

Close-out Memorandum of the
Investigation Regarding
Unknown
December 28, 2025



State Attorney's Office
Eleventh Judicial Circuit
Miami-Dade County
August 4, 2026



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE
State Attorney

DATE: August 4, 2026

FROM: STAFFING/REVIEW TEAM

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO CASE # 62/25/12/28/002

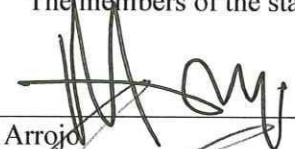
Based on the information obtained and reviewed during the investigation, the conclusion of the staffing/review team is the following:

On December 28, 2025, at about 5:58 P.M., Miami-Dade Sheriff's Office Deputy Austin Milanes conducted a traffic stop in the area of NW 17th Avenue and 95th Street on a vehicle that had been reported stolen. Deputy Milanes exited his marked police vehicle, which he parked in front of the stolen vehicle, and walked back toward the stolen car. The Deputy instructed the driver to exit the vehicle while his weapon was drawn, however, the driver ignored the command and backed up the car and drove over a median to flee the scene almost striking the Deputy. Deputy Milanes discharged his weapon, and the stolen vehicle fled the scene. These events are captured on the Deputy's body-worn-camera footage.

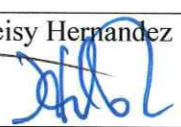
The stolen vehicle was later located abandoned in front of a residence with traces of blood and a firearm inside the vehicle on the passenger side of the car. Later that day, Boyd walked into the emergency room of Jackson Memorial Hospital North claiming he was shot in Sunrise by an unknown individual during a road rage incident. Sunrise police investigated this claim, but no evidence of the reported road rage incident was found.

Pursuant to F.S. 776.05 and 776.012, and a review of the facts, evidence, and law in this investigation, we find that the deadly force used by Deputy Austin Milanes, 30-10064, in discharging his weapon was legally justified.

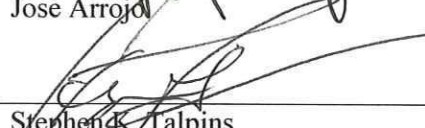
The members of the staffing/review team for this case are:

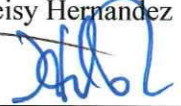

Jose Arrojo

/s/ Deisy Hernandez

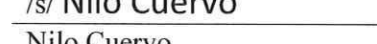

Deisy Hernandez

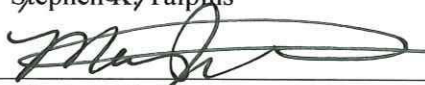

Kathleen Hoague


Stephen K. Talpins


Howard Rosen

/s/ Nilo Cuervo


Nilo Cuervo


Marie Jo Toussaint

Approved by State Attorney on this 4 day of Aug, 2026.


KATHERINE FERNANDEZ RUNDLE
State Attorney

OFFICE OF THE STATE ATTORNEY
ELEVENTH JUDICIAL CIRCUIT

KATHERINE FERNANDEZ RUNDLE
STATE ATTORNEY



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: July 28, 2026

FROM: Shawn Abuhoff
Assistant State Attorney

RE: POLICE SHOOTING CLOSEOUT MEMO

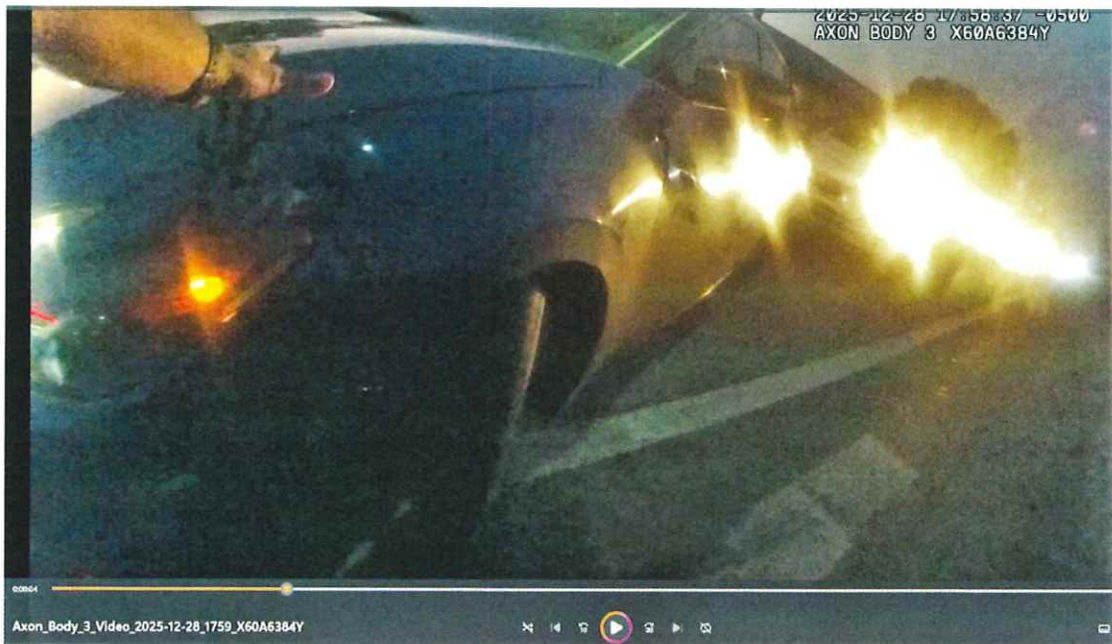
SAO Case # 62/25/12/28/002

Rebecca DiMeglio
Assistant State Attorney

OFFICER INVOLVED:	MDSO Deputy Austin Milanese - ID # 30-10064
INJURED:	UNKNOWN
DATE & TIME:	December 28, 2025 at 5:58 P.M.
LOCATION:	NW 17 th Avenue and 95 th Street, Miami, FL 33147 (Roadway)
WEAPON:	Glock, Model 17, Gen 5, 9mm pistol, Serial #BGYH372, with a TRL-7A flashlight attached
LEAD/REPORTS:	S.A. Ricardo Martinez, FDLE - Report received 5-12-2026
FDLE CASE #:	MI-27-0314
SAO CASE #:	62/25/12/28/002

