

Close-out Memorandum of the  
Investigation Regarding  
**Axel Ordonez Diaz**  
**January 5, 2023**



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



INTEROFFICE MEMORANDUM

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TO: KATHERINE FERNANDEZ RUNDLE      DATE: June 4, 2024  
State Attorney

FROM: STAFFING/REVIEW TEAM      RE: SAO/Case #: 62/23/01/05/001  
Injured: Axel Ordonez Diaz

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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 January 5, 2023, at about 11:02 P.M., several calls came into 911 about a male attacking a female with a knife. Police were dispatched to the scene, and a female victim was found lying on the street suffering from multiple stab wounds and bleeding profusely. The victim was later pronounced deceased. Officer Arreola arrived on the scene, exited his police vehicle, and approached Axel Ordonez Diaz who was coming from the area the female victim was discovered. Officer Arreola yelled "let me see your hands" while backing up from his vehicle and pointing his firearm at Diaz. In response, Diaz raised his right arm and continued to walk towards Officer Arreola. After yelling "let me see your hands" a second time, Officer Arreola discharged his firearm multiple times while moving backwards. Diaz continued to advance towards Officer Arreola. Officer Arreola then discharged his weapon again until Diaz fell to the ground. Diaz was handcuffed and transported to the hospital where he was successfully treated. This incident was captured on Officer Arreola's body-worn camera. After a thorough review of the facts, evidence, and law, pursuant to Florida Statutes 776.12 and 776.05, the actions of Officer Arreola are found to be legally justified and thus no criminal charges will be filed for the use of deadly force in this case.

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

Howard Rosen

*/s/ Deisy Hernandez*

Deisy Hernandez

Stephen K. Talpins

Kathleen Hoague

Nilo Cuervo

*/s/ Marie Jo Toussaint*

Marie Jo Toussaint

Approved by State Attorney on this 7 day of June, 2024.

KATHERINE FERNANDEZ RUNDLE  
State Attorney





INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: June 4, 2024

FROM: Scott Warfman  
Assistant State Attorney

RE: POLICE SHOOTING CLOSEOUT MEMO  
SAO Case # 62/23/01/05/001

Alexandria Hunter  
Assistant State Attorney

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|-------------------|--|
| OFFICER INVOLVED: | Michael Arreola, Miami-Dade Police Department, ID # 10035  |
| INJURED:          | Axel Ordonez Diaz  |
| DATE & TIME:      | January 5, 2023, at 11:10 p.m.   |
| LOCATION:         | SW 123 <sup>rd</sup> Avenue and SW 200 Terrace Miami, FL   |
| WEAPONS:          | Glock, Model 17, semi-automatic pistol, SN BGYH404 (Ofc Arreola)<br><br>Two (2) Folding Knives (Axel Ordonez Diaz) |
| LEAD/REPORTS:     | Special Agent Ricardo Martinez / January 9, 2024   |
| CASE #:           | FDLE MI-27-0210  |
| SAO CASE #:       | #62/23/01/05/001   |

### **SUMMARY OF FACTS**

On Thursday January 5, 2023, at approximately 11:03 p.m., units from the Miami-Dade Police Department were dispatched to 12306 SW 200 Terrace, Miami, Florida in reference to a white male (hereinafter “Diaz”) beating a female (later identified as homicide victim Ordonez) inside a white Honda. The woman was discovered unresponsive laying on the street suffering from multiple stab wounds and bleeding profusely. Officer Michael Arreola was the first responding officer on scene and arrived alone in his marked police vehicle. At the time, Officer Arreola was wearing his assigned Miami-Dade Police Department uniform along with a cap marked Miami-Dade Police. Officer Arreola’s body worn camera was functional and recording at the time of his encounter with Diaz.

### **EVIDENCE ANALYSIS**

#### 1. 911 Calls

Several calls were placed to 911 beginning around 11:02 p.m. in reference to the underlying incident. One of the first calls was made by a female caller advising that a man was hitting a woman in a white Honda near 20024 SW 123<sup>rd</sup> Avenue. The caller provided the license plate number of the vehicle, explained that the man was Hispanic, and that he was hurting the female badly. At 11:04 p.m., a caller advised that a male was fighting with a female and was armed with a knife. Another caller advised that the male (Diaz) subsequently re-entered the white Honda and crashed into another car parked in a neighboring driveway. Multiple callers believed the woman to be severely injured if not dead. Diaz exited the white Honda after the crash and walked back to where the female victim was laying on the roadway.

