

Close-out Memorandum of the
Investigation Regarding
Javon Jones
February 3, 2021



State Attorney's Office
Eleventh Judicial Circuit
Miami-Dade County
May 24, 2022



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE DATE: May 24, 2022
State Attorney

FROM: STAFFING/REVIEW TEAM RE: SAO/Case #: 62/21/02/03/001
Deceased: Javon Jones

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

On February 3, 2021 at about 2:05 p.m., Trooper Ernesto Placencia was in his marked police vehicle with emergency lights activated, working a traffic control detail for roadworkers. Construction workers observed Javon Jones, driving a white Nissan Altima westbound on NW 186th Street, stop in a westbound lane, exit the Nissan, cross over the dividing median and walk up to the police car which was parked in an eastbound lane on NW 186th Street. Upon arriving at the driver's side of the patrol car Jones pulled up his shirt, removed a black semi-automatic handgun, and fired multiple shots inside the police vehicle where Trp. Placencia was sitting. After a brief pause, the workers heard four additional gunshots and saw Jones fall to the ground. The four shots heard after the pause were fired by Trp. Placencia. While seated in his patrol car with the windows up he removed his firearm from its holster and fired at Jones through the window. After discharging his firearm, Trp. Placencia exited his vehicle, disarmed Jones who was still holding his firearm, and after calling for assistance, began to render aid to Jones. Jones was transported to Aventura Hospital and pronounced deceased on February 15, 2021. He died because of the gunshot wounds. Trp. Placencia was not struck because the projectiles fired by Jones through the windows of the patrol car were deflected by a plexiglass shield and a metal barrier in the police car. The weapon Jones used, a Glock 17, was purchased by an ex-girlfriend who indicated she believed he took the firearm, but she did not report it stolen. Interviews of Jones' mother and sister revealed he had started acting peculiarly around Christmas of 2020. One of them attributed his change in behavior to marijuana use.

Pursuant to F.S. 776.012 and 776.05, under these facts, we find the actions of Trp. Ernesto Placencia 31-4153 to be legally justified.

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

Don L. Horn

Deisy Hernandez

Stephen K. Talpins

Christine Zahralban

Kathleen Hoague

J. Scott Dunn

Approved by State Attorney on this 24 day of May, 2022.

KATHERINE FERNANDEZ RUNDLE
State Attorney





INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: May 24, 2022

FROM: Suzanne Von Paulas,
Assistant State Attorney

RE: POLICE SHOOTING CLOSEOUT MEMO
Case # SAO 62/21/02/03/001

Mari Jimenez,
Assistant State Attorney

OFFICER INVOLVED:	Trooper Ernesto Placencia, FHP 031-4153
DECEASED:	Javon Jones
INJURIES:	Multiple gunshot wounds, delayed death in hospital
DATE & TIME:	Wednesday, February 3, 2021 at approx. 2:05 PM
LOCATION:	2600 Block of NE 186 Street (Miami Gardens Drive) in the number 2 Eastbound lane
WEAPON:	Placencia: Glock model 45, 9mm handgun, SN#BPUL189 Jones: Glock 17, Gen5, 9mm pistol, SN#BMN2493
LEAD:	Special Agent Alberto Borges, FDLE
CASE #:	FDLE: MI-27-0150
SAO CASE #:	62/21/02/03/001

SUMMARY OF FACTS

On February 3, 2021 at approximately 2:05 p.m., Florida Highway Patrol Trooper Ernesto Placencia (Placencia) was seated in his marked FHP police vehicle working an off-duty shift. The police car, a sedan, had its emergency lights activated. Placencia had been working traffic control for roadworkers who were repainting the lines and markings on the eastbound lanes of NE 186 Street just west of the FEC railroad tracks and Biscayne Boulevard. Normally a busy intersection, due to the roadwork the eastbound lanes were congested with traffic. As Placencia sat in his marked police vehicle, a man, who was later identified as Javon Jones, was driving a white Nissan Altima, Florida tag NRJD76, first north on Biscayne Boulevard, then westbound on NE 186 Street.

Northeast 186 Street (or Miami Gardens Drive as it is also known) is an eight-lane road divided by a low concrete median that lies east-west and crosses Biscayne Blvd., which is also known as US-1. Directly west of, and parallel to, Biscayne Boulevard, FEC railroad tracks also cross NE 186 Street.

At approximately 2:05pm, one of the road workers, Mr. Juan Cabrera, saw a white Nissan Altima traveling northbound on Biscayne Boulevard, then turn west on to NE 186 Street. Mr. Cabrera saw the Nissan Altima stop in the inside, number one (1) westbound lane next to the median, just west of where Trooper Placencia was stopped in the number two (2) eastbound lane. Mr. Cabrera reported that he saw a man exit the Altima and walk eastbound towards Placencia and across the small concrete median. Mr. Cabrera saw the man walk directly to the driver side of the marked police vehicle where Trooper Placencia was seated in the driver's seat. The man then pulled up his shirt and removed a black, semi-automatic handgun, "like a Glock", and shot at the driver's window where Placencia was sitting. After a small pause, Mr. Cabrera heard four (4) gunshots and saw the man fall to the ground.

The marked FHP vehicle had a single gunshot hole in the rear driver-side window and four (4) gunshots in the front driver-side window. The man had shot through the rear window towards the back of Trooper Placencia, who was seated in the driver's seat, however a plexiglass shield and a metal "cage" barrier deflected the projectile into the backseat of the vehicle. Trooper Placencia, while still seated in his patrol vehicle with the doors and windows closed, drew his firearm from the holster on his right hip and fired four (4) rounds at Javon Jones, through his side window, striking Jones three times. Two of the projectiles caused penetrating gunshot wounds, one of the projectiles caused a perforating gunshot wounds, and then struck a Veterinary Hospital that is located on the north side of NE 186 Street. The remaining projectile missed Jones and struck the Veterinary Hospital as well.

