

Close-out Memorandum of the
Investigation Regarding
Julio Cesar Mederos
April 4, 2020



State Attorney's Office
Eleventh Judicial Circuit
Miami-Dade County
January 27, 2023



INTEROFFICE MEMORANDUM


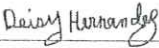


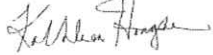

TO: KATHERINE FERNANDEZ RUNDLE DATE: January 24, 2023
State Attorney

FROM: STAFFING/REVIEW TEAM RE: SAO/Case #: 62/20/04/11/002
Deceased: JULIO CESAR MEDEROS

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 4, 2020, at 9:10 p.m., police were dispatched to the area of 7259 W. 24 Avenue in Hialeah reference two people shot. Upon arrival police located two gunshot wound victims, and the perpetrator, Julio Cesar Mederos, who barricaded himself inside the apartment with two additional hostages, a nine-year old boy and his ex-girlfriend. Police attempted entry into the apartment, but Mederos shot a SWAT officer in the foot. Following the release of the nine-year old boy and failed negotiations, SWAT members again entered the apartment. After giving commands, they shot Mederos in an attempt to rescue the second hostage, who police discovered had been shot. While the child was uninjured and the other victims recovered from their injuries, Mederos sustained multiple gunshot wounds and died from those injuries. Pursuant to Florida Statutes 776.012 and 776.05, after a thorough review of the evidence, it is reasonable to conclude that actions taken by Hialeah Officers Richard Quintero 04-1249, Luis Servilla 04-1178, Richard Aguero 04-1993, Gene Delima 04-1621, Joel Ortega 04-2178, and Antonio Luis 04-1216 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 27th day of January, 2023.



KATHERINE FERNANDEZ RUNDLE
State Attorney





INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: JANUARY 24, 2023

FROM: BRENDA MEZICK AND
PHILIP MANIATTY
ASSISTANT STATE ATTORNEYS

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO Case # 62/20/04/11/002

OFFICERS INVOLVED:	RICHARD QUINTERO, HIALEAH, 04-1249; LUIS SERVILLA, HIALEAH, 04-1178; RICHARD AGUERO, HIALEAH, 04-1993; GENE DELIMA, HIALEAH, 04-1621; JOEL ORTEGA, HIALEAH, 04-2178; & ANTONIO LUIS, HIALEAH, 04-1216
DECEASED	JULIO CESAR MEDEROS
DATE & TIME:	APRIL 4, 2020 @ 9:09 P.M.
LOCATION:	7259 W. 24 AVENUE, #132, HIALEAH, FLORIDA
WEAPONS:	.380 Auto Jimenez Arms pistol, S/N-1530155 (Julio Cesar Mederos) 9mm Glock pistol, S/N-BATR903 (Quintero) .223 Colt M4 carbine rifle, S/N-LE350356 (Servilla) 9mm Glock pistol, S/N-BATR919 (Aguero) 9mm Glock pistol, S/N-BATR904 (DeLima) .223 Colt M4 carbine rifle, S/N-LE350388 (Ortega) 9mm Glock pistol, S/N-BATR900 (Luis)
LEAD:	HIALEAH DETECTIVE FELIX PEREZ
POLICE CASE #:	2020-009452
SAO CASE #:	62/20/04/11/002

SUMMARY OF FACTS

On April 4, 2020, at 9:10 p.m., police were dispatched to 7259 W. 24 Avenue, #132, Hialeah, Florida reference two people shot at that location. Upon arrival, the police located two victims who had been shot, Yanisleidys de la Caridad Morie, Mederos' ex-girlfriend's daughter and Jose Nemo Garcia. After shooting the two victims, Mederos barricaded himself inside the apartment with two hostages, J.F., a nine-year old boy and his ex-girlfriend, Yamilet Alonso Fernandez. During a failed arrest attempt, Mederos shot a SWAT team member in the foot and remained barricaded. Following the release of J.F. and further failed negotiations, SWAT team members again entered the apartment and shot Mederos, who was hiding in a bathtub. A firearm was recovered in the bathtub where Mederos had been hiding. SWAT personnel located and rescued Yamilet Alonso Fernandez. Alonso Fernandez had been shot by Mederos but survived. J.F., the nine-year old boy, was uninjured.

