

Close-out Memorandum of the
Investigation Regarding
Richard Breed Hollis
June 15, 2022



State Attorney's Office
Eleventh Judicial Circuit
Miami-Dade County
April 14, 2023



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE
State Attorney

DATE: April 12, 2023

FROM: STAFFING/REVIEW TEAM

RE: SAO Case #: 62/22/06/15/003
Deceased: Richard Breed Hollis

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

On June 15, 2022, pursuant to dispatch, Officer Pino and other MDPD officers arrived at the apartment of Richard and Gamaly Hollis. Officers heard several screaming statements coming from Richard Hollis which included, "I'll fight back" and, "I don't mind fucking dying, I don't mind fucking dying." Mr. Hollis refused to open the door. When Officer Pino breached the door, he became aware that Richard Hollis, only a few feet away from him, was brandishing two (2) nine-inch chef knives in an aggressive manner. Richard Hollis refused the plea of his mother and did not comply with the repeated commands of Officer Pino to drop the knives. Officer Pino discharged his taser in response to the aggressive behavior of the armed and dangerous Richard Hollis. However, the taser had no apparent effect. The actions of Richard Hollis in first refusing to drop the knives, and then brandishing the knives at Officer Pino constituted an Aggravated Assault with a Deadly weapon of a Law Enforcement Officer, subjecting Richard Hollis to arrest at that point. Only after the taser failed to stop Richard Hollis did Officer Pino draw and discharge his firearm at Hollis, who was standing only a few feet away. The relevant and applicable statutes in this situation are Florida Statutes 776.012 and 776.05 which: 1) allow a person to use deadly force if he or she reasonably believes that using such force is necessary to prevent imminent death or great bodily harm to himself or another, and 2) also allows a law enforcement officer to use any force which the officer reasonably believes to be necessary to defend himself or herself or another from bodily harm while making an arrest. Based on these statutory provisions, we find the shooting by Officer Pino to be legally justified.

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

Don L. Horn

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Kathleen Hoague

Kathleen Hoague

Deisy Hernandez

Deisy Hernandez

Nilo Cuervo

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Stephen K. Talpins

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Christine Zahralban

Christine Zahralban

Approved by State Attorney on this 13 day of April, 2023.

Katherine Fernandez Rundle
KATHERINE FERNANDEZ RUNDLE

State Attorney

OFFICE OF THE STATE ATTORNEY
ELEVENTH JUDICIAL CIRCUIT

KATHERINE FERNANDEZ RUNDLE
STATE ATTORNEY



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: April 4, 2023

FROM: Suzanne von Paulus
Assistant State Attorney

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO # 62/22/06/15/003

Cristina Diamond
Assistant State Attorney

OFFICER INVOLVED:	MDPD Officer Jamie Pino ID #030-5881
DECEASED	Richard Breed Hollis
INJURIES:	Multiple Gunshot Wounds
DATE & TIME:	June 15, 2022, at 8:20p.m.
LOCATION:	8002 SW 149 Avenue, Apartment B-312, Miami, FL
WEAPON:	Pino: Taser 7 and a Glock 17, Gen 5, 9mm firearm Hollis: 2- 9in long, 4.5in wide, kitchen knives labeled "Farberware"
LEAD:	FDLE SA Luis Alvarez
CASE #:	FDLE # MI-27-0191 MDPD # PD220615199703
SAO CASE #:	62/22/06/15/003

SUMMARY OF FACTS

On June 15, 2022, at 8:18 PM, a call was made to 911 complaining of a woman screaming inside her apartment. The 911 caller, who asked to remain anonymous, stated that his neighbors in apartment B-312 were a mother and son who were “going at it... she’s screaming police... It’s her and her son...” Via the Miami-Dade Police Department (MDPD) Hammocks District radio channel, Dispatch requested officers respond to an aggravated battery at 8002 SW 149 Ave., Unit B-312, the “Peppermill Apartments”.

After informing Dispatch that he would be responding to the scene, MDPD Officer Jamie Pino, 030-5881, also asked Dispatch to inform the first responding officer, Carle Blum, that the person living in Unit B-312 was a “violent 43¹...not to handle on her own... wait for the other units”. Officer Blum agreed to do so. It was apparent based on this statement, and after reviewing the CAD reports, that Officer Pino had responded to this location before and considered Richard Hollis to be a dangerous person with mental health issues. Soon after, MDPD Officers Steve Campos, Rolando Florian, Sergio De Leon and Jamie Pino arrived on scene. All of these officers were equipped with and had activated their Body Worn Cameras (BWC).