After discharging his firearm, Trooper Placencia exited his vehicle, disarmed Jones who despite his wounds was still holding his firearm, and after calling for assistance, began to render aid to Jones.

Four (4) of the workmen saw all or part of the exchange when Jones was standing next to the Trooper's vehicle. All four (4) of the workmen heard gunshots and saw Trooper Placencia exit his vehicle, disarm Jones, radio for assistance, and then render aid to Jones.

After the shooting several people, both civilians and police, responded to the scene within minutes, including a Veterinarian, two other employees of the nearby veterinary office, a nurse who saw the majority of the shooting from her own vehicle, other employees and clients of the veterinary hospital, and off-duty Miami-Beach police officers who were driving nearby but who did not witness the shooting.

Although parts of the events described above were captured on video by a passerby (who posted it on social media), CCTV from the Veterinary Hospital, and video from a Miami-Dade Metrobus, the shooting itself was not captured on video. Trooper Placencia was not wearing a Body Worn Camera, and his patrol vehicle's 360-degree camera views were not engaged because he was working an off-duty traffic detail at the time of the incident.

A client of the Veterinary Hospital and two different commuters, none of whom saw the entirety of the incident, each verified the version of events described by the road worker, Mr. Cabrera.

Subject Javon Jones died from his injuries at Aventura Hospital on February 14, 2021. Associate Medical Examiner Dr. Benjamin Mathis performed an autopsy on February 15, 2021, determining the cause of death as Complications from Gunshot Wounds. Subject Jones suffered three different gunshot wounds. There was a perforating gunshot to his left arm, a non-critical injury labeled as Wound C in the autopsy report. Subject Jones also suffered two penetrating gunshot wounds labeled Wound A and Wound B by Dr. Mathis. Wound A entered the left cheek, passed through the jaw, and lodged in the subcutaneous tissues behind the left ear. Wound B entered through Subject Jones' right upper chest, passed through the right clavicle, the trachea and esophagus, and fractured the second thoracic vertebrae resulting in a lower cervical through upper thoracic spinal fusion with mechanical apparatus. Blood drawn on the date of incident, February 3, 2021, was tested and the toxicology report showed neither the presence of illicit narcotics nor metabolites of the same.

The Glock 17 carried by Subject Jones was purchased by Matravia Coleman in August 2020. Coleman had been dating Jones, but they broke up in November 2020, and she assumed that Jones had taken the firearm. Because she believed Jones had the firearm, Coleman did not report the firearm as stolen.

Both Jones' mother Joyce Horn, and sister, Javena Jones, were interviewed by FDLE Special Agents. Mrs. Horne reported that her son had no history of drug use or prior criminal activity. However, she advised that Jones began acting "particular" around Christmas 2020. Jones would speak of himself in the third person, he was not working after having been laid off, and he was spending all of his time in his bedroom playing video games. Miss Jones, Jones's sister, corroborated her mother's statement. Miss Jones agreed that her brother began to act oddly around Christmas 2020, but she attributed the change to marijuana use. Neither Mrs. Horne nor Miss Jones had any idea why Jones would shoot at Trooper Placencia.

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 Trooper Placencia constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

The undersigned attorneys have reviewed the entire Florida Department of Law Enforcement (FDLE) file regarding the Police Use of Force in this incident. We have also reviewed the sworn statements, crime scene reports, autopsy reports, lab reports, 911 calls and other evidence compiled by FDLE under FDLE case Number MI-27-0150. We find the FDLE summary and report to be complete, thorough and consistent with the witness statements we observed on the day of the incident as well as consistent with our observations at the scene. We adopt and attach the FDLE report into this memorandum and offer our conclusion based upon the results of our independent review of the evidence.

The relevant and applicable statutes in this situation are Florida Statute 776.012, Use of force in defense of a person, and 776.05, Law Enforcement officers use of force in making an arrest.

Florida Statute 776.012 states:

However, the person is justified in the use of deadly force only if he or she reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself or another....

Florida Statute 776.05 states:

... The officer is justified in the use of any force:

(1) Which he or she reasonably believes to be necessary to defend himself or herself or another from bodily harm while making the arrest.

Although Placencia did not give a statement, we know through various witnesses that he was approached by Javon Jones while seated in his marked FHP vehicle. Jones began the use of lethal force in this confrontation when he took out his firearm and shot at the Trooper. Only after being shot at did Placencia retrieve his firearm and return fire at Jones. The actions of Javon Jones in approaching and shooting at Trooper Placencia at close range constitute an attempted murder of a law enforcement officer. Trooper Ernesto Placencia fired his weapon in response, striking Javon Jones multiple times. Jones died from those injuries. Jones was a threat to Trooper Placencia and the many commuters on the road at that time as well as to the community at large, if he had escaped. Jones was armed and dangerous and began the use of deadly force by shooting at Trooper Placencia without provocation. Trooper Placencia, in turn, used deadly force to prevent death or further injury to himself and others. Based on these statutory provisions, we find the shooting was legally justified under Fla. Stat. 776.012 and 776.05.

Prepared by:

Suzanne Von Paulus

/s/ Suzanne Von Paulus,
Assistant State Attorney

Mari Jimenez

/s/ Mari Jimenez,
Assistant State Attorney