

Close-out Memorandum of the
Investigation Regarding
David Enriquez Hernandez
March 11, 2022



State Attorney's Office
Eleventh Judicial Circuit
Miami-Dade County
November 16, 2022



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE DATE: November 15, 2022
State Attorney

FROM: STAFFING/REVIEW TEAM RE: SAO/Case #: 62/22/03/11/002
Deceased: David Enrique Hernandez

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

On Friday, March 11, 2022, at approximately 8:00 a.m., Miami-Dade Police Department officers were conducting a seatbelt enforcement detail around NW 67 Avenue and NW 167 Street. During this detail, Officer John Alexander Jr. observed David Enriquez Hernandez driving a grey Honda Accord, accelerate the vehicle, almost strike the officer, and run through a red light. Officer Alexander notified Sergeant Chad Murphy over the radio of what had just occurred. Sergeant Murphy followed Hernandez and observed a continuing reckless driving pattern, including striking multiple vehicles. Hernandez entered a shopping plaza, slammed his vehicle into a pillar, and without placing the vehicle in park, he exited his vehicle, whereupon, he prominently displayed two large kitchen knives, and starting walking towards Sergeant Murphy holding the knives and yelling aggressively. Sgt. Murphy gave verbal commands to Hernandez to put the knives down. Hernandez failed to comply and continued walking towards Sergeant Murphy. Sergeant Murphy discharged his firearm and struck Hernandez, who was pronounced deceased at the hospital. Pursuant to Florida Statutes 776.012 and 776.05, and after a thorough review of body worn camera footage and several witness statements, we find Sgt. Murphy's actions were reasonable and conclude that his actions were legally justified.

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

Don L. Horn

Don L. Horn

Christine Zahralban

Deisy Hernandez

Deisy Hernandez

Kathleen Hoague

J. Scott Dunn

Approved by State Attorney on this 18 day of Nov., 2022.

KATHERINE FERNANDEZ RUNDLE
State Attorney





INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: November 15, 2022

FROM: Michael Von Zamft
Assistant State Attorney

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO Case # 62/22/03/11/002

Alicia Priovolos
Assistant State Attorney

OFFICER INVOLVED:	Sergeant Chad Murphy (30-5425)
DECEASED:	David Enriquez Hernandez
DATE & TIME:	March 11, 2022 8:05 AM
LOCATION:	18600 N.W. 67 Avenue, Miami, FL 33172
WEAPONS:	9mm Glock 17 Gen4 pistol, SN BBPX754 (Sgt. Chad Murphy) Two (2) Large Kitchen Knives (David Hernandez).
LEAD/REPORTS:	S.A. Luiz Alvarez FDLE / October 8, 2022
CASE #:	MI-27-0183
SAO CASE #:	62/22/03/11/002

SUMMARY OF THE FACTS

On Friday, March 11, 2022, at approximately 8:00 a.m., uniform officers from the Miami-Dade Police Department (MDPD) Special Patrol Bureau Motor Unit were conducting a seatbelt enforcement detail around NW 67 Avenue and NW 167 Street. During this detail Officer John Alexander Jr., Badge #7748 observed David Enriquez Hernandez driving a grey Honda Accord. The vehicle came to a complete stop due to the traffic light being red. As Officer Alexander was walking alongside Enriquez Hernandez's stopped vehicle, Enriquez Hernandez spun his tires and accelerated his vehicle. Officer Alexander was forced to move out of the way to avoid being hit by Enriquez Hernandez. Enriquez Hernandez then ran through the red light. Officer Alexander notified Sergeant Chad Murphy over the radio of what had just occurred. Sergeant Murphy then began following Enriquez Hernandez from a distance and reporting over the radio what Enriquez Hernandez was doing.

