

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

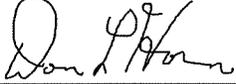
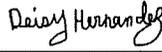
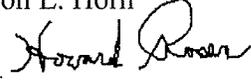
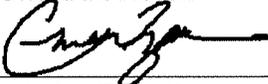
TO: KATHERINE FERNANDEZ RUNDLE DATE: March 1, 2022
State Attorney

FROM: STAFFING/REVIEW TEAM RE: SAO/Case #: 62/21/04/28/004
Deceased/Injured: Dorofeev, Boris

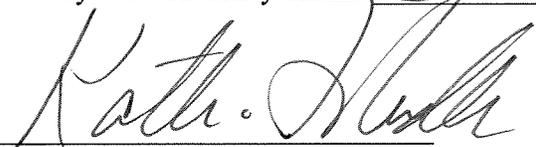
Based on the information obtained and reviewed during the course of the investigation, the conclusion of the staffing/review team is the following:

On April 28, 2021 at approximately 12:17 AM, police were dispatched to a home after a 911 call from a mother indicating her son, Boris Dorofeev, was in crisis and had a knife. While in route, dispatch communicated to the responding officers Dorofeev had cut himself and locked himself in a bathroom. Three officers responded and found a woman in the apartment who was clearly in fear. Screaming and banging noises could be heard coming from inside the apartment. Suddenly, Dorofeev frantically ran around a corner, directly toward officers, wielding an object in his right hand. As Dorofeev charged at the officers, Sergeant Nelson Reyes (85-273) Aventura PD discharged his firearm and struck Dorofeev. Officer Ogden believed the object was a knife so he deployed his taser. There is evidence which may indicate that Sgt. Reyes may have reasonably believed Dorofeev was in possession of a deadly weapon and posed a danger to himself and to other people in the immediate area. Because the evidence in this case could support a finding that Sergeant Nelson Reyes was justified in using deadly force against Boris Dorofeev, the State Attorney's Office cannot in good faith file criminal charges against him. However, without direct information from Sgt Reyes as to why he fired at Dorofeev, a finding that he justifiably used deadly force cannot be sustained.

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 3 day of March, 2022.


KATHERINE FERNANDEZ RUNDLE
State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: March 1, 2022

FROM: NATALIE SNYDER
ADAM KORN
Assistant State Attorneys

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO CASE #62/21/04/28/004

OFFICERS INVOLVED:	Sergeant Nelson Reyes (85-273) Aventura PD
INJURED:	DOROFEEV, BORIS
INJURIES:	Gunshot wound to abdomen
DATE & TIME:	April 28, 2021 at 12:17AM
LOCATION:	19602 E. Country Club Dr., Apt. 105, Aventura, FL
WEAPON:	Sergeant Nelson Reyes firearm: Sig Sauer 400 AR-15 Rifle (serial# 20L045226) Boris Dorofeev: serrated steak knife
LEAD:	Detective M. Leoncini (85-143) Aventura PD (Initial investigation concluded and file delivered to SAO on July 30, 2021)
CASE #:	21-002105
SAO CASE #:	#62/21/04/28/004



SUMMARY

On April 28, 2021 at approximately 12:17am hours, Sergeant N. Reyes, Officer J. Ogden, and Officer A. Melendez, were dispatched to a residence located at 19602 E. Country Club Dr., Apartment 105 in Aventura, Florida after 911 received a call from Alla Provetova who reported that her son, Boris Dorofeev, was in crisis and had a knife. While in route, dispatch communicated to responding officers that Mr. Dorofeev had cut himself with the knife and locked himself in a bathroom. Notes from the Computer Aided Dispatch (“CAD”) Report reflect that dispatched officers were informed “Fem(ale) called ref(erence) her adult son is going through a crisis” and “male is holding a knife.” The dispatcher also stated that the subject was destroying the bathroom and possibly under the influence of narcotics. The three officers arrived at the apartment building and approached together. As they approached the apartment, all three noted they heard banging sounds coming from inside the apartment. Officer Melendez opened the unlocked door and observed a woman who was later identified as the complainant, Alla Provetova, inside and visibly scared. All three officers asked Ms. Provetova to exit the apartment as they stood in the front doorway. Screaming and banging noises were still coming from an unknown area of the apartment. While the officers were attempting to coax Ms. Provetova out of the apartment, Mr. Dorofeev frantically ran around a corner, directly toward the doorway where officers were standing. Mr. Dorofeev was wielding an object in his right hand while he ran at the officers, but the officers could not uniformly identify the object at the time—the object was later determined to be a plunger.