Officers Blum, Campos, Florian and De Leon arrived on scene between 8:22 PM and 8:27 PM. Officer Pino arrived at 8:31 PM. As the officers stood outside of apartment B-312, they could hear both Richard Hollis and his mother, Gamaly Hollis, yelling through the door. Gamaly Hollis was yelling that her son had a knife and would not let her open the door. Richard Hollis spoke to officers through the door telling them, “Our society is poisoning people with a lot of chemicals in the food,” “Fuck you” “... no, you’ll take me to the hospital...” “I am very fucking mentally ill!” and “I’m going to cut myself.” Despite several requests by the MDPD officers Richard Hollis refused to open the door to the apartment.

Over a period of almost eight (8) minutes, Richard Hollis was repeatedly warned by Officer Blum that officers would kick the door in if he would not open it himself. Richard Hollis continued to refuse to open the door. Although the door was locked and deadbolted, Officer Pino was able to force the door open by kicking the area by the doorknob/lock repeatedly. From outside, the apartment door opens on the right side, swinging inward toward the left. After breaking through the deadbolt and lock, Officer Pino tried to make entry into the apartment, but the apartment door was partially pushed closed, limiting Officer Pino’s movement between the front door on his left and the wall on the right side of the entrance.

¹ “43” refers to a Baker Act or mentally ill person.

Both Gamaly and Richard Hollis continued to yell and scream at each other and at the police from inside the apartment.

As Officer Pino was being squeezed between the partially open door and the wall, Richard Hollis was still trying to block and push the door close. Officer Pino repeatedly ordered Richard Hollis to drop the two large kitchen knives that Richard Hollis was holding to no avail. At one point, Gamaly Hollis stepped out of the kitchen, from Officer Pino's right, and attempted to remove a knife from Richard Hollis' hand while repeatedly telling her son to "drop it." Officer Pino then directed Gamaly Hollis to get out of the way. After a few moments, Gamaly Hollis did cease her attempts to take a knife from Richard Hollis. While this was going on Richard Hollis could be heard screaming, "I don't mind fucking dying, I don't mind fucking dying" and "I'll fight back."

After wedging the front door open with his body, Officer Pino deployed his taser from behind the partially open front door. Richard Hollis was still trying to force the door closed. It is unclear whether the Taser made contact. However, as the taser was cycled, Officer Pino was able to push through the doorway and step into the kitchen located on the right-hand side of the hallway entrance to the apartment. Officer Pino backed into the kitchen, still deploying his taser, with no apparent effect on Richard Hollis. Hollis remained on his feet with a knife in each hand, holding the blades aggressively in front of his body. At that point, with Gamaly Hollis immediately behind him, Officers Blum, Campos, Florian and De Leon standing to his left in the doorway of the apartment and Richard Hollis in front of him brandishing the two (2) knives, Officer Pino had nowhere to go. Richard Hollis had pushed the door shut as he was struck with the Taser and Gamaly Hollis was behind Officer Pino in the kitchen. With the taser having no apparent effect, Officer Pino drew his firearm, a Glock 17, and shot at Richard Hollis at close range. As he fired, Officer Pino backed further into the kitchen, away from Richard Hollis. Officer Pino discharged his firearm five times in close succession. Officer Pino was the only officer inside the apartment at the time of the shooting. After discharging the firearm, Officer Pino continued to order Richard Hollis to drop the knife, as Richard Hollis continued holding on to one of the two knives he had been brandishing.

When Officer Pino began shooting, Richard Hollis was standing, facing Officer Pino. As Hollis was struck he spun to his left, around towards the wall behind the door. After the shooting, Richard Hollis ended up on his knees, facing the left side wall of the entranceway, his back now to Officer Pino with one of the knives beneath him. Once he was down, the MDPD officers on scene secured and removed the knife under his body and began CPR on Richard Hollis. Officers continued CPR until

Miami-Dade Fire Rescue arrived. Richard Hollis was then transported to Kendall Regional Hospital where medical personnel were unable to revive him. On June 16, 2022, an autopsy was performed by Chief Medical Examiner Kenneth Hutchins, who determined the cause of death to be gunshot wounds.