Sergeant Murphy's radio communications indicate Enriquez Hernandez continued driving recklessly, running another red light, and striking civilian vehicles along the way. At the intersection of NW 67 Avenue and NW 186 Street, Enriquez Hernandez made a left turn onto NW 186 Street. Enriquez Hernandez then drove his vehicle towards a shopping plaza located at 18600 NW 67 Avenue, Hialeah, Florida 33015. Due to multiple vehicles attempting to enter the same plaza, the pathway to enter the shopping plaza was backed-up. To get past the back-up, Enriquez Hernandez struck multiple civilian vehicles and hopped over the curb on the right side of the entrance of the plaza. Enriquez Hernandez's vehicle then propelled forward and slammed into one of the shopping plaza's pillars in front of a Denny's restaurant. Without placing the vehicle in park, Enriquez Hernandez exited his vehicle and prominently displayed two large kitchen knives. He walked towards Sergeant Murphy holding the knives and began saying

something. Sergeant Murphy had been forced to dismount his motorcycle quickly and therefore it was down as he was confronting the armed Enrique Hernandez

Sergeant Murphy's body cam video reveals Sgt. Murphy, who was just entering the shopping center when he dismounted and began giving commands to Enrique Hernandez. Civilian witnesses, who were in cars affected by Hernandez driving into the shopping center, described the intense moments that followed as though Enrique Hernandez appeared to be coming at Sergeant Murphy to strike him, while also yelling aggressively. No one however seemed to make out what Enrique Hernandez was saying. The civilian witnesses later described Sergeant Murphy walking backwards, as Enrique Hernandez came towards him.

Body cam captured Sergeant Murphy yelling commands to Enrique Hernandez to put the knives down. Enrique Hernandez did not comply and continued walking towards Sergeant Murphy as Sgt. Chad Murphy was contemporaneously moving backwards. Sergeant Murphy discharged his firearm multiple times at Enrique Hernandez, striking him multiple times. Officer Alexander who had arrived on scene, heard the shots and saw Enrique Hernandez down on the floor with one knife still in hand. Officer Alexander indicated he kicked away the knife and then saw Sergeant Murphy immediately begin performing lifesaving measures on Enrique Hernandez. Enrique Hernandez was subsequently airlifted to Ryder Trauma Center at Jackson Memorial Hospital where he was pronounced deceased. The medical examiner's report confirms that Enrique Hernandez died from multiple gunshot wounds.

FDLE investigators interviewed ten civilian eyewitnesses and obtained video surveillance and body cam footage of the incident. All civilian witnesses and officer statements are consistent with each other and credible. Their description of the series of events that led to the shooting is

also consistent with what is displayed on officer body worn cameras. Several civilian witnesses described Sergeant Chad Murphy's actions as "self-defense" and/or "100% justifiable."

Unknown to Sgt. Murphy at the time of the shooting, and therefore not used in the conclusion of this analysis, subsequent investigation revealed Enriquez Hernandez had expressed a wish to "die" earlier that morning. During the attempted seatbelt enforcement detail officers were conducting at NW 67 Avenue and 167 Street, unbeknownst to officers, Enriquez Hernandez struck three civilian vehicles that were at the same intersection. The driver of one of the three vehicles struck, later told police that after Enriquez Hernandez struck her vehicle, she observed Enriquez Hernandez roll down his window, put a knife to his throat and tell the driver he wanted to die. He then drove away. The witness indicated she tried telling the officers on scene what had just happened but was not sure if they heard her since Enriquez Hernandez then took off.

FDLE memorialized their investigation in a one-hundred-and-forty-page report which was provided to the State Attorney's Office on October 8, 2022. Body cam video, police radio communications, pictures and sworn statements were also attached. Much of the events that occurred are depicted on the body cam footage. We find the FDLE's reports to be complete, thorough, and consistent with the witness statements, video, and 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.

ANALYSIS

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 Miami Dade Police Department Sergeant Chad Murphy's constituted a criminal act that can be proven beyond and to the exclusion of every reasonable doubt. To that end, prosecutors from the State Attorney's office went to the scene of the shooting, attended and/or reviewed the statements of witnesses, and reviewed FDLE files, and the executive summary prepared by FDLE, which is hereby incorporated into this memorandum.

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 to prevent the commission of a forcible felony. Section 776.05(1), 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. During the shooting incident, Sgt. Chad Murphy fired his weapon and, therefore, used deadly force.

The physical evidence and testimonial evidence demonstrate that it was reasonable for Sgt. Chad Murphy to believe that deadly force was necessary to prevent imminent harm to himself and/or another, making Sgt. Chad Murphy's actions justifiable under the law. Accordingly, based on the above, we find Sgt. Chad Murphy's actions to be legally justified.

Prepared by:

Michael Von Zamft

/s/ Michael Von Zamft
Assistant State Attorney

Alicia Garcia Priovolos

/s/ Alicia Garcia Priovolos
Assistant State Attorney