CIVILIAN WITNESS SWORN STATEMENTS

YURDAMY GONZALEZ BARRERO

Gonzalez Barrero was in her apartment at 7259 W. 24 Avenue, apartment 130, when she heard what she thought was a firecracker. The noise was shortly followed by a knock on her door. As she opened her door, Yanisleidys De La Caridad Morie, covered in blood, pushed her way in and yelled, "He shot me, he shot me!" Gonzalo Barrero noticed that she had multiple gunshot wounds to her left arm, groin area and buttocks. Gonzalo Barrero quickly grabbed some towels and applied pressure to the wounds. Gonzalo Barrero asked her if she knew who shot her and De La Caridad yelled, "my mom's ex!" De La Caridad stated that her son, J.F., was still in apartment 132.

JOSE NEMO GARCIA

Garcia was in the stairway area in front of 7171 W. 24 Avenue, apartment 132, with his daughter Yanisleidys De La Caridad Morie and another couple who live nearby when Mederos approached him, dressed completely in black. The decedent stated, "Put a," before firing shots at him and De La Caridad.

Garcia remembers getting struck in the leg before running into apartment 132 and locking the door. Garcia grabbed Yamilet Alonso Fernandez and J.F. and locked the three of them in the master bedroom. Garcia positioned himself on the floor with his back against the bed and his feet against the bedroom door. Mederos then was heard gaining entry into the apartment and reloading his firearm. Mederos shot through the bedroom door and struck Garcia in his leg. Mederos then kicked the door partially open and fired through the opening, striking Garcia twice in his left arm. Mederos then gained entry into the bedroom and pointed his firearm at Garcia's head. Garcia was shot twice in his right arm in an attempt to shield his head. Garcia then got up, pushed Mederos and fled the apartment.

ADRIAN OLIVERA

Olivera lives at 7271 W. 24 Avenue, apartment 131. He heard two loud gunshots that seemed very close to his apartment. He then heard two or three more gunshot and people screaming to call the police. Olivera then locked himself and his family in a bedroom and called the police. Oliver has a surveillance camera attached to the door leading into his apartment. He reviewed footage from that camera and saw that a male had kicked open the door to apartment 132 and entered the apartment.

MONICA ROMERO

Romero is Adrian Olivera's wife and lives with him and their child in apartment 131. Romero heard several gunshots and people yelling for help. Romero ran into the bedroom with her husband and child. A short time later, she also reviewed the camera footage which showed the male kicking in the door to apartment 132 and entering the apartment.

ALEXANDER VARELA

Varela was visiting his sister at the apartment complex and was outside, smoking a cigarette, when he heard in excess of fifteen gunshots. As the gunshots seemed to be coming from the direction of an area where children frequently play, he ran to see what was happening. As he arrived, he saw a dark-skinned Hispanic male dressed in black in the doorway of an apartment loading a magazine into a firearm. Varela also observed a blood trail on the ground that led to apartment 130. He heard females screaming from inside apartment 130. Varela then retreated to safety, flagged down the responding officers and directed them to apartment 130.

YAMILA CAPOTE DELGADO

Delgado lives at 7259 W. 24 Avenue, apartment 208, with her husband, Carlos Alonso Vialart. Earlier in the day, Yanisleidys Alonso had called her for her and her husband to help her move some furniture. Delgado and her husband were outside apartment 132 drinking coffee with Alonso and Nemo Garcia when Mederos walked up, pointed a gun at Nemo Garcia and shot him. Mederos then pointed the gun at her and her husband before aiming it at Yanisleidys Alonso and entering apartment 132. Delgado and her husband then ran off and called the police.

CARLOS ALONSO VIALART

Vialart was drinking coffee outside apartment 132 with Yanisleidys Alonso, Nemo Garcia and his wife when Mederos walked up and shot Nemo Garcia. Mederos then pointed the gun at Vialart, his wife and Alonso and entered apartment 132. The gun was a black semi-automatic handgun. Vialart and his wife ran off and called 911.

J.F.

J.F., Yanisleidys de la Caridad Morie's 9-year old son, was inside apartment 132 when Jose Nemo entered and said that he'd been shot. J.F. and Yamilet entered the bathroom and locked themselves in. Mederos entered the apartment and fired approximately five shots at the bathroom door handle, breaking the lock and shooting Yamilet in the process. Jose left the apartment. Mederos dragged Yamilet by the hair out of the bathroom. He then heard two more gunshots. Mederos told J.F. to see if the police were coming. Mederos struck J.F. with the butt of the gun. J.F. thinks he lost consciousness, then came to and was allowed to leave the bathroom. J.F. thinks his dog got shot too.

