

Close-out Memorandum of the
Investigation Regarding
Jose Pineda, Jr.
September 16, 2025



State Attorney's Office
Eleventh Judicial Circuit
Miami-Dade County
April 30, 2026



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE
State Attorney

DATE: April 29, 2026

FROM: STAFFING/REVIEW TEAM

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO CASE # 62/25/09/16/004
DECEASED: JOSE PINEDA JR.

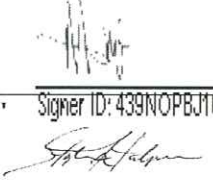
Based on the information obtained and reviewed during the investigation, the conclusion of the staffing/review team is the following:

On September 16, 2025, at about 7:39 PM, Miami-Dade Sheriff's Office (MDSO) received a 911 call stating a bald Latin male in a Honda van pulled out a gun "on everybody." At about 7:43 PM, MDSO Sergeant Gilberto Crespo arrived on scene with his body worn camera (BWC) activated. The footage reveals that Sgt. Crespo ordered Jose Pineda Jr. to show his hands twice in a loud voice. Pineda responded, "I have no hands," refused to follow the commands, and fired at Sgt. Crespo. Sgt. Crespo returned fire multiple times, striking Pineda, who was pronounced deceased at the hospital. BWC footage revealed a firearm located next to Pineda on the ground, and the Firearms Report indicated Pineda fired his weapon eleven (11) times based on the recovered casings.

Subsequent investigation indicated civilians reported Pineda was acting erratically, pulled out a firearm, loaded the weapon, cocked the gun, and threatened another passerby in the area. Pineda also said he "was ready for anything," that his baby momma had killed their baby, and he was "looking for something." While making these statements, Pineda was armed with a firearm pointed at civilians in the area. One of the civilian witnesses reported the officer did not draw his weapon immediately, only after he told Pineda to put his hands up, and she then heard shots fired. She also indicated she believed Pineda fired at the officer first and the officer then fired back.

Pursuant to Florida Statutes 776.05 and 776.012, and a review of the facts and evidence in this investigation, we find the use of deadly force by MDSO Sgt. Gilberto Crespo 30-7811 to be legally justified.

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

 _____ Signer ID: 439N0PB16...	<i>/s/ Deisy Hernandez</i> _____ Deisy Hernandez	<i>Kathleen Hoague</i> _____ Kathleen Hoague
Stephen K. Talpins	Marie Jo Toussaint	Nilo Cuervo

Approved by State Attorney on this 30 day of April, 2026.



KATHERINE FERNANDEZ RUNDLE
State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: April 29, 2026

FROM: SONALI N. DESAI
ASSISTANT STATE ATTORNEY

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO Case # 62/25/09/16/004

NATALIE SNYDER
ASSISTANT STATE ATTORNEY

OFFICER INVOLVED:	SGT. GILBERTO CRESPO 30-7811 MIAMI-DADE SHERIFF'S OFFICE
DECEASED:	JOSE PINEDA JR.
DATE & TIME:	SEPTEMBER 16, 2025, AT 7:43 PM
LOCATION:	SW 216 TH STREET AND 120 TH AVENUE, MIAMI, FL 33177 (ROADWAY)
WEAPONS:	TAURUS TH9 SEMI-AUTOMATIC 9MM PISTOL, SERIAL NUMBER TMA99653 (PINEDA JR.) GLOCK 17 SEMI-AUTOMATIC 9MM PISTOL, SERIAL NUMBER REF959 (SGT CRESPO)
LEAD/REPORTS:	FDLE AGENT RICARDO MARTINEZ (RECEIVED 4/9/26)
F.D.L.E. CASE #:	M1-27-0303
SAO CASE #:	62/25/09/16/004

SUMMARY OF FACTS AND EVIDENCE

On Tuesday, September 16, 2025, at approximately 7:39 PM, Miami-Dade Sheriff's Office (hereinafter "MDSO") received a 911 call from a male stating that a bald Latin male in a Honda van had pulled out a gun "on everybody" and asked the operator to please send police immediately. At 7:43 PM, approximately four minutes after the 911 call, Sergeant Gilberto Crespo arrived at the roadway located at SW 216th Street and 120th Avenue in Miami, Florida, in a police uniform with Body Worn Camera activated.

Sergeant Crespo's Body Worn Camera revealed that he parked his police vehicle with clear MDSO labeling directly behind the subject vehicle which was pulled head-in over the sidewalk. Night had fallen and the incident location was dimly lit by a streetlight. Sergeant Crespo had exited his police vehicle and taken a stance diagonal from the subject vehicle with his flashlight trained on the open window of the vehicle's driver side window. A bald white male was inside, later revealed to be Jose Pineda Jr. In a loud voice, Sergeant Crespo ordered Pineda Jr. to show his hands two separate times. Both times Pineda Jr. responded, "I have no hands" and failed to follow the orders. Shortly after his second response, Pineda Jr. opened fire and Sergeant Crespo returned fire. A review of the video with zoom enabled revealed the puff of smoke delineating the moment Pineda Jr. fired his weapon first with shots from Sergeant Crespo occurring afterwards.

