can be heard saying “what are you reaching for, man?” The subject then can be seen bending down while he is resisting the officers with his hand still in the pocket. Officer Martinez is now in front of the subject and the officer to the subject’s right (Officer Fernandez) backs away. As this occurs, an object can be seen in the subject’s right hand, although the lighting makes it difficult to see exactly what it is. The subject’s right hand goes up in the direction of Officer Martinez. At that point, there is only one officer to the immediate left of the subject (Officer Marrero).

Suddenly, there is a bright light pointing at the direction of the subject (from Officer Garcia’s Taser) and the subject’s right hand can be seen holding something near his abdominal area as he starts falling. At that point, two (2) gunshots can be heard. The subject goes completely on the ground, face down, and yells “you shot me in my d---” multiple times even as the officers are continuing to try to get him into custody. Officer Martinez yells “put it down” as the subject is lying on the ground, calls out “shots fired” and says to call for fire rescue. He then runs to his police car and gets first aid supplies and returns to the subject. By that time, the subject is face-up and other officers are in the process of rendering first aid. Officer Martinez advises other officers there that he shot the subject and thinks he fired twice. As the officers continue to provide first aid to the subject, Officer Martinez can be heard to advise other officers to “stay by that gun.” One of the officers asks Officer Martinez “did he pull a gun on you?” and Officer Martinez replies “yes, he did.” The recording ends shortly thereafter when fire rescue arrives on the scene.

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, or 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 Pedro Martinez constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt. In this case, I have reviewed the Use of Force Investigation Report by FDLE Case Agent Joseph Romero, along with its related items (i.e., photographs, body worn camera footage, recorded statements, laboratory reports, etc.). That Report is hereby adopted and incorporated with this Memorandum.

Based upon a review of the totality of circumstances surrounding the shooting of Thaddeus Thane Jackson, Officer Pedro Martinez was justified in using deadly force against Jackson. Florida Statute 776.012 permits the use of deadly force when a person (whether law enforcement or not) believes such force is necessary to prevent the imminent death or great bodily harm to himself or another or to prevent the commission of a forcible felony. In this case, Jackson came out of the Macy's store where other shoppers had been entering and exiting. He fit the description of shoplifter that the APD had observed inside the store. When the police approached him in full uniform, he was advised multiple times to show his hands and to take his hand out of his pocket. Despite these directives, he struggled with the police and did not comply with these commands. His large size made it difficult for the officers to overpower him. At one point during the struggle, he removed an object from his right front pants pocket, which turned out to be a knife that looked like a pistol. Under this set of circumstances, even in the absence of Officer Martinez providing a statement about this incident, the body worn camera footage from Officer Martinez' camera assists in our investigation and evaluation of this incident. Shortly after the shooting, Officer Martinez can be heard to advise other officers to "stay by that gun" (i.e., the object that came from the subject's pants pocket). One of the officers on scene asked Officer Martinez "did he [the subject] pull a gun on you?" and Officer Martinez replied, "yes, he did." This evidence demonstrates that Officer Martinez actually and reasonably believed that deadly force was necessary to protect himself, his fellow officers, and any other persons who may have been in the vicinity of the store's entryway from a man he thought was armed with a firearm.

Additionally, Florida Statute 776.05 permits a law enforcement officer to use any force that he or she believes is necessary to defend himself or herself or another from bodily harm while making an arrest. Officers Martinez, Marrero, Lorenzo, Garcia and Fernandez had probable cause to arrest Jackson for shoplifting based upon the information that they had been given over the police dispatch radio and directly from the APD for Macy's. However, when they tried to detain him, he not only physically struggled against the officers on either side of him; he also pulled an object from his pocket that appeared to be a deadly weapon and pointed it in the direction of Officer Martinez. Thus, the evidence supports

a finding that Officer Martinez was justified in using deadly force to protect himself and others from bodily harm while making a lawful arrest. For these reasons, the State of Florida will not file any charges against Officer Martinez because his use of deadly force was legally justified.

Prepared by:

Laura Adams

Laura Adams, Assistant State Attorney

Lara Penn

Lara Penn, Assistant State Attorney