

Close-out Memorandum of the  
Investigation Regarding  
Jeremy Willie Horton  
August 15, 2022



State Attorney's Office  
Eleventh Judicial Circuit  
Miami-Dade County  
June 29, 2023



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE  
State Attorney

DATE: June 27, 2023

FROM: STAFFING/REVIEW TEAM

RE: POLICE SHOOTING CLOSEOUT  
SAO CASE # 62/22/08/15/003  
DECEASED: DETECTIVE ECHAVERRY and  
JEREMY HORTON

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

On August 15, 2022, at about 3:30 PM, two armed black males wearing ski masks committed a robbery at the 911 Food Store in Broward County. The subjects fled the scene in a White Hyundai Sonata, Florida tag JCDYO2 with \$800 in cash. The store clerk called police and reported the vehicle tag number. A BSO robbery detective responded and using LPR technology located the vehicle in Miami Springs. BSO requested assistance from MDPD. Robbery Intervention Detail detectives conducted surveillance, and when they located the vehicle, they attempted to make an investigatory traffic stop. The driver refused to stop, advised the detectives he was armed, and breached the police vehicle perimeters around his vehicle by speeding off. The driver, later identified as Jeremy Horton, lost control of his vehicle, and struck a civilian vehicle with three passengers. Horton then fled the scene on foot while armed, and officers gave chase. Horton discharged his firearm toward the officers, and RID Detective Cesar Echaverry was struck in the head, and later died at the hospital. Detectives Justin Heller 30-7258, Alexei Soto-Caballero 30-6437, and Joseph Rodriguez 30-6607 returned fire. Horton was struck multiple times and pronounced deceased at the scene. Based on the investigation, including the review of all body worn camera footage, the Officers were justified in the use of deadly force pursuant to F.S. 776.012, 776.05, and 776.032.

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

<u>/s/ Deisy Hernandez</u> Deisy Hernandez	<u>N. Cuervo</u> Nilo Cuervo	<u>Kathleen Hoague</u> Kathleen Hoague
<u>Howard Rosen</u> Howard Rosen	<u>Stephen Talpins</u> Stephen Talpins	<u>/s/ Marie Jo Toussaint</u> Marie Jo Toussaint
<u>Christine Zahralban</u> Christine Zahralban		

Approved by State Attorney on this 29 day of June, 2023.

Katherine Fernandez Rundle  
KATHERINE FERNANDEZ RUNDLE  
State Attorney



INTEROFFICE MEMORANDUM

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TO: STAFFING/REVIEW TEAM                      DATE: June 20, 2023

FROM: PATRICIA MULHOLLAND                      RE: POLICE SHOOTING CLOSEOUT MEMO  
ASSISTANT STATE ATTORNEY                      Case: SAO #62/22/08/15/003

SANTIAGO AROCA  
ASSISTANT STATE ATTORNEY

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OFFICERS INVOLVED:	Det. Joseph Rodriguez, MPDP ID #30-6607 Det. Justin Heller, MDPD ID #30-7258 Det. Alexei Soto-Caballero, MDPD ID #30-6437
DECEASED:	Det. Cesar Echaverry MDPD ID #30-6779 (gunshot wound to the head) Jeremy Willie Horton (multiple gunshot wounds)
DATE & TIME:	August 15, 2022, at approximately 8:45 AM
LOCATION:	62 <sup>nd</sup> Street Northwest and 7 <sup>th</sup> Avenue, Miami, Florida
WEAPONS:	.40 mm Taurus millennium handgun, SN: SCT18107 (Horton) Glock 17 SN: BGDD062 (Det. Echaverry) Glock 17 SN: BBPX865 (Det. Heller) Glock 17 SN: RZX097 (Det. Soto-Caballero) Glock 17 SN: BGDD027 (Det Rodriguez)
LEAD:	Special Agent Luis Alvarez, FDLE
CASE #s:	SAO #62/22/08/15/003 and FDLE MI-27-0918

**I. FACTUAL SUMMARY**

On April 21, 2023, the FDLE closed its investigation into the August 15, 2022, fatal shooting of Jeremy Willie Horton that occurred when Horton fired shots at the officers resulting in the death of Detective Echaverry. This memorandum is based on the lead investigator Special Agent Luis Alvarez's case file which includes law enforcement officers' reports, crime scene reports, photographs, Body Worn Camera videos, the ballistics report, the DNA report, the autopsy report and the witnesses' interviews conducted by FDLE during the investigation.

