

Close-out Memorandum of the  
Investigation Regarding  
**Christian Vargas**  
December 10, 2022



State Attorney's Office  
Eleventh Judicial Circuit  
Miami-Dade County  
**April 4, 2024**



INTEROFFICE MEMORANDUM

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TO: KATHERINE FERNANDEZ RUNDLE      DATE: April 3, 2024  
State Attorney

FROM: STAFFING/REVIEW TEAM      RE: SAO/Case #: 62/22/12/10/002  
Injured: Christian Vargas

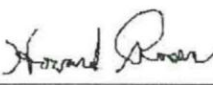

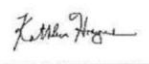
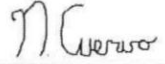
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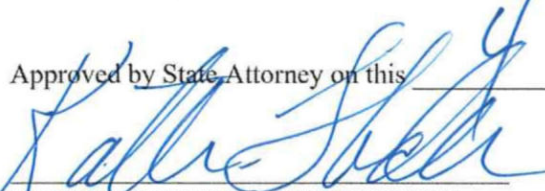
Based on the information obtained and reviewed during the course of the investigation, the conclusion of the staffing/review team is the following:

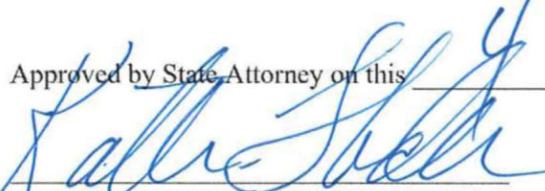
On December 10, 2022, at about 11:34 p.m., MDPD Officers Joaquin Giz, Mykell Moreton and James Bermudez were dispatched to a home after a 911 call. R Vargas, mother of Christian Vargas, called about Baker Acting her son because he was out of control. She indicated he suffered from mental health issues, including and had addiction problems, and that he was armed with a knife, causing her fear that he was going to hurt himself or someone in the family. Officers Giz and Bermudez arrived with minutes and encountered Mr. Vargas, the father, outside the home who advised his son was inside and allowed the officers to enter. The officers called out to C. Vargas and Mrs. Vargas informed them he was upstairs. C. Vargas yelled back several times that he was armed with a gun and knife as he came down the stairs toward police with his left hand behind his back. Officers Giz and Bermudez gave at least fourteen loud commands for C. Vargas to show his hands, but he refused to comply. C. Vargas then turned toward Officer Giz, with his hand still behind his back, and continued to advance toward Officer Giz as both officers continued yelling commands to show his hand. Officer Giz then discharged his firearm one time, striking Christian in the right area of his torso. The incident is captured on Body Worn Camera footage.

After a review of the facts, evidence, and the applicable law, it is determined that the actions of Officer Giz do not constitute a criminal act. Pursuant to F.S. 776.05 and 776.012, Officer Giz was legally justified in the discharge of his weapon.

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	<i>/s/ Marie Jo Toussaint</i> _____ Marie Jo Toussaint

Approved by State Attorney on this  day of April, 2024.

  
KATHERINE FERNANDEZ RUNDLE  
State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: March 26, 2024

FROM: MARI JIMENEZ  
ASSISTANT STATE ATTORNEY

RE: POLICE SHOOTING CLOSEOUT MEMO  
SAO Case # 62/22/12/10/002

OFFICER(S) INVOLVED:	OFFICER JOAQUIN GIZ, MDPD ID # 30-10084
INJURED:	CHRISTIAN VARGAS - ONE GUNSHOT WOUND TO THE CHEST (NON-FATAL-PARALYZED)
DATE & TIME:	DECEMBER 10, 2022 @ APPROXIMATELY 11:34 P.M.
LOCATION:	15020 SW 89 TERRACE ROAD MIAMI, FL
WEAPON:	GLOCK 17, Serial no. BGYH402 (Officer Giz) Knife (Christian Vargas)
LEAD/REPORTS:	FDLE SA RICARDO MARTINEZ
FDLE CASE #:	MI-27-0208
SAO CASE #:	62/22/12/10/002

On December 10, 2022, at approximately 11:34 p.m., R Vargas, the mother of Christian Vargas (hereinafter referred to as "CV"), the person injured in the shooting, called 911 from her residence at 15020 SW 89 terrace, Miami, and advised that she wanted her son Baker Acted because he was out of control. She indicated he had addiction problems, and she didn't know if he was trying to kill himself because he had grabbed a knife. She further stated she and her brother were trying to control him, but it was hard, and that she was afraid that he was going to hurt himself or hurt them.

