

Close-out Memorandum of the
Investigation Regarding
Jerry Tavaris Anderson
February 16, 2023



State Attorney's Office
Eleventh Judicial Circuit
Miami-Dade County
May 15, 2024



INTEROFFICE MEMORANDUM

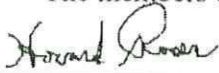

TO: KATHERINE FERNANDEZ RUNDLE DATE: May 8, 2023
 State Attorney

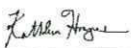
FROM: STAFFING/REVIEW TEAM RE: SAO/Case #: 62/23/02/16/001
 Deceased: Jerry Tavaris Anderson

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

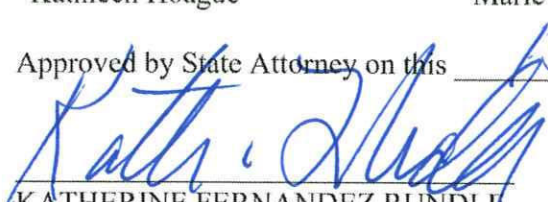
On February 15, 2023, at about 7:57 P.M. J. A. A. called 911 to report his son, Jerry Tavaris Anderson (hereinafter Anderson), was acting erratically, suffered from mental illness, and had previously been Baker Acted. At 8:48 P.M., Mr. J.A. A. called 911 again indicating it had been over 30 minutes and police have not arrived, and a third 911 call was made at 9:43 P.M. by A. A. Anderson's brother, who now reported his brother was inside the house with a firearm. A fourth 911 call was made at 10:19 P.M. by Mr. J.A. A. to report his son had pointed a black firearm at his brother. Officer Fulmore was dispatched to the residence and encountered the 911 callers who indicated Anderson was armed inside the home. Officers Fulmore and Johnson made entry and gave several commands for Anderson to come out but there was no response. The officers exited to await the assistance of additional officers, and later several officers reentered the home using a ballistic shield, made additional commands for Anderson to come out, but again no response. At about 11:30 P.M., the MDPD Special Response Team (SRT) was dispatched to the scene. Officer Mercedes Thompson, a hostage negotiator, attempted to make contact with Anderson for three hours, but there was no response. A robot equipped with a camera to locate Anderson in the home was deployed, and a Bearcat battering ram was used to break a bedroom window to obtain a visual of Anderson. Officer Vega indicated "I see the suspect with a gun," yelled "let me see your hands" several times and stated "he's holding the gun" several times. Officer Vega discharged his rifle, Anderson was struck and pronounced deceased on scene. Officer Vega's BWC captured the incident. A black Smith & Wesson firearm was located next to Anderson's body. Pursuant to F.S. 776.05 and 776.012, under these facts, Officer Vega was legally justified in the use of deadly force.

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

 _____	<i>/s/ Deisy Hernandez</i> _____	 _____
Howard Rosen	Deisy Hernandez	Stephen K. Talpins

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

Approved by State Attorney on this 15 day of May, 2024.



 KATHERINE FERNANDEZ RUNDLE
 State Attorney



INTEROFFICE MEMORANDUM

TO: Police Involved Shooting Committee

DATE: May 7, 2024

FROM: Nilo A. Cuervo
Assistant State Attorney

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO Case #62/23/02/16/001

OFFICER INVOLVED:	Ofc. Jorge Vega, Miami-Dade Police Department, ID # 5680
DECEASED:	Jerry Tavaris Anderson
DATE & TIME:	February 16, 2023, at 3:36 a.m.
LOCATION:	1396 NW 102 Street, Apartment 2A, Miami, FL 33147
WEAPONS:	Colt Rifle, M4, .300 BLK, serial #AO197986 (Ofc. Vega) Smith & Wesson M&P Shield, 9mm, serial #HKM3323 (Anderson)
LEAD/REPORTS:	FDLE SA Joseph Romero / Report Received March 28, 2024
CASE #:	MI-27-0215
SAO CASE #:	62/23/02/16/001

CASE SUMMARY

On Tuesday, February 15, 2023, at 7:57 p.m., J A A (hereinafter “decedent’s father”) called 911 to report that he just returned to his home located at 1396 NW 102 Street, after going to the grocery store. When he arrived home his son, Jerry T. Anderson (hereinafter “decedent”), was acting “weird” which concerned him because his son is “mentally challenged” and has previously been “Baker Acted.” He requested for police to respond to his home because he is concerned. Mr. A did not report any violent conduct by the decedent during this call. At 8:48 p.m., Mr. A made a second call to 911 and again reported that his son has “mental issues” and that it has been over 30 minutes since his last 911 call and police have not arrived. The 911 operator informed Mr. A that this is the next call to be dispatched. A third 911 call was made at 9:43 p.m. by A A (hereinafter “decedent’s brother”) who reported that his brother is inside the house with a gun. He further reported that he and his father are outside of the house waiting for police. A fourth and final 911 call was made at 10:19 p.m. by the decedent’s father to report that the decedent had pointed a black firearm at his brother. He further told the dispatcher that he has cameras inside the house which show the decedent pointing a black firearm towards the front door.