YAMILET ALONSO

Alonso was in the bedroom of apartment 132, waiting for her grandson, J.F., to take a shower. Jose Nemo Garcia ran into the bedroom and appeared to have been shot. Garcia exclaimed, "Look what your ex did!" Mederos then entered the bedroom, armed with a gun. Alonso then locked herself and J.F. in the bathroom in order to protect her grandson. She told J.F. to get down and held the door closed with her leg. Mederos, her former boyfriend, then began shooting at them through the closed door. Mederos was successful in opening the door and shot Alonso in the leg. He threatened to kill Alonso and made threats against J.F. Alonso pulled herself into the bedroom and pretended to be dead.

Alonso and Mederos dated from September, 2018 until February, 2020. Alonso terminated the relationship due to Mederos' jealous and controlling behavior. Following the breakup, Mederos sent threatening messages to Alonso via her daughter, Yanisleidys de la Caridad Morie.

Due to his unfavorable economic circumstances, Jose Nemo Garcia had been residing in apartment 132 for about a month but was not in a relationship with Alonso. Garcia's presence in the household angered Mederos.

WITNESS OFFICER SWORN STATEMENTS

SERGEANT EVI CRUZ

Sergeant Evi Cruz, I.D.# 1612, Hialeah Police Department, responded to 7271 West 24 Avenue as part of the Crisis Negotiation Team, which she has been part of for the past eleven years. She was given the task of alternating with Sergeant Espinosa in their efforts to communicate with Mederos with the goal of obtaining the release of J.F. and to end the situation peacefully. Sergeant Cruz communicated with J.F., who appeared to be coached by Mederos based on his way of speaking. Sergeant Cruz never spoke with Mederos directly, nor did she see Mederos or J.F.. Sergeant Cruz did hear Mederos state that he needed thirty minutes to clear his head and that the police should not enter the apartment, or he would use J.F. as a shield.

SERGEANT MARLON ESPINOSA

Sergeant Marlon Espinosa, I.D.# 1452, Hialeah Police Department, has been part of the Crisis Negotiation Team for six years and assisted as team leader in negotiating Mederos' surrender to the police. Sergeant Espinosa was the first person to make verbal contact with J.F.. J.F. told Sergeant Espinosa that the police needed to leave and that he didn't want any officers inside the house. Sergeant Espinosa believed that Mederos was telling J.F. what to say to the police. After J.F. was eventually released by Mederos, several attempts were made to communicate with Mederos, but he did not respond.

DETECTIVE AILEEN PEREZ

Detective Aileen Perez, I.D.# 1827, Hialeah Police Department, has been assigned to the Crisis Negotiation Team for seven years and assisted in attempting to secure Mederos' surrender to the police. Detective Perez made verbal contact with Mederos from outside the apartment, but he refused to

surrender and asked the police to leave because he needed more time. Mederos said that if the police entered the apartment, he would use J.F. as a shield and shoot at the police. J.F. was eventually released unharmed. J.F. told the police that Mederos was in the bathroom located within the rear bedroom.

SERGEANT MICHAEL RAMOS

Sergeant Michael Ramos, I.D.# 1551, Hialeah Police Department, has been a police officer with the department for thirteen years and is a robbery sergeant, as well as a member of the SWAT team. After J.F. was released from the apartment, Sergeant Ramos provided a pole camera that was inserted through a window in the bedroom where Mederos was believed to be located. The pole camera only provides a live feed and does not record. The camera showed Mederos inside the shower. Moments later, the SWAT team made their second entry into the apartment. Commands were given by SWAT team members upon re-entry into the apartment. Mederos was non-compliant with the commands and the officers discharged their firearms.

Sergeant Ramos was the third person to enter the apartment during the second entry. He observed Yamilet Alonso, injured, on the bedroom floor of the apartment and evacuated her from the apartment.

SERGEANT NICHOLAS LOPEZ

Sergeant Nicholas Lopez, I.D.# 1675, Hialeah Police Department, is a member of the SWAT team and acted as team leader during this incident. For the initial entry into the apartment, the team consisted of Sergeant Lopez, Detective Aguero, Lieutenant Luis and Sergeant DeLima. Sergeant Lopez breached the door to apartment 132 and Mederos fired a single shot. Upon the SWAT team entering the apartment Mederos fired shots at the officers and officers Aguero, DeLima and Luis returned fire. Detective Ortega was stationed outside apartment 132 by a window that had previously been broken. From that location, he fired one shot into the apartment towards the bathroom. When Detective Aguero informed the officers that he had been shot in the foot, the team left the apartment and Detective Aguero was taken to an on-scene fire rescue unit for treatment.

