

Close-out Memorandum of the
Investigation Regarding
Nicolas Avila Herrera
September 25, 2023



State Attorney's Office
Eleventh Judicial Circuit
Miami-Dade County
August 25, 2025



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE
State Attorney

DATE: August 25, 2025

FROM: STAFFING/REVIEW TEAM

RE: SAO Case #: 62/23/09/25/001
Deceased: Nicolas Avila Herrera

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

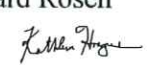
On September 25, 2023, officers from the Miami Dade Police Department Robbery Intervention Unit observed a vehicle that was reported stolen in an Armed Carjacking earlier that day in the City of Miami. The officers attempted to stop the vehicle, however, the driver evaded police, and shots were fired from the vehicle at the officers during the fleeing and eluding. When the vehicle was finally forced to stop, Nicolas Avila Herrera opened the front seat passenger door and attempted to exit the vehicle. Detective Dordor exited his vehicle and directed Herrera to show his hands. Almost simultaneously, while Avila Herrera may appear to be raising his arms, Detective Dordor discharged his weapon one-time, striking Herrera in the chest. Herrera was transported to the Ryder Trauma Center but was pronounced deceased. A search of the stolen vehicle revealed a firearm on the passenger seat, and a 9mm cartridge on the floorboard that matched the firearm. However, based upon the evidence collected in this case there is insufficient information to make a clear determination why the Detective discharged his weapon, and therefore determine the shooting was legally justified. Likewise, because of a lack of information, there is also insufficient evidence to file any criminal charges against the Detective that can be proven beyond a reasonable doubt.

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


Howard Rosen


Deisy Hernandez


Stephen K. Talpín


Kathleen Hoague


Nilo Cuervo


Jose Arrojo


Marie Jo Toussaint

Approved by State Attorney on this 25 day of August, 2025.


KATHERINE FERNANDEZ RUNDLE
State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: August 12, 2025

FROM: STEPHEN MITCHELL
ASSISTANT STATE ATTORNEY

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO # 62/23/09/25/001

OFFICER INVOLVED:	DETECTIVE KENSON DORDOR 30-5098 MIAMI-DADE SHERIFF'S OFFICE
DECEASED:	NICOLAS AVILA HERRERA
DATE & TIME:	MONDAY, SEPTEMBER 25, 2023, APPROXIMATELY 9:05 P.M.
LOCATION:	NW 23 RD STREET AND NW 12 TH AVE MIAMI, FLORIDA
WEAPONS:	GLOCK 17, GEN4, 9MM PISTOL SN: BGLA879 – (DET. DORDOR) SMITH & WESSON, M&P SHIELD, 9MM PISTOL SN: DXT4151 – (NICOLAS AVILA HERRERA)
LEAD: REPORTS RECV'D	SPECIAL AGENT JOSEPH ROMERO (FDLE) SEPTEMBER 23, 2024
CASE #:	MDPD # PD230925321527 & PD230925321499 FDLE CASE # MI-27-0230
SAO CASE #:	SAO # 62/23/09/25/001

CASE SUMMARY

On September 25, 2023, at approximately 6:45 pm, officers from the City of Miami Police Department (MPD) responded to 1395 Biscayne Boulevard to investigate an armed carjacking of a silver Nissan Versa with Florida tag number HKEX48. MPD officers issued a be on the lookout (BOLO) via radio communication for the stolen Nissan Versa indicating that two of the subjects were armed with firearms. Shortly after the carjacking, detectives from MPD Tactical Robbery Unit (TRU) located the stolen Nissan Versa, but lost sight of the vehicle. Later that night, detectives from the Miami-Dade Police Department (MDPD) Robbery Intervention Unit (RID) observed the Nissan Versa at approximately NW 32nd Avenue and State Road 112.