Because of Mr. Dorofeev’s speed, the setup of the apartment, and the officers’ positioning outside of the exterior door, Mr. Dorofeev was only visible to officers momentarily. As Mr. Dorofeev charged at the officers, Officer Ogden discharged his drawn Taser device and Sergeant Reyes discharged his already-drawn firearm. Mr. Dorofeev collided with Sergeant Reyes and both men fell past the threshold of the doorway and onto the hallway floor. Upon realizing that Mr. Dorofeev had been shot, officers administered first aid to Mr. Dorofeev and awaited emergency medical transportation. Mr. Dorofeev was transported to Aventura Hospital for treatment and ultimately survived his injury. Officers recovered and impounded Sergeant Reyes’s firearm 400 AR-15 Rifle (serial# 20L045226).

Witness Statements

Aventura Police Department handled the investigation and interviewed Ms. Provetova, as well as the officers who were present with Sergeant Reyes. The witnesses gave statements on the same morning of the incident. The statements were audio and video recorded, but a synopsis is as follows:

Alla Provetova told investigators that her son, Boris Dorofeev, resides with her at the incident location, which is a one-bedroom apartment. Mr. Dorofeev moved in with his mother a couple of months prior to the incident date. According to Ms. Provetova, Mr. Dorofeev struggles with drug addiction, and she has been trying to get him to go back into a rehabilitation facility. On the day of the incident, Ms. Provetova stayed with her son all day and did not observe any drug use. At approximately 23:00 hours, Ms. Provetova retired to her bedroom and she believed that Mr. Dorofeev went to sleep on the couch. Ms. Provetova was watching television when her son opened the door to her bedroom in a frantic state. Mr. Dorofeev was saying, “We are surrounded. Stay behind me. I will protect you, I will save you.” Armed with a kitchen knife, Mr. Dorofeev ran into the bedroom closet and began lunging and thrusting the knife in such a manner that it appeared he was fighting with invisible assailants. Ms. Provetova was able to coax her son out of the closet and called 911, stating her son was violent and hallucinating. Ms. Provetova also observed Mr. Dorofeev holding at least two kitchen knives during the incident. While Ms. Provetova waited for police arrival, Mr. Dorofeev appeared to continue his fight with invisible assailants both inside of the apartment and on the patio—one knife was later recovered in a potted plant on the patio. Prior to police arrival, Dorofeev took the other knife and ran into the bathroom, where he barricaded himself inside. According to Ms. Provetova, the police arrived at this point and stood in the doorway. She was attempting to tell the police that he was not trying to hurt her, but trying to protect her. Mr. Dorofeev then came running out of the apartment toward the officers, who were in the doorway. Ms. Provetova stated that it appeared her son was trying to “squeeze” between the officers. Mr. Dorofeev had a plunger in his hand. Ms. Provetova heard a shot, but did not know that her son was hit until the police were handcuffing him in the hallway.

Officer J. Ogden was interviewed. According to Officer Ogden, he was dispatched to the incident location reference a man armed with a knife. When he arrived on the scene, he heard a

pounding noise coming from the apartment. He approached the door with Officer Melendez and Sergeant Reyes. He was standing near the hinges of the door (right side) with his taser out, which swung into the apartment. Sergeant Reyes was standing to his left and Officer Melendez was on the other side of Reyes, on the handle side of the door. Officer Melendez opened the door. Officer Ogden could only see about a foot into the apartment, but could hear Sergeant Reyes and Officer Melendez telling someone to come out. Suddenly, Dorofeev came "flying at the door" with a large object in his hand. Officer Ogden believed the object was a knife so he deployed his taser at Dorofeev. Sergeant Reyes fell backward. Officer Ogden did not hear a shot, but could smell gunpowder. At first, he did not realize Dorofeev was hit, but then saw a mark as they were handcuffing him. Rescue was contacted and officers applied pressure until they arrived.

Officer A. Melendez was interviewed. According to Officer Melendez, he was dispatched to the incident location because a mother was saying that her son was in crisis and had a knife. While on the way to the location, Officer Melendez heard dispatch state that the son cut himself with a knife and was locked in a bathroom. Officer Melendez arrived at approximately the same time as Officer Ogden and Sergeant Reyes. Officer Ogden had a taser. Both Officer Melendez and Sergeant Reyes had firearms. Sergeant Reyes had a rifle, Officer Melendez had a pistol. As they approached the apartment, Officer Melendez heard loud noises coming from inside. The door was unlocked and Officer Melendez pushed it open. Officer Melendez was standing at the part of the door that was furthest from the hinges. When they opened the door, the officers observed a woman in the kitchen, who they assumed was the mother who called police. Officer Melendez and Sergeant Reyes asked the woman to come out of the house, but she stayed and kept saying something which he could not hear. At that point, a male later identified as Boris Dorofeev ran at them from out of nowhere. Mr. Dorofeev looked delirious. Officer Melendez could see Dorofeev with a plunger in his right hand, so he did not fire his weapon. Officer Melendez heard both the shot and the Taser, and saw Dorofeev collide with Reyes and fall to the ground in the hallway. At first, they did not see the gunshot wound or any bleeding. Once they realized he had been shot, they started to administer first aid.

