

Close-out Memorandum of the
Investigation Regarding
Stephanie Nicole Voikin
April 6, 2021



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

July 6, 2022



INTEROFFICE MEMORANDUM


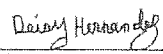

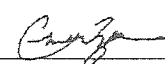
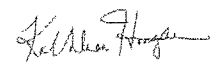

TO: KATHERINE FERNANDEZ RUNDLE DATE: July 5, 2022
State Attorney

FROM: STAFFING/REVIEW TEAM RE: SAO/Case #: 62/21/04/06/001
Deceased: Stephanie Voikin

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 6, 2021, at about 12:15 pm, officers with the Miami-Dade Court Services Bureau were executing an eviction warrant at the Brickell 1st Luxe City Rentals on Stephanie Voikin. She had been living in the unit for the last year, refusing to leave, against the owner's interest. Voikin had a history of leaving notes on the apartment door and making statements threatening to shoot anyone who attempted to remove her from the premises. Officers attempted conducting a fire drill so Voikin would peacefully leave the apartment on her own, however, she failed to exit the unit during the drill. After the fire alarm was deactivated, police went to the apartment to execute the eviction. They knocked numerous times and saw shadowy movements inside at the bottom of the door, confirming someone was inside and moving near the front door of the unit. Officers announced their purpose, but Voikin refused to comply with any negotiations or attempts to evict her. Using a sledgehammer, police breached the door and found Voikin hiding behind two mattresses propped up in the kitchen area. Officers again gave verbal commands to surrender, but Voikin fired a gun at the officers. The bullet struck and penetrated the ballistic shield carried by one of the officers. Officer Kelmi Ramos discharged his weapon striking Voikin. Based on a full review of the evidence, including body-worn camera footage, and pursuant to F.S. 776.012 and F.S. 776.05, we find the use of deadly force by Officer Kelmi Ramos 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 5 day of July, 2022.



KATHERINE FERNANDEZ RUNDLE
State Attorney





INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: June 28, 2022

FROM: Brenda Mezick
Assistant State Attorney

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO Case # 62/21/04/06/001

Andrew Hague
Assistant State Attorney

OFFICER INVOLVED:	Officer Kelmi Ramos, ID 30-05840
DECEASED	Stephanie Nicole Voikin
DATE & TIME:	April 6, 2021, approx. 1:00 P.M.
LOCATION:	110 SW 12 Street, Apartment #2204, Miami, FL 33130
WEAPONS:	Stephanie Nicole Voikin - 9mm Glock pistol, Model 17 Gen4, serial number BCHU294 Officer Kelmi Ramos - 9mm Glock pistol, Model 17 Gen4, serial number REE282
LEAD/REPORTS:	Paul Garcia, report submitted January 25, 2022
CASE #:	MI-27-0156
SAO CASE #:	# 62/21/04/06/001

STATEMENT OF FACTS & EVIDENCE REVIEW

On April 6, 2021, at approximately 12:15pm, the Miami-Dade Court Services Bureau (CSB) were executing an eviction warrant at the Brickell 1st Luxe City Rentals, located at 110 SW 12 Street, Apartment #2204, Miami, Florida. The officers were attempting evict Stephanie Nicole Voikin, DOB: 04/12/1980, who against the wishes of the owner had been living in the apartment for the last year and refused to leave.

Lieutenant Flavio Quiroz provided a sworn interview and stated that he was the Lieutenant over CSB, Enforceable Writ Section (EWS). He stated that he was aware that Voikin had a history of making statements and leaving notes on the apartment door threatening to shoot anyone who attempted to remove her. On the morning of April 6, 2021, the manager of the apartment building advised Lieutenant Quiroz and Sergeant Arguelles that the building had conducted past fire drills during which time Voikin had left the building. The officers then attempted the life-saving strategy of conducting a fire drill for the purpose of engaging Voikin to leave the apartment on her own peacefully. Plain clothes detectives were utilized to surveil Voikin's exit. Voikin did not leave the apartment, however, during the fire drill.

After the alarm was deactivated, Sergeant Arguelles, Lieutenant Quiroz, and EWS personnel went to apartment 2204 and prepared to conduct the eviction. They knocked numerous times and saw movement of light below the door indicating the apartment was occupied. Lieutenant Quiroz announced his presence and their purpose; they were there to take possession of the apartment pursuant to legal writ.

