

Close-out Memorandum of the
Investigation Regarding
Joseph Lamont Tilley
September 8, 2025



State Attorney's Office
Eleventh Judicial Circuit
Miami-Dade County
August 20, 2026



STATE ATTORNEY

ELEVENTH JUDICIAL CIRCUIT OF FLORIDA
E. R. GRAHAM BUILDING
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KATHERINE FERNANDEZ RUNDLE
STATE ATTORNEY

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August 20, 2026

Edwin Lopez, Chief of Police
City of Miami Police Department
400 NW 2nd Avenue
Miami, Florida 33128

Dear Chief Lopez:

Enclosed is our final report regarding the investigation into the police-involved shooting of injured Joseph Lamont Tilley on September 8, 2025. The City of Miami Police Officer involved was Josue Herrera ID # 001-27890.

The investigation has determined that the officer was legally justified in the use of deadly force by discharging his weapon. Therefore, no criminal charges will be filed.

Please be aware that now that the investigation is closed, absent specific exemptions, the materials contained in our investigative file are now public records and are subject to being provided pursuant to any public records request that we may receive under Sec. 119.071(2)(c)1., Florida Statutes.

If you have any questions, please do not hesitate to call me.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kathy Rundle".

KATHERINE FERNANDEZ RUNDLE
State Attorney

KFR/yf

cc: Angelo Cedenio, Major (IA)
Felix Del Rosario, President (FOP)
Edward Stamm, Assistant United States Attorney
Michael Stein, FDLE (SAC)



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE
State Attorney

DATE: August 18, 2026

FROM: STAFFING/REVIEW TEAM

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO CASE #62/25/09/08/002

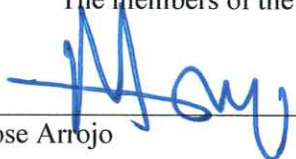
Based on the information obtained and reviewed during the investigation, the conclusion of the staffing/review team is the following:

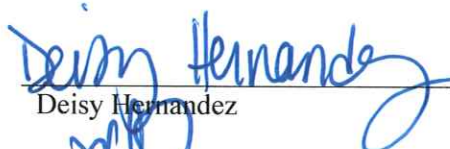
On September 8, 2025, at about 6:45 A.M., a 911 caller reported a black male wearing all black shooting in the area of NW 64th Street and NW 15th Avenue. City of Miami Officer Josue Herrera arrived on scene, wearing his body-worn camera, which captured the audible sound of gunshots. Officer Herrera, armed with his rifle, from a position of cover behind the driver's door of his police vehicle, observed Joseph Lamont Tilley, who was armed and continuing to walk toward the police vehicle. Officer Herrera discharged his weapon, striking Tilley, and called dispatch advising "shots fired, subject down."

A nearby "Ring" camera also captured the sequence of events. Tilley was transported to Jackson Memorial Hospital Ryder Trauma Center and treated for two gunshot wounds. A black Smith & Wesson .38 revolver was recovered near Tilley's feet with three fired casings and two live rounds. Crime scene investigators documented three bullet strike marks on the exterior wall of the apartment complex.

Pursuant to F.S. 776.05 and 776.012, and a review of the facts, evidence, and law in this investigation, we find the deadly force used by Officer Josue Herrera 01-27890 of the City of Miami Police Department in discharging his weapon was legally justified.

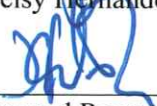
The members of the staffing/review team for this case are:

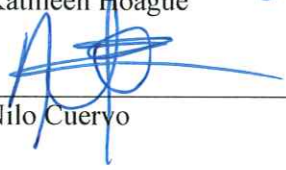

Jose Arrojo


Deisy Hernandez


Kathleen Hoague

/s/ *Stephen K. Talpins*
Stephen K. Talpins


Howard Rosen


Nilo Cuervo


Marie Jo Toussaint

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


KATHERINE FERNANDEZ RUNDLE
State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: August 18, 2026

FROM: Anthony Gil
Assistant State Attorney

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO Case # 62/25/09/08/002

Sara Imm
Assistant State Attorney

OFFICER INVOLVED:	Officer Josue I. Herrera. ID # 001-27890 City of Miami Police Department
INJURED:	Joseph Lamont Tilley
DATE & TIME:	September 8, 2025 at approximately 6:58 AM
LOCATION:	NW 15th Avenue near 6414 / 6401 NW 15th Avenue, Miami
WEAPONS:	Smith & Wesson .38 Special Airweight revolver, S/N DCH5448 (Tilley) Cobalt Kinetics CKPRO multi-caliber rifle, S/N CK01923 (Officer Herrera)
LEAD/REPORTS:	S.A. Michael Gaudio, FDLE / Reports Received 4/6/26
FDLE CASE #:	MI-27-0299
SAO CASE #:	62/25/09/08/002

FACTUAL SUMMARY

On Monday, September 8, 2025, at approximately 6:45–6:46 AM, ShotSpotter registered multiple gunshots in the vicinity of 6414–6415 NW 15th Avenue, Miami. Concurrently, a 911 caller reported a Black male wearing a black t-shirt and black pants walking and shooting in the area of NW 64th Street and NW 15th Avenue. The call was routed to City of Miami Police Department (MPD) as a ShotSpotter, shots-fired call and at approximately 6:51 AM MPD officers were dispatched.

Officer Josue I. Herrera (Unit 1113) arrived at approximately 6:54 AM in a marked patrol vehicle. Radio traffic at approximately 6:55 AM described the subject as walking southbound on NW 15th Avenue toward NW 63rd Street. At the same time, Officer Herrera's body-worn camera showed him driving north on NW 15th Avenue with his department-issued Cobalt Kinetics rifle visible on the dashboard.