A review of the evidence shows that on August 15, 2022, at about 3:30 PM, two black males wearing full face ski masks and armed with a handgun and a rifle appeared at the 911 Food Store, located at 450 E. Dania Beach Blvd., Dania, Florida. The two subjects demanded money, the store clerk gave them about \$800 and they fled the scene. The store clerk observed that the robbers' getaway car was a white Hyundai Sonata, with Florida tag JCDYO2. The clerk called the police and gave this information to the responding officer, Deputy Broward Sheriff's Office robbery Detective Mark Copley.

Detective Copley placed the tag in the License Plate Reader ("LPR") and investigative efforts indicated that the night before the robbery the vehicle was at a hotel north of the Miami International Airport. The hotel was the Extended Stay America Suites, located at 101 Fairway Drive, Miami Springs. BSO Detective Copley called Miami Dade Police and informed Robbery Intervention Detail ("RID") Detective Justin Heller of this investigative lead. Based on this information, RID detectives went to the Extended Stay of America Suites hotel and found the White Hyundai in the parking lot. The RID detectives conducted surveillance on the vehicle, and after some time, observed an individual enter the vehicle and drive away.

The RID detectives followed the vehicle to 62<sup>nd</sup> Street Northwest and 17<sup>th</sup> Avenue, where the RID detectives conducted an investigative stop of the white Hyundai and ordered the driver, later identified as Jeremy Willie Horton, to exit the car. The BWC videos taken by the RID detectives show that although the officers gave numerous commands to Horton to exit the car, he refused to comply with the commands. In fact, in the BWC audios, Horton is clearly heard saying that he was armed, and he would not exit the vehicle. Horton remained barricaded in the vehicle and encircled by the vehicle of the MDPD RID detectives who conducted the stop. In response to Horton's failure to comply and his threat of being armed, the RID detectives called the MDPD Special Response Team ("SRT").

The BWC videos show that prior to SRT's arrival, Horton breached the encirclement of police vehicles and speed off driving East on NW 62<sup>nd</sup> Street in the white Hyundai. Several RID detectives followed him in their cars, and Horton lost control of his vehicle at the intersection of NW 62<sup>nd</sup> Street and NW 7<sup>th</sup> Avenue. At this intersection, Horton struck a passing vehicle occupied by civilians and then crashed into a light pole. The car impacted was a white 4-door, Honda Accord occupied by three passengers who were transported to a hospital but fortunately did not suffer life threatening injuries.

The crash did not incapacitate Horton, who bailed out of his car and is seen on BWC videos fleeing on foot, southbound on the NW 7<sup>th</sup> Avenue sidewalk, with a firearm in his hand. Three officers gave immediate chase directly behind him yelling commands to stop and drop the firearm. Moments later, other officers arrived at the scene and tried to flank and contain Horton, but he continued running along the facade of the building located at 6145 NW 7<sup>th</sup> Avenue. Suddenly, Horton came into a side entrance to the building and stopped, pointing his gun at the pursuing officers. The BWC videos show that Horton pulled the trigger of his weapon and fired several

shots in the direction of the officers chasing him. One of Horton's bullets struck Miami Dade Police RID Detective Cesar Echaverry in the head, as he was the closest officer. Detective Echaverry immediately fell to the ground mortally wounded. Detectives Heller, Soto-Caballero and Rodriguez returned fire and Horton was struck multiple times and was pronounced deceased at the scene. Within moments, the area was secured, and Det. Cesar Echaverry was transported to the nearest hospital, where he was later pronounced deceased.

## II. EVIDENCE ANALYSIS

### a. POLICE RADIO COMMUNICATIONS

A review of the police radio communications provides a timeline of the incident. On August 15, 2022, at about 3:30 PM a convenience store was robbed in Broward County. The responding law enforcement officers were able to confirm that the robbers fled in a white Hyundai, and they also obtained a tag from the store's clerk. A search for the tag in the LPR system showed that the white Hyundai had been parked around a hotel in Miami Springs, the Extended Stay America Suites on Monday, August 15, 2022, at 1:10 AM (more than fourteen hours before the 911 Food Store robbery). Acting on this investigative lead, the BSO deputies informed MDPD and requested its assistance in locating the white Hyundai.

