

Close-out Memorandum of the  
Investigation Regarding  
**David Egozi**  
December 14, 2022



State Attorney's Office  
Eleventh Judicial Circuit  
Miami-Dade County  
January 16, 2024



INTEROFFICE MEMORANDUM

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TO: KATHERINE FERNANDEZ RUNDLE      DATE: January 16, 2024  
State Attorney




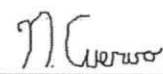
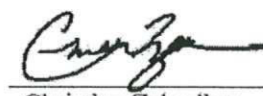
FROM: STAFFING/REVIEW TEAM      RE: SAO/Case #: 62/22/12/14/003  
Deceased: David Egozi

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

On December 14, 2022, at about 2:19 A.M. Officers Andrew Rojas and Christopher Pujadas of the Miami Police Department were dispatched to 2-Midtown Condominiums reference several 911 calls reporting an individual wearing a tactical vest, carrying what appeared to be a rifle or a rifle bag in the lobby of the building. Upon arrival, officers spoke with the front desk attendant and advised the reported individual lived in apartment 1602. Officers responded to the unit, and after knocking three times, David Egozi opened the door and stepped out holding a rifle in both hands. Officers Rojas and Pujadas gave loud verbal commands instructing Egozi to put down the rifle. Egozi refused to comply with the officers' commands. Officers Rojas and Pujadas discharged their weapons, striking Egozi, who retreated into his apartment locking the door. Law enforcement secured the floor, evacuating residents, and attempted to negotiate with Egozi to surrender. At approximately 6:00 A.M., SWAT made a forced entry into the apartment and discovered Egozi, deceased on the floor, with a rifle next to his head. The incident is captured on Body Worn Camera. Pursuant to F.S. 776.012, Officers Pujadas and Rojas were legally justified in the use of deadly force to protect themselves and the community against an individual in possession of a rifle who was disregarding commands to put the weapon down. That is, based on the facts, the known evidence, and the applicable law, no criminal charges should be filed against Officers Pujadas or Officer Rojas as their conduct was legally justified.

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

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

Approved by State Attorney on this 16 day of January, 2024.

  
\_\_\_\_\_  
KATHERINE FERNANDEZ RUNDLE  
State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: January 16, 2024

FROM: PATRICIA MULHOLLAND  
ASSISTANT STATE ATTORNEY

RE: POLICE SHOOTING CLOSEOUT MEMO  
Case: SAO # 62/22/12/14/003

EILEEN KEELEY  
ASSISTANT STATE ATTORNEY

OFFICERS INVOLVED:	Andrew Rojas 001-42051 Miami PD Christopher Pujadas 001-42010 Miami PD
DECEASED:	David Egozi
DATE & TIME:	December 14, 2022, at approximately 2:22am.
LOCATION:	3470 East Coast Avenue, Apt. 1602 Miami FL 33137
WEAPONS:	Glock 17, Gen 5, semi-automatic SN 9MIA3421 (Pujadas) Glock 17, Gen 5, semi-automatic SN 9MIA4178 (Rojas) Rifle SN 110-07417 (David Egozi)
LEAD:	FDLE SA Joseph Romero (report received 11/21/2023)
CASE #:	FDLE MI-27-0209
SAO CASE #:	SAO # 62/22/12/14/003

## I. INTRODUCTION

On November 21, 2023, this office received an Investigative Summary from the Florida Department of Law Enforcement regarding the police involved shooting which resulted in the death of David Egozi. The Investigative Summary is based on the lead investigator, Special Agent Joseph Romero's case file and includes the impressions and facts we collected when we responded to the on-duty call. It also includes responding officers' reports, Crime Scene reports, a review of available videos, the ballistics report; and the review of witnesses' interviews conducted by FDLE during the investigation, among others. The State adopts by reference the investigative summary in the following memorandum.

## II. SUMMARY OF THE FACTS

The evidence shows that on December 14, 2022, at approximately 2:19am, Officers Andrew Rojas and Christopher Pujadas of the Miami Police Department were dispatched to 3470 East Coast Avenue, location of the 2-Midtown Condominiums, reference 911 calls reporting an individual wearing a tactical vest, carrying what appeared to be a rifle or a rifle bag in the lobby of the building. Upon arrival, officers spoke with front desk attendants M M and Dulce Ramon and were advised that the person seen with the rifle or rifle bag lived in apartment 1602. Officers then went to the 16<sup>th</sup> floor and knocked on the door of unit 1602. At the time, both officers had their service firearms out and at the ready. Officers knocked three times prior to getting a response. David Egozi then opened the door and stepped out, shirtless, holding a rifle in both hands. Both Officers Rojas and Pujadas gave loud verbal commands, instructing Egozi to show his hands and put the rifle down. Egozi did not comply and appeared to shift and point the weapon, pointing it in the direction of Officer Pujadas, just before the officers fired. Officer Rojas

discharged his firearm a total of two times while Officer Pujadas fired three shots. Egozi retreated into his apartment, shutting and locking the door. Officer Pujadas then radioed in that shots had been fired, requesting additional officers.

