

Close-out Memorandum of the Investigation Regarding

Norman Lindo Jr., Evelyn Caridad Valdes and John Fortini

June 14, 2025



State Attorney's Office
Eleventh Judicial Circuit
Miami-Dade County
October 13, 2026



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE
State Attorney

DATE: OCTOBER 13, 2026

FROM: STAFFING/REVIEW TEAM

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO CASE # 62/25/06/14/001

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

On June 14, 2025, shortly before 3:00 A.M., City of Miami Police Sergeants Jose Cabrera and Javier Herbello were standing in front of a restaurant near a Wynwood nightclub when they were approached by a private security guard from the nightclub about a theft. The Sergeants walked over to the nightclub to investigate. The club's private security had two individuals accused of stealing phones detained and wanted them arrested and trespassed from the premises. While investigating the theft, Sergeant Cabrera called for backup units, and Officers Dorian Acosta and Daniela Ruque responded to the scene.

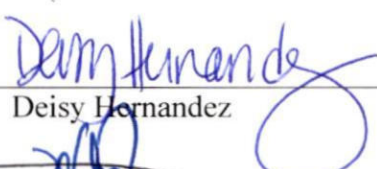
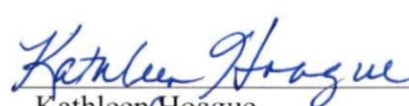
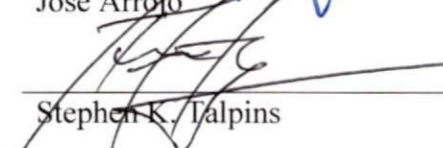
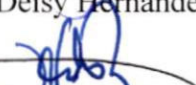
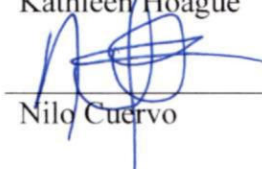
During this same time, an unrelated altercation started outside the exit of the nightclub involving Michael Morales, Santiago Hernaiz, Cesar Guardiola Moncada, and Norman Lindo Jr. During the altercation, Norman Lindo Jr. armed himself with a firearm. One of the owners of the nightclub, Jake Hermelo, attempted to restrain Lindo. Sergeant Herbello and Officer Acosta drew their service weapons and instructed Lindo to drop his weapon. Lindo did not follow the officers' instructions and continued to move forward with his firearm. Sergeant Herbello, Sergeant Cabrera, and Officer Acosta discharged their weapons at Lindo, striking him several times, and he was pronounced deceased at the hospital.

During this shooting, Evelyn Valdes was a rear seat passenger in a vehicle leaving the area in congested traffic driving away from the club. The occupants of the vehicle realized she had been shot, pulled over about one block away from where she was struck, and called . At 3:06 A.M., Nina Albelo advised that Evelyn had been struck by a stray bullet, was still breathing and needed immediate assistance. At 3:22 A.M., rescue arrived at the scene, and Evelyn was later transported to the Ryder Trauma Center but pronounced deceased at the hospital.

The manager of the nightclub, John Fortini, was also struck during the police involved shooting, transported to the hospital, and was successfully treated for an injury to his hand.

Pursuant to F.S. 776.012, and a review of the facts, evidence, and law in this investigation, we find that the deadly force used by Sergeant Jose Cabrera 01-41738, Sergeant Javier Herbello 01-40748, and Officer Dorian Acosta 01-46848 of the City of Miami Police Department in discharging their weapons was 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

Approved by State Attorney on this 13 day of October, 2026.



KATHERINE FERNANDEZ RUNDLE
State Attorney



INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: 10/13/2026

FROM: Todd Bass
Assistant State Attorney

RE: POLICE SHOOTING CLOSEOUT MEMO
SAO Case # 62/25/06/14/001

Johnathan Nobile
Assistant State Attorney

OFFICERS INVOLVED:	Sergeant Jose Cabrera #01-41738 City of Miami Police Department Sergeant Javier Herbello #01-40748 City of Miami Police Department Officer Dorian Acosta #01-46848 City of Miami Police Department
DECEASED:	Norman Lindo Jr. Evelyn Caridad Valdes
INJURED	John Fortini
DATE & TIME:	June 14, 2025, at approximately 3:00 am
LOCATION:	144 NW 23 rd Street
WEAPONS:	Glock 17, 9mm SN: 9MIA3185 (Sergeant Herbello) Glock 17, 9mm SN: 9MIA3703 (Sergeant Cabrera) Glock 17, 9mm SN: 9MIA4448 (Officer Acosta) FNX-9, 9mm SN: FX1U053622 (Norman Lindo Jr.)
LEAD/REPORTS:	Special Agent Michael Gaudio, FDLE/ Reports Received April 6, 2026
FDLE CASE #:	MI-27-0288
SAO CASE #:	62/25/06/14/001

