



STATE ATTORNEY

ELEVENTH JUDICIAL CIRCUIT OF FLORIDA
E. R. GRAHAM BUILDING
1350 N.W. 12TH AVENUE
MIAMI, FLORIDA 33136-2111

KATHERINE FERNANDEZ RUNDLE
STATE ATTORNEY

TELEPHONE (305) 547-0100

August 3, 2011

Miguel Exposito
Chief of Police
Miami Police Department
400 N. W. 2nd Avenue
Miami, Florida 33128

Dear Chief Exposito:

Enclosed is our final report regarding the police shooting of Gibson Junior Belizaire on August 12, 2010, by Miami Police Officers Andre Mathis, Jason Clifford, Eric Guzman, Pierre Cazassus and George Diaz. The investigation has determined that the shooting officers were legally justified in their use of force and no criminal charges will be filed against the subject officers.

If you or any of the officers have any questions, please do not hesitate to contact me.

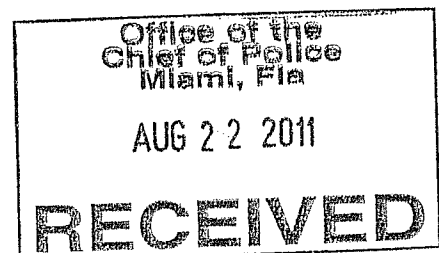
Sincerely,

KATHERINE FERNANDEZ RUNDLE
State Attorney

KFR/mpa

xc: Sgt. J. Herrera
Above Listed Officers
Armando Aguilar (FOP)
Alicia Valle (AUSA)

Enclosure



Note: Copies to Elna Vega and ACA Wynn; Maria A. Alvarez Aug 28/22



INTEROFFICE MEMORANDUM

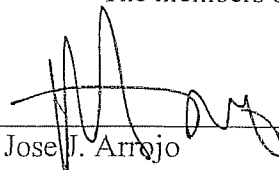
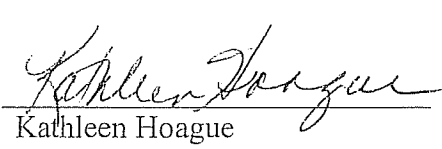
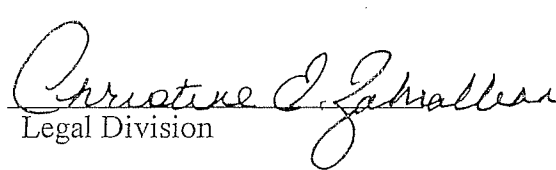
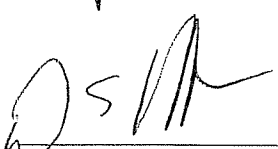
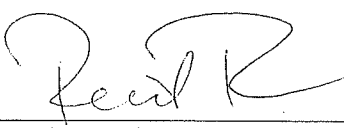
TO: KATHERINE FERNANDEZ RUNDLE DATE: August 2, 2011
State Attorney

FROM: STAFFING/REVIEW TEAM RE: POLICE INVOLVED SHOOTING
Case No.: 62/10/08/14/003
Victim: Gibson Junior Belizaire


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

The shooting officers were legally justified in their use of force and no criminal charges will be filed.

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

| | | |
|---|---|--|
|  _____ Jose J. Arrojo |  _____ Kathleen Hoague |  _____ Christine J. Zahaller Legal Division |
|  _____ Don L. Horn | Responding Member of Shooting Team | Richard Scruggs |
|  _____ Reid Rubin | Responding Member of Shooting Team | Additional ASA |
| _____ Susan L. Dechovitz | | |

Approved by State Attorney on this 8 day of August, 2011.



KATHERINE FERNANDEZ RUNDLE
State Attorney





INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM DATE: July 25, 2011

FROM: COLLEEN KAY
Assistant State Attorney
Division Chief/CCR

RE: POLICE SHOOTING CLOSEOUT MEMO
Case #100814-242949
SAO # 62/10/08/14/003

| | |
|-----------------------|---|
| SUBJECT: | Eric Guzman/ Pierre Cazassus/ George Diaz |
| DECEASED/ INJURED: | Gibson Junior Belizaire |
| INJURIES: | Multiple gunshot wounds; deceased at JMH Trauma |
| DATE & TIME: | Saturday, August 14, 2010 between 12:55 PM and 2:00 PM |
| LOCATION: | Two scene locations: 1. Roadway, Northwest 2nd Avenue at NW 62 Street, Miami-Dade County, Florida 2. Enclosed vacant property on the Northwest corner of the same intersection |
| WEAPONS: | Mathis , MPD issued Glock 22, Ser.#MIA0432: Clifford , MPD issued Glock 22, Ser# MIA1194: Guzman , MPD SWAT issued Glock 22, Ser# MIA1242 and SWAT Glock 40 caliber, Serial # MIA 0311: Cazassus , MPD SWAT issued long rifle semi-automatic Rock River Arms .223 caliber, Serial # 69448 and Glock 22, .40 caliber, serial MIA 1468 Diaz , MPD SWAT issued semi-automatic long rifle Rock River Arms .223 Serial #CM138763, and Glock 22, .40 caliber, serial MIA 1310. |



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|-------------|-------------------------|
| LEAD: | Sgt. Juan Herrera |
| CASE #: | MPD Case #100814-242949 |
| SAO CASE #: | 62/10/08/14/003 |

FACTUAL OVERVIEW

On Saturday, August 14, 2010, at 12:50 PM, Officer Andre Mathis, a thirteen-year Miami Police Department veteran working a funeral escort detail in uniform, blocked the north and south bound lanes of NW 2nd Avenue at NW 62 Street, Miami, Miami-Dade County, Florida in order to facilitate a funeral procession. Soon after, K-9 patrol Officer Jason Clifford, a nine-year MPD veteran driving south on 2nd Avenue, responded to a 911 BOLO for an armed suspect fleeing his ex-girlfriend's house in an older model gold Jaguar. Officer Clifford drove through the same intersection being held by Officer Mathis, and blocked the path of the gold Jaguar with his marked police vehicle. Exiting his vehicle at gunpoint, he ordered the occupants of the Jaguar to get out of the car.