WITNESSES

GAMALY HOLLIS

Gamaly Hollis, the decedent's mother who witnessed the shooting, gave a recorded statement to agents with the Florida Department of Law Enforcement (FDLE) on the evening of the incident. Gamaly Hollis reported that her son had been doing drugs that day and had not slept. She described him as aggressive and "on drugs." Earlier that day, Gamaly Hollis and Richard Hollis had gotten into an argument because Gamaly Hollis had hidden all the knives in the house and Richard Hollis was looking for "his weapons." Gamaly Hollis said she asked a neighbor to call the police. However, as Richard Hollis left before police arrived, she just went to work.

Later the same day, Gamaly Hollis became concerned when her son did not answer his telephone. Gamaly Hollis left work and rushed home, only to find Richard Hollis eating dinner, with two large kitchen knives on the table. Gamaly Hollis said that as she began to argue with her son, he became aggressive, broke his cell phone, then pushed, and struck her. Ms. Hollis stated that her son would not allow her to leave the apartment, so she began screaming for someone to call the police. Gamaly Hollis said that Richard Hollis stood blocking the front door holding the two knives. She further stated that the screaming that officers had heard was Richard Hollis "abusing her." Gamaly Hollis emphasized that Richard Hollis was taking drugs. She also stated that Richard Hollis told her that today was the day police were going to kill him.

In describing the shooting incident, Gamaly Hollis stated that the police broke the door open and that the officer used an electrical weapon on Richard Hollis. She further stated that Richard Hollis then turned his back on the officer and dropped the knives, and that the officer shot Richard Hollis in the back five times.

Gamaly Hollis further stated that the officer who shot Richard Hollis had been to the apartment before and was called "Jamie." She stated that in August or September of 2021, Jamie had responded to the apartment with another officer because Richard Hollis had gotten aggressive with her. Gamaly Hollis asserted that "Jamie" had threatened to kill her son at that time. Gamaly Hollis explained that she had

warned the officers that Richard Hollis carried a BB gun and “Jamie” told her that if Richard Hollis displayed a BB gun, “Jamie” would kill him.

GUILLERMO LANSAS

Various neighbors were also interviewed as part of this investigation. All reported that arguments between Gamaly Hollis and Richard Hollis were common. The next-door neighbor, Guillermo Lansas, reported that arguments were common from the Hollis household and usually caused by Gamaly Hollis confronting Richard Hollis about his drug use. Mr. Lansas claimed that he was concerned for Gamaly Hollis’s safety as Richard Hollis was highly violent towards his mother and used a large amount of drugs. Mr. Lansas reported that he had heard Richard Hollis threaten to kill his mother, Gamaly Hollis, and threaten to get a rifle and kill all the residents of the apartment building. Mr. Lansas claimed that Richard Hollis had threatened him with a knife and that the police were frequently called to the Hollis apartment. Mr. Lansas said that when he heard the gunshots that evening his first thought was that Richard Hollis had finally killed Gamaly Hollis.

PRIOR POLICE RESPONSES TO THE HOLLIS’ APARTMENT

When the initial dispatch was made on the night of June 15, 2022, Officer Pino asked Dispatch to inform the first responding officer, Carle Blum, that the person living in Unit B-312 was a “violent 43 ...not to handle on her own... wait for the other units”. Based upon the statement Officer Pino made to the dispatcher, it appeared that he had familiarity with Richard and Gamaly Hollis and might be aware of instances of violence between them in the past. Therefore, as part of our investigation, we searched to determine whether we could find in the Computer Aided Dispatch (CAD) system any documented contacts between Richard Hollis and Officer Jamie Pino. Although these records are only kept for a limited period of time, we were able to document several prior contacts between Officer Pino, the Hollis’ apartment and Richard Hollis. Our search revealed the following contacts.

On April 5, 2021, Richard Hollis got into a verbal dispute with an elderly neighbor. That verbal dispute escalated into a physical confrontation where Richard Hollis pushed the 88-year-old man to the ground. This incident is documented under Miami Dade Police Department case number PD210405106902. On April 15, 2021, Officer Pino responded to Richard Hollis’s apartment with other officers to arrest him for the April 5, 2021 incident. Richard Hollis began speaking to the officers at the

front door and in an effort to close the door, slammed the door into one of the officers. Officers followed Richard Hollis into the apartment where he resisted arrest and was tased by one of the officers. This incident is documented under Miami Dade Police Department case number PD210415118517.

