

Close-out Memorandum of the
Investigation Regarding
Christian Labaut
July 7, 2023



State Attorney's Office
Eleventh Judicial Circuit
Miami-Dade County
October 23, 2024



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE DATE: October 22, 2024
State Attorney

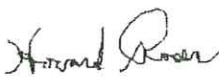

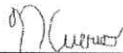
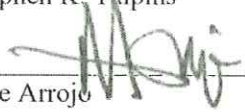
FROM: STAFFING/REVIEW TEAM RE: SAO/Case #: 62/23/07/07/001
Injured: Christian Labaut

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

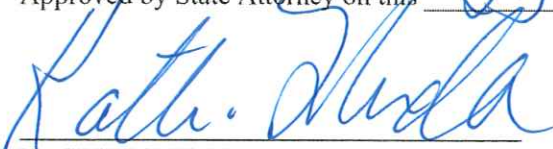
On July 7, 2023, at about 8:13 PM, several 911 calls were received regarding a white male wearing a bulletproof vest outside an apartment complex located at 7851 NE 10th Avenue discharging an assault rifle into the air and civilians fleeing for cover. City of Miami Police officers were dispatched to the location; and Officers Daniel Cantero and Diego Solano who were in the area were flagged down by a witness. The officers put on bulletproof vests and responded to the area with their rifles. Officer Cantero observed Christian Labaut with a rifle fleeing into a gated apartment complex. Officer Cantero followed on foot and gave multiple commands for Labaut to stop and show his hands, but the orders were ignored. Labaut continued fleeing with the rifle and entered through a gate into a common area hallway inside the building and entered an apartment. Officer Cantero discharged his rifle, striking Labaut several times. Labaut was transported to Ryder Trauma Center where he was successfully treated for his injuries and made a full recovery.

Pursuant to Florida Statutes Sections 776.012 and a review of the facts and evidence in this investigation, we find the use of deadly force by City of Miami Police Officer Daniel Cantero 001-42659 to be legally justified.

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

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

Approved by State Attorney on this 23 day of Oct, 2024.



KATHERINE FERNANDEZ RUNDLE
State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: October 22, 2024

FROM: Shawn Abuhoff, Esq.
Assistant State Attorney

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO Case # 62/23/07/07/001

OFFICER INVOLVED:	Daniel Cantero - 001-42659, City of Miami PD
INJURED:	Christian Labaut
DATE & TIME:	July 7, 2023 @ approximately 8:13PM
LOCATION:	7851 NE 10 th Ave., Apt. #13, Miami, FL 33128 (2-Story Apartment Complex)
WEAPONS:	Smith and Wesson Rifle, model MNP15, SN# TU28407 (Officer Cantero) Radical Firearms Rifle, RF-15, 5.56 caliber SN#19-111290 (Labaut)
LEAD/REPORTS:	Ricardo Martinez - FDLE
FDLE CASE #:	MI-27-0226
MIAMI PD CASE #	2307070048168
SAO CASE #:	62/23/07/07/001

SUMMARY OF FACTS

On July 7, 2023, at approximately 8:13 PM, multiple 911 calls were received describing a white male wearing a bulletproof vest, standing by a blue SUV outside an apartment complex located at 7851 NE 10th Ave, actively shooting an assault rifle into the air. These calls also described civilians actively fleeing from the shooting location. City of Miami Police officers were dispatched to the location; Officers Daniel Cantero and Diego Solano were also waived down while at the Pinecrest Bakery at NE 10th Ave and 79th Street by a civilian informing them of the ongoing shooting. Both officers put on bulletproof vests and grabbed their rifles before heading to the incident location. Officer Cantero arrived first and observed Christian Labaut (hereinafter "Labaut") wearing a bulletproof vest, with a rifle in hand, fleeing from him and into the gated apartment complex. Officer Cantero followed on foot and gave multiple commands for Labaut to stop and to show his hands; these orders were ignored. Labaut continued fleeing with a rifle in hand and entered through a gate into a common area hallway inside the building. He made entry into the first doorway on the right of the hallway which appeared to be an apartment, when Officer Cantero discharged his rifle, striking Labaut several times. It was later discovered, and unknown to Officer Cantero at the time of the shooting, that Labaut resided inside this apartment with his parents. When officers approached, an assault rifle was found underneath Labaut's body. Labaut was transported to JMH Ryder Trauma Center where he eventually recovered from his wounds and was discharged.