The recorded police communications indicates, the MDPD RID units observed Horton leaving the Extended Stay America Suites and getting into the white Hyundai at 8:05 PM. Moreover, the communications indicate that the MDPD officers followed the car and stopped it at 8:19 PM. A couple of minutes later, all the officers in the area were informed that Horton was armed and barricaded inside his car. Horton was also heard saying that he would kill the officers.

At 8:34 PM, Sgt. Ortiz, supervisor of the units that stopped Horton, called the SRT unit. Still waiting for SRT to arrive at 8:46 PM, Horton broke the containment and fled East towards I-95. At 8:48 PM, it was reported that Horton had crashed at the intersection of NW 62<sup>nd</sup> Street and NW 7<sup>th</sup> Avenue. At 8:49 PM, it was conveyed that shots had been fired and immediately after, that an officer was down.

**b. BODY WORN CAMERAS**

The Body Worn Cameras (“BWC”) that captured the death of Det. Echaverry and Jeremy Horton are:

**Detective Cesar Echaverry’s BWC** captured the following: The video began at 8:23 PM (EDT-Miami time), with Detective Echaverry driving his vehicle. At 8:25 PM Detective Echaverry arrived at the scene of Horton’s containment. Jeremy Horton was behind the wheel in a white Hyundai Sonata. The car was stopped at 62<sup>nd</sup> Street and NW 17<sup>th</sup> Avenue. The video shows that Detective Echaverry exited his vehicle and took a position behind a white un-marked police vehicle that was directly behind a red un-marked police SUV that was the rear containment vehicle behind Horton’s Hyundai. Detective Echaverry remained in that area until 8:47 PM, when Horton escaped the containment and drove east on NW 62<sup>nd</sup> Street. During the time Detective Echaverry was in position at the containment area, numerous commands were heard, in the background, of officers shouting orders to Horton, requesting that he show his hands, and exit the vehicle. Various radio transmissions and conversations were also heard, concerning the management of the containment.

At 8:45 PM. Detective Echaverry’s BWC video shows that he ran back to his vehicle, after announcing that Horton was breaking the containment. Then, Detective Echaverry entered his car and began to maneuver it, as an officer was heard, on the radio, advising that Horton had not yet broken the containment, but it was imminent that he would, and requested that the dispatcher

advise Miami Police Department that Horton would most likely flee into their jurisdiction. At 8:47 PM, Detective Echaverry began to accelerate his car and a radio transmission was heard, advising that Horton had fled the containment, eastbound on NW 62<sup>nd</sup> Street.

Detective Echaverry continued to drive, as radio transmissions, by an aviation unit, reported the progress of the pursuit, which ultimately ended at NW 62<sup>nd</sup> Street and NW 7<sup>th</sup> Avenue, after Horton collided with a civilian vehicle and came to a stop. The video shows that Detective Echaverry stopped, exited his vehicle at 8:48 PM, and stood within the open-door area of his driver door, where his BWC captured Horton's vehicle stopped, head on, against a light pole, as an unmarked police SUV arrived at the rear of Horton's vehicle and pinned it against the light pole, at 8:48 PM.

At 8:48 PM, the video shows that Horton ran from his vehicle and fled south, on a sidewalk along the west side of a large building, with Detective Echaverry running after him at a short distance. At 8:49 PM gun fire began, and muzzle flash is seen coming from Horton's location, a few yards ahead of Detective Echaverry. After the muzzle flash is observed, Detective Echaverry's movement stopped, and the orientation of his BWC changed, with the camera pointing upward to capture the side of the building and the awning above the sidewalk, as multiple gunshots were heard until 8:49 PM.

At 8:49 PM, Detective Joseph Rodriguez appears in the video, his face was captured looking downward, into Detective Echaverry's BWC. The video shows Detective Rodriguez rendering aid to Detective Echaverry, and the BWC became obscured, but the audio captured communications related to the transport of Detective Echaverry to the hospital. Detective Echaverry's BWC remained on and stopped recording at 12:24 AM on August 16, 2022.