Ofc. Robert Fulmore, who is assigned as a patrol officer in the Northside District, was dispatched to the residence in reference to an assault involving a firearm and was the first officer to arrive on scene. Upon arrival, Ofc. Fulmore made contact with the decedent’s father and brother who both reported that the decedent is inside the house with a gun. At that point, Ofc. Fulmore and Ofc. Alexis Johnson (who arrived shortly after Ofc. Fulmore) entered the home and made several commands for the decedent to come out, but there was no response, so both officers exited the home to await the assistance of additional officers. Once more back-up units arrived, Ofc. Fulmore, Ofc. Johnson and other officers entered the home using a ballistic shield. Again, they made commands for the decedent to come out, to no avail.

At approximately 11:30 p.m., the MDPD Special Response Team (“SRT”) was dispatched to the scene. SRT deployed two teams, consisting of a total of 24 officers. SRT Lt. Luis Sierra assumed operational command and was responsible for assigning specific tasks to each SRT officer. SRT Officer Spencer Perez was assigned to drive the SRT tactical vehicle known as the “Bearcat.” Ofc. Jorge Vega was assigned to the turret of the Bearcat. The turret is a round bullet-proof cylinder located on top of the Bearcat which rotates to provide 360-degree view from a protected position.

While SRT officers were tactically positioning themselves, Ofc. Mercedes Thompson, MDPD Hostage Negotiator, attempted to make contact with the decedent using a public address (“PA”) system

for approximately three hours, but there was no response from the decedent. At the same time, MDPD Bomb Squad members deployed a robot equipped with a camera to enter and search the house and confirmed that the decedent's bedroom door was locked and likely barricaded from the inside. At that point, the decision was made to use the Bearcat's battering ram to break the window of the decedent's bedroom in order to obtain a visual of the decedent.

Shortly after the window was broken, at approximately 3:36 a.m., Ofc. Vega, who is positioned in the turret, is heard saying "I see the suspect with a gun." He then yells "let me see your hands" several times. Immediately after yelling those commands, Ofc. Vega then says "he's holding the gun" several times. Within seconds of that, Ofc. Vega fires five shots using his police-issued rifle. Ofc. Vega's entire role in this case is captured by his body-worn camera (BWC).

Moments after the shooting, MDPD SRT units entered the home and found the decedent unresponsive laying on the bed in a supine position. Miami-Dade Fire Rescue Tactical Medic Romulo Reyes entered the bedroom to render aid but was not able to find a pulse and confirmed that the decedent was deceased. TM Romulo observed several gunshot wounds to the abdomen and right flank. SRT officers also observed a black Smith & Wesson firearm next to the decedent.

On February 17, 2023, an autopsy of the decedent was conducted by Dr. Nichola Barna, Associate Medical Examiner. Dr. Barna concluded that the cause of death was "multiple gunshot wounds."

VIDEO

The decedent's father provided FDLE with a 17 second video (no audio) which depicts the defendant standing in a hallway pointing a black firearm towards the front door of the residence at 8:16 p.m.

CRIME SCENE EVIDENCE AND ANALYSIS

MDPD Crime Scene Units impounded the following evidence:

- One Colt Rifle, M4, .300 BLK, serial #AO197986, recovered from Ofc. Vega
- Five spent .300 BLK casings from the interior of the Bearcat
- One Smith & Wesson M&P Shield, 9mm, serial #HKM3323, recovered next to the decedent on the bed
- DNA swabs from of the Smith & Wesson M&P Shield
- DNA swab of the decedent.

MDPD Criminalist Angela Garvin concluded that the five spent .300 BLK casings could have been fired from the Colt Rifle based on class characteristics; however, damage to the casings precluded a more conclusive finding.

MDPD Criminalist Jonathan K. Lawrence concluded

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 Ofc. Jorge Vega constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt. In this case I have reviewed the Use of Force Investigation report by FDLE Case Agent Joseph Romero, along with its related items including, but not limited to, crime scene photos, 911 calls, body-worn camera footage, ballistics evidence and video from the home. I find the FDLE summary and report to be complete and thorough. The FDLE report is adopted and incorporated with this memorandum.

Florida Statute 776.05 provides that: "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 him or herself or another from bodily harm while making the arrest."

In addition, Florida Statute 776.012(2) permits the use of deadly force when a person (whether law enforcement or not) believes such force is necessary to prevent the imminent death or great bodily harm to himself or another or to prevent the commission of a forcible felony. The Statute further states that "(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..." Fla. Stat. Sec. 776.012(2).

After a review of the facts and applicable law, the State Attorney's Office determines that the actions of Ofc. Jorge Vega do not constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt. Further, the State Attorney's Office determines that the shooting was legally justified under Fla. Stat. 776.05. The decedent pointed a gun at his brother, then barricaded himself in his bedroom armed with a Smith & Wesson firearm. At one point, the decedent walked out of his room and into the hallway and pointed the firearm towards the front door, then again barricaded himself in his bedroom. After several hours, during which attempts were made by hostage negotiators to convince the decedent to come outside, the decedent pointed the gun towards SRT officers that were positioned outside of the bedroom window. At that point, Ofc. Vega fired five rounds, striking the decedent. Based on the totality of the circumstances, the shooting of the decedent was legally justified.

Prepared by:

/s/ Nilo A. Cuervo

Nilo A. Cuervo
Assistant State Attorney