Additional officers, including SWAT officers, arrived on scene. Officers then secured the 16<sup>th</sup> floor, evacuating residents who could be endangered by the barricade situation. SWAT made multiple attempts to contact Egozi, asking repeatedly for him to come out with his hands up. At approximately 6:00am, SWAT made forced entry into the apartment and discovered Egozi, lying supine on the floor of his apartment, with a rifle next to his head. He was pronounced deceased on the scene by Miami Fire Rescue.

### III. CRIME SCENE

The Apartment was secured, and a search warrant was sought and obtained for the premises. The search took place starting at 9:50am. The scene was the hallway located immediately just outside of apartment 1602 as well as the interior of apartment 1602. In the hallway leading up to the apartment door there were five (5) spent 9mm cartridges and a bullet fragment. The door was damaged by the forced entry by SWAT and also had damage from gunshots, consisting of three shots which traveled through the door into apartment 1602, one bullet hole with no exit in the frame of the door, and one bullet hole that traveled through the upper door into the electrical panel located in the apartment.

Inside the apartment, Egozi was located next to the kitchen counter, lying supine, partially leaning on his left side, with his right upper arm covering his face. He was dressed in black pants, white socks, and no shirt, and lying next to his head was a semiautomatic rifle consistent with the one he is seen holding on body worn camera footage during his confrontation with Officers Pujadas and Rojas. Additional bullet holes were found in the west wall behind the electrical box by the

front door and in the far upper kitchen cabinet. Three bullet fragments were located near Egozi's body.

Crime scene did locate an empty rifle box as well as receipts showing that the rifle had been purchased from "Nexus Shooting" on September 16, 2020. However, no ammunition of any kind was located in the apartment, and the rifle upon inspection was unloaded.

Crime scene also recovered a diary and other personal items from the apartment. Police also located suspect cocaine in a cabinet as well as unknown pills in the bedroom

In speaking to the witnesses, police learned that Egozi had reported his vehicle stolen earlier in the day.

#### IV. AUTOPSY

Egozi was pronounced dead on scene by Miami Fire Rescue. Dr. Katherine Kenerson of the Miami Dade County Medical Examiner's office responded to the scene on December 14, 2022. Dr. Kenerson then conducted post-mortem examination of Egozi on December 15, 2022. Dr. Kenerson identified two gunshot wounds, one penetrating gunshot wound to the left chest and another to the left forearm.

In addition, Dr. Kenerson noted that Egozi had scratches and scars on his arms, shoulder and torso. Dr. Kenerson found those injuries to be consistent with being self-inflicted/self-injury. Some of the injuries were fresh, some were older and starting to heal.

A toxicology examination was also conducted on the body, and Egozi tested positive for numerous controlled substances, but Dr. Kenerson found two particularly significant: One, Egozi had an iliac vein blood alcohol level of .180%, more than two times the legal presumption of impairment of .08%. Additionally, Egozi tested positive for cocaine at a significant concentration of .105 mg/L, indicating recent use.

**V. WITNESS STATEMENTS**

A. **M M** was the front desk attendant at the Midrise Condominium buildings and the person who initially called 911 to report a person in the lobby holding a shotgun. Ms. M advised that Dulce Ramon, the front desk attendant for 2 Midtown Condominiums (the incident location), contacted Mr. M to advise she had concerns about Egozi, a resident of the building. Ms. Ramon told him that Egozi was very upset that his car had been stolen and needed to be let up by the front desk to his apartment as his keys had been stolen. Mr. M advised Ms. Ramon to let Egozi go up to his apartment floor as he was a resident and later advised that she should also let a locksmith up as well to get Egozi into his apartment.

At 2:15am, Ms. Ramon ran to Mr. M and told him that Egozi now had a black bag, possibly with a shotgun or a weapon in it, in the lobby. As a result, Mr. M called 911. Mr. M never saw Egozi and did not witness the shooting incident.