Several of the officers ~~are~~ were wearing body worn cameras which recordeds the attempts to negotiate with Voikin. The body worn camera (BWC) worn by Officer William Rojas, BWC X81394011, recordeds at video time 15:20:08, an officer ordering Voikin to open the door. Voikin is recorded saying, "Slide the warrant under the door. If you have a warrant slide it under the door. I do not have to open the door. The conversation continues and Voikin insists that the officers slide the warrant under the door. The video continuesd to record the following:

- At video time 15:22:27, Voikin is recorded yelling, "Back away from the fucking door, right now. A female officer is recorded attempting to establish a rapport and calm Voikin. Repeated banging on the door from inside the apartment is heard. Voikin refused to open the door and claims that the police were serving the writ of possession at the wrong location.
- At video time 15:31:14, a man is recorded unsuccessfully attempting to drill the lock to the apartment.
- At video time 15:32:12, an officer is recorded attempting to open the door with a hammer.
- At video time 15:38, a female officer is recorded telling Voikin that they were waiting for the SWAT team to go through her door. Voikin claimed that she was not dressed and called the officer a "lesbian cunt."

- At video time 15:42:59, Lieutenant Quiroz is recorded attempting to negotiate with Voikin. Voikin is recorded telling him that she was live streaming, that it was a big mistake, and that there was an open case.
- At video time 15:45:03, Lieutenant Quiroz is recorded asking Voikin for the case number so that he could research the matter.
- At video time 15:46:10 Voikin tells him the case number is 2020 017651CC05. Lieutenant Quiroz orders an officer to check the case number.
- At video time 15:49:35, Lieutenant Quiroz is recorded informing Voikin that her eviction was still valid and active. He orders Voikin to open the door and tells her that if they have to open the door that they would take her to jail.
- At video time 15:50:07, Voikin is recorded responding, "You know what? I was born a fucking patriot. I'm going out a fucking patriot. Officer back away from the doorway."

Sergeant Carlos Arguelles provided a sworn interview and confirmed that he contacted support personnel at the CSB for verification and that there was no stay of the eviction. Sergeant Arguelles stated that CSB ICT is a tactical team trained to address and contain critical incidents, such as an active shooter, barricaded subject, and hostage situations, until a Special Response Team could respond.

Lieutenant Quiroz stated that after unsuccessfully attempting to have a building maintenance worker attempt to drill the door lock to open it, and then forcibly prying the lock with a hammer and screwdriver, he requested an Incident Containment Team (ICT) squad. Lieutenant Quiroz and Officer Javier Soto continued to attempt to negotiate with Voikin for an additional thirty minutes before ICT arrived. Voikin was highly agitated and banged on the door. When ICT arrived, Sergeant Arguelles and Lieutenant Quiroz briefed ICT Sergeant Eddy Gaitan and gave him the authorization to make entry into the apartment.

After numerous strikes using a halligan bar and a sledgehammer, the ICT squad breached the apartment door. Officers Eric Novo, Kelmi Ramos, Jules Virgile, and Bruce Young made entry. Officers Eric Novo and Kelmi Ramos led the entry, both carrying ballistic shields. A kitchen counter partially enclosed the kitchen from the living room area. Voikin was observed hiding behind two mattresses which were propped up inside the kitchen area. The officers issued verbal commands to Voikin to surrender. Voikin fired a firearm at the officers. The bullet struck and penetrated the ballistic shield carried by Officer Novo. Thirty-three seconds later, Officer Kelmi Ramos discharged his firearm and discharges his firearm again two seconds later, striking Voikin. Officer Young removed the mattress, kicked the gun away, and handcuffed her.

The BWC worn by Officer Novo, BWC X81426711, recorded Officer Novo at video time, 16:30:11, stating, "Shot fired. She behind the couch, right here. See her coming? She shot behind the fucking ah... She's behind the mattress Kelmi. You see her? She's behind the mattress. I think she shot the shield. Anybody hurt? No. No. I think she shot the shield." The video continues as follows:

- At video time 16:30:32 another officer is heard yelling, "Let me see your hands. I think she shot the shield. Let me see your hands."
- At video time 16:30:41, an officer says, "Kelmi you got her..." A gunshot is heard.
- At video time 16:30:43, another gunshot is heard. A woman is heard screaming. An officer asks, "You got her."
- At video time 16:30:57, an officer yells, "Put the gun down. Let me see your hands."
- At video time 16:31: 38, an officer says, "She hit the shield."
- At video time 16:31: 52, an officer says, "She has a gun in her hand but I think she's done."
- At video time 16:32:11, an officer says, "Kick the gun out of her hand."
- At video time 16:32:23, an officer says, "We got the gun. Cuff her, pull her out."
- At video time 16:32:25, a video shows a white female sitting on floor, wearing a white in color open shirt with hoodie and green pants.
- At video time 16:32:32, officers are recorded cuffing and pulling Voikin from the corner. Officers are recorded saying, "Cuff her. She's shot. Call rescue."
- At video time 16:35:25, Officer Kelmi Ramos is recorded saying, "She was live chatting with somebody."
- At video time 16:35:40, ~~Officer~~ Officer Kelmi Ramos is recorded examining the visible bullet hole on the lower portion of Officer Novo's ballistic shield. Officer Kelmi Ramos states, "That was the only thing I was concerned about. I'm going to mute."
- At video time 16:35:44, Officer Kelmi Ramos is recorded stating, "For investigation purposes only: I'm muting, but still recording."