RID detectives followed the stolen Nissan Versa and attempted to contain it on NW 25th Street between NW 25th Avenue and 26th Avenue; however, the Nissan Versa evaded the stop. Police radio communication indicates that at NW 26th Street and 26th Avenue, shots were fired at the RID detectives from the Nissan Versa's occupants as the vehicle continued to flee. One of the passengers inside the Nissan Versa saw AVILA HERRERA discharge a firearm during the police chase.

The Nissan Versa was then followed to NW 23rd Street and 12th Avenue, where the vehicle was stopped by MDPD RID Detective Dordor who implemented a Precision Immobilization Technique (PIT) maneuver. Detective Dordor immediately exited his vehicle and directed the front seat passenger (AVILA HERRERA) to show his hands. AVILA HERRERA exited the Nissan Versa from the front passenger seat. Detective Dordor discharged his firearm once, striking AVILA HERRERA in his chest. Police located a pistol on the front passenger seat of the Nissan Versa.

AVILA HERRERA was transported to the Ryder Trauma Center, where he was pronounced deceased. The driver of the stolen Nissan Versa and the rear passenger were arrested without further incident.

After obtaining a search warrant, MDPD investigators located a spent 9mm cartridge on the rear driver's side floorboard of the Nissan Versa and two small glass "crack cocaine" pipes on the rear driver's side seat. Ballistic forensic examination of the spent 9mm cartridge located within the Nissan Versa indicated it was fired by the Smith and Wesson M&P 9mm pistol located on AVILA HERRERA'S passenger seat.

WITNESS STATEMENTS

Detective Manny Alvarez (MPD TRU Detective) stated that his unit was notified of an armed carjacking of a gray/silver-colored Nissan Versa that occurred in the Brickell district earlier in the day. His unit learned that the stolen Nissan Versa was located traveling on NW 22 Court and 46th Street. TRU units located the Nissan Versa stopped at a convenience store located at the intersection of NW 31st

Avenue and 46th Street. Detective Alvarez stated that TRU units maintained a visual observation of the Nissan Versa as other units began to set up a "360" perimeter around the stolen vehicle.

Detective Alvarez stated that he followed the Nissan Versa as it left the convenience store area. Detective Alvarez stated that as he followed a few car lengths behind the Nissan Versa, he heard a "pop" but was unable to provide the exact location where the shot came from. Detective Alvarez stated that a RID unit advised over police radio communication that shots were fired at law enforcement.

Detective Alvarez stated that both TRU and RID detectives followed the Nissan Versa. As Detective Alvarez approached the intersection of NW 12th Avenue and 23rd Street, he saw the Nissan Versa stopped and facing the opposite lane of traffic, flanked by two other unmarked police vehicles on each side. Detective Alvarez stated that he exited his vehicle and saw several officers approaching the Nissan Versa. As Detective Alvarez approached the Nissan Versa, he saw someone slumped over in the front passenger seat with a firearm right by his hand.

Detective Alvarez removed the firearm from the front passenger seat because he did not know the severity of the front passenger's injuries and because two other occupants were still inside the Nissan Versa. After the driver and back-seat passenger were taken into custody, first aid was rendered to the injured front passenger. Detective Alvarez did not witness the officer-involved shooting.

Detective Giselle Reyes (MDPD RID Detective) stated that she was driving as a two-man unit with Detective Josuet Castillo as the passenger. Detective Reyes located the Nissan Versa located at the intersection of NW 36th Street and 32nd Avenue. She and Detective Kenson Dordor then conducted surveillance in unmarked police vehicles.

Detective Reyes attempted to contain the Nissan Versa, but the vehicle was able to elude the containment before completion. Detective Reyes then activated her emergency lights and pursued the Nissan Versa.

While in pursuit of the Nissan Versa, Detective Reyes was able to hear Detective Christopher Bendana advise over the police radio "shots fired." Detective Reyes was unable to provide the exact location where Detective Bendana called "shots fired" and did not hear the actual shots. Detective Reyes stated that she was directly behind Detective Dordor while the Nissan Versa was traveling eastbound on NW 23rd Street. Detective Reyes saw the Nissan Versa cross the intersection on NW 12th Avenue, hit a curb, and spiral out of control.