B. **Dulce Ramon** advised that she was the front desk attendant starting at 10:52pm on December 13, 2023, and was on duty through the shooting. She advised that Egozi was upset that his vehicle had been stolen and needed a locksmith to let him into his apartment as his keys were also taken. Front desk attendant Alexis Quesada let Egozi and the locksmith, Keith Ramos, up to Egozi's apartment and Mr. Quesada left, having concluded his shift.

At 11:39pm, the locksmith, Mr. Ramos, returned to the lobby and asked Ms. Ramon if she knew Egozi. He advised that he did not feel safe with Egozi as he made odd comments such as "he is a killer" and "there's going to be a lot of blood," and Mr. Ramos was going to his car to get his personal firearm for his safety. Ms. Ramon

advised that Mr. Ramos returned after retrieving his firearm and concluded letting Egozi into his apartment but came down to the lobby again to express concerns about Egozi and to discuss calling the police.

Ramon later saw Egozi enter the main lobby, apparently bleeding slightly from the wrist. He later returned and asked to be let onto the 4<sup>th</sup> floor as he needed access to his vehicle, which confused Ms. Ramon as she thought his vehicle was stolen, but she complied. A short time later, Egozi walked off the elevator carrying a long, skinny duffle bag, wearing a hat. While she did not see a weapon, she walked over to Mr. M's station and advised that she believed they needed to call the police. Mr. M called the police and Ms. Ramon granted the officers access to the 16<sup>th</sup> floor upon their arrival. She did not witness the shooting but did receive various calls from residents reporting that they heard gunshots.

- C. **Keith Ramos** advised he is a locksmith with Quickly Locksmith and received a job on December 14, 2022, to assist Egozi as he was locked out of Unit 1602 at 3470 E. Coast Avenue condominiums. Mr. Ramos spoke with Egozi via telephone, and Egozi advised he would go to a gas station for beer while he waited for Mr. Ramos to arrive. Mr. Ramos met Egozi in the conference room of the main lobby of the building. Egozi had a case of Red Stripe Beers and was wearing a black tactical vest over a long sleeve shirt as well as a hat over a yarmulke. He also had a bulge in his front waistband under his shirt and tactical vest and was sweating profusely. Mr. Ramos also observed scars on the top of Egozi's hands that looked one or two days old.

Egozi advised that "they stole my fucking car" and told Mr. Ramos that his car was stolen from the garage by antisemitic people. Egozi then took Mr. Ramos up to the



16<sup>th</sup> floor to his unit. While Mr. Ramos worked on the door, Egozi made several statements that seemed unusual to Mr. Ramos. When Mr. Ramos told Egozi that he did not want to make too much noise to prevent disturbing the neighbors, Egozi said “fuck the neighbors, they’re fucking Nazis anyway.” He also said, “there’s going to be a civil war real soon.” “There’s going to be a lot of blood on my hands.” “ You’re going to hear about it.” “People like me, we’re fucking killers.” “I hate people. I’m tired of people.” “You have anybody that you have problems with that has been treating you bad lately? I will take care of it for you.” While he was talking, Egozi stood very close to Mr. Ramos, pacing the area.

After hearing the statements, Mr. Ramos told Egozi that he needed to get a drill and went downstairs. He advised Ms. Ramon that Egozi was making strange statements and then went and retrieved his 9mm firearm as he was not comfortable with Egozi. He went back upstairs and unlocked the door to 1602 but did not open it. Egozi paid him for the service and Mr. Ramos left, but not before going back to the front desk and advising Ms. Ramon to be on “high alert” of Egozi. He left at approximately 11:47pm and did not witness the shooting incident.

D. **Brody Shulman** advised he was Egozi’s neighbor, living in apartment 1601. On the evening prior to the shooting, he saw Egozi who was very upset that his car had been stolen. He was wearing a black tactical vest. Mr. Shulman offered to help call a locksmith, but that Egozi was very upset at the antisemitism in the world and declined his help. Mr. Shulman was awakened by the police knocking on Egozi’s door and could hear them asking for Egozi to come out. A few minutes later he heard 3 to 5

gunshots. He did not visually witness the shooting incident. He was later evacuated from his apartment by Miami Police

- E. **Joseph Remy** advised he is a security guard at the 2-Midtown Condominiums where the incident occurred. Mr. Remy was called to the front desk by Ms. Ramon. While he was there, Egozi approached and asked for access to the 16<sup>th</sup> floor. He was wearing a black tactical vest but did not see a weapon. He did escort two Miami Police Department officers to the 16<sup>th</sup> floor (presumably Officers Rojas and Pujadas) but left immediately and did not witness the shooting
- F. An area canvas revealed that residents had heard the gunshots, but no one witnessed the actual shooting or prior confrontation at the door of unit 1602.
- G. **Officers Andrew Rojas and Christopher Pujadas** declined to be interviewed or give a statement as to this investigation.

