

Close-out Memorandum of the
Investigation Regarding
Jerry T. Sanders
May 24, 2022



State Attorney's Office
Eleventh Judicial Circuit
Miami-Dade County
May 17, 2023



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE
State Attorney

DATE: May 16, 2023

FROM: STAFFING/REVIEW TEAM

RE: SAO/Case #: 62/22/05/25/003
Injured: Jerry T. Sanders

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

On May 24, 2022, at about 4:50 P.M., Officers Johnny Brutus and James Fraser of the City of Miami Police Department were dispatched to a home near NW 1st Place and 64th Street after a call from Mrs. Sanders reporting her husband, Jerry Sanders, was attacking her violently. The investigation revealed Jerry Sanders choked his wife with a plastic strap around her neck, poured gasoline on her and caused her to sustain burn injuries from his attempt to set her on fire. Mrs. Sanders fled the home, and her husband chased her down in his Dodge Minivan, rammed her against the chain-link fence and thereafter, repeatedly attempted to run her over. As officers arrived on the scene, Jerry Sanders was seen in his vehicle driving toward Mrs. Sanders again. Officers Johnny Brutus and James Fraser exited their vehicles and attempted to stop Jerry Sanders from striking his wife again with the Minivan. Jerry Sanders struck the front passenger corner of Officer Brutus' car with the Minivan. Officer Fraser gave a loud verbal command to "stop," but Jerry Sanders drove his vehicle directly toward his wife and the officers. Officers Fraser and Brutus discharged their weapons, striking and injuring Jerry Sanders. The facts and investigation are supported by physical evidence, victim and witness statements, home and business surveillance footage, and body worn camera video. Pursuant to F.S. 776.012 and 776.05, we find the officers' use of deadly force in this incident was legally justified.

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

Don L. Horn

Don L. Horn

/s/ Deisy Hernandez

Deisy Hernandez

Stephen K. Talpins

Stephen K. Talpins

Kathleen Hoague

Kathleen Hoague

N. Cuervo

Nilo Cuervo

Christine Zahralban

Christine Zahralban

Approved by State Attorney on this 16th day of May, 2023.

Katherine Fernandez Rundle

KATHERINE FERNANDEZ RUNDLE
State Attorney





INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: 5/2/23

FROM: Elvia Medina Marcus
Natalie Snyder
Assistant State Attorneys

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO case #: 62/22/05/25/003

OFFICERS INVOLVED:	Officer Johnny Brutus – MPD (01-28539) Officer James Fraser – MPD (01-2098)
INJURED	Jerry T. Sanders
INJURIES:	Gunshot wound through left thigh and right arm
DATE & TIME:	May 24, 2022 @ Approximately 4:53 P.M.
LOCATION:	170 NW 64 th St, Miami, FL 33150 (Street)
WEAPONS:	Glock 17 Gen 5 9mm semi-automatic pistol, SN 9MIA3858 - Officer Brutus Glock 17 Gen 5 9mm semi-automatic pistol, SN 9MIA3762 - Officer Fraser Vehicle - Jerry T. Sanders
LEAD:	Special Agent Joseph Romero, FDLE
CASE #	MI-27-0189
SAO CASE #	62/22/05/25/003

FACTUAL SUMMARY

On May 24, 2022, at approximately 4:50 p.m., Officers Johnny Brutus and James Fraser of the City of Miami Police Department were dispatched to a residence located at 170 NW 64th Street after received a call from Deborah Sanders who reported that her husband, Jerry Sanders, was attacking her. Jerry Sanders was in an argument with his wife, Deborah Sanders, and tried to choke her by twisting a plastic strap around her neck. After a struggle, Deborah Sanders was able to get out of the choke hold. Jerry Sanders then poured gasoline on Deborah Sanders. She ran outside the house to try to get away from Jerry Sanders. Jerry Sanders then attempted to set her on fire using a blow torch-like device attached to a propane tank. Deborah Sanders was burned on her arm and back. She was able to get further away from him. Jerry Sanders got into his Black Dodge Minivan and proceeded to run Deborah Sanders over with the van as she stood next to a fence. The van can be seen on video from a near-by business and home surveillance reversing and going forward to hit Deborah Sanders multiple times. The van Jerry Sanders was driving then went around one block and returned to drive toward Deborah Sanders. As officers arrived, Jerry Sanders was seen driving the Black Dodge Minivan toward Deborah Sanders.

Officer Johnny Brutus arrived on scene in a marked Ford Taurus. Officer James Fraser arrived in a marked Ford Explorer. Officer Fraser got out of the car and on foot tried to stop Jerry Sanders' van, attempting to keep the van from hitting Deborah Sanders again. Jerry Sanders made maneuvers as though he was trying to get away, initially driving toward Officer Fraser and causing Officer Fraser to have to jump out of the way to avoid being hit by the van. Then Jerry Sanders turned the van back around toward area where Deborah Sanders and officers were located. While turning around, Jerry Sanders hit the front passenger corner of Officer Brutus's car, and his van stopped in the yard across the street. Officer Fraser can be heard on body worn camera footage yelling at Jerry Sanders to "Stop". Instead of complying with the officer's commands, Jerry Sanders continued to drive his van in the direction of Deborah Sanders and the officers. Officer Fraser can be seen in the body worn camera footage discharging his firearm towards Jerry Sanders, shattering the front driver's side door window. Officer Brutus simultaneously fired his weapon. After shots were fired, the van came to a stop. Officer Fraser ordered Jerry Sanders to exit the van with his hands up. He complied and medical treatment was commenced on Jerry Sanders, initially by officers on scene and later by medical staff at the hospital.