The BWC worn by Officer Kelmi Ramos, BWC X81428565, recorded ed Officer Ramos knocking several times on the apartment door. A voice is heard repeatedly announcing that it was the Miami-Dade Police on a court ordered Sheriff's Office eviction and ordering that the door be opened. A loud bang is heard when the apartment door is breached. Entry into the apartment is recorded. At video time 16:30:10, a shot is heard, and someone yells out "Shot's fired." Video is blocked by Officer Ramos' shield. At video time 16:30:43, a shot is heard. Officer Ramos' shield is blocking the view. At video time 16:30:45, an officer yells out, "Let me see your hands." A shot is heard. Video is blocked by Officer Ramos' shield. A woman is heard screaming. An officer yells out, "Let me see your hands." At video time 16:35:42, Officer Ramos is heard saying, "I'm going to mute for investigation purposes., but still recording." Officer Ramos makes a phone call on a cellular phone on which the screen displays "PBA". Officer Ramos declined to provide a statement or proffer.

Sergeant Eduardo Gaitan provided a sworn statement. He stated that he and members of the MDPD CSB, IST responded to assist an eviction in progress. He was briefed by Lieutenant Quiroz, Sergeant Arguelles, and Sergeant Rafky Butka. They informed him that Voiken was refusing to come out of the apartment, that she might be armed, and had made past threats that she

would shoot anyone who entered. Sergeant Gaitan stated Lieutenant Quiroz directed him to enter the apartment and complete the court-mandated eviction.

Sergeant Gaitan stated his team knocked on the apartment door and announced their presence. Voikin responded with unintelligible yelling and passed a note under the door. At that time, he considered it tactically too late to retrieve the note. Sergeant Flores and Officer Corona forced open the door. Officer Eric Novo and Officer Kelmi Ramos were the first to enter the apartment, carrying ballistic handheld shields. Sergeant Gaitan heard Officer Ramos say, "She shot at us." He heard officers inside the apartment yelling, "Drop the gun" and "Show us your hands."

Sergeant Gaitan heard two (2) gunshots and ICT members giving orders to drop the gun. He told the team, "If you have a shot, take the shot." Sergeant Gaitan heard the ICT members saying that "we're moving up." He then entered the apartment and observed Voikin sitting on the kitchen floor bleeding and ICT officers moving mattresses from around her and throwing a handgun off to the side. Sergeant Gaitan observed that Officer Novo's ballistic shield had been struck and learned that Officer Novo Ramos had discharged his firearm. Sergeant Gaitan stated that Officer Virgile handcuffed Voikin behind her back. Voikin was taken out of the apartment and into the hallway outside the apartment. MDPD officers rendered aid to Voikin. Sergeant Gaitan stated that he called for the City of Miami Fire Rescue. MDPD ICT finished searching the apartment for any other subjects but none were found.

Crime scene observed on the floor near the opening to the kitchen a magazine containing thirteen (13) 9mm live cartridges. Closer to the apartment doorway was a one (1) 9mm live cartridge. Two MDPD ballistic shields were observed with the word "POLICE" written on them in white letters. One of the shields was damaged at the lower right side with a small hole and the inner lining pushed outward, consistent with a bullet strike. On the kitchen counter was an empty Glock 9mm, fifteen (15) round capacity magazine. Near the magazine on the kitchen counter was a plastic shopping bag containing prescription medication bottles. On the floor by the damaged shield was a Glock 19, Gen 4, 9mm pistol, with serial number BCHU29. The firearm contained one (1) live 9mm Luger cartridge in the chamber. Inserted in the magazine well was a fifteen (15) round capacity magazine containing ten (10) live 9mm Luger cartridges.

The area west of the kitchen was the living room area which contained a mattress on the floor. Around the mattress were boxes and suitcases with clothing and miscellaneous items. On the floor near the mattress was a 9mm, WCC +P+ spent cartridge casing. In the kitchen, leaning against the refrigerator, was a plastic box spring mattress, in an upright position. Along the west wall, there was an iPhone on the floor connected to the electrical outlet. Near the phone was a live 9mm Luger cartridge on the floor. Against the wall also near the phone was a 9 mm Luger casing.

Based upon the round count and inspection of Officer Ramos' 9mm pistol and magazine, it was determined that Officer Ramos could have fired up to two (2) rounds during the incident.