## VI. VIDEO AND AUDIO EVIDENCE

- A. **Review of body-worn camera footage from Officer Pujadas** showed that Officer Pujadas arrived at the 2-Midtown condominiums and met Officer Rojas at the building. Both officers appear to be in full police uniform, wearing bullet proof vests that also identify them as police officers. They entered the building and met with Ms. Dulce Ramon, who can be heard telling the officers what happened, and that Egozi was carrying a black bag and that he was wearing a black vest with front pouches, and that he was banging on “the window.” (Officer Pujadas does walk away briefly during her explanation.) The Officers were then escorted to the 16<sup>th</sup> floor by security guard Joseph

Remy. During the elevator ride up, Mr. Remy advised that Egozi had been wearing “a bullet proof vest.”

When they arrived on the floor, they approached unit 1602. As they approached, Officer Rojas removed his firearm from his holster. There was loud music emanating from the apartment. At the door, Officer Pujadas knocked on the front door and announced, “Miami Police, can you come to the door?” It can be seen on the body worn footage that Officer Pujadas also had his service pistol in his right hand while at the door. He was also shining a light on the door. Officer Rojas also had a flashlight pointed at the door.

Officer Pujadas waited approximately 20 seconds before knocking a second time, making the same announcement. He then stepped back again to wait, waiting approximately 27 seconds before knocking a third time, saying “Can you come to the door, it’s the police.” Approximately 16 seconds later, as Officer Pujadas approached the door in an apparent attempt to knock a 4<sup>th</sup> time, the door of unit 1602 opened and Egozi appeared, shirtless, holding a black rifle. Officer Pujadas immediately said, “let me see your hands” before apparently seeing the rifle and yelled “hey, hey, let me see your fucking hands, let me see your hands!” Simultaneously, Officer Rojas yelled “put it down!” And then yelled “put it down” again. Egozi does appear to adjust his body in the direction of Officer Pujadas immediately before shots were fired and point the firearm. Approximately 6 seconds after the door opened, both officers discharged their weapons, firing a total of five shots.

When the shots were fired, Egozi, still holding the rifle, retreated back into 1602 and shut the door. The closing is deliberate. The music stopped sometime around the

shooting, and it appears that the lights in the apartment may also have gone off, possibly from the gunshot through the electrical panel. Officer Pujadas then radioed in that shots were fired and that more units were needed. He advised over the radio that he believe that he had struck Egozi "a couple of times" but that the door was closed now, and he had no visual of the subject. Officer Pujadas also shouted "sir!" at the unit door several times but got no response from inside. Officer Pujadas advised over the radio that the officers had not been hit, but the door was closed, and they needed assistance. Officer Pujadas can be heard muttering "fuck" under his breath before being told to relax and to cover the door by Officer Rojas.

Officer Pujadas can then be heard instructing residents to go downstairs. An unidentified officer advised that the whole floor needed to be evacuated and officers started knocking on unit doors. A supervisor then came and asked who shot and removed Officers Rojas and Pujadas from the front of the door. Officer Pujadas then advised the remaining officers at the door that Egozi had a rifle and both officers got into an elevator, leaving the incident location. Officers Pujadas and Rojas then exited the building and the body worn camera footage was terminated.

- B. **Review of body-worn camera footage from Officer Rojas** showed that Officer Rojas arrived at the 2-Midtown condominiums and immediately began to speak with Ms. Ramon. He was joined by Officer Pujadas outside the building. Ms. Ramon advised that the trouble had all started at the beginning of her shift with Egozi. Ms. Ramon advised that she had let a locksmith in, and that the locksmith had come downstairs and told her that Egozi said he was going to "kill a lot of people" and he was a "killer." She advised that Egozi was wearing a "bullet proof vest" and that he

had been banging on the door, and that when he came downstairs, he had blood on his hand and tried to conceal it when Ms. Ramon asked about it. When she saw him again, she “ran out.” Officers Pujadas and Rojas then rode up the elevator with Mr. Remy, who advised that Egozi had a “bullet proof vest” on him but that he did not see any weapons.