Ms. Vargas requested a special team because her son, who was twenty-six years old, had

She asked that the units not make noise when arriving because it would make things worse. The operator responded she could not ask the units to 'do that.' When asked if he was being violent and whether he still had the knife, Ms. Vargas responded that she did not know because he was now outside with her husband, CV's dad, and she was outside in the back. The operator asked her to find out, but the call was dropped or disconnected before the question was answered.

Miami-Dade police officers Joaquin Giz and Mykell Moreton were dispatched to the address reference a 26 year old white male that was . Two minutes later, the signal was changed to priority 1 and Officer James Bermudez was dispatched as an additional unit.

At approximately 11:37 p.m. Officers Giz and Bermudez arrived at the location. According to both officers' body worn cameras (BWC), they were met outside by Dennis Vargas, CV's father. The officers asked him if CV still had the knife, but Mr. Vargas' answer is inaudible. All three then proceeded to the front door, which was locked. Mr. Vargas unlocked it and stepped aside to let the officers in.

Officer Giz walked inside the house first, followed by Officer Bermudez and then Mr. Vargas. They proceeded through a short hallway that ends with the kitchen to the left and a staircase to the second floor to the right, opposite the kitchen. Past that point the first floor opens into an open space consisting of the dining room on the left and the living/family room on the right, with no barriers in between.

Officer Giz walked straight ahead just past the staircase, and greeted a female that was in the open living area, while Officer Bermudez went into the kitchen, which is directly opposite the staircase. Officer Giz then turned around towards the stairs area and called out CV by his first name, Christian, while looking up the staircase. CV replied from upstairs that he had a gun, then stated that he had a gun and a knife on at least three occasions-the second time he added something that sounded like 'you all better get the fuck out of here.'

Officer Bermudez was positioned directly across the staircase and his camera shows his arms pointing his service weapon in the direction of the stairs. Officer Giz' camera shows him pointing his service weapon towards the stairwell from the open living area, but since he is past the opening to the staircase, which has a wall dividing it from the living area, his vision of the stairwell is impeded.

The staircase is a switchback style (u-shaped) with a landing in the middle. CV was not visible from the first floor until he said he had a gun and a knife the second time, when he turned around the bend of the stairs and stopped at the landing. He then kept walking down the stairs, saying he was going to shoot the officers (at least twice), and then 'shoot me.' He had his left hand behind him at this time. Officer Bermudez could see CV from his position directly opposite the stairs, but Officer Giz could not see him yet. Both officers yelled, at least fourteen times, at CV to let them see his hands, but CV kept descending the stairs saying no, and 'I ain't going to let you see shit' a number of times.

As CV reached the first floor, he turned sideways from Officer Bermudez and towards Officer Giz. At that point both officers were still shouting at CV to show his hands, and Officer Giz stated, "we don't want to do this." Officer Bermudez put away his service weapon as CV descended the stairs, and took out his taser, pointing it at CV's chest and then at his back when CV turned toward Officer Giz. It was at that point that Officer Bermudez was first able to see that CV indeed was holding a knife behind his back in his left hand. CV kept advancing towards Officer Giz with his left hand still behind his back, causing Officer Giz to back away from him. Officer Giz shot one round at CV when CV got within 6-7 feet of him, hitting CV in the right area of his torso. It appears from Officer Bermudez' BWC that he discharged his taser almost simultaneously, making contact with CV from behind. It should be noted that the shooting happened within one minute (51 seconds) of the officers entering the house.

BWC shows that CV fell forward, almost at Officer Giz' feet. Officer Bermudez indicated in his interview that he deployed his Taser twice, but given how fast the incident developed, it is difficult to gage that from the BWC.