STATEMENT OF FACTS

On December 28, 2025, at roughly 5:58 P.M., Miami-Dade Sheriff's Office ("MDSO") Deputy Austin Milanes conducted a traffic stop of a blue Nissan Maxima, license plate RPQY04 in the area of NW 17th Avenue and 95th Street. The Maxima had previously been reported as stolen and a "Be On The Lookout" had been issued for the vehicle. Deputy Milanes was alone and there were no other law enforcement witnesses. His department issued body worn camera shows him as he exited his marked vehicle, which he parked in front of the stolen vehicle, and as he began to walk back towards the stolen car. The Deputy had his firearm out and pointed it at the vehicle as he gave commands to the unknown driver to exit the vehicle. As the Deputy did this, the vehicle can be seen reversing, providing the driver the clearance to drive behind the Deputy's vehicle, before the vehicle proceeds forward in the direction of Deputy Milanes. Based on the physical evidence, it is apparent that the Deputy discharges his firearm while the vehicle is approaching him and as it is passing him. It is unclear whether contact was made with the Deputy's leg, but the Deputy can be seen putting his hand on the front of the vehicle and moving to the side of the vehicle as it passed by. The vehicle then sped away. To date, it is unknown whether the Deputy struck anyone inside of the vehicle with his firearm, how many people were in the vehicle at the time of the incident, or who the driver was.



911 was contacted by a female civilian eyewitness who stated that she witnessed the MDSO Deputy block the sedan in and that the vehicle "looked like it hit the officer, and he shot his gun through the windows." Another civilian witness, Anthony Plez, stated that he observed the officer fire his firearm after he saw the driver of the Maxima back his vehicle up and start moving forward.

The vehicle was found abandoned in front of the residence of 125 NW 120th Terrace. A firearm and traces of blood were located inside of the vehicle. Both scenes were processed separately by crime scene deputies. At the first scene, five (5) 9mm spent casing were observed, photographed, and collected. Deputy Milanés' department issued Glock (Model 17, Gen 5, 9mm pistol, Serial #BGYH372, with a TRL-7A flashlight attached) was also processed. The firearm had a seventeen (17) round capacity magazine with a six (6) round extension attached, providing a total capacity of twenty-three (23) rounds. One (1) live 9mm round was chambered and fourteen (14) live 9mm rounds were located in the magazine inserted into the firearm. Deputy Milanés stated he does not fill the firearm to its full twenty-three (23) round capacity and usually keeps only twenty (20) to twenty-one (21) live 9mm rounds in his magazine. Because the Deputy was unsure of exactly how many rounds were in the firearm at the time of incident, it cannot be determined exactly how many times the Deputy fired his firearm, but it can be determined that he could have fired up to seven (7) rounds. Photos were taken of the vehicle at this second scene that showed bullet holes by the front wheel of the vehicle, through the driver side window, and through the back driver's side window and door.

At approximately 6:45 P.M., Reethan Boyd walked into the emergency room of Jackson Memorial Hospital North claiming he was shot in Sunrise, Florida, by an unknown individual during a road rage incident. Sunrise Police Department ("SPD") investigated these claims under SPD case number 42-2512-067836 and determined them to be false.

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 MDSO Deputy Austin Milanés constituted a criminal act that can be proven beyond and to the exclusion of every reasonable doubt.

The undersigned attorneys have reviewed the MDSO and Florida Department of Law Enforcement ("FDLE") case files regarding this incident, including sworn statements, crime scene photographs, body worn camera of the officers involved, the 911 call, and other evidence compiled under FDLE Case # MI-27-0314. 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.

Florida law provides the use of deadly force is legally justified if:

“[a] person...reasonably believes that using or threatening to use [deadly] force is necessary to prevent imminent death or great bodily harm to himself or another or to prevent the imminent commission of a forcible felony.” [A] person who uses or threatens to use deadly force in accordance with this subsection does not have a duty to retreat and has the right to stand his or her ground if the person using or threatening to use the deadly force is not engaged in a criminal activity and is in a place where he or she has a right to be.”

§776.012(2). Also applicable is Florida Statute § 776.05 which provides that a law enforcement officer need not retreat or desist in his efforts to make a lawful arrest and justifies the use of any force that the law enforcement officer reasonably believes to be necessary to defend himself or others from bodily harm in the course of their duties and while attempting to arrest felons fleeing from justice.

When the stolen vehicle that Deputy Milanese approached began to accelerate in his direction, he was faced with significant risk of death or great bodily harm. Despite the fact that the driver cannot be identified, and it cannot be determined to any degree of certainty if the shots fired by Deputy Milanese struck anyone inside the vehicle, the Deputy was justified in his use of force based on the fact that the vehicle was accelerating in his direction. Additionally, the unknown driver's flight from the officer qualifies him as a fleeing felon, further justifying the actions of Deputy Milanese. As such, the State finds that the shooting was legally justified under Florida law.

Prepared by:

/s/ Shawn Abuhoff

Shawn Abuhoff
Assistant State Attorney

/s/ Rebecca DiMeglio

Rebecca DiMeglio
Assistant State Attorney