Sergeant Crespo continued firing as he ran behind the subject vehicle towards a truck where he took cover. After taking cover, Sergeant Crespo reloaded, fired three more shots, and radioed "shots fired" to dispatch. Pineda Jr.'s location was not visible from Sergeant Crespo's position. In the distance, another possible gunshot by Pineda Jr. was heard after which Sergeant Crespo fired two rounds from his position behind the truck. Sergeant Crespo also provided additional information to dispatch that the subject was armed. Other police units arrived on scene shortly thereafter. At that time, Sergeant Crespo asked

responding units where Pineda Jr. was and another officer stated, "subject down." Officers, including Sergeant Crespo, approached the subject vehicle where Pineda Jr. lay on the ground with a firearm clearly visible next to him. The position of the firearm was also documented on the Body Worn Camera from another first responder, Officer Andrew Kirkland.

Miami-Dade Fire Rescue responded and transported Pineda Jr. to the Jackson Memorial Hospital South where he was pronounced at 8:33 PM.

Sergeant Crespo did not suffer any injuries. A tire on his police vehicle was flat as a result of a fired round. A total of thirty-four (34) casings were found at the outside shooting scene as well as the later search of the subject vehicle. The Crime Laboratory Firearms Report indicated that the weapon possessed by Pineda Jr. fired eleven (11) of the recovered casings, and Sergeant Crespo's firearm was matched to twenty-three (23) of the casings.

Two civilians provided recorded sworn statements. Shanketha Walker observed Pineda Jr.'s behavior before the police were called. She stated that she was familiar with the area and the people who generally were in the area but had never previously seen Pineda Jr. She and her sister were in the area around the store across the street from the shooting. Ms. Walker described Pineda Jr.'s erratic behavior throughout, describing pulling out a firearm, loading the weapon, and cocking it when he encountered a civilian in the area. At another point, Pineda Jr. stated he wanted the "girl with the red shirt," which was this witness' sister. Finally, Pineda Jr. made statements indicating he "was ready for anything," that his baby momma had killed their baby, and he was "looking for something." All of these statements were made while he was still armed with the weapon, and at various times he pointed his weapon at this witness. Ms. Walker felt as if Pineda Jr. was "ready to die."

Ms. Walker was across the street at the door for the store when Sergeant Crespo arrived. She stated that the officer did not draw his weapon immediately, only after he had already gotten out of his vehicle

and told the subject to put his hands up. After commands from the police officer, she heard shots fired. She believed that the subject fired at the officer first and the officer fired back.

Matthew Nash did not observe Pineda Jr. earlier but was sitting in his vehicle near the incident location when Sergeant Crespo arrived on scene. According to Mr. Nash, he had a clear view of the officer and subject. He stated the subject did not obey the officer's commands, and the officer stepped farther away for his own protection. Mr. Nash also stated that he believed the officer must have pulled out his firearm because he saw the subject with one. He did not know who fired first. It should be noted that Mr. Nash's vehicle suffered damage which he believed had to have come from the subject's weapon because of the angle.

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 Sergeant Gilberto Crespo 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 Investigative Summary into the Police Use of Force in this incident. We have also reviewed the sworn statements, crime scene reports, lab reports, body worn camera video, and other evidence compiled by FDLE under FDLE Case Number MI-27-0303. We find the summary to be complete, thorough and consistent with the witness statements and video evidence as well as consistent with our observations at the scene. We adopt and attach that

Investigative Summary hereto and also 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 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. Additionally, section 776.05(1), Florida Statutes, justifies law enforcement use of any force which he reasonably believes to be necessary to defend himself or another from bodily harm during the course of an arrest.

Here, police were notified of an individual brandishing a firearm and threatening others, actions which constituted an aggravated assault. Sergeant Crespo was clearly uniformed and in a marked unit when he pulled up behind Pineda Jr.'s vehicle. He gave appropriate orders, more than once, for Pineda Jr. to show his hands. In response, Pineda Jr. not only refused to show his hands, but gave a bizarre response after which he opened fire in the direction of the officer. Sergeant Crespo responded with his own fire while he sought cover. It is clear from Sergeant Crespo's Body Worn Camera that he could not determine Pineda Jr's location after he took cover behind the truck, and that Pineda Jr. may have continued to fire his weapon. Sergeant Crespo, alone and vulnerable on scene, fired additional shots in Pineda Jr.'s direction. In this case, the reported behavior to police and Pineda Jr.'s actions upon Sergeant Crespo's arrival constituted a clear danger. Therefore, based on a review of the law and evidence, Sergeant Crespo's use of deadly force was legally justified.

Prepared by:

/s/ Sonali Desai

Sonali Desai
Assistant State Attorney

/s/ Natalie Snyder

Natalie Snyder
Assistant State Attorney