Further, on October 24, 2021, Officer Pino responded to a call referencing an overdose by Richard Hollis. Officer Pino was advised that the subject posed a safety concern for officers. On December 14, 2021, Gamaly Hollis called 911 to report Richard Hollis overdosing on pills. During that 911 call, a struggle could be heard in the background. During that incident, Dispatch advised that Richard Hollis had a mental condition and that he had taken 15 pills. Officer Pino was in service and was active on the radio on that date. Finally, on January 25, 2022, 911 was called in reference to a female screaming for help where banging and yelling were heard. Officer Pino was dispatched to the Hollis' residence and later went to Kendall Regional in connection with that incident.

BODY WORN CAMERA (BWC)

Our review of the dispatch communications, in conjunction with our review of the BWC footage of the MDPD officers at the scene, reveals the following sequence of events and also provides specific information of various statements that were uttered by the officers, Richard Hollis and his mother, Gamaly Hollis.

Officer Blum arrived at the door of the Hollis residence at 8:23:50 PM and knocks on the door announcing Miami Dade Police. At 8:24:48 Officer Pino is heard over the radio advising that it is a Violent 43 and to wait for other units. At 8:25:35 PM Richard Hollis can be heard saying, "If you don't have a warrant get the fuck out of here now." His mother can be heard pleading with him in the background as he banters with Officer Blum and at 8:25:53, Richard Hollis again tells Officer Blum to, "get the fuck out of here" as Officer Blum repeatedly asks him to "open the door." Over the next few minutes Officer Blum repeatedly asks him to "open the door" and Richard Hollis repeatedly says, "get the fuck out of here." At 8:27:25 Officer Blum says, "you either open the door or I'm going to break the door in. One or the other!" After this statement is made, Gamaly Hollis can be heard pleading with Richard. At 8:29:49 PM she can be heard saying, "help yourself" and then saying in Spanish that he has a knife (cuchillo). At 8:30:28 PM Richard can be heard saying, "Just so the cameras can listen to this I know that society is poisoning people with a lot of chemicals in the food, corn, wheat, soy. I have an allergic condition but I'm not mentally fucking ill...fuck you...I didn't make myself bloody clear...no, you'll take me to the hospital...I'm going to cut myself." In response, at 8:31:03 PM, Officer Blum tells

him, "In your condition and the way you're acting we are going to break this door down." Officer Pino begins kicking the door and the door is forcibly opened at 8:31:27 PM. Following the door opening the sounds of a taser can be heard at 8:31:52 PM, followed by the sound of gunshots at 8:31:56 PM.

Other BWC footage reveals that Officer Pino arrives at the door of the Hollis residence at 8:31:16 PM. Officers Blum, Campos, Florian and De Leon are already present. Upon arrival, Officer Pino is advised that there is a possible knife, and he begins kicking the door in. At 8:31:27 PM Officer Pino is able to breach the door. At 8:31:30 PM Officer Pino can be heard telling Richard Hollis to, "drop the knife" and at 8:31:32 PM a knife can be seen in the bottom of the video sticking out from behind the door, inches from Officer Pino. At 8:31:34 PM Richard Hollis tells Officer Pino "I'll fight back" and Gamaly Hollis is seen approaching Richard Hollis telling her son to "drop it." At 8:31:39 PM Richard Hollis says, "I don't mind fucking dying, I don't mind fucking dying." Richard Hollis at 8:31:48 then starts yelling, "you fucked up, you fucked up". At 8:31:51 PM, Officer Pino can then be seen drawing and discharging his taser. As Officer Pino is cycling his taser he backs into the kitchen, with Gamaly Hollis behind him, and the front door is pushed shut by Richard Hollis. At this point there is nothing separating Officer Pino and Richard Hollis.

At 8:31:54 PM Officer Pino draws his firearm and Richard Hollis can be seen taking an aggressive stance with knives held in both hands. At 8:31:56 PM Officer Pino discharges his firearm five times in rapid succession. Richard Hollis, who was originally facing Officer Pino, falls and turns to his left towards the wall behind the door. At that time, other officers are able to enter the apartment. Richard Hollis is seen on the ground with a knife clearly visible on the floor on his left side. Richard Hollis is given commands not to move and officers look for the second knife. At 8:32:55 PM Officer Blum states, "he has a knife under him." At 8:33:49 PM Officer Pino leaves the apartment.