SURVEILLANCE FOOTAGE

Surveillance footage was obtained from a resident in the complex. This video footage does not have any audio and faces to the front of the apartment complex. At 7:54 PM (6:54 PM time on the camera) Labaut can be seen leaving through a side of the gated building wearing a bulletproof vest before standing on the street in front of the complex. At 7:56 PM (6:56 PM time on the camera), Labaut can be seen entering the rear of a blue SUV parked in front of the apartment complex. At 8:10 PM (7:10 PM time on the camera), Labaut can be seen firing an assault rifle into the air with smoke coming from the firearm. At 8:15 PM (7:15 PM time on the camera), Labaut can be seen closing the back of the blue SUV and fleeing through the side gate from which he exited from earlier. Also seen on camera is Officer Cantero, who follows closely behind Labaut. While Labaut is visible on screen, it appears as if he is carrying a rifle in his hands as he is running away and off screen. It also appears that Officer Cantero attempts to make verbal contact with Labaut before he goes off screen.

CRIME SCENE

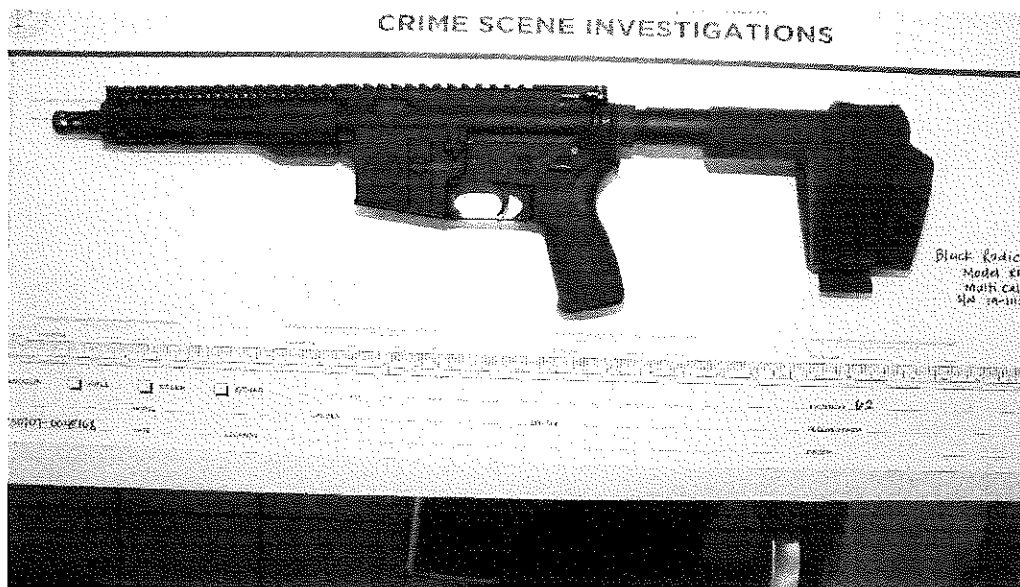
Visible outside of the Apartment complex was Labaut's 2019 blue Toyota RAV4 SUV (FL tag 49APEP). Officers searched the vehicle pursuant to a warrant and found an empty "NRA" brand camouflage firearm case on the rear passenger side seat, a black metal tactical shield on the rear passenger side floorboard, and one spent .45 caliber cartridge on the rear passenger side floorboard. These items were photographed and impounded.

Just in front of the apartment complex (outside the gate) and behind the parked RAV4 SUV on the roadway on NE 10th Avenue, were forty-eight (48) spent .223 caliber cartridges. Surveillance footage and firearm analysis confirm that these cartridges came from the assault rifle fired by Labaut just prior to police arrival. These casings were photographed and impounded.

Evidence located on the hallway floor where Labaut was seen entering the apartment included four (4) spent .223 cartridges (firearm analysis confirm these were fired by Officer Cantero's weapon), clothing from Labaut, including a tactical belt and tactical boots, a "First Choice Armor" bullet proof vest (removed from Labaut by medical personnel), a black 5" blade "Smith & Wesson" knife inside a knife sheath, and a pair of handcuffs (removed from Labaut by medical personnel). These items were photographed and impounded.

Finally, officers searched Apartment #13, the residence in which Labaut fell into, pursuant to another search warrant. On the kitchen floor where Labaut's body fell they found two (2) empty PMAG 30, 5.56x45mm, 30 round capacity magazines; a black Radical Firearms Rifle, RF-15, 5.56 caliber (serial #19-111290*), with an inserted empty 30-round capacity magazine; one set of keys on a Toyota key fob; and a black cell phone. Located on the dining room table were two empty clear bags labeled, "Pro Mag/AR-15/.223." Under the bed located in the living room (adjacent to the kitchen) was one (1) shoe box containing multiple live .45 caliber cartridges, 9mm cartridges, .22 caliber cartridges, 12-gauge shotgun cartridges, one (1) empty .45 caliber magazine, and two (2) gun oil bottles. In the living room closet a .223 caliber rifle (black Sun Devil SD 15-ITG, serial # 223-3303) was located in a black rifle case.