Once J.F. had been released from the apartment, a decision was made to enter the apartment a second time. Sergeant Lopez assembled a team consisting of himself, Sergeant Quintero, Sergeant Servilla and Sergeant Ramos. Gas was deployed into the apartment before the second entry. Upon making the entry and the giving of commands, Sergeants Quintero and Servilla discharged their firearms and Mederos died on the scene. During the second entry into the apartment, Sergeant Lopez was the fourth person to enter and remained in the hallway.

Sergeant Lopez did not discharge his firearm during the first or second entry into the apartment.

The shooting officers declined to give sworn statements.

FIREARMS ANALYSIS

MDPD Criminalist John Mancini tested all six law enforcement firearms, as well as the Mederos firearm. All firearms and magazines were found to be in operable condition. Microscopic comparison of the spent projectiles and fired casings with the firearms yielded the following results:

- Twelve casings were found to have been fired in the Glock, S/N-BATR919 (Aguero).
- One casing was found to have been fired in the Glock, S/N-BATR900 (Luis).
- Ten casings were found to have been fired in the Glock, S/N-BATR903 (Quintero).
- Nine casings were found to have been fired in the Glock S/N-BATR904 (DeLima).
- One casing was found to have been fired in the Colt carbine rifle, S/N-LE350338 (Ortega).
- Five casings were found to have been fired in the Colt carbine rifle, S/N-LE350356. Based on class and some individual characteristics, two additional casings could have been fired from this rifle, but insufficient detail precluded a more conclusive determination (Servilla).
- Twenty-two casings and six projectiles were found to have been fired in the Auto Jimenez Arms pistol. Twelve additional casing and three additional projectiles could have been fired in this pistol, but damage and insufficient detail precluded a more conclusive determination (Mederos).
- Five projectiles could have been fired in any of the four Glock pistols, but damage and insufficient detail precluded a more conclusive determination.
- One projectile was of no microscopic comparison value.

MEDICAL EXAMINER

Associate Medical Examiner Mark Shuman performed an autopsy on Mederos on April 6, 2020. The Medical Examiner case number is 2020-01216. The cause of death was multiple gunshot wounds and the manner of death was homicide. Toxicology test results indicated that Mederos had an ethanol level of 0.113% (blood) and 0.139% (ocular fluid). No other drugs were detected.

Dr. Shuman documented nineteen gunshot wounds, which he summarized as follows: an intraoral, penetrating gunshot wound of the head; two penetrating gunshot wounds of the head; two perforating

gunshot wounds of the head and neck; a perforating and penetrating gunshot wound of the head, neck and left shoulder; five penetrating gunshot wounds of the torso; a superficial penetrating gunshot wound of the chest; six perforating gunshot wounds of the left upper extremity and a penetrating superficial gunshot wound of the left forearm.

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(s) Richard Quintero, Luis Servilla, Richard Aguero, Gene DeLima, Joel Ortega or Antonio Luis constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

In this case, the police were called to a scene involving an armed perpetrator, Mederos, who had already shot two victims, had taken his ex-girlfriend and a nine-year old boy hostage and had barricaded himself inside an apartment. During an initial entry into the apartment by the police, Mederos exchanged gunfire with the police, striking one of the officers in the foot. The police then withdrew from the apartment. Hostage negotiators tried to get the Mederos to surrender peacefully but were only partially successful in that Mederos released the nine-year old boy. The ex-girlfriend continued to be held hostage by Mederos. Upon a second entry into the apartment, following Mederos being unresponsive to commands, Officers Quintero and Servilla discharged their firearms and Mederos was fatally wounded. A firearm was recovered from the bathtub in which Mederos had been hiding.

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. Both burglary and kidnapping are forcible felonies. 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. Although the shooting officers declined to give statements, there is substantial and sufficient evidence available from other witnesses to form a conclusion in this investigation. At the time police decided to

make their second entry into the apartment they knew Mederos had shot two civilians and a police officer during the commission of forcible felonies. Mederos was armed and dangerous and refused to surrender. Under these circumstances, the actions of the officers in using deadly force during another attempt to arrest him was legally justified.

Prepared by:

/s/ Brenda Mezick
Assistant State Attorney

/s/ Philip Maniatty
Assistant State Attorney