Officers Pujadas and Rojas then arrived at unit 1602. Officer Rojas noted a streak of blood on the door. Music emanated from the apartment. Officer Pujadas had his service pistol in his right hand as they approached. When they got to the door, Officer Pujadas knocked on the door, saying, “Miami Police, can you come to the door.” The officers waited approximately 20 seconds before Officer Pujadas knocked again, saying “Miami Police, can you come to the door.” The officers then waited approximately 27 seconds before Officer Pujadas knocked a 3<sup>rd</sup> time, saying “can you come to the door, it’s the police.” Approximately 16 seconds later, Officer Pujadas approached the door again, but the door opened, and Egozi stepped out, holding a black rifle. Officer Pujadas immediately said, “let me see your hands” before saying “hey, hey, let me see your fucking hands, let me see your hands!” Officer Rojas simultaneously said, “put it down” and then “put it down again” before both officers opened fire. Again, approximately 6 seconds passed between when Egozi opened the door and shots were fired.

The music appears to stop sometime during the shooting, and the lights appear to go off in the apartment, possibly from the bullet passing through the electrical panel. Egozi stepped back into the apartment and deliberately shut the door as the shots were being fired. Officer Pujadas then advised that shots were fired over the radio and that

the officers needed additional units. A minute later Officer Pujadas advised over the radio that he believed he needed a unit with a shield, that he believed he had hit Egozi “a couple of times,” but the door was now closed, and he could not see the subject. Officer Pujadas then called out “sir” a couple of times, with no response.

Officer Pujadas appeared upset, and Officer Rojas can be heard telling him to take a step back and just cover the door. Officer Rojas later asked, “you ok, bro?” Both officers remained focused on the door as back-up officers arrived and started taking positions surveilling the door. Officers also started knocking on other unit doors and evacuating residents from the floor. An officer came to the floor and asked who shot. When Officer Rojas advised that they both had shot, Officers Pujadas and Rojas were escorted off the floor. Before leaving, Officer Pujadas advised the arriving officers that Egozi had a rifle. Both officers traveled by elevator back to the lobby and were walked outside the building, where the body worn camera footage terminated.

- C. **Review of SWAT Officer Eric Guzman’s body-worn camera footage** showed SWAT officers arriving and setting up in full tactical gear in the hallway leading from the elevator to unit 1602. Officer Guzman stood behind a ballistic shield and for approximately 23 minutes gave loud verbal commands for Egozi to call 911, to come out without any weapons, or to otherwise give them some sort of sign so that they could provide medical aid. Note, according to Dr. Kenerson, Egozi would have been dead long before Officer Guzman attempted contact with him. During this time, other SWAT officers came down and reported as to the floor plan of the apartment, having apparently gone into Unit 1702 to get the layout for SWAT. (See Officer Ruben Rojas’ body worn camera footage).

About 24 minutes after arriving, the SWAT officers approached the door of 1602, behind a ballistic shield. During the approach Officer Guzman continued to call out to Egozi. The officers approached the door, and two loud bangs can be heard, and then an officer advises “he’s a 45” (code for deceased). SWAT officers then entered the apartment and Egozi’s body is visible on the footage, lying on his back, partially on his side, with the rifle next to his head. The SWAT officers then conducted a preliminary and secondary sweep of the apartment before exiting.

D. **Review of Officer Ruben Rojas’ body worn camera footage** again showed SWAT officers preparing to make entry on the 16<sup>th</sup> floor. After about 9 minutes, Officer Rojas and the other SWAT officers left the 16<sup>th</sup> floor, went up to the 17<sup>th</sup> floor, and knocked on unit 1702 before forcing entry into the unit, which was unoccupied. The officers did a sweep of unit 1702 before returning to the 16<sup>th</sup> floor, where Officer Rojas gave the other SWAT officers a verbal description of the layout of the unit. Officer Rojas then approached unit 1602 with other officers behind a ballistic shield. At the door, officer Rojas discharged a shotgun style weapon twice towards the door lock, and SWAT entered the apartment. An officer indicated that Egozi was a “45” (again meaning deceased). The officers then did a sweep and a secondary sweep of the unit before exiting. Egozi’s body is not visible in Officer Rojas’ footage. The officers do note that the power appears to be out for the apartment at the time of the sweep.