**Detective Justin Heller's BWC captured:** the video began at 8:18 PM, with Detective Heller driving his vehicle and the BWC capturing the dashboard. The audio was activated at 8:19 PM. Detective Heller stopped his vehicle at 8:19 PM and stated, "what do you think?" At 8:19 PM, Sergeant Christian Campo stated, "do it," and Detective Heller accelerated his vehicle as he activated the vehicle's emergency lights, came to an abrupt stop, and exited his vehicle.

After Detective Heller exited his vehicle, he shouted "hands, hands," and the BWC captured the containment of Horton's vehicle from the perspective next to Detective Heller's driver door. Detective Heller's vehicle was the rear containment car, and its front was pressed against the rear of Horton's vehicle. An unmarked white vehicle was in front and perpendicular to Horton's vehicle; a gray unmarked SUV was positioned at an angle next to the driver door of Horton's vehicle; and a marked MDPD patrol vehicle was angled forward against the passenger door of Horton's vehicle.

The vehicle containment continued from 8:19 PM to 8:47 PM. The video does not capture Horton, but the audio recording shows that he was given numerous commands to exit the vehicle and "drop the gun". The video shows that Horton's car made numerous attempts to break the containment by maneuvering his vehicle forward and backward, striking the police vehicles, until he escaped the containment.

At 8:47 PM, Detective Heller re-entered his vehicle when Horton fled from the containment, and at 8:47 PM, an aviation unit advised "we just had him break the containment," according to the audio. After re-entering his vehicle, Detective Heller conducted several short maneuvers, and accelerated rapidly at 8:47 PM. Detective Heller continued to drive and ultimately

ended at NW 62<sup>nd</sup> Street and NW 7<sup>th</sup> Avenue, arriving after Horton had collided with a civilian vehicle and Horton's car came to a stop.

The video shows that Heller exited his vehicle at 8:48 PM. He ran past the rear of his vehicle and stood next to a black unmarked car. The video shows that Detective Heller shouted, "get on the ground." Then, video shows that Detective Heller ran after Horton, on NW 7<sup>th</sup> Avenue, flanking Horton, and shouting commands of "drop the gun".

At 8:49 PM gunshots began, as Horton ran past the south end of the building. Detective Heller's BWC captured Horton, in a crouched position, facing and pointing north, with muzzle flash seen at the point of his extended hand (8:49 PM). The video shows that Detective Heller fired numerous shots from his handgun and Horton fell.

The gunfire ceased at 8:49 PM, and at 8:49 PM Detective Heller's BWC captured Detective Alexei Soto-Caballero and other detectives approaching an area north of Horton, as Detective Heller pointed his weapon in Horton's direction. As Detective Heller maintained his position, radio transmissions, concerning "an officer down," was heard. Detective Heller slowly approached Horton, while giving commands of "drop the gun, man." Horton was unresponsive.

At 8:51 PM, Detective Heller illuminated Horton with the light of his weapon and maintained that position until Detective Soto-Caballero arrived at his side. Horton was placed in handcuffs by additional detectives. At 8:53 PM, a voice was heard saying "he's got a pulse," and Detective Heller stated, "ok start rescue." The video ended at 8:57 PM, while Detective Heller walked towards his vehicle.

**Detective Alexei Soto-Caballero' BWC** began at 8:19 PM with Detective Soto-Caballero driving his vehicle and the BWC capturing the dashboard. Detective Soto-Caballero stopped his vehicle, at 8:19 PM, and exited. Detective Soto-Caballero's BWC captured his involvement in the

containment of Horton's vehicle by placing his marked MDPD patrol vehicle, at an angle, with the left front quarter panel inches from Horton's front passenger door. Detective Soto-Caballero then backed up, opened the right front passenger door of Detective Heller's SUV, and stood within the open door, while pointing his handgun at the rear of Horton's vehicle. The audio was activated at 8:20 PM.

At 8:20 PM, Horton's vehicle moved forward and came to an abrupt stop, striking the front containment vehicle. Detective Heller's vehicle then moved forward, struck the rear of Horton's vehicle, and remained there. At that time, Detective Soto-Caballero re-opened the right front passenger door of Detective Heller's SUV, and stood within the open door, while pointing his handgun at the rear of Horton's vehicle and shouting "let me see your hands."

The vehicle containment continued from 8:19 PM to 8:47 PM, during which Horton, who could not be seen, was given numerous commands to exit the vehicle and "drop the gun," and during which Horton made numerous periodic attempts to break the containment by maneuvering his vehicle forward and backward, striking the containment cars, until Horton escaped the containment.