MEDICAL EXAMINER

An autopsy of Richard Hollis was performed on June 16, 2022, by Chief Medical Examiner Kenneth Hutchins who determined the cause of death to be gunshot wounds. Richard Hollis had six different entrance wounds. Wound A and Wound B perforated his upper right arm, Wound C entered the right side of his abdomen, Wound D entered the right side of his right thigh, Wound E entered on the inside of the left thigh, Wounds F entered the back of his left hand below the thumb and grazed the

fingers of his left hand. The medical examiner's report is consistent with no gunshot wounds from back to front. With the injuries to his hand, the report is also consistent with Richard Hollis holding a knife in his hand at the time the shots were fired. The report contained no mention of any injury consistent with contact by or penetration of taser prongs. All of the Medical Examiner's findings are consistent with what is captured in the video footage of Officer Pino's body worn camera. Richard Hollis' blood was drawn and tested positive for the presence of Cannabinoids, as well as Diphenhydramine, an antihistamine.

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 Pino constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

The undersigned attorneys have reviewed the entire Florida Department of Law Enforcement (FDLE) file regarding the Police Use of Force in this incident. We have also reviewed the sworn statements, crime scene reports, autopsy reports, lab reports, 911 calls, BWC footage and other evidence compiled by FDLE under FDLE case Number MI-27-0191. We find the FDLE summary and report to be complete, thorough and consistent with the witness statements we participated in on the day of the incident as well as consistent with our observations at the scene. We adopt and attach the FDLE report into this memorandum and offer our conclusion based upon the results of our independent review of the evidence.

The relevant and applicable statutes in this situation are Florida Statute 776.012 and Florida Statute 776.05. Section 776.012 Florida Statutes provides: "(2) A person is justified in using or threatening to use deadly force if he or she reasonably believes that using or threatening to use such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony". Further, Section 776.05 Florida Statutes provides: "a

law enforcement officer is justified in the use of any force: (1) Which he or she reasonably believes to be necessary to defend himself or herself or another from bodily harm while making the arrest”.

The only persons inside the apartment at the time of the shooting were Richard Hollis, his mother Gamaly Hollis and Officer Pino. Gamaly Hollis gave a statement. Officer Pino did not. However, we know that portions of Gamaly Hollis’ sworn testimony to the FDLE agents are not true. Specifically, her assertion that Richard Hollis turned his back on Officer Pino and dropped the knives before Officer Pino shot Richard Hollis in the back five times is both, inconsistent with the medical examiner’s report and contradicted by Officer Pino’s body worn camera footage.

Our thorough review of the evidence reveals that once Officer Pino arrives at the Hollis apartment, he hears a number of screaming statements coming from Richard Hollis which include, “I’ll fight back” and, “I don’t mind fucking dying, I don’t mind fucking dying.” When Officer Pino breaches the door, he also becomes aware that Richard Hollis, only a few feet away from him, is brandishing two (2) nine-inch chef knives in an aggressive manner. Richard Hollis refuses the plea of his mother and does not comply with the repeated commands of Officer Pino to drop the knives.

The actions of Richard Hollis in first refusing to drop the knives, and then brandishing the knives at Officer Pino constitute an Aggravated Assault with a Deadly weapon of a Law Enforcement Officer, subjecting Richard Hollis to arrest at that point. Officer Pino discharged his taser in response to the aggressive behavior of the armed and dangerous Richard Hollis. When he realized his taser had no apparent effect on Hollis and after Hollis had shut the front door, there were no more barriers or cover separating Officer Pino from Richard Hollis. It was only at that point that Officer Pino decided to draw and discharge his firearm. Richard Hollis’ statements and actions that night presented a clear threat to Officer Pino and Gamaly Hollis.

As Florida statutes: 1) allow a person to use deadly force if he or she reasonably believes that using such force is necessary to prevent imminent death or great bodily harm to himself or another; and 2) also allows a law enforcement officer to use of any force which the officer reasonably believes to be necessary to defend himself or herself or another from bodily harm while making an arrest, we find that Officer Pino’s use of deadly force in this case was legally justified pursuant to Fla. Stat. 776.012 and 776.05.

Prepared by:

/s/ Suzanne von Paulus

Assistant State Attorney
Suzanne von Paulus

/s/ Cristina Diamond

Assistant State Attorney
Cristina Diamond