

Close-out Memorandum of the
Investigation Regarding
M.A. (a minor)
November 14, 2023



State Attorney's Office
Eleventh Judicial Circuit
Miami-Dade County
August 20, 2024



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE
State Attorney

DATE: August 12, 2024

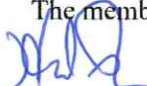
FROM: STAFFING/REVIEW TEAM

RE: SAO Case #: 62/23/11/14/001
Injured: M.A. (a minor)

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

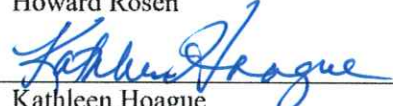
On November 14, 2023, at approximately 2:20 P.M. 911 received a call from the father of M.A (a minor) reporting his son was home with his mother very depressed from a breakup with his girlfriend. The caller indicated he was concerned his son may attempted suicide by drug overdose because his son sounded "drugged." Miami Fire Rescue was dispatched to the home as was City of Miami Officer Dominguez. Upon arrival, M.A.'s mother gave consent for Fire Rescue and police to enter the home. M.A. exited his room, and Officer Dominguez inquired if he had consumed any drugs or alcohol. M.A. responded he had not and "was just sleepy." Fire Rescue Lt. Cortez asked if he could take his blood pressure, and M.A. agreed. Officer Dominguez asked M.A. why he was not in school, and M.A. became aggravated, ripped off the blood pressure cuff, and proceeded down the hallway back into his bedroom. Moments later, Lt. Cortez heard what sounded like clicking noises from a firearm coming from the bedroom hallway. M.A. walked alongside the hallway wall concealing something behind his back. Officer Dominguez yelled, "let me see your hands," but M.A. failed to comply and instead raised his right hand and said, "I'm going to fucking kill..." In his right-hand M.A. held what appeared to be a firearm, but later was discovered to be a Glock 17 airsoft pistol. Officer Dominguez fired two shots, striking M.A. once on the right side of his chest. Fortunately, M.A. survived the injury with medical intervention. The entire incident is captured on body-worn camera. Pursuant to Florida Statutes 776.012 and 776.05, and a review of the facts and law in this case, Officer Christopher Dominguez' use of deadly force was legally justified.

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


Jose Arrojo

/s/ Marie Jo Toussaint
Marie Jo Toussaint

Approved by State Attorney on this 20 day of August, 2024.


KATHERINE FERNANDEZ RUNDLE
State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: August 8, 2024

FROM: Jared Gass
Assistant State Attorney

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO Case # 62/23/11/14/001

Justin Funck
Assistant State Attorney

OFFICER INVOLVED:	Christopher Dominguez, 01-43594, City of Miami Police Department
INJURED:	M.A. (a minor)
DATE & TIME:	November 14, 2023 approximately 2:40 P.M.
LOCATION:	16 th block of SW 19th Terrace in the City of Miami (private residence)
WEAPONS:	Glock 17, Gen5, S/N 9MIA3301 (Ofc. Dominguez) Glock 17 – GBB airsoft gun cal. 6mm BB (M.A.)
LEAD/REPORTS:	FDLE SA Luis Alvarez / received reports May 6, 2024
CASE #:	FDLE MI-27-0235
SAO CASE #:	#62/23/11/14/001

SUMMARY OF FACTS

On Tuesday, November 14, 2023, at approximately 2:20 p.m., Miami Fire Rescue received a 911 call from M.A., Sr., who identified himself as the father of M.A, Jr., a minor, hereinafter M.A. The caller gave his home address, and indicated he was presently in Costa Rica on business. He reported that M.A. left school in an Uber at 9:00 a.m. He believed that M.A. was despondent after a recent breakup with a girlfriend and was concerned that M.A might have attempted suicide by drug overdose as he sounded “drugged.” M.A.’s mother, E.A., was in the house with him, but the caller stated she was afraid to call 911.

Miami Fire Rescue was dispatched to the residence and City of Miami Officer Christopher Dominguez was assigned as the primary unit to assist. Officer Dominguez was wearing a “Class B” Miami Police Department uniform with MPD patches on both sleeves and blue pants. His body worn camera was functional and recorded the entirety of the incident.