SUMMARY OF FACTS

On June 14, 2025, at approximately 3:00 am, a shooting occurred in front of a nightclub located at 144 NW 23rd Street, in the Wynwood area of Miami. The surrounding area of the nightclub was crowded with patrons who were leaving the nightclub and pedestrians on the sidewalks and roadways. Additionally, multiple vehicles were in bumper-to-bumper traffic on NW 23rd Street.

On the night of the incident, City of Miami Police Sergeant Jose Cabrera and City of Miami Police Sergeant Javier Herbello were standing in front of a nearby restaurant in full police uniform when they were approached by a private security guard from the nightclub in reference to a theft. Sergeant Cabrera and Sergeant Herbello walked over to the nightclub to investigate. Two individuals accused of stealing phones were detained by private security, while representatives of the nightclub, Jake Hermelo and John Fortini, sought to have them arrested and trespassed from the premises. While investigating the theft, Sergeant Cabrera called for backup units, MPD Officer Dorian Acosta and Officer Daniela Ruque subsequently responded to the scene in full police uniform. Officer Acosta made contact with Sergeant Cabrera and Sergeant Herbello, while Officer Ruque called for additional backup units due to the large crowd of people on scene.

At the same time, an unrelated altercation occurred on the sidewalk by the exit of the nightclub involving Michael Morales, Santiago Hernaiz, Cesar Guardiola Moncada, and Norman Lindo Jr. During the altercation, Lindo Jr. armed himself with a black firearm. Mr. Hermelo heard the altercation and saw Lindo Jr. armed with a firearm. Hermelo attempted to grab Lindo Jr. to restrain him. After Lindo Jr. evaded Hermelo, he backed away from Lindo Jr. while Sergeant Herbello and Officer Acosta drew their service weapons and instructed Lindo Jr. to drop his gun. Lindo Jr. did not acknowledge the commands and continued to move forward with a gun in his right hand, Sergeant Herbello, Sergeant Cabrera, and Officer Acosta then discharged their weapons at Lindo Jr., striking him several times.

CCTV footage recovered from across the street of the nightclub shows Lindo Jr. brandishing a firearm while Hermelo was attempting to restrain him. CCTV footage shows Lindo Jr. evading Hermelo's grasp when officers discharged their weapons towards him.

During the shooting, Evelyn Valdes was seated in the rear of a 2021 blue Mazda CX-5 SUV, which was in bumper-to-bumper traffic in front of the nightclub. After the shooting, the Mazda moved eastward and away from the club. The occupants of the vehicle then realized that Evelyn Valdes had been shot. The car then pulled over about a block away while Nina Albelo, a passenger inside the Mazda, called at 3:06 am. Ms. Albelo advised that her friend Evelyn had been struck by a stray bullet and was still breathing and that she needed police and fire rescue.

Both Lindo Jr. and Evelyn Valdes were transported to Ryder Trauma Center at Jackson Hospital where they were pronounced deceased. John Fortini, a manager at the nightclub also received a gunshot wound to the left hand/thumb. Fortini was treated at the Ryder Trauma Center for his injuries and released.

CIVILIAN STATEMENTS

Kimberly Gomez:

Ms. Gomez advised that she is the owner of the blue Mazda. Ms. Gomez advised that she and Evelyn Valdes and a few friends travelled to Miami to celebrate Evelyn Valdes' birthday. Ms. Gomez stated that they were at the nightclub for about fifteen (15) minutes before they decided to leave to go home. She and her friends, including Evelyn Valdes, left in the blue Mazda to go home when they were stuck in traffic in front of the nightclub. Ms. Gomez stated that they all observed an altercation in front of the nightclub and a black male who appeared to be armed with a firearm. She stated that she heard gunshots, and they began to drive away when they realized that Evelyn had been shot.