At 8:47 PM, Detective Soto-Caballero's BWC captured Horton's vehicle escaping the containment, and Detective Soto-Caballero ran and re-entered his car, as Horton fled from the containment and an aviation unit advised "we just had him break the containment." After re-entering his vehicle, Detective Soto-Caballero conducted several short maneuvers, and accelerated rapidly. Detective Soto-Caballero continued to drive and ended at NW 62<sup>nd</sup> Street and NW 7<sup>th</sup> Avenue, after Horton collided with a civilian vehicle and came to a stop.

Detective Soto-Caballero slowed down, stopped on NW 7<sup>th</sup> Avenue, facing south, and exited his vehicle at 8:48 PM. Detective Soto-Caballero moved to the left rear of his marked patrol vehicle, from where, at 8:49 PM, Detective Heller was seen running south, on NW 7<sup>th</sup> Avenue, along the west side of a large building. Detective Soto-Caballero ran south on NW 7<sup>th</sup> Avenue, behind and west of Detective Heller and shouted “gun, gun, gun,” as gunfire erupted (8:49 PM), and Detective Soto-Caballero’s BWC captured Horton crouched, at the south end of the building, facing north, and Detective Heller at the edge of NW 7<sup>th</sup> Avenue, flanking Horton and discharging his handgun. Detective Soto-Caballero’s handgun was in the forefront, aimed at Horton. The BWC captured Detective Soto-Caballero, in the shadow formed by the streetlights, discharging his handgun, numerous times, as he backed further into NW 7<sup>th</sup> Avenue. The gunfire ceased at 8:49 PM, as Detective Soto-Caballero reached cover behind a white civilian vehicle parked in the center of NW 7<sup>th</sup> Avenue.

At 8:49 PM, Detective Soto-Caballero ran to the sidewalk next to the building, where Detective Joseph Rodriguez was leaning over Detective Echaverry, who was on his back and unresponsive. Detective Soto-Caballero cradled Detective Echaverry’s head and voices were heard stating that Detective Echaverry had to be transported immediately. Detective Soto-Caballero assisted in carrying Detective Echaverry to a vehicle.

The vehicle then left, and Detective Soto-Caballero remained on the scene. From that point on, Detective Soto-Caballero provided cover for detectives as they approached Horton and assisted in attending to Horton; he advised that Horton had a pulse and requested fire rescue. The video ended at 8:55 PM.

**c. SOCIAL MEDIA VIDEO**

FDLE conducted an open-source search in social media in reference to this incident. The search offers the following result:

What appears to be a cellphone video taken from the apartment building above the location of the shooting was circulated on various news stations. The video clip circulated was fifty-one (51) seconds long. It captured Horton exiting his vehicle and running south, into the covered sidewalk and out of view, due to an awning over the sidewalk. An officer was seen running parallel to him, on NW 7<sup>th</sup> Avenue. Gunfire erupted and two (2) officers were seen firing handguns, toward the building, as they backed into the roadway. The video then captured officers placing Detective Echaverry into a black SUV, which drove away.

**d. BALLISTICS**

Crime Scene Investigators (“CSI”) found a total of 61 cartridges, projectile fragments and 1 unrecoverable projectile. Out of them, 48 were 9 mm and 3 were .40 caliber cartridges. A .40 mm Taurus millennium handgun, serial number #SCT18107, was recovered by Horton’s body. The gun still had 3 more .40 mm projectiles in its magazine. Horton was wearing, hanging from his neck, a bag in which were found 3 live .40 mm cartridges and a box with 20 live .40 mm cartridges. It was established by ballistics experts that the bullet that hit Det. Echaverry was fired by Horton’s gun. Also, BWC videos show Horton firing his gun at the RID Detectives and hitting Det. Echaverry.

