

Close-out Memorandum of the
Investigation Regarding
Antwon Leonard Cooper
March 8, 2022



State Attorney's Office
Eleventh Judicial Circuit
Miami-Dade County
December 9, 2022



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE DATE: December 6, 2022
State Attorney

FROM: STAFFING/REVIEW TEAM RE: SAO/Case #: 62/22/03/08/001
Deceased: Antwon Leonard Cooper

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

On March 8, 2022, at about 4:39 p.m., City of Miami Police Officer Olivier Gonzalez observed a vehicle with illegal tinted windows speeding. Gonzalez, in a marked vehicle, in full uniform and an active body-worn camera, conducted a traffic stop. Gonzalez approached the vehicle and asked the driver, Antwon Leonard Cooper for his license and registration. Cooper indicated he did not have a valid driver's license but did have an ID card. Gonzalez asked Cooper to step out of the vehicle and started to conduct a pat down search. As Gonzalez was about to pat down Cooper's left side, Cooper attempted to flee. Gonzalez and Cooper began to scuffle, and the two fell to the ground. Gonzalez found himself with his back on the asphalt, Cooper on top of him, and his police issued tools displaced. Unbeknownst to Gonzalez, during this struggle, a firearm was discarded or dislodged from Cooper and ended up on the roadway. Sgt. Constant Rosemond, who arrives on the scene to find Gonzalez engaged in a struggle with Cooper, gives commands to Cooper which are ignored. He fires a single shot, striking Cooper. The firearm recovered on the roadway near the struggle revealed a

Pursuant to Florida Statutes 776.012 and 776.05, after a thorough review of the evidence, we find Sergeant Constant Rosemond's actions to be reasonable and 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 9 day of Dec, 2022.

Katherine Fernandez Rundle
KATHERINE FERNANDEZ RUNDLE
State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: November 30, 2022

FROM: Michael Von Zamft and
Alicia Garcia Priovolos
Assistant State Attorneys

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO Case # 62/22/03/08/001

OFFICER INVOLVED:	Sergeant Constant Rosemond (01-6183)
DECEASED	Antwon Leonard Cooper
DATE & TIME:	March 8, 2022 4:39 PM
LOCATION:	Intersection of NW 10 th Avenue and 71 st Street
WEAPONS:	City of Miami Police issued 9mm Glock 17, Gen5 pistol, serial number 9MIA3899 (Sgt Constant Rosemond) Springfield Armory 9x19, Hellcat, 9 mm caliber, serial number BA246985 (Antwon Leonard Cooper)
LEAD/REPORTS:	S.A. Ricardo Martinez, FDLE / October 8, 2022
CASE #:	MI-27-0182
SAO CASE #:	62/22/03/08/001

SUMMARY OF THE FACTS

On Sunday, March 8, 2022, at approximately 4:39 p.m., City of Miami Police Officer Olivier Gonzalez (hereinafter referred to as "Gonzalez") observed a red Nissan four door vehicle speeding. He also observed tinted windows on the Nissan which he believed were illegal. Gonzalez activated his lights and conducted a traffic stop. Gonzalez was in full police uniform and driving a marked police vehicle. Via radio, Gonzalez called in the traffic stop to his team members which were part of the Model City Problem Solving Team. Gonzalez also activated his body camera and approached the vehicle.

Gonzalez approached the driver's side of the vehicle and asked the driver, Antwon Leonard Cooper (hereinafter referred to as "Cooper"), for his license and registration. Gonzalez asked Cooper to lower the windows so he could see inside the vehicle. Cooper complied. Cooper then provided Gonzalez with his registration and informed Gonzalez he did not have a driver's license but did have an ID card. Cooper provided Gonzalez with the ID card. Cooper explained to Gonzalez he does not have a driver's license and is currently in court trying to get it back. Gonzalez took the ID card and asked Cooper to step out of the vehicle. Rodney Maxwell Bullard (hereinafter referred to as "Bullard"), who was in the right front passenger seat, remained inside the vehicle.

Cooper stepped out of the vehicle and stood next to the vehicle facing the interior, with his back to the officer. Cooper put his hands on the vehicle. Gonzalez then started to conduct a pat down of Cooper. After Gonzalez patted Cooper's right side and was about to commence patting the left side, Cooper made an abrupt move in an attempt to flee. Gonzalez reached for Cooper's clothing and prevented him from fleeing. Cooper then tussled with Gonzalez. The two fell to the ground and the struggle continued. Gonzalez quickly found himself on the street, with his back

on the asphalt and with Cooper on top of him. At some point during the struggle, several of Gonzalez police issued tools came off Gonzalez, including his body worn camera. The body camera continued recording the events from the roadway, but the recording no longer allows the viewer to see the actions of Cooper and Gonzalez as the struggle continued.