Adrianna Girad

Ms. Girad advised that Evelyn Valdes was her cousin. She advised that she went out to Miami with Evelyn and Evelyn's friends to celebrate Evelyn's birthday. They were at the nightclub for less than twenty (20) minutes when they decided to go home, and got into Kimberly's blue Mazda. She advised that she was driving Kimberly's vehicle while Evelyn was sitting in the rear passenger side seat. They were stuck in traffic in front of the nightclub when she saw a black male raise a firearm in his hand and heard gunshots. She drove away from the club. They all realized that Evelyn had been shot so she stopped the vehicle about a block away near an unoccupied police cruiser to try and get help.

Nina Albelo

Ms. Albelo advised that she was part of a group of friends that went out to celebrate Evelyn Valdes' birthday. She advised that they went to the nightclub for approximately ten (10) minutes when they decided to go home and got into Kimberly's blue Mazda. They were stopped in the roadway in front of the nightclub when she observed a black male in an altercation with another individual. She advised that she saw the male armed with a firearm. He began to raise it when she ducked her head and heard six (6) to seven (7) gunshots. She stated that they stopped the vehicle nearby and she called for aid.

Jake Hermelo

Mr. Hermelo advised that he is one of the owners of the nightclub. He advised that around 2:45 am on the morning of the shooting, he had observed people pickpocketing in the nightclub. He sent his security guard across the street to get help from two police officers who were on foot. The officers came to the front of the nightclub to discuss what was happening, when an unrelated altercation between two individuals had started at the exit of the nightclub. Mr. Hermelo attempted to calm the individuals down when a third individual came into the altercation with a black firearm in his right hand. Mr. Hermelo advised that he thought the armed individual was going to shoot the person with whom he was arguing. Mr. Hermelo advised that he asked the male to put the gun down, but the male was focused on the other

individual with whom he was arguing. Mr. Hermelo advised that the male was acting like “a zombie” and must have been intoxicated or on drugs. Mr. Hermelo advised that it was a scary situation for everybody and that he feared for his life. Mr. Hermelo advised that he tried to grab the male’s arm to get him to put the gun down, at which point the officers ordered him to put the gun down before discharging their weapons at him. Mr. Hermelo advised he heard four (4) to six (6) shots.

Santiago Hernaiz

Mr. Hernaiz advised that he was at the nightclub with a UFC fighter, Michael Morales. He advised that they did not have any issues while at the club until they were on their way out. Mr. Hernaiz advised that when they were just outside of the exit, an unknown male (later identified as Cesar Guardiola Moncada) approached Michael Morales trying to provoke him to fight. Mr. Hernaiz sought to separate Mr. Morales and Mr. Moncada when Mr. Moncada stated, “motherfuckers are going to start getting shot” and reached towards his waist. Mr. Hernaiz advised that he rushed towards Mr. Moncada to grab him to restrain him when he determined that Mr. Moncada was unarmed and proceeded to verbally chastise Mr. Moncada for making a reckless statement. As Mr. Hernaiz began to walk away, Lindo Jr. yelled at him, “Hey yo! That’s my man you know that right?” Subsequently, Mr. Hernaiz turned around to face Lindo Jr. and saw Lindo Jr. draw a black handgun from his waist. Mr. Hernaiz advised that when he saw the firearm, he ran across the street, heard several gunshots, and saw Lindo Jr. fall to the ground.

Cesar Guardiola Moncada

Mr. Moncada advised that he was at the nightclub with his friend Norman Lindo Jr. Mr. Moncada advised that he was on his way to the exit of the club when he heard several gunshots. Mr. Moncada advised that when he got outside, he saw Lindo Jr. on the ground.

John Fortini

Mr. Fortini advised that he is a manager at the nightclub and was working at the time of the shooting. He advised that prior to the shooting, he got notified by one of the owners that he was with

two officers outside the club trying to have potential pick pocketers arrested. Mr. Fortini advised that the owner wanted him to show the officers the videos of the pick pocketing incident. Mr. Fortini advised that while doing so, he heard a commotion about fifteen (15) feet away near the exit of the club. Mr. Fortini advised that one of the officers with whom he was speaking walked towards the commotion while the other officer, later identified as Sergeant Cabrera, stayed with him. Mr. Fortini advised that he heard people yell, "he has a gun", and heard an officer say, "drop the gun", at which point in time he heard the first gunshot. When the first shot happened, Mr. Fortini and Sergeant Cabrera were pushed towards the entrance of the nightclub when Sergeant Cabrera discharged his weapon at the subject, striking Mr. Fortini in the hand.