Officer Herrera's body-worn camera captured an audible gunshot beginning at approximately 6:58:09 AM and continuing into 6:58:10 AM, as Officer Herrera began to exit his vehicle. A second audible gunshot was heard at approximately 6:58:11 AM as Officer Herrera began to arm himself with the rifle. At approximately 6:58:15 AM Officer Herrera pointed the rifle from a position of cover behind the driver's door, and at approximately 6:58:16 AM he discharged the rifle three times. Officer Herrera then broadcast "shots fired, subject down."

Joseph Lamont Tilley was observed on the sidewalk in front of the Liberty Square apartment complex. A black Smith & Wesson .38 Special Airweight five-shot revolver (serial number DCH5448) was recovered near Tilley's feet. The revolver contained three fired casings and two live rounds. Officer Herrera fired three rounds, two of which struck Tilley — one in the left arm and one in the left temple. Although he survived, he suffered permanent injuries. Three fired .223 Remington casings were located next to the driver's side of Officer Herrera's vehicle. Tilley was transported by City of Miami Fire Rescue to Jackson Memorial Hospital Ryder Trauma Center with life-threatening injuries.

A Ring doorbell camera captured the sequence of events. The Ring camera footage and Officer Herrera's body-worn camera footage corroborate one another and establish a consistent sequence of events. The Ring camera showed a Black male wearing a black t-shirt and black pants (later identified as Joseph Lamont Tilley) walking south on NW 15th Avenue on the sidewalk in front of the Liberty Square apartment complex. A marked police vehicle with headlights on was slowly moving north on the roadway until 6:58:07, at which time Tilley raised his right hand and discharged a firearm up into the air, producing an audible gunshot and a visible muzzle flash. The police vehicle stopped immediately. At 6:58:09, while continuing to walk south on the sidewalk toward the now-stopped police vehicle, Tilley again raised his right hand. He pointed the firearm to his right (within view of the police vehicle) in the direction of an opening between buildings and discharged it, producing an audible gunshot and a visible muzzle flash. At that moment Tilley was only approximately four car lengths away from the police vehicle and was advancing rapidly toward it. At 6:58:11 Tilley walked past a parked car with the firearm still in his right hand. From that point until he was shot, there were no vehicles or other obstructions between Officer Herrera and Tilley, giving Officer Herrera a clear view of Tilley's right hand and the firearm. Tilley continued walking toward the police vehicle with the firearm in his right hand until 6:58:14, when three gunshots were heard. Tilley was not seen falling until 6:58:15 — approximately four seconds after his right hand and the firearm would have been clearly visible to Officer Herrera. There was no indication that Tilley discarded the firearm, raised his hands, or otherwise attempted to surrender. The revolver remained near his feet when he fell.



Although the two recordings reflect an approximate two-second variance in their respective timestamps,¹ a side-by-side review of the videos confirms that the sequence of events is identical: Tilley

¹ The Ring camera and body-worn camera timestamps are offset by approximately two seconds. Direct review of both videos establishes that this discrepancy is attributable to a minor difference in the internal clocks of the two recording systems. The chronological order and relative timing of the events themselves remain consistent across both recordings.

fired first (up into the air), the police vehicle stopped, Tilley fired a second time while continuing to advance on foot toward the vehicle, and Officer Herrera then exited, armed himself, and discharged his rifle three times, after which Tilley fell.

MPD Officer Willie Laster (Unit 1115) arrived after the sequence of events depicted on the video. Officer Laster provided a sworn recorded statement confirming that he heard gunshots, observed Officer Herrera with the rifle pointed toward Tilley who was lying on the ground, and saw the revolver near Tilley's feet, but did not see the shooting since he arrived shortly after the shooting. Officer Laster did not discharge his firearm.

Crime scene personnel processed the scene and collected the three .223 casings, the Smith & Wesson revolver, Tilley's clothing, two cellular telephones on Tilley's person, and documented three bullet strike marks on the exterior wall of the apartment complex. Officer processing confirmed that Officer Herrera's rifle round count was consistent with the discharge of three rounds and that his sidearm had not been fired. Laboratory examination by the Miami-Dade Sheriff's Office Firearm & Toolmark Unit confirmed that the three recovered .223 casings were fired from Officer Herrera's rifle. The three fired .38 Special casings recovered from the cylinder of Tilley's revolver were confirmed to have been fired in that weapon.

Tilley was hospitalized with life-threatening injuries and was unable to provide a statement to investigators. On advice of Fraternal Order of Police counsel, Officer Herrera declined to provide a statement.

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 Officer Josue I. Herrera 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 the incident, including the sworn statements, 911 calls, body worn camera footage, civilian Ring camera video, crime scene documentation, laboratory results, firearm trace records, and other evidence gathered in this investigation. We find the FDLE file to be complete and thorough, and incorporate it into this memorandum and offer our conclusion based on 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.

The evidence shows that Joseph Lamont Tilley was armed with a loaded .38 Special revolver that he had already discharged multiple times in a residential neighborhood. Video evidence establishes

that Tilley fired at least twice—first into the air and then a second time while continuing to advance on foot toward the police vehicle, at which point he was approximately four car lengths away. Tilley remained in possession of the firearm, and there was no indication that he attempted to surrender. By the time Tilley was shot, police had probable cause to make a felony arrest.

Officer Herrera was actively aware of the threat posed by the ongoing gunfire and had a clear view of Tilley's right hand and the firearm prior to discharging his rifle. Under these circumstances it is reasonable to conclude that Officer Herrera believed that the use of deadly force was necessary to prevent imminent death or great bodily harm to himself and to members of the public. Therefore, the use of deadly force by Officer Herrera is determined to be legally justified.

Prepared by:

/s/Anthony Gil

Assistant State Attorney

/s/Sara Imm

Assistant State Attorney