The officers immediately handcuffed CV and started rendering first aid. Officer Moreton, who arrived almost immediately after the shooting, applied a chest seal and continued tending to him until Fire Rescue arrived.

It was determined at the hospital that the sole projectile fired by Officer Giz entered the right side of CV's body and lodged near his spine.

#### WITNESSES

Present inside the house and witnesses to the shooting were CV's father, Dennis Vargas, mother, R Vargas and uncle, Fernando Campos. Two children, an aunt and an older woman were also in the house. The children and the aunt were not eyewitnesses to the shooting, but it is unknown if the older woman witnessed the incident because she was not interviewed.

All three eyewitnesses gave statements to FDLE on the night of the shooting, along with Haziel Campos, one of the children in the house, who did not witness the shooting.

Dennis Vargas stated that CV was a psychiatric patient at Banyan and that he had suffered mental health problems for many years. He described CV as being [redacted] and having severe psychiatric problems. His psychiatrist had prescribed [redacted] which is used to treat [redacted]. He indicated that CV also has been taking [redacted] without prescription, and that he gets the pill from dealers and that it looked like he was abusing the pills. He indicated that all the "sad" episodes they've had have occurred when he abused [redacted].

On the day of the incident, CV asked him sometime after 9:00 p.m. to take him to cash his work check, but he told him it was Saturday so they could not cash it that day. That caused CV to become agitated and 'having his reactions.' The people at Banyan have told them to call Banyan when CV has a crisis, but he got 'blocked' and said 'Plan A' to his wife. He got CV outside the house and had him 'entertained' while the wife called 911, but the police came with sirens and that caused CV to become agitated. CV did not have a knife when they were both outside in the front of the house.



CV ran inside the house when the police arrived, and went up the stairwell to the second floor and got a knife to hurt himself because he did not want to go back, he had been inside a jail too many times.

Mr. Vargas went inside the house with the officers, but CV was hidden in the stairwell. CV came to the landing and had his hand behind him. Then CV came down. Then one shot is fired. He stated it happened 'so fast.'

Mr. Vargas stated that CV did not say that he had a gun or a knife, but his statement is contradicted by both officers' body worn cameras, where CV is clearly heard stating he has a gun and a knife several times.

Mr. Vargas did not see the knife until CV fell on the floor.

R Vargas indicated that CV was in a \_\_\_\_\_ program under the care of a psychiatrist, whom he sees every month or every two months, and that he had problems with

On the day of the incident, sometime around 11:00 p.m., CV was getting agitated and a bit violent because he wanted his father to take him to the bank to cash his check and the father had told him they had to wait till daytime.

She indicated he has had episodes like that before, and that they have Baker Acted him about 3-4 times before. That night he had grabbed a knife from the kitchen, and she was afraid that he would hurt himself, so she went out to the yard to call 911 so they could help her to do a Baker Act.

She told the dispatcher to send officers because her son could hurt himself or others, and to please not turn on the sirens. In the backyard with her was her brother, Fernando Campos, and at some point her sister-in-law came outside with all the kitchen knives so that CV could not access them.

After calling 911 and hearing the sirens she went inside the house. At that time CV was in the staircase but she could not see him because of the wall that separates the stairwell from the open living/dining area. She saw two officers pointing guns in that direction, although she could not see CV. She was nervous and desperate and was telling the officers not to shoot, and her brother grabbed her and turned her around and hugged her, so her back was towards the officers, when she heard 'Pa Pa Pa.' She then turned around and saw her son face down on the floor bleeding. She stated she heard two shots. It should be noted that BWC indicates only one shot was fired.

Her brother turned her around before she could see CV, but she speculates he had to have walked forward because of where he was laying on the floor after being shot.

Fernando Campos, R Vargas' brother, had arrived with his family from Merritt Island that day for an overnight visit. He heard screaming and his nephew (CV) and brother-in-law (Dennis Vargas) arguing about money. Mr. Vargas told CV to calm down and that the bank was closed. He indicated CV has mental problems because of drug addiction and that he suffers from

Mr. Campos indicated CV gets aggressive with the family, and he heard Mr. Vargas say, 'Plan A,' but he did not know what that meant.

