

Close-out Memorandum of the
Investigation Regarding
Ernesto Battle
June 30, 2022



State Attorney's Office
Eleventh Judicial Circuit
Miami-Dade County
October 18, 2023



INTEROFFICE MEMORANDUM

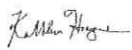
TO: KATHERINE FERNANDEZ RUNDLE DATE: October 17, 2023
State Attorney

FROM: STAFFING/REVIEW TEAM RE: SAO/Case #: 62/22/06/06/001
Deceased: Ernesto Battle


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 6, 2022, at about 6:15 p.m., Ernesto Battle called threatening suicide, and called a second time threatening he would kill someone if police did not respond in ten minutes. Battle provided his address and description. A few minutes later, Officer Franklin Williams located Battle on the sidewalk with what looked like an AR-style assault rifle in his right hand. The weapon was pointed toward the ground and partially concealed by his leg. Officer Williams instructed Battle to put down the weapon, but instead Battle raised it in the direction of Officer Williams. Officer Williams then discharged eleven rounds and struck Battle eight times causing his death. Pursuant to Florida Statutes 776.012 and 776.05, and a review of the evidence, the use of deadly force by Officer Williams is found to be legally justified, and therefore no charges will be filed.

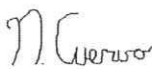
The members of the staffing/review team for this case are:


Kathleen Hoague

/s/ Deisy Hernandez
Deisy Hernandez


Stephen K. Talpins



Howard Rosen


Nilo Cuervo


Christine Zahralban

/s/ Marie Jo Toussaint
Marie Jo Toussaint

Approved by State Attorney on this 18 day of Oct, 2023.


KATHERINE FERNANDEZ RUNDLE
State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: October 17, 2023

FROM: CHRISTOPHER FLANAGAN
ASSISTANT STATE ATTORNEY

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO #62/22/06/06/001

OFFICER INVOLVED:	MDPD OFC. FRANKLIN WILLIAMS ID #30-9797
DECEASED:	ERNESTO BATTLE
INJURIES:	EIGHT GUNSHOT WOUNDS TO THE BODY
DATE & TIME:	MONDAY, JUNE 6, 2022, APPROXIMATELY 6:15 P.M.
LOCATION:	SIDEWALK IN FRONT OF 11356 NW 17 AVENUE, MIAMI, FL
WEAPONS:	GLOCK 17, Gen 5, 9mm Pistol, SN BHGK244 (OFC WILLIAMS) Crossman Corp Air Rifle, Model M4-177 SN 012H05739 (BATTLE) Stainless-Steel Kitchen Knife, approx. 5 inch Blade (BATTLE)
LEAD:	SPECIAL AGENT RICARDO MARTINEZ, FDLE
CASE #:	FDLE Case Number: MI-27-0190
SAO CASE #:	SAO # 62/22/06/06/001

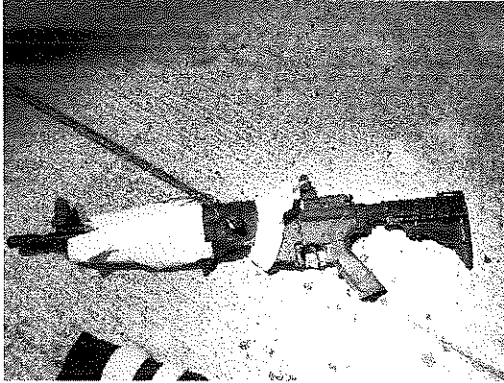
SUMMARY

On June 6, 2022, at approximately 6:15 p.m., Ernesto Battle called [redacted] and advised that he wanted to kill himself. Seconds later, he called back a second time and said he wanted to kill someone, and he further advised that if the police were not there in ten minutes, he would kill someone. During his calls with the 911 operator, he provided his location and stated he was outside wearing a white shirt and black pants waiting for the police.

At approximately, 6:19 p.m., Miami-Dade Police Officer Franklin Williams made contact with a male, later identified as Ernesto Battle, wearing a white shirt and black pants. Per Officer Williams Body Worn Camera, he encountered Mr. Battle on the sidewalk at an approximate distance of 10-15 feet and Mr. Battle can be seen with what appears to be an AR-style assault rifle in his right hand, pointed toward the ground and partially concealed by his leg. Officer Williams loudly, immediately, and deliberately commanded to Mr. Battle, "Put it down!" Subsequently, Mr. Battle raised his left hand to his mouth, in which he appears to have a lit cigarette, took a puff from the cigarette, then promptly raised the apparent assault rifle to a level position in the direction of Officer Williams. Mr. Battle persisted in this course of action despite the fact that Officer Williams had him at gunpoint and had further issued an additional command to put the weapon down, which Mr. Battle ignored.

Officer Williams opened fire the moment Mr. Battle swung the assault rifle upward when he leveled it in Officer Williams' immediate direction. Officer Williams discharged eleven rounds. According to the medical examiner, Mr. Battle was struck eight times, which resulted in damaging his aorta, vena cava, spleen, stomach, liver, both lungs, and femur. Mr. Battle had an elevated ethanol (blood alcohol) level of 0.248.

It should be noted that prior to engaging with Mr. Battle, Officer Williams radioed that he was making contact with the male armed with a rifle, observed that there was apparently no magazine inserted, but advised to use caution (apparently recognizing the danger that the weapon could have a round chambered despite not having a magazine inserted). Finally, it should also be noted that upon inspection of the assault rifle, it was discovered to be an air rifle. The air rifle was wrapped with paper towels and black tape, in an apparent attempt to make it look more like a firearm. Battle was also armed with a stainless-steel kitchen knife that was recovered from his person (see images).



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 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 Police Officer Franklin Williams constituted a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

I have reviewed the Florida Department of Law Enforcement Investigative Summary into the Police Use of Force in this incident. I have also reviewed the sworn statements, crime scene results, ballistics results, surveillance video, body worn camera footage, and other evidence compiled by FDLE under FDLE Case Number MI-27-0190. I find the summary to be complete, thorough, and consistent with the witness statements that I have reviewed. I adopt and attach that Investigative Summary hereto and also offer a conclusion based on the results of the investigation and review.

Officer Williams approached Ernesto Battle while investigating his multiple 911 calls regarding his threat to shoot himself or someone else. Upon approaching Mr. Battle, Officer Williams lawfully issued two commands to Mr. Battle to put the weapon down. Mr. Battle ignored both commands and persisted in swinging the apparent assault rifle upward, which resulted in it

being pointed in the immediate direction of Officer Williams. It appears that Mr. Battle's abrupt action placed Officer Williams in fear of death or great bodily harm to himself.

Section 776.012, Florida Statutes, permits the use of deadly force when a person 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. Further, 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 these statutory provisions I find the shooting by Officer Franklin Williams to be legally justified.

Prepared by:

/s/ Christopher Flanagan

Christopher Flanagan
Assistant State Attorney