During his sworn statement, Gonzalez described struggling on the ground with Cooper and getting tunnel vision, where all he focused on was trying to secure Cooper's hands to prevent Cooper from grabbing anything (i.e. any of Gonzalez's police issued tools/weapons). Gonzalez described the struggle lasting around a minute and remembered hearing commands before hearing a gunshot. A review of Gonzalez BWC reveals the commands and shot consistent with Gonzalez statement. During his sworn statement, Gonzalez indicated he could not verbalize or process what the exact commands were, however he believed the commands came from a male voice, and he heard them preceding the sound of a single gunshot. Gonzalez next remembered Cooper getting up and walking a few steps before collapsing. Not knowing who discharged the firearm, Gonzalez immediately checked himself to see if he had been hit. Once Gonzalez confirmed he had not, he then looked up and saw Sgt. Constant Rosemond (hereinafter referred to as "Rosemond"). Gonzalez asked Rosemond if he was ok. Rosemond confirmed he was.

Body camera footage confirms Sgt. Rosemond arrived on scene and observed the struggle between Gonzalez and Cooper. Body camera footage and firearm reports confirm Rosemond discharged his weapon once, killing Cooper.

Gonzalez then got on the air and reported shots fired and asked for medical assistance for Cooper. Gonzalez remembered there was still a second male in the car and approached the car. By now additional officers arrived and the second male (Bullard) was ordered to exit the vehicle. Bullard was then cuffed and placed in a police car. The scene was roped off and secured by

arriving officers. Body cameras from the arriving officers show a firearm on the roadway nearby where the struggle had just taken place.

Gonzalez indicated it was not until after the struggle that he saw a firearm on the roadway. He described seeing the firearm not far from where the struggle occurred after the struggle ended. Crime scene photos and the crime scene sketch confirm a firearm was located near where the struggle occurred. Body worn camera does not capture the moment when the firearm is discarded on the roadway nor who caused it to end up on the roadway. A careful inspection of body camera footage however does reveal the firearm was not on the roadway prior to the struggle. Gonzalez indicated he did not realize that a gun had been discarded by Cooper because they were in mid-struggle. Gonzalez had abrasions on his hands and described some pain to his shoulder from the struggle.

Bullard also provided a sworn statement. Bullard's statement provided further context and background to the events as they unfolded. Bullard explained he knew Cooper since they were in high school together, and they kept in touch throughout the years. A few days prior to the shooting, Cooper told Bullard that he was looking to buy a car. On the day of the incident, Cooper called Bullard and agreed to pick up Bullard. Cooper showed up in a red Nissan, which Bullard believed was a car Cooper ended up purchasing.¹ Cooper and Bullard agreed to go to a store on 15 avenue and 68 street, when suddenly Cooper stopped the car and angrily threw it in park. Bullard

¹ A records' check of the Nissan vehicle being driven by Cooper indicate the tag on the vehicle did not belong to the vehicle. FDLE Special Agents made attempts to locate the registered owner of the vehicle but were unsuccessful. The registered owner of the vehicle is Conrado Perez Martinez. Perez Martinez address is registered to Chapman Partnership, a homeless service facility. Chapman Partnership indicated there are no records that indicate Perez Martinez has ever been a client at the Camillus House Facility. The only records that exist are Perez Martinez being a transient client that last visited the facilities on March 17, 2021.

explained he did not understand why Cooper did that and that Cooper seemed upset. Bullard looked back and then realized there was a police car behind them who was pulling them over.

Bullard recalled the events similarly to Gonzalez. Bullard described Gonzalez's interaction with Cooper to have been fine; neither rude nor aggressive. At one point in time Bullard remarked that the Spanish officer (meaning Gonzalez) "did nothing wrong." Bullard recounted seeing Cooper step out of the car and then seeing Gonzalez try to pat down Cooper. Bullard indicated Cooper resisted the pat down by stepping back into Gonzalez and then attempting to flee. Bullard described the struggle that followed as a "tussle" which led both Gonzalez and Cooper to move from the exterior of the driver's side of the vehicle toward the front of the vehicle (i.e.: towards the hood area). Bullard described losing sight of Cooper and Gonzalez once they fell to the ground. Bullard then heard commands being given, which he recounted were, "get down, get down." This caused Bullard to look back. Upon looking back, Bullard saw Rosemond with his hands extended in front of him and gun in hand. A gunshot was then heard by Bullard. Bullard stayed in the car in disbelief of what had just transpired. Bullard next saw Gonzalez being real shaken up and being "dazed." Bullard indicated it was apparent to him that Gonzalez was so affected by everything that had just transpired that he seemed to have forgotten that Bullard was still in the car. Gonzalez and arriving officers approached Bullard and ordered him out of the car. They handcuffed Bullard and put him in a patrol car. Bullard continued to remark Gonzalez seemed real shaken up by what had just transpired.