Detective Reyes stated that the Nissan Versa swerved into the opposite direction of traffic, now facing her vehicle. Detective Reyes stated that Detective Dordor's vehicle "pinched" the Nissan Versa passenger's side and she "pinched" the front of the Nissan Versa. Detective Reyes stated that she and Detective Dordor engaged the occupants of the Nissan Versa.

Detective Reyes stated that she observed the front passenger getting out of the Nissan Versa with a fanny pack across his chest. Detective Reyes observed Detective Dordor fire one shot, while Detective Dordor was standing by the driver's side pillar of his vehicle. Detective Reyes was unable to see a gun on the front passenger because her vision was obstructed by Detective Dordor's vehicle. As additional units arrived, the remaining occupants were removed from the Nissan Versa. First aid was rendered to the front passenger.

Detective Josuet Castillo (MDPD RID Detective) stated that he was notified of a carjacking in the City of Miami involving a Nissan Versa. Detective Castillo was the passenger of a two-man unit driven by Detective Reyes. Detective Castillo stated that the Nissan Versa was located around NW 27th Avenue by Officer Dordor and that his squad attempted to contain the vehicle.

After occupants of the Nissan Versa spotted law enforcement, they started to flee. Detective Castillo then heard over police radio that one of the occupants of the Nissan Versa fired shots at the pursuing officers but could not provide an exact location. Detective Castillo stated that he did not hear the gunshots. Detective Castillo stated that the Nissan Versa lost control at the intersection of NW 23rd Street and NW 12th Avenue and became disabled.

Detective Castillo stated that Detective Dordor contained the Nissan Versa's passenger side while Detective Reyes contained the front side. Detective Castillo stated that he saw the occupant of the Nissan Versa's front passenger seat attempt to quickly exit out of the vehicle. Detective Castillo then heard one gunshot and noticed the front passenger slumped over in the front seat. Detective Castillo stated that he observed the front passenger of the Nissan Versa had a firearm located between the center console and the front floorboard.

Detective Castillo stated that he did not see when Detective Dordor fired his weapon because his attention was focused on the remaining occupants of the Nissan Versa.

Detective Christopher Bendana (MDPD RID Detective) stated that he was in pursuit of a Nissan "robbery vehicle." Detective Bendana stated that TRU units provided the location of the Nissan and RID units responded to the area. Detective Bendana stated that as the Nissan crossed the intersection of NW 26th Street and 28th Avenue, he heard one gunshot fired.

Once he heard the shot, Detective Bendana observed people running away from where the shot was fired. Detective Bendana then notified "shots fired" over the police radio but was unable to determine the exact direction of the gunshot. Detective Bendana stated that the Nissan fled the scene, pursued by law enforcement and was stopped at NW 12th Avenue and 23rd Street.

Adonay Pinon Rodriguez (driver of Nissan Versa) was the driver of the stolen Nissan Versa during the chase, and refused to provide a statement to law enforcement.

Rolando Aquabella Martinez (backseat passenger inside Nissan Versa) stated that he met AVILA HERRERA roughly 15-20 days before and believed that AVILA HERRERA was on probation with a GPS ankle monitoring device. Rolando Aquabella Martinez stated that AVILA HERRERA was driving the stolen Nissan Versa earlier in the day. AVILA HERRERA then picked up Rolando Aquabella Martinez and at some point, Adonay Pinon Rodriguez switched seats and took control of the vehicle. Rolando Aquabella Martinez stated that he saw AVILA HERRERA with a black firearm. Rolando Aquabella Martinez further stated that while they were driving around looking to buy crack cocaine, the police attempted to circle the stolen vehicle and AVILA HERRERA discharged his firearm in the air.