Five casing were found on the scene. The van had at least six strike marks. Shot spotter recorded three (3) rounds at 4:55 p.m. A second shot spotter recorded four (4) rounds at 4:56 p.m. Round count of the officers' weapons showed that Officer Brutus' firearm had two (2) fewer rounds than capacity and Officer Frazier's had eight (8) fewer rounds. Both officers were wearing body worn camera.

There are several videos of the incident from different locations. This includes home surveillance, business surveillance, and body worn camera. The incident began inside the Sanders' home and continued in the street in front of the house. The home has several cameras outside of the home. Officers recovered the DVR from the home after a search pursuant to a warrant and reviewed footage showing Deborah Sanders exiting the home. The footage is consistent with Deborah Sanders' statement and shows her exiting the home with a cell phone in her hand. Jerry Sanders attempted to burn her with the blow torch attached to a propane tank. This attempt to burn her is captured on video from the camera above the front door. As she tried to get away, Jerry Sanders grabbed a red plastic gas container. The gas container caught fire and Jerry Sanders threw it to the ground. Jerry Sanders then entered his car and drove toward Deborah Sanders. Deborah Sanders was standing next to a chain link fence as the van moved back and forth toward Deborah Sanders four (4) times. The footage then shows officers arriving. The footage is consistent with what can be seen in surveillance from a nearby business.

Footage from Midway Food Market on 64th Street and 2nd Avenue was also obtained and shows the interaction between the officers and Jerry Sanders. This footage showed Jerry Sanders' driving pattern, including him driving back and forth toward the female up against the fence, attempting to run her over several times. The footage shows the arrival of Officer Fraser and is consistent with the footage from Officer Fraser's body worn camera and the surveillance footage from the Sanders home. Officer Fraser is observed chasing the van, then drawing his firearm and standing in front of the van, between the van and Deborah Sanders. Officer Brutus can be observed arriving on the scene just east of where the incident was occurring. The van is observed nearly striking Officer Fraser. The van attempted to make a three-point turn and Officer Frasier is observed with his gun drawn toward the van. The van traveled eastbound towards Officer Brutus' vehicle striking the vehicle and veered off to the left while Officer Fraser is observed running behind the van.

Several witnesses were interviewed, including Deborah Sanders' sister Lavondia Bell, who was in the house when the argument began and heard Deborah calling . She saw Jerry Sanders coming into the bedroom with the gas tank and propane tank. Jerry Sanders told Lavondia Bell to get

out of the way. Gasoline was also poured on her. At some point Deborah Sanders was able to get outside. Shortly after, Lavondia Bell came outside. While outside, Lavondia Bell observed Deborah Sanders pinned up between a chain-link fence and Jerry Sanders' van. Detectives also interviewed bystander Carlos Meraz and K. E. (a minor), both of whom lived nearby. K.E. was on a bicycle and stated that Jerry Sanders pointed the blow torch in his direction. Also present was the seven-year-old grandson of Jerry Sanders and Deborah Sanders, K.M. (a minor), who was interviewed at Kristi House. All witness statements were consistent with the video evidence and Deborah Sanders' statement.

Deborah Sanders was brought to the hospital with injuries that included burns to her arm and back, and multiple fractures on her right leg. Jerry Sanders was brought to the hospital with broken right arm from being hit by a bullet and one shot which went through his left thigh. Both remained in stable condition until discharged.

Neither Officer Brutus nor Officer Fraser gave a statement. However, there were statements from the victim and several witnesses, along with the video footage from several angles showing the incident. The statements and videos are generally consistent and have been summarized above. The findings and evidence at the crime scene were consistent with our observations at the scene, the videos, and the statements of the witnesses.

ANALYSIS AND 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 law enforcement 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. The State Attorney's role is to determine whether the actions of Officers Fraser and Brutus 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 (FDLE) Investigative Summary into the Police Use of Force in this incident. We have also reviewed the sworn statements, video surveillance, and other evidence compiled by FDLE under FDLE Case Number MI-27-0189. We find the summary 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 that Investigative Summary hereto and also offer our conclusion based on the results of our investigation and review.

Jerry Sanders attacked Deborah Sanders using physical force, a blow torch-like device, and his van, seriously injuring her. He continued attacking her even after officers arrived and disregarded their orders. When the officers intervened, he almost struck one of them. Officers Fraser and Brutus each fired to save the lives of Deborah Sanders, one another, and to ensure the safety of all in the area of 170 NW 64th Street. 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. 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 the facts of this case we find that the shooting of Jerry Sanders was legally justified pursuant to Florida law.

Prepared by:

/s/ Elvia Medina Marcus

Elvia Medina Marcus
Assistant State Attorney

/s/ Natalie Snyder

Natalie Snyder
Assistant State Attorney