OFFICER STATEMENT

Officer Daniela Ruque

Officer Ruque advised that on the morning of the shooting, she responded as a backup officer to the nightclub in reference to a theft. Officer Ruque advised that Officer Acosta arrived as a backup officer as well. Officer Ruque advised that when she responded to the nightclub, she saw a large crowd of people on the streets, sidewalks, and directly in front of the nightclub door. Officer Ruque advised that she observed a commotion and what appeared to be two individuals fighting. She then returned to her vehicle to radio for another backup unit due to the large crowd when she heard the shooting. Officer Ruque advised that she took cover behind her vehicle until the shooting stopped.

BODY WORN CAMERA

Sergeant Cabrera and Sergeant Herbello were not equipped with body worn cameras. Officer Acosta's body worn camera was activated. Officer Acosta's body worn camera footage shows him arriving at the nightclub and meeting with Sergeant Cabrera and Sergeant Herbello. The footage then shows Lindo Jr. emerging from the exit of the nightclub with a black handgun in his right hand before he pushed another individual.

The body worn camera footage shows Sergeant Herbello discharge his weapon at Lindo Jr. first and Officer Acosta discharging his weapon afterwards as Lindo Jr. was attempting to flee. Lindo Jr. was struck by several gunshots and falls to the pavement.

OFFICER ROUND COUNTS

Based on the round counts of the surrendered firearms from the involved officers, it was determined that Sergeant Herbello fired up to seven (7) 9mm rounds; Sergeant Cabrera fired up to two (2) 9mm rounds; and Officer Acosta fired up to five (5) 9mm rounds.

CRIME SCENE

Twelve (12) spent 9mm casings were recovered in the area in front of the nightclub. The nightclub is located at the corner of NW 1st Court and 23rd Street.

A 9mm FN pistol, model FNX-9, SN: FX1U053622 was recovered in front of the nightclub. The firearm had an inserted, 17-round capacity magazine. Ten (10) live 9mm rounds were in the magazine, and one (1) live round was chambered.

A 2021 blue Mazda CX-5 SUV was located at NW 23rd Street and 1st Avenue, with one (1) bullet hole in the lower part of the rear passenger side door and one projectile hole through the front passenger door which traveled through the base of the center console and struck the transmission case.

FIREARMS ANALYSIS

Analysis of the projectile recovered from Evelyn Valdes' abdomen determined that it was fired from Officer Acosta's firearm. Analysis of the twelve (12) spent casings recovered from the scene determined that one was fired from Sergeant Cabrera's firearm, seven (7) were fired from Sergeant

Herbello's firearm, and four (4) were fired from Officer Acosta's firearm. Evelyn Valdes had one (1) gunshot wound to the abdomen. Lindo Jr. had ten (10) gunshot wounds.

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 Sergeant Jose Cabrera, MPD, Sergeant Javier Herbello, MPD, and/or Officer Dorian Acosta, MPD, constitute criminal acts that can be proven beyond and to the exclusion of every reasonable doubt. Florida Statute 776.012 which governs the use of force states that:

A person is justified in using or threatening to use deadly force if he or she reasonably believes that using or threatening to use such force is necessary to prevent imminent death or great bodily harm to himself or herself 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.

In this case, based on the totality of the circumstances, the officers' use of deadly force was justified, as the evidence shows that Lindo Jr. was aggressively brandishing a firearm in a crowded street. It was reasonable for the officers to believe that their lives or others were in danger. It was also reasonable for the officers to believe that deadly force was necessary to prevent death or great bodily harm to themselves, patrons of the nightclub, and pedestrians in the area. Furthermore, it was reasonable for the officers to believe that deadly force was necessary to prevent the continuing commission of

POLICE SHOOTING CLOSEOUT MEMORANDUM

RE: LINDO JR., Norman, VALDES, Evelyn, and FORTINI, John DOI: 06/14/2025

forcible felonies, including the attempted murder of law enforcement officers, patrons of the nightclub, and pedestrians in the area. Therefore, pursuant to Florida Statute 776.012, the use of deadly force by Sergeants Jose Cabrera and Javier Herbello and Officer Dorian Acosta in discharging their weapons at Lindo Jr. is legally justified. Accordingly, the tragic death of Evelyn Valdes and injury to John Fortini, who were both innocent bystanders, struck by projectiles, were not caused by criminal acts.

Prepared by:

/s/ Johnathan Nobile
Assistant State Attorney

/s/ Todd Bass
Assistant State Attorney