

Close-out Memorandum of the
Investigation Regarding
Kennedy Graham
November 6, 2025



State Attorney's Office
Eleventh Judicial Circuit
Miami-Dade County
May 26, 2026



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE
State Attorney

DATE: May 19, 2026

FROM: STAFFING/REVIEW TEAM

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO CASE # 62/25/11/06/002

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

On November 6, 2025, at about 7:00 A.M., Kennedy Graham entered a Walmart Supercenter and removed a t-shirt from a store rack and concealed it under his shirt. An Asset Protection Investigator in the closed-circuit television room observed the conduct and alerted Deputy Wilfredo Ortega who was also in the security room. Graham walked past the register area without paying for the merchandise, so Deputy Ortega pursued Graham into the vestibule area of the store. Graham fled the store, and Deputy Ortega pursued him outside the store and attempted to take Graham into custody. Graham resisted arrest with violence and a struggle ensued for approximately one minute during which Graham battered the Deputy. Graham then ran from the Deputy while holding a firearm in his hand, later determined to be holstered, whereupon Deputy Ortega discharged his weapon, striking Graham. Graham was transported to the hospital and pronounced deceased.

Pursuant to F.S. 776.05 and 776.012, and a review of the facts, evidence, and law in this investigation, we find the discharge by MDSO Deputy Wilfredo Ortega 30-9947 to be legally justified.

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



Jose Arrojo



Deisy Hernandez



Kathleen Hoague



Stephen K. Talpins



Howard Rosen



Nilo Cuervo



Marie Jo Toussaint

Approved by State Attorney on this 20 day of May, 2026.



KATHERINE FERNANDEZ RUNDLE
State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: May 19, 2026

FROM: Laura Adams
Assistant State Attorney

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO Case # 62/25/11/06/002

Cristina Diamond
Assistant State Attorney

OFFICER INVOLVED:	Deputy Wilfredo Ortega ID 30-9947 MDSO
DECEASED:	Kennedy Graham
DATE & TIME:	November 6, 2025 at 7:15 A.M.
LOCATION:	21151 South Dixie Highway Miami, FL 33189 (Walmart Supercenter)
WEAPONS:	Deputy Ortega: Glock 17 Gen 5 9mm handgun Kennedy Graham: Taurus G3 9mm handgun
LEAD/REPORTS:	Special Agent Joseph Romero; RECEIVED May 12, 2026
CASE #:	MI-27-0308
SAO CASE #:	62/25/11/06/002

SUMMARY

On Thursday, November 6, 2025, at about 7:00 a.m., Kennedy Graham entered the Walmart Supercenter located at 21151 South Dixie Highway, in Miami, Florida. Asset Protection Investigator Armando Mediavilla observed Graham on closed circuit television (CCTV) screens as Graham made his way through the store. At that time, Deputy Wilfredo Ortega with Miami-Dade Sheriff's Office and in full uniform, was in the security office with Mr. Mediavilla. Mr. Mediavilla saw Graham take a t-shirt from a store rack and conceal it under his shirt. Mr. Mediavilla advised Deputy Ortega that it appeared that Graham was going to leave the store without paying for the t-shirt. As Mr. Mediavilla saw Graham going past the cash register area without paying for the item, he told Deputy Ortega that Graham had just stolen the t-shirt. Deputy Ortega ran out of the security office and tried to apprehend Graham in the glassed-in vestibule of the store. As he started to pursue Graham, Graham went out the store's glass doors to a sidewalk area that connects a parking garage to the store. He had a cell phone and a vape pen in his right hand when he was running out of the store. Graham's right shorts pocket has what appears to be the outline of a firearm in the video footage in this case.

Deputy Ortega pursued Graham outside the store and a struggle ensued between the two of them at the store's entrance. The struggle was protracted, and lasted for about one (1) minute. During the struggle, the Deputy tried multiple times to get Graham into custody, but Graham resisted all efforts and refused to allow the Deputy to handcuff him. During the struggle, Graham's cross-body bag and his beanie came off, and he dropped the vape pen and cell phone that were in his right hand. Graham took out the firearm that he had in his pocket while he was resisting Deputy Ortiz' attempts to get him into custody. During this incident, Deputy Ortega's body-worn camera (BWC) was knocked to the ground. However, Walmart CCTV footage showed how Graham resisted the Deputy's efforts to take him into custody. At the end of the struggle, Graham turned from the Deputy and started running from him with

the firearm in his hand. Deputy Ortega fired his service weapon at Graham three (3) times. Graham fell to the ground, bleeding. Graham's firearm, which was in a form-fitting holster, was found next to his body. Deputy Ortega performed CPR on Graham until fire rescue personnel arrived at the scene. Graham was transported to JMH South Hospital, where he was pronounced deceased by trauma staff at 8:03 a.m.