His sister (R Vargas) then went outside to call 911. CV said at some point that he knew one of them called the police and he grabbed a knife.

He went outside with his sister and heard the call to 911. At some point he said CV left the knife at the door, and Mr. Campos' wife grabbed all the knives in the kitchen and took them out to the backyard to hide them, because they did not know what CV would do if he had a knife.

When the police arrived he and his sister were still outside, so they went inside the house, and he saw the policeman point a gun at CV. His sister got nervous and said don't shoot him.

The police said, 'show your hand.' He could not see if CV had anything in his hands, but the policeman said 'show your hands' and CV did not obey.

CV then climbed down the stairs with his arms behind him. His sister tried to get in between CV and the officer, so Mr. Campos grabbed her so she would not see what was happening at that moment. His sister's back was then turned towards the officer. He was in front of her, but there were two police officers, and one was in front of him so he could not see, but they were yelling at CV to 'stop and show your hands,' but CV kept walking toward Officer Giz as the Officer backed away from him. CV got very close to the officer, and then they heard "PUM", and CV fell on the floor. He thinks he also heard the sound of the taser being deployed, not only the gunshot.

Mr. Campos indicated that the officer was backing away from CV, but CV was still coming towards the officer, still not showing his hands. That's when he heard the shot and heard the taser too.

He stated he did not remember if CV was saying anything as he was moving towards the officer, only remember the officers saying, 'show your hands' and 'stop.'

Earlier CV had told them 'I know you called the police; I am going to get them; I am ready for them' and grabbed a knife.

Mr. Campos advised that before the police got there CV did not have a knife because he had left the knife somewhere near the entrance of the house, and his wife had gathered all the knives and taken them outside to the back yard because they did not know what he intended to do with the knife.

It should be noted that Mr. Campos' statement was given almost completely in English, which he speaks poorly. Some parts of his statement were hard to understand.

Lastly, the police took the statement of minor Haziel Campos. Haziel, who is Fernando Campos' son, stated that on the night of the incident, around 11:00 p.m., he was in a bedroom inside his uncle Dennis Vargas' house, watching his eight-year old sister, when he heard his uncle Dennis and his cousin Christian arguing outside the residence. He stated that he heard sirens, followed by police arriving. He further stated that he heard an officer state 'show me your hands and drop the weapon.' Seconds later, he heard a 'flare shot,' followed by the sound of his aunt, R Vargas, crying. He stated that he remained inside the bedroom, with his sister, and did not exit until later, when officers escorted him outside the residence.

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

The undersigned attorney has reviewed the entire Florida Department of Law Enforcement (FDLE) file regarding the Police Use of Force in this incident. She has also reviewed the sworn statements, crime scene reports, 911 calls and other evidence compiled by FDLE under FDLE case Number #MI-27-0208. She finds the FDLE summary and report to be complete, thorough and consistent with the witness statements taken on the day of the incident as well as consistent with her observations at the scene. She adopts and attaches the FDLE report into this memorandum and offers her conclusion based upon the results of her 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".

Although Officer Giz did not give a statement, a review of the evidence shows that he responded and entered Christian Vargas' home while investigating information provided to him from dispatch. It is clear that Christian Vargas began the use of lethal force in this confrontation when he repeatedly said he had a gun and a knife, threatened to shoot Officer Giz and Officer Bermudez, and advanced on Officer Giz with an arm behind his back. CV ignored both officers' commands to show his hands at least 14 times, and kept advancing toward Officer Giz in an enclosed area where there were also at least three other adults. The actions of Christian Vargas in refusing to show his hands after stating he had a gun and a knife and threatening to shoot the officers, followed by his continued advance toward Officer Giz, constitute an Assault of a Law Enforcement Officer. Officer Giz discharged his firearm in order to protect himself and/or others in the room from Christian Vargas. Based on these facts and these statutory provisions, undersigned finds the shooting was legally justified under Fla. Stat. 776.012 and 776.05.

Prepared by:

*Mari Jimenez*

Assistant State Attorney