Officer Dominguez arrived at the residence at 2:36 p.m. and knocked on the door along with Miami Fire Rescue Lt. Jerrett Cortez. They were greeted by M.A.’s mother, who gave Officer Dominguez and Lt. Cortez permission to enter the residence. She stated that M.A. is in his room but would not come out. As they entered the house the BWC captured M.A walking out from the back hallway toward them, wearing red shorts but no shirt or shoes. Officer Dominguez had a brief conversation with him, asking if he had consumed any drugs or alcohol. M.A. responded that he had not and “was just sleepy.” A little after 2:38 p.m., Lt. Cortez asked M.A. if they could take his blood pressure. M.A. agreed and sat on the couch for the blood pressure cuff to be placed on his left arm. Approximately twenty (20) seconds later, Officer Dominguez asked M.A. why he was not in school. M.A. became aggravated, ripped off the blood pressure cuff, and proceeded down the hallway to his room.

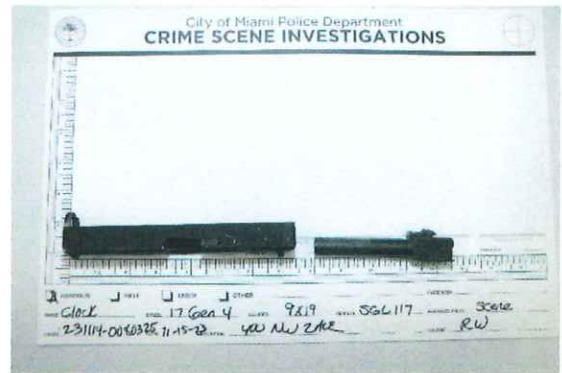
Officer Dominguez then spoke with M.A.’s mother. Lt. Cortez looked toward the hallway where the bedrooms are and said that he is hearing clicking noises coming from the bedroom hallway. Lt. Cortez then moved out of sight of the BWC. At 2:40 p.m., M.A. emerged after Officer Dominguez called out to him. M.A. was still wearing only the same pair of red shorts. As M.A. walked alongside of the hallway wall with his hands behind his back, he used the wall to help shield the right side of his body from Officer Dominguez’s view. Officer Dominguez’s BWC captured M.A. asking his mother if she really called the police. Officer Dominguez gave M.A a command to “let me see your hands.” M.A. then stepped out of the hallway and he can clearly be heard stating “I’m going to fucking kill....” as he

raised his right hand. Officer Dominguez immediately raised his gun with both hands and fired two shots, striking M.A. once on the right side of his chest. M.A. briefly stood up after being shot before dropping to his knees. As M.A. was shot, he could be seen dropping an object that was later recovered and determined to be a Glock 17 -GBB airsoft pistol containing an inserted magazine. The slide was not properly attached and was recovered separately from the weapon.* The weapon M.A. possessed was collected and is pictured below:

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*



M.A. was transported to the hospital, treated for his wound, and survived the injury. The entire incident is captured on body-worn camera.

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

The undersigned attorneys have reviewed the Florida Department of Law Enforcement case file regarding this incident, including the sworn statements, crime scene reports, lab reports, 911 calls, body worn cameras, surveillance videos, and other evidence compiled under this investigation. We find these FDLE file and reports to be complete and thorough, and we incorporate them into this memorandum and offer our conclusion based upon the results of our independent review of the evidence.

Florida Statute 776.012 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, Florida Statute 776.05 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 a review of the law and evidence, primarily the body worn camera of Officer Christopher Dominguez, M.A. refused Officer Dominguez's commands and stated, "I'm going to fucking kill..." as he emerged from the hallway carrying what appeared to be a gun. He advanced towards Officer Dominguez until he was shot by Officer Dominguez and fell to the ground. Pursuant to Florida Statutes 776.012 and 776.05, and a review of the facts and law in this case, Officer Christopher Dominguez' use of deadly force was legally justified.

Prepared by:

/s/ *Jared Gass*

Assistant State Attorney
Jared Gass

/s/ *Justin Funck*

Assistant State Attorney
Justin Funck