BODY WORN CAMERA FOOTAGE

Detective Dordor, Detective Reyes, Detective Castillo, Detective Alvarez and Detective Bendana were all wearing functioning Body Worn Cameras (BWC) during the incident. Detective Dordor's BWC shows the clearest view of the shooting, but the view was obstructed by Detective Dordor's vehicle. It captured footage showing Detective Dordor in active pursuit of the Nissan Versa. Detective Dordor comes to a stop, exits his vehicle, and orders AVILA HERRERA to show his hands. Suddenly, and almost simultaneously, AVILA HERRERA exits the vehicle and Detective Dordor discharges his weapon.

VIDEO SURVEILLANCE

Investigators recovered exterior surveillance video from two nearby businesses to supplement the body-worn camera footage and provide a broader view of the incident. The video from Super Blue Miami was positioned on the southwest corner of the business and faced southeast to NW 23rd Street, but there is no audio. The video from Super Blue Miami captured an overall view from across the street of where the officer involved shooting occurred. The view from this camera is somewhat obstructed. The video from Super Blue Miami captured the Nissan Versa coming into frame followed by Detective Dordor conducting a precision immobilization technique (pit maneuver). The Nissan Versa spun out on NW 23rd Street and came to a complete stop facing westbound. Detective Dordor's vehicle was up against the rear passenger side door of the Nissan Versa. Almost simultaneously, Detective Giselle Reyes drove up facing eastbound and pitted the front end of the Nissan Versa, containing the vehicle from moving forward.

According to the same footage, Detective Dordor and the Nissan Versa were at a complete stop. Detective Dordor and the Nissan Versa's doors opened at approximately the same time. AVILA HERRERA exited the front passenger side door of the Nissan Versa. AVILA HERRERA had a bag across his chest. Detective Dordor exited his vehicle, drew his firearm and pointed it towards AVILA HERRERA. Both Detective Dordor and AVILA HERRERA were standing next to their vehicle door pillars when Detective Dordor discharged his firearm towards AVILA HERRERA. This interaction

lasted approximately two seconds. AVILA HERRERA can be observed falling into the front passenger side seat of the Nissan Versa.

Detective Reyes is observed exiting her vehicle and running to Detective Dordor's front driver's side door with her firearm drawn towards the Nissan Versa. Detective Josuet Castillo is observed approaching the front driver's side door of the Nissan Versa with his firearm drawn towards the occupants. Several other detectives are observed arriving on the scene and assisting with the extraction of the two other occupants of the Nissan Versa.

A second exterior surveillance video was recovered from Rubell Museum located at 1100 NW 23rd Street, Miami, Florida. The exterior camera from Rubell Museum is positioned on the northwest corner of the business and faced northeast to NW 23 Street, but there is no audio. The surveillance video from the Rubell Museum is consistent with the video surveillance from the Super Blue Miami location with obstruction. The surveillance video from the Rubell Museum shows that when AVILES HERRERA exited the front passenger side door of the Nissan Versa, he did not have a firearm in his hands. This video perspective, which is different than the perspective and position that Detective Dordor had at the time of the discharge of his firearm, shows that when Detective Dordor exited his vehicle, AVILA HERRERA, who had a bag across his chest, had his right hand raised to approximately the level of his ear, and his left hand was raised to approximately the level of his shoulder.

FIREARMS ANALYSIS

Special Agent Joseph Romero coordinated and directed MDPD Crime Scene Investigator (CSI) Anabella Pasqua and CSI Ineiry Zapata to process the crime scene. The crime scene was located on the roadway on NW 23rd Street and NW 12th Ave. The scene itself involved four vehicles, a 2017 silver Nissan Versa that had been taken in an armed carjacking in the Brickell area earlier in the day, a silver Ford Fusion driven by Detective Dordor, a blue Toyota Camry driven by Detective Reyes, and a blue Toyota Camry driven by Detective Alvarez. The following ballistic evidence was recovered near where AVILA HERRERA was shot:

1. One spent 9mm casing (WCC+P+) was located on the silver Ford Fusion's trunk
2. One live 9mm cartridge (FC 9mm Luger) was located on the ground next to the silver Nissan Versa's front passenger door

Inside of Silver Nissan Versa

1. One Smith & Wesson, M&P Shield, 9mm semi-automatic pistol, serial # DXT4151 from the front passenger seat where AVILA HERRERA was seated
2. One spent 9mm casing was chambered inside the Smith & Wesson, M&P Shield
3. One seven round capacity magazine was removed from the Smith & Wesson, M&P Shield, which contained zero 9mm rounds

4. One spent 9mm casing was located on the rear driver's side floorboard
5. One live 9mm cartridge was located under the front passenger seat where AVILA HERRERA was seated.

Detective Dordor

1. One Glock 17, Gen 4, 9mm semi-automatic pistol, serial # BGLA879
2. One live 9mm WCC+P+ was chambered inside the Glock 17, Gen 4
3. One seventeen round capacity magazine was removed from the Glock 17, Gen 4 and contained sixteen live 9mm WCC+P+ cartridges

Forensic Examination

Criminalist John Mancini examined the fired casings, the projectile recovered from AVILA HERRERA's autopsy and both firearms submitted in this case. One of the fired 9mm casings was identified as having been fired by the Smith & Wesson, M&P Shield, 9mm semi-automatic pistol, serial # DXT4151. One of the fired 9mm casings and the single projectile recovered from the autopsy were identified as having been fired by the Glock 17, Gen 4, 9mm semi-automatic pistol, serial # BGLA879.

DNA ANALYSIS

Criminalist Michelle Andrade examined the swabs from the Smith & Wesson, M&P Shield, 9mm semi-automatic pistol, serial # DXT4151, and the swabs from AVILA HERRERA.

LEGAL ANALYSIS AND 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 Detective Kenson Dordor constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

I have reviewed the Florida Department of Law Enforcement Investigative Summary into the Police Use of Force in this incident. I have also reviewed the sworn statements, crime scene results, police radio communications, police body camera video, business surveillance videos, and other evidence compiled by FDLE under FDLE Case Number MI-27-0230. I find the summary to be complete, thorough, and consistent with the witness statements that I have reviewed. I adopt and attach that Investigative Summary hereto and also offer a conclusion based on the results of the investigation and review.

On September 25, 2023, officers from the Miami Dade Police Department Robbery Intervention Unit observed a vehicle that was reported stolen in an Armed Carjacking earlier that day in the City of Miami. The officers attempted to stop the vehicle, however, the driver evaded police, and shots were fired from the vehicle at the officers during the fleeing and eluding. When the vehicle was finally forced to stop, Detective Dordor exited his vehicle and directed Herrera to show his hands. Almost simultaneously, Herrera suddenly exited from the vehicle, and Detective Dordor discharged his weapon one-time, striking Herrera in the chest.

Detective Dordor did not provide a statement during the course of this investigation, and therefore his actual observation and reasonable perceptions are not readily ascertainable. Upon a frame by frame extremely slow motion analysis of the surveillance camera from the Rubell Museum it appears that Herrera may have been in the process of raising his hands when Detective Dordor discharged his firearm. The perspective from the Rubell Museum surveillance camera is a completely different perspective than Detective Dordor had. Additionally, it is not clear whether Detective Dordor's perspective could have been obscured by the pillar and/or doorframe of either vehicle. In the absence of a statement from Detective Dordor detailing what he saw and what was in his mind before the shooting, Detective Dordor's actual knowledge or intent in firing his weapon cannot be determined. Therefore, there is insufficient evidence to make a clear determination that the shooting was legally justified. However, because of a lack of evidence, there is also insufficient information to file any criminal charges against Detective Dordor that can be proven beyond a reasonable doubt.

Prepared by:

/s/ Stephen Mitchell

Stephen Mitchell
Assistant State Attorney