Miami Fire Rescue 16 responded. Miami Fire Rescue (MFR) Lieutenant Angel Menendez, MFR Firefighter Aurelio Menendez-Benitez, and MFR Alejandro Perez were interviewed. Each stated that they were dispatched to a victim shot call. They found Voikin on the hallway floor

unconscious with MDPD officers performing cardiopulmonary resuscitation (CPR) on her. They transported her to Jackson Memorial Hospital. They were provided no information regarding how the shooting occurred. Dr. Joyce Kaufman performed medical procedures which were unsuccessful and Voikin was documented as deceased.

On April 6, 2021 at approximately 10:45pm, Special Agent Michael Stein made contact with Voikin's mother, Cynthia Anne Voikin Scarpone, and informed her of her daughter's death. Ms. Voikin Scarpone stated that her daughter was _____ and that her daughter had violent tendencies. She stated that she last had contact with her daughter two years ago,

FDLE Special Agent Lisa Lamey was contacted on April 7, 2021 by Constable Nigel Reynolds of the Bedfordshire Police Department, London Luton Airport Policing Unit, Bedfordshire, United Kingdom. Constable Reynolds stated that on April 6, 2021, Oliver Grace, a security guard on a construction site at London Luton airport, was heard yelling for someone to drop the gun and telling officers not to shoot. Constables interviewed Grace on April 7, 2021 to determine what had occurred. The Constables interview of Grace was recorded on body worn camera. Grace stated that he had met Voikin through Instagram and that they had become friends over the past few weeks but had never met. He stated that he had been on WhatsApp live video chat with Voikin when the police entered her apartment. He stated that the video recorded the incident. Grace allowed the Constables to record the video with a body worn camera. A copy of the interview of Grace and of the BWC recording of the video was provided to FDLE.

The BWC recording indicates that Voikin appears to have positioned the phone so that the incident could be recorded. The striking of the officers breaking the door down can be heard. Voikin can be heard screaming. Grace can be heard screaming, "Don't shoot. Don't kill her." She can be seen being handcuffed and removed from the room area. Grace later be heard yelling repeatedly to get the attention of the officers. A crime scene officer picks up the phone. It appears the call is terminated because the phone apps screen becomes visible, then goes dark.

Associate Medical Examiner Dr. Benjamin Mathis performed the autopsy. Dr. Mathis concluded that the following injuries were sustained by Voikin at the time of her death:

- Grazing gunshot wound on the left tricep area.
- One gunshot wound to the left chest area. The projectile traveled in a downward direction perforating the superior vena cava, through the lung and lodging itself in the right side of the back.

Dr. Mathis recovered the projectile which was impounded and sent to the MDPD Crime Laboratory for examination.

An ATF Firearm Trace revealed that the Glock was purchased by William James Collins IV, W/M, DOB: 10/05/1984. Mr. Collins was interviewed on October 7, 2021 by Special Agent Garcia. Collins stated that he made contact with Voikin on a dating website. On September 21, 2020, he took Voikin to dinner. He stated that she told him she was a law enforcement officer for US Customs. He said they went back to his apartment, watched a movie, and he fell asleep. He said that when he woke in the morning, he heard Voikin rummaging through his bedroom. He

stated that he discovered that his Glock was missing from its drawer. He stated he accused Voikin of taking it but she denied it and left his apartment. Collins reported the firearm stolen to the Miami Police Department.

Three 9mm casings recovered from the scene and one projectile recovered from Voikin's body at autopsy matched the Glock Model 17 Gen 4, 9mm pistol, serial number REE282, discharged by Officer Kelmi Ramos. One 9mm casing recovered from the scene matched the firearm Glock Model 17 Gen4, 9mm pistol, serial number BCHU294 recovered from the scene. The Glock was swabbed for DNA. The swabs failed to contain sufficient DNA for analysis.

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 Officer Kelmi Ramos 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-27-0156. 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 review of the body cam video footage recorded during the event, there is evidence sufficient to conclude that Officer Kelmi Ramos fired his Glock in defense of himself and his fellow officers. Officer Ramos' team had been advised that Voikin might be armed and had threatened to shoot anyone who entered. They entered with ballistic shields. When they rounded the apartment entrance by the kitchen, Voikin shot at the officers. A bullet from Voikin's weapon struck and penetrated Officer Novo's ballistic shield. Although thirty-three seconds elapse before Officer Kelmi Ramos returns fire, Voikin was positioned behind the kitchen counter barricaded around vertically propped up mattresses. Voikin and the gun she is firing are partially obscured. Voikin refused to comply with officer commands to show her hands and come out from behind the barricade. The ICT members commands for Voikin to show her hands after Officer Ramos discharged his firearm twice is consistent with their fear of continued deadly threat by Voikin.

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 Officer Kelmi Ramos to be legally justified.

Prepared by:

Brenda Mezick

/s/ Brenda Mezick
Assistant State Attorney

Andrew Hague

/s/ Andrew Hague
Assistant State Attorney