Sergeant Reyes did not give a statement.

Boris Dorofeev was interviewed by Detective Leoncini on September 9, 2021. Dorofeev stated that he does not remember anything from the night of the shooting except passing out in a police car. However, Dorofeev was never in a police vehicle, and was instead transported by Fire Rescue ambulance to Aventura Hospital. He does not remember having contact with police officers, taking narcotics, or being carried out of the apartment. Dorofeev repeatedly reiterated that he does not remember anything.

Audio/Visual Evidence

The officers did not have body worn camera. Dashcam from the police vehicles showed the officers arrive and proceed into the hallway of the building together. The dashcam hardware recorded audio of the incident from a microphone on the officer—the audio is consistent with the facts of the incident as described by the witnesses. The angle of the dashcam does not capture the door to the apartment where this took place. Surveillance video from the apartment complex was retrieved by CSI Ruvinskiy. The area in the hallway and immediately in front of the door (where the incident occurred) is not captured by any of the cameras, but cameras do capture the area in front of the building. In the surveillance video, in the preceding hour before his contact with Aventura police officers, Dorofeev can be seen running out of the apartment with what appears to be a knife in his hand multiple times.

Crime Scene Investigation

The incident location was searched by the Aventura Police Department. The apartment appeared to be in a state of great disorder. Drugs and drug paraphernalia were found in the apartment. Two knives were also recovered: one in the bathroom, and one near the patio. A 5.56mm (CCI/Speer) shell casing was discovered in the hallway. It is the same caliber and brand that is issued to Aventura police officers and the exact same ammunition in the rifle carried by Sergeant Reyes.

The door to the bathroom is not visible from the exterior hallway. The entire apartment unit is relatively small (approximately 576 square feet) and due to interior walls near the kitchen area and their positioning, the officers would only have had a brief amount of time to observe Dorofeev as he ran towards them. The path from the bathroom to the door is 22 feet, 9 inches, and

Dorofeev would only have been visible to officers for half of that distance. Dorofeev may have been observable to officers for approximately one second prior to the shooting and Taser discharge.

Boris Dorofeev was transported to Aventura Hospital by Fire Rescue ambulance where he was treated for one gunshot wound in his lower left abdomen. He survived his injury. The toxicology report revealed that he was positive for various controlled substances, including cocaine, heroin, and fentanyl.

The findings and evidence at the crime scene were consistent with our observations at the scene and the statements of the witnesses.

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 law enforcement 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, “do the actions of Sergeant Nelson Reyes constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt?”

We have reviewed all reports authored by the law enforcement officers in this case. We have also reviewed the statements, crime scene reports, lab reports, audio/visual evidence, and other evidence compiled by Aventura Police Department under case number 21-002105. We find the Aventura investigation and associated reports to be complete, thorough, and consistent with the witness statements we participated in on the day of the incident as well as consistent with our observations at the scene. We adopt and attach that Investigative Summary hereto and also offer our conclusion based on the results of our investigation and review.

Under the set of circumstances set forth *supra*, there is evidence which makes it plausible that Sergeant Nelson Reyes reasonably believed that Boris Dorofeev was in possession of a deadly weapon at the time he discharged his firearm. Such evidence includes (1) the communication from the dispatcher to Sergeant Reyes that the male subject was armed with a knife; (2) Officer Ogden’s stated belief that Boris Dorofeev was holding the knife as he ran at police officers; and (3) the

recovery of knives from the patio and bathroom where Boris Dorofeev had recently been. If Sergeant Nelson Reyes reasonably believed that Boris Dorofeev was in possession of a deadly weapon (knife) and posed a danger to himself and to other people in the immediate area, then he would have been justified in using deadly force under F.S. 776.012 as well as F.S. 776.05. Because there is competent evidence in this case that could support a finding that Sergeant Nelson Reyes was justified in using deadly force against Boris Dorofeev, the State Attorney's Office cannot in good faith file criminal charges against him. However, without direct testimony from Sergeant Reyes about why he fired at Boris Dorofeev, the State of Florida cannot make a finding that he justifiably used deadly force in this matter.

Prepared by:

/s/ Natalie Snyder

Natalie Snyder
Assistant State Attorney

/s/ Adam Korn

Adam Korn
Assistant State Attorney