Bullard was asked if he knew Cooper to own a firearm. Bullard indicated he did know Cooper to carry a firearm, but Bullard had not seen Cooper with a firearm on the day of the

shooting.² Bullard denied he himself had a firearm on the day of the shooting. He also denied discarding one the day of the shooting.

Pursuant to standard police protocols, Rosemond was separated on the scene and processed. Rosemond's city issued firearm was confiscated, documented and processed. Rosemond did not provide a statement; however, Rosemond's attorney, Robert Buschel, did provide a proffer to FDLE.³

A firearm was recovered on the roadway, near where the struggle between Gonzalez and Cooper took place. The second firearm is a Springfield Armory 9x19, Hellcat, 9 mm caliber, serial number BA246985. The trace report of the firearm revealed the second firearm was purchased by Arawis Cruz-Nunez on May 25, 2021, from Arsenal Arms, Inc. Cruz-Nunez is documented within the ATF E-trace database as having procured twelve firearms through multiple sales between December 18, 2020 through June 18, 2021. Of the known firearm purchases, six have been recovered by law enforcement through various circumstances.

The Springfield firearm was swabbed for DNA, as was the magazine and the ammunition found inside the firearm.

The medical examiner's report indicates Cooper died of a single gunshot wound to the head. The medical examiner's findings are that the projectile entered on the right frontal scalp,

² Cooper is a convicted felon and therefore is not allowed to own or possess a firearm. This fact is included only insofar as it might explain Cooper's actions.

³ The proffer provided by counsel was not utilized in the investigation, analysis, and conclusion reached by the Miami SAO Police Shooting Investigation Committee.

passed from the right side of the skull to the left side of the skull, and partially exited on the left side of the forehead. Pictures documenting the autopsy are consistent with such findings. The medical examiner's report, and photographs show a wound and damage consistent with the description of the shooting contained in the proffer from Rosemond's attorney.

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, crime scene pictures, a crime scene sketch, experts' reports, trace reports, and sworn statements were also attached. The FDLE report was reviewed and determined to be complete and is adopted as part of this closeout memorandum.

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 City of Miami Police Department Sergeant Constant Rosemond'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. Resisting an officer with violence is a forcible felony.

The investigation in this case indicates Sgt. Constant Rosemond pulled up and observed Gonzalez and Cooper engaged in a violent physical struggle. Rosemond was able to observe Cooper on top of Gonzalez, as Gonzalez struggled to keep control of Cooper's hands. At the time of the struggle, Cooper had access to two firearms, one which was located on the roadway, and Gonzalez' police issued firearm which was still on his police belt. Review of the body worn camera footage reveals that the second firearm was not on the roadway before Cooper attempted to flee from the pat down and the struggle ensued. It is clear that the firearm was either dislodged or discarded during the struggle. This is the scene that Rosemond encountered when he arrived.

While the struggle was going on, Gonzalez heard what he thought were commands coming from a male voice. Those commands preceded a single gunshot he heard. Although Gonzalez could not verbalize or process what the exact commands were, Bullard, the passenger in the car, could. Bullard stated that he heard commands being given, which he recounted were, "get down, get down." This caused Bullard to look back. Upon looking back, Bullard saw Rosemond with his hands extended in front of him with a gun in his hand. Bullard then heard the gunshot. Bullard further described that after the gunshot, Gonzalez got up and appeared to be dazed from all that had just transpired. Gonzalez had abrasions on his hands and some pain to his shoulder as a result of the struggle with Cooper.

Although Rosemond did not provide a sworn statement, we find it reasonable for Rosemond to believe that deadly force was necessary to prevent imminent death or great bodily harm to Officer Gonzalez, himself and/or another. He arrived on the scene to find Cooper on top of Officer Gonzalez, with Gonzalez doing all he could do to control Cooper's hands and keep Cooper from grabbing one of several weapons which were readily available and within reach of Cooper. Rosemond shouted several commands to Cooper which went unheeded, leading Rosemond to fire one round from his service weapon.

Based on the above, we find the actions of City of Miami Police Sergeant Constant Rosemond to be reasonable and legally justified.

Prepared by:

/s/ Michael Von Zamft

Michael Von Zamft
Assistant State Attorney

/s/ Alicia Garcia Priovolos

Alicia Garcia Priovolos
Assistant State Attorney