F. **Video surveillance footage from the Condominium building** revealed three channels that captured relevant events:

1. **Channel 2 of the 2-Midtown Condominium security footage** dated December 13, 2022, at 2:21pm captured Egozi getting on the elevator (already occupied by

two other people and a dog). Egozi can be seen wearing a baseball cap that says "SWAT" on it as well as a black vest with pockets that appears to be the tactical vest recovered from his bedroom. Egozi is also carrying a bag that has a black object, possibly the muzzle end of his rifle, protruding from it.

2. **Channel 4 of the 2-Midtown Condominium footage** dated December 14, 2022, at 2:33am showed Egozi approaching the elevators. He can be seen wearing a baseball cap, a black vest with pockets that appears to be the tactical vest recovered from his bedroom and has a bandage on his right hand. Security Officer Remy approached Egozi at which time they both waited for the door to open. When the elevator arrived, Egozi and Remy got in.
3. **Channel 3 of the 2- Midtown Condominium Footage** which is dated December 14, 2022, at 02:33 appears to pick up in the elevator after Egozi entered it. He can be seen entering the elevator and Security Guard Remy pushed the button for the 16<sup>th</sup> floor.

## VII. 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 Officers Pujadas



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

Florida law mandates that use of deadly force by any person is justified if it is done to prevent imminent great bodily harm or death to himself/herself or another. Fla. Stat. 776.012 (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. 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.

The recommendation of the undersigned is that the actions of Officers Pujadas and Rojas in shooting Egozi are legally justified pursuant to 776.012. Applying the law to the facts of the case, Officers Pujadas and Rojas should not result in criminal charges because the use of deadly force is legally justified pursuant to Fla. Stat. 776.012 as the officers were justified in using deadly force when conducting their lawful investigation, having been confronted by a person who presented an imminent threat to the lives and safety of both officers. The evidence shows that the officers were conducting a lawful investigation when they knocked on Egozi's door. The reports from the 911 caller and Ms. Ramon clearly show that the building had a concern that Egozi was acting erratically, that he had made troubling statements referencing violence, that he appeared to be somewhat menacing in his tactical vest and SWAT hat, and that he appeared in the lobby on multiple occasions carrying what appeared to be a rifle or a rifle bag. Officers Rojas and Pujadas were duty bound to further investigate and attempt to make contact with Egozi to ensure he posed no threat to the safety of the residents and employees of the condominium building.

The two body worn camera videos show that Officer Pujadas and Officer Rojas clearly identified themselves as police at the door on three separate occasions. Egozi clearly exited the apartment, carrying a rifle in both hands, knowing that he was going to encounter police outside his door. Officers Pujadas clearly gave loud verbal commands on at least three occasions while Officer Rojas clearly gave commands to put the rifle down. Rather than comply, Egozi continued to hold the rifle in a position where it could be fired and turned his body towards Officer Pujadas prior to the officers' discharging their firearms.

While ultimately it was revealed that Egozi's firearm was unloaded at the time of the incident, and that he did not actually possess any ammunition for the rifle, there was no way for Officers Pujadas and Rojas to know that at the time that they were confronted by Egozi. Egozi had been acting erratically all evening, and his postmortem examination demonstrated that he had consumed alcohol to the point of being nearly double the level of presumption of impairment as well as having recently consumed cocaine.

Under Fla. Stat. § 776.012, the officers were confronted with a situation that was imminently dangerous. Faced with an apparent high powered rifle in the hands of an individual known to the officers to be openly discussing violence and killing as well as banging on things, wearing what was reported to be a bullet proof vest, and having taken the rifle down to the lobby area, the officers were reasonable in their belief that discharging their firearms was necessary to prevent death or great bodily injury to themselves, particularly Officer Pujadas in whose direction the firearm was generally pointed. They also had a reasonable fear as to the safety of the neighbors in the other units given that they were presented with a high-powered rifle that easily could have struck civilians if discharged.

Under Fla. Stat. § 776.012, the actions of officers Pujadas and Rojas were justified to protect themselves and the community around them from the threat posed by an individual who was causing safety concerns for those who he came into contact with and who was in possession of a rifle who was disregarding commands to put the weapon down. In sum, based on the described facts, the known evidence, and the applicable law, no criminal charges should be filed against Officer Pujadas or Officer Rojas as their conduct was legally justified.

Prepared by:

*/s/ Eileen Keeley* \_\_\_\_\_  
Eileen Keeley  
Assistant State Attorney

*/s/ Patricia Mulholland* \_\_\_\_\_  
Patricia Mulholland  
Assistant State Attorney