#### 2. Surveillance Videos and Body Worn Camera

The encounter between Officer Arreola and Diaz was captured in its entirety by video surveillance cameras from multiple residences in the neighborhood and Officer Arreola’s body worn camera. Officer Arreola can be seen arriving at approximately 11:10 p.m. and immediately exiting the driver’s side of his police vehicle. Diaz can be seen approaching Officer Arreola’s police vehicle from the front and heading towards the driver’s side. Diaz was coming from the location where homicide victim Ordonez’s body was discovered on the roadway. Officer Arreola yells “let me see your hands” while backing up from his police car and pointing his firearm at Diaz. Diaz raises his right arm and continues to walk towards Officer Arreola. After yelling “let

me see your hands” a second time, Officer Arreola discharges his firearm multiple times while moving backwards into a neighboring driveway as Diaz continues advancing towards Officer Arreola. Officer Arreola continues to discharge his firearm at Diaz until Diaz falls onto the road behind Officer Arreola’s marked police vehicle. Diaz survived.

### 3. Crime Scene

#### a. Homicide Victim Ordonez

In the roadway in front of 12306 SW 200<sup>th</sup> Terrace, deceased female victim Ordonez was laying on her back with multiple stab injuries and her blouse drenched in blood.

#### b. Vehicle crash

In the roadway in front of 20023 SW 123<sup>rd</sup> Avenue, was vehicle #1, a white Honda Accord and vehicle #2, a gray Honda Pilot (SUV). Vehicle #1 sustained severe front-end damage, with all interior airbags deployed. Blood was noted on the driver’s seat. Two (2) folding knives were found inside the vehicle, including a bloodstained Smith & Wesson folding knife found on the right front floorboard (see below, DNA Analysis).

Vehicle #2 sustained severe front driver’s side quarter panel damage, and several interior airbags were deployed. The front windshield on the passenger side was shattered.

#### c. Officer Arreola’s police vehicle and casings

In the roadway in front of 20018 SW 123<sup>rd</sup> Avenue was Officer Arreola’s police car and the site where he discharged his weapon. Fourteen (14) spent 9mm casings were found in this area. All of these casings were identified as having been fired from Officer Arreola’s duty weapon. Several bullet strikes were noted about the police vehicle. In front of the police car was a black Husky flashlight that may have been held by Diaz. This was in Diaz’s path of travel as he approached Officer Arreola.

### 4. DNA & Fingerprints

Swabs from the folding knife blade, identified as Exhibit 4.1 in the DNA report,

As to fingerprint evidence, no latents of value were developed from the Smith & Wesson folding knife used in the homicide.

### **LEGAL ANALYSIS & 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 Arreola can constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

We have reviewed the Florida Department of Law Enforcement case file and Miami-Dade Police Department reports regarding this incident. Officer Arreola declined to provide a sworn statement. We have also reviewed surveillance videos, Officer Arreola's body worn camera, other civilian and officer statements, crime scene reports, 911 calls, radio dispatch recordings, and other evidence collected by the Miami-Dade Police Department under Case Number PD230105005968. We find the reports to be complete, thorough, and consistent with the witness statements and the video evidence as well as consistent with our observations at the scene. We adopt and attach those reports hereto and offer our conclusion based on the results of our investigation and review.

Section 776.012, Florida Statutes, permits the use of deadly force when a person reasonably 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 reasonably believes is necessary to defend himself or another from bodily harm while making an arrest.

Based on a review of the law and evidence, primarily the video footage of the incident, Diaz, who had just committed a homicide, was advancing toward Officer Arreola. Despite several commands by Officer Arreola who yelled “let me see your hands,” Diaz continued to advance toward Officer Arreola from the front of the police car toward the back, until he was shot by Officer Arreola and fell to the ground. Pursuant to Florida Statutes 776.012 and 776.05, Officer Arreola’s use of deadly force was legally justified.

Prepared by:

*/s/ Scott Warfman*

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Scott Warfman  
Assistant State Attorney

*/s/ Alexandria Hunter*

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Alexandria Hunter  
Assistant State Attorney