All of the .9mm projectiles were fired by the Glock service weapons of the law enforcement officers, according to the report compiled by expert Arthur Andrade, from the MDPD Forensic Laboratory, Ballistics Section. Mr. Andrade’s conclusions are:

- Detective Heller's service weapon was a Glock 17 with serial number #BBPX865 and fired 13 casings and 12 projectiles recovered.
- The service weapon of Detective Soto-Caballero was a Glock 17 with serial number #RZX097, fired 20 casings and 9 of the rounds were recovered.
- Detective Rodriguez's Glock 17, serial number BGDD027, fired 13 casings and 12 of the projectiles were recovered. There is 1 additional projectile that the expert could not match with total certainty to Det. Rodriguez's weapon, but it looks it was also fired by him.
- Two casings and 1 projectile were fired by the Glock 17, serial number BGDD062, assigned to Det. Echaverry.
- Three casings and 2 caliber .40 projectiles matched the Taurus handgun of Jeremy Horton.
- Five projectiles had no comparison value and could not be matched to any firearm.

**e. AUTOPSY**

On August 19, 2022, Chief Medical Examiner Kenneth Hutchins performed the autopsy of Detective Cesar Echaverry. Dr. Hutchins concluded that the manner of death was a penetrating gunshot wound of the head.

On August 17, 2022, Associate Medical Examiner Dr. Nicholas Barna performed an autopsy on Jeremy Horton's body. Doctor Barna found that Jeremy Horton sustained about 30 gunshot wounds, and Dr. Barna was able to extract 17 projectiles.

### III. 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 Detectives Justin Heller, Joseph Rodriguez and Alexei Soto-Caballero constitute a criminal act and if so, whether it can be proven beyond and to the exclusion of every reasonable doubt.

Florida law provides the use of deadly force is legally justified if:

“[a] person . . . reasonably believes that using or threatening to use [deadly] force is necessary to prevent imminent death or great bodily harm to himself or another or to prevent the imminent commission of a forcible felony.” [A] person who uses or threatens to use deadly force in accordance with this subsection does not have a duty to retreat and has the right to stand his or her ground if the person using or threatening to use the deadly force is not engaged in a criminal activity and is in a place where he or she has a right to be”.

§ 776.012 (2)

Also applicable is Fla. Stat. § 776.05(1), which states:

**Law enforcement officers; use of force in making an arrest. —**

A law enforcement officer, or any person whom the officer has summoned or directed to assist him or her, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. The 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;

and Fla. Stat. § 776.032, Florida's immunity from criminal prosecution and civil action for justifiable use of deadly force (also known as Stand Your Ground). The recommendation of the undersigned is that the actions of the above-mentioned Detectives are legally justified pursuant to Fla. Stats. §§ 776.012, 776.05(1) and 776.032. There was no criminal act committed by Detectives Justin Heller, Joseph Rodriguez or Alexei Soto-Caballero. In addition, there was no criminal act committed by Detective Officer Echaverry before he was shot in the head by Horton.

Applying the law to the facts of the case, it is undisputed that Horton threatened to shoot the officers when the car he drove was stopped by yelling that he would kill them and that he then fled from the police at high speed, crashed into a passing car with civilians, crashed into an utility pole, abandoned the scene of the damage cars accident, continued fleeing on foot with a gun in his hands and finally he started the shoot out that resulted in the death of Detective Echaverry.

Under these circumstances, the Detectives were justified in using deadly force pursuant to § 776.05, which provides that the Detectives did not need to retreat or desist in their efforts to make a lawful arrest, and the law also justifies the use of any force that the Detectives reasonably believed to be necessary to defend themselves from bodily harm or while making the arrest. In this particular case, Horton tried to evade his arrest using deadly force.

Additionally, pursuant to § 776.012 and 776.032 the detectives had no duty to retreat when Horton posed a real and imminent threat to their safety due to a threat of death or great bodily harm or to prevent the imminent commission of a forcible felony. It is also undisputed that Horton was armed and fired his gun towards the detectives, killing one of them. Aggravated assault and murder are forcible felonies. Fl. Stat. 776.08. The BWC videos show that the detectives told Horton to drop the gun and stop multiple times to no avail. In these circumstances, the Detectives may well have believed that using deadly force was necessary to prevent more deaths or great bodily harm.



The statutes clearly provide that the Detectives were authorized to use deadly force, they had no duty to retreat, and they had the right to stand their ground, responding to lethal force with lethal force. Therefore, the officers were legally justified in using deadly force by discharging their weapons, and not subject to criminal prosecution.

Prepared by:

*/s/ Patricia Mulholland*

Patricia Mulholland, Esq.  
Assistant State Attorney

*/s/ Santiago Aroca*

Santiago Aroca, Esq.  
Assistant State Attorney