

Close-out Memorandum of the
Investigation Regarding
Roger De Francisco Jr.
April 15, 2021



State Attorney's Office
Eleventh Judicial Circuit
Miami-Dade County

July 5, 2022



INTEROFFICE MEMORANDUM

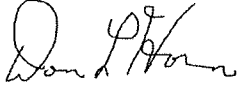
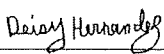
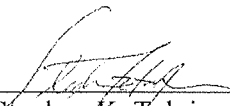

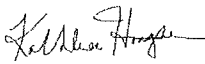

TO: KATHERINE FERNANDEZ RUNDLE DATE: July 5, 2022
State Attorney

FROM: STAFFING/REVIEW TEAM RE: SAO/Case #: 62/21/04/15/002
Injured: ROGER DEFRANCISCO JR.

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 15, 2021, Hialeah Gardens Police units were dispatched to Les Fontaines Townhomes about a domestic-related battery. Upon arrival, officers learned Roger DeFranciso Jr. had been involved in an altercation with his parents and had shot the family dog. DeFrancisco fled the scene with the firearm in a gray 2019 Chevrolet Silverado pickup truck, and a be-on-the-lookout (BOLO) was issued. Officer Jesse McLaughlin advised via radio he observed DeFrancisco's vehicle entering a complex near NW 90th Avenue. Video surveillance camera footage captured DeFrancisco stopping the truck as Officer McLaughlin's police vehicle pulls up behind him. DeFrancisco then exits his truck holding a firearm in his right hand and points it in the direction of both Officers McLaughlin and Radney Correa. DeFrancisco walks toward Ofc. McLaughlin's vehicle pointing the firearm at him, and Ofc. McLaughlin discharges his weapon at DeFrancisco, striking the ground in front of him. DeFrancisco then fires at the officers and the officers return fire. DeFrancisco gets back into his vehicle and drives toward of Ofc. McLaughlin. In response, Ofc. McLaughlin again fires at DeFrancisco, who drives away. He is taken into custody shortly thereafter. DeFrancisco is transported to the hospital for a gunshot wound to the abdomen. Based on a review of all the evidence and pursuant to Florida Statutes 776.012 and 776.05, it is reasonable to believe that both officers McLaughlin and Correa feared for their lives and considered it necessary to use deadly force to prevent death or great bodily harm. Therefore, we find that the actions of Officers McLaughlin and Correa were 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 5 day of July, 2022.



KATHERINE FERNANDEZ RUNDLE
State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: June 28, 2022

FROM: Ray Araujo
Assistant State Attorney

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO Case # 62/21/04/15/002

William Reich
Assistant State Attorney

OFFICER(S) INVOLVED:	Officer Jesse McLaughlin, HGPD 27-7373 Officer Radney Correa, HGPD 27-2449
INJURED:	Roger DeFrancisco Jr. (gunshot wound to the abdomen)
DATE & TIME:	April 15, 2021 at approximately 3:32 p.m.
LOCATION:	NW 90 th Avenue and NW 121 st Street (Les Fontaines Townhomes), Hialeah Gardens
WEAPONS:	Glock 19x, 9mm, Serial Number: BPEH309 (Roger DeFrancisco Jr.) Glock 22 .40 Caliber, Serial Number LYK513 (Ofc. McLaughlin) Glock 22 .40 Caliber, Serial Number VYW496 (Ofc. Correa)
LEAD/REPORTS:	Det. Zubair Khan, MDPD
CASE #:	MDPD PD210415118476
SAO CASE #:	62/21/04/15/002

SUMMARY OF FACTS

On April 15, 2021, Hialeah Gardens Police Dept. units were dispatched to Les Fontaines Townhomes, located at NW 90th Ave. and NW 121st Street in reference to a domestic-related battery. Upon arrival, officers learned that Roger DeFranciso Jr. had been involved in an altercation with his parents. His parents reported that there was a heated verbal dispute during which Mr. DeFrancisco Jr. armed himself with a handgun and shot the family dog. Mr. DeFrancisco Jr. then fled the scene with the firearm in a gray 2019 Chevrolet Silverado pickup truck. A be-on-the-lookout (BOLO) was issued, which included a description of Mr. DeFrancisco Jr. and the truck. After the BOLO was issued, Officer Jesse McLaughlin advised via radio that he had seen Mr. DeFrancisco's vehicle entering west into the complex near NW 90th Avenue.

The subsequent events were recorded in their entirety by video surveillance cameras at the townhome complex. Mr. DeFrancisco Jr. can be seen stopping his truck as Ofc. McLaughlin's police vehicle pulls up behind him. Mr. DeFrancisco Jr. then exits his truck holding a firearm in his right hand and points it in the direction of both Ofc. McLaughlin and Ofc. Radney Correa, who had pulled up behind Ofc. McLaughlin. Mr. DeFrancisco Jr. begins to walk toward Ofc. McLaughlin's vehicle pointing the firearm at him when Ofc. McLaughlin opens his door and fires at Mr. DeFrancisco Jr., striking the ground in front of him. Mr. DeFrancisco Jr. then immediately fires multiple rounds at the officers as they return fire. Ofc. McLaughlin drives away and comes to a stop nearby, where he exits his vehicle and takes cover behind a nearby car. Mr. DeFrancisco Jr. then gets back into his vehicle and drives in the direction of Ofc. McLaughlin, who again fires at Mr. DeFrancisco Jr. Mr. DeFrancisco Jr. then drives away and is taken into custody shortly thereafter. Officers recovered Mr. DeFrancisco Jr.'s firearm and he was subsequently transported to Kendall Regional Medical Center where he was treated for an abdominal gunshot wound and made a full recovery.

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 Jesse McLaughlin and Radney Correa constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

We have reviewed the Miami Dade Police Department reports regarding this incident. Both officers McLaughlin and Correa declined to provide sworn statements. We have also reviewed the other sworn statements, crime scene reports, 911 calls, radio dispatch recordings and other evidence compiled by the Miami Dade Police Department under Case Number PD210415118476. We find the reports to be complete, thorough and consistent with the witness statements as well as consistent with our observations at the scene. We adopt and attach those reports hereto and also offer our conclusion based on the results of our investigation and review

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 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 reasonably believes is necessary to defend himself or another from bodily harm while making an arrest.

Based on a review of all the evidence – and primarily the video footage of the entire incident – Mr. DeFrancisco Jr. was committing the offenses of aggravated assault and attempted murder of a law enforcement officer at the time of the shooting. Mr. DeFrancisco Jr. initiated the threat of deadly force by pointing his firearm and advancing toward Officers McLaughlin and Correa. Pursuant to Florida Statutes 776.012 and 776.05, it is reasonable to believe that both officers McLaughlin and Correa feared for their lives and considered it necessary to use deadly force in order to prevent death or great bodily harm. Therefore, we find that the actions of officers McLaughlin and Correa were legally justified.

Prepared by:

/s/ Ray Araujo

Assistant State Attorney

/s/ William Reich

Assistant State Attorney