Video still from Walmart CCTV showing Graham running from officer with a holstered firearm in his right hand

At the scene, Graham's cross-body bag, beanie, vape pen and cell phone were found in the area of the struggle with the Deputy. Also, three (3) spent casings were located near where Deputy Ortiz was standing when he fired his weapon at Graham. This was consistent with the round count of the Deputy's weapon and with the three (3) gunshot wounds suffered by Graham. Firearms analysis confirmed that the projectiles recovered from Graham's body and the casings found at the shooting scene were fired from Deputy Ortiz' weapon. In addition, the Taurus handgun that Graham was carrying was found to be functional and was loaded with a 17-round capacity magazine that had 16 live rounds, and one round in the firing chamber. The registered owner of the Taurus firearm was located and interviewed. He had

the box for the weapon when it was sold to him, and said it had gone missing from his backpack when he was on a bus going to work. He said he never filed a report about the weapon being taken/lost/stolen.

Asset Protection Investigator Mr. Mediavilla was interviewed, as were two (2) unarmed security guards who saw the struggle between Deputy Ortiz and Graham. Mr. Mediavilla described how he saw Graham walk through the store on CCTV and advised Deputy Ortiz when Graham had stolen the t-shirt. Security guards Carlos Mendoza and Emilio Maceira advised that they were outside the Walmart store when they saw Deputy Ortiz struggling with Graham at the store entrance. They saw Graham get free from the Deputy and heard the Deputy yell something loudly before he fired his weapon.

Deputy Ortiz' BWC from this incident shows him in the Walmart security office communicating with Mr. Mediavilla as Mediavilla was watching Graham move about the store. Mediavilla gave the Deputy the go-ahead to get Graham into custody once Graham passed the cash registers without paying for the t-shirt. When the Deputy exited the security office and chased after Graham, the footage shows Graham looking back at the officer and then running to get out of the store. At that time, Graham did not have a firearm in his hand, but he is holding what appears to be a cell phone and vape pen in his right hand. As Graham was going through the door, he swung his left arm up, knocking the BWC off the Deputy's uniform. The BWC camera captured the sounds of Deputy Ortiz trying to get Graham into custody. The Deputy gave commands for Graham to stop resisting and also called for police backup. When Graham was able to free himself from Deputy Ortiz, the BWC recorded Graham running away with a firearm in his right hand.



Video still from Deputy Ortiz' BWC showing Graham running from Deputy Ortiz with a handgun in his right hand

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, or 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 Deputy Wilfredo Ortega ID 30-9947 constitute a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

ASA Adams responded to the scene of the shooting the day it occurred (ASA Diamond was in trial). I watched the Walmart CCTV footage and the BWC footage of Deputy Ortiz at the scene. FDLE conducted a “walk through” of the scene, where the firearm was located near where Graham had fallen after being shot, as well as the casings from Deputy Ortiz’ firearm. I sat in on the interview of Mr. Mediavilla (conducted in English) and was advised of what Security Guards Mendoza and Maceira had advised (their interviews were in Spanish). Additionally, I read the police reports that were gathered in this case and the reviewed the entirety of the case file provided by Special Agent Joseph Romero. Also, on Wednesday, April 22, 2026, I met with family members of Kennedy Graham on Zoom with SAO Homicide Counselor Andrea Marquez in attendance to explain the role of the State Attorney’s Office in investigations such as this.

The evidence obtained in this matter demonstrates that Deputy Ortiz was legally justified in using deadly force against Graham under both Florida Statutes 776.012 and 776.05. Florida Statute 776.012 permits the use of deadly force when a person (whether law enforcement or not) believes such force is necessary to prevent the imminent death or great bodily harm to himself or another, or to prevent the commission of a forcible felony. Florida Statute 776.05 allows an officer to use any force that he or she believes is necessary to defend himself or herself or another while making an arrest.

What should have been a simple shoplifting arrest became deadly in this case because Graham not only forcefully struggled against Deputy Ortiz in front of the Walmart, but also because he armed himself with a firearm in that struggle. Deputy Ortiz was dressed in police attire and ordered Graham to stop. BWC footage shows Graham look behind him as the Deputy approached, and then take off running to get out of the store. Graham clearly knew he was being pursued by a police officer, yet he did not stop when directed to do so. In order to try to get Graham into custody, the Deputy gave commands for

Graham to stop resisting. However, Graham not only continued to resist, he dropped his cell phone and vape pen and then took out the handgun which was in his shorts during this struggle. After about 60 seconds of fighting against the Deputy, Graham turned and ran from him, holding a black firearm in his right hand. The weapon can be seen in the CCTV video and stills from the video, as well as on the Deputy's BWC. The firearm was recovered next to Graham's body after Graham was shot. The holster on the weapon fit it very closely, making the holster look like a part of the firearm itself. Deputy Graham was justified finding that Graham posed a threat not only to himself and other law enforcement officers that would respond to his call for backup, but also to the store patrons and other people in that busy commercial area. He was also justified in using deadly force to protect himself and others from bodily harm while making a lawful arrest. For these reasons, the State of Florida will not file any charges against Deputy Ortiz, because his use of deadly force was legally justified.

Prepared by:

/s/ Laura Adams

Assistant State Attorney

/s/ Cristina Diamond

Assistant State Attorney