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On July 7, 2023, FDLE Special Agent Mark Haddad responded to Jackson Hospital Ryder Trauma Center. It was learned at that time that Labaut was in surgery for life-threatening gunshot wounds. Labaut survived this emergency surgery, recovered at the hospital, and has been released at the time of this memorandum. Photos of Labaut at the hospital and his injuries were taken.

BODY WORN CAMERA FOOTAGE

Officer Cantero – His body worn camera is consistent with the surveillance footage obtained from the complex resident. The footage captured Officer Cantero announcing himself as a police officer and issuing multiple orders to Labaut to stop and show his hands; Labaut never verbally or visibly acknowledged Officer Cantero. After Labaut entered a common area hallway of the apartment complex, Officer Cantero's body worn camera showed Labaut running toward the first apartment on the right and

opening the door while carrying an object appearing to be an assault rifle in his hands. Officer Cantero opened fire only after Labaut entered the apartment while apparently armed. Labaut collapsed at the doorway of the apartment and Officer Cantero announced "shots fired" over the radio. City of Miami Police Sergeant Francisco Villareal arrived at Officer Cantero's side shortly thereafter, followed by Officer Diego Solano. All three officers walk over to the apartment to detain Labaut and clear the apartment. Under his body and visible was an assault rifle, multiple magazines for an assault rifle, a phone, and a Smith & Wesson knife.

One Sergeant and two additional patrol officers responded after the shooting. They all activated their body worn cameras, but none of their cameras captured the shooting involving Labaut and Officer Cantero. Regardless, all of their officer worn cameras captured footage consistent with their statements provided to FDLE investigators. This footage also depicted an assault rifle underneath Labaut along with a knife and multiple assault rifle magazines.

Officer Cantero did not make any statements to FDLE investigators.

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

The undersigned attorney has reviewed the City of Miami Police Department and FDLE case files regarding this incident, including sworn statements, crime scene photographs, surveillance video from the scene and body worn camera of all involved officers, 911 calls, and other evidence compiled under MI-27-0226 and 2307070048168. These case files are complete and thorough, and the State of Florida adopts the FDLE report into this memorandum and offers the following conclusion based upon an independent review of the evidence.

Section 776.012, Florida Statute, 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 prevent the commission of a forcible felony. Officer Cantero had more than enough information to pursue and detain the fleeing Labaut as a suspect in the discharging of an assault rifle in public, as well as possible forcible felonies based on his observations and the information that had been broadcasted over the police radio and told to him and Officer Solano by a concerned citizen fleeing from the incident location. Based on this information relayed to Officer Cantero prior to his arrival at the incident location (that the shooting was actively occurring, people were fleeing from the area, and it was unknown if anyone had been shot), it was reasonable for him to believe that this was an active shooter scenario. Officer Cantero immediately responded to this danger by preparing himself and putting on his bulletproof vest and arming himself with an assault rifle of his own just prior to going to the scene. Surveillance footage and his body worn camera confirms the information relayed via dispatch audio and by the concerned citizen about Labaut's actions. Officer Cantero's concern for his own safety and the

safety of others was exacerbated once Labaut fled from him upon his arrival and continuously disregarded his orders to stop and to show him his hands.

Officer Cantero appropriately initiated his encounter with Labaut. He attempted to stop, disarm, and apprehend Labaut, who was fleeing with an assault rifle in his hand. Labaut ignored the officer's orders to stop, opened the gate to the apartment complex, and attempted to flee into the first apartment. Officer Cantero did not know whether the apartment belonged to Labaut or whether Labaut was fleeing into a stranger's apartment. Based on the information known to Officer Cantero at the time of the shooting, it was reasonable for Officer Cantero to use deadly force to shoot and stop Labaut.

Based upon the force that he was presented with, there was a significant risk of bodily harm to Officer Cantero, other responding officers, and the community at large. Based on the circumstances, the law allows for an individual to use deadly force because it was reasonable to believe that such force was necessary to prevent imminent harm to himself, another, and/or to stop the commission of a forcible felony. As such, the State finds this officer-involved shooting to be legally justified under Florida law.

Prepared by:

/s/ Shawn Abuhoff

Shawn Abuhoff
Assistant State Attorney

/s/ Scott Warfman

Scott Warfman
Assistant State Attorney