Gibson Junior Belizaire got out of the passenger side of the vehicle, produced a handgun, and fired in the direction of the two officers. At the same time, Belizaire backed up, moving south and west behind the Jaguar, then south and west behind an Infiniti SUV, the second vehicle in the center northbound lane of NW 2nd Avenue. Using the vehicle as a shield, Belizaire continued to fire at the officers as he moved west. Just as Belizaire cleared the Infiniti, the first vehicle in the center northbound lane pulled into the crossfire and made a u-turn into the southbound lane of NW 2nd Avenue. Belizaire crossed NW 2nd Avenue in its path. As Belizaire made his way north and west on NW 62 Street, he continued to fire at the officers in the intersection. He dropped an empty clip to the street and reloaded. The officers held their fire as Belizaire moved through the traffic stopped at the intersection.

Nineteen-year Miami-Dade School Police Officer Tracy Paisant observed the events from her patrol car which was parked facing east in the school police headquarters parking lot located on the southwest corner of the intersection. Officer Paisant followed Belizaire in her police vehicle until he went north and disappeared into the community. Linda Belizaire, ordered out of the Jaguar, went to the ground and was taken into custody by Officer Clifford. Officer Paisant called in the shooting and requested a perimeter. K-9 and SWAT officers responded. By 2:28 PM, K-9 Officer Roberto Monleon (a five-year MPD veteran) with his canine partner, and SWAT Officers Eric Guzman (a six-year MPD veteran), Pierre Cazassus (a four-year MPD veteran), and George Diaz (a six-year MPD veteran) had assembled on scene, suited up, and began the search for Belizaire.

At 2:32 PM, Belizaire was located behind Tripod Collision Repair, an auto body shop located directly to the north of a vacant lot on the northwest corner of the intersection. As Officers Monleon, Cazassus, Guzman and Diaz approached the area where Belizaire was concealed, Belizaire emerged

from his hiding place firing his weapon at the SWAT team. SWAT Officers Cazassus, Guzman and Diaz advanced and returned fire, striking and killing Belizaire.

STATEMENTS SUMMARY

The lead investigator, Sergeant Juan Herrera, and others on his team, took statements from both law enforcement and civilian witnesses.

I. DOMESTIC INCIDENT

CIVILIAN WITNESSES

1. Angenard Alexis:

Ms. Alexis was the seventeen-year-old ex-girlfriend of Gibson Belizaire and the mother of his son, Andre. Ms. Alexis provided a sworn digital statement to Miami Police Department Domestic Violence Detective Peter Reynolds at 3:51 p.m. on the day of the incident.

Ms. Alexis, her child Andre, and a second child, sister Raymonde Alexis, and cousin Claire Saint-Fart were at their home at 61 NE 43 Street in Miami when Belizaire and his sister, Linda Belizaire, arrived in Ms. Belizaire's older model gold Jaguar to see Andre. Frightened, both because she knew he was frequently armed and because he had recently threatened to "shoot up the house", Ms. Alexis told Belizaire through a locked window that his son was not there. Belizaire also had been prohibited from visiting Andre when Ms. Alexis' mother was not present. Ms. Alexis ran into her bedroom where Raymonde Alexis had Andre and told her to grab the boy and run. She knew Belizaire was circling the outside of the house to get to her room. All of the occupants of the house took refuge in an interior bathroom and lay on the floor as Claire Saint-Fart called 911 on a cell phone. Ms. Alexis told Detective Reynolds that she could hear a female voice screaming outside her bedroom window, "Don't do it Gibson, don't do it," and "Stop!" and "Let's go!" Ms. Alexis believed Linda Belizaire was the person screaming.

Ms. Alexis did not see Belizaire with a gun when he was outside, but based on their history she believed he had a gun with him that day. He had previously threatened to shoot both himself and Andre if he couldn't see the child.

2. Linda Belizaire

Linda Belizaire was the sister of Gibson Belizaire and the driver of the gold Jaguar. She was present during the incident at 61 NE 43 Street involving Angenard Alexis, and at the shooting at the intersection of 2nd Avenue and NW 62 Street. Ms. Belizaire provided a sworn digital statement to Detective Fernando Bosch on August 14, 2010, at the Miami Police Department Homicide Office.

With regard to the incident at the Alexis home, Ms. Belizaire reported that her brother Gibson Belizaire asked her take him to his child's mother's home to pick up his baby. When they arrived, he rang the doorbell and became frustrated when no one answered the door or his call. He said, "What she want me to do? Do she want me to kill myself or what?" Ms. Belizaire told him that she would try calling her. Ms. Alexis came to the window and Ms. Belizaire heard her brother ask Ms. Alexis where the baby was. She couldn't hear the answer, but her brother became upset, saying "She don't want me to see the Jit." Ms. Belizaire told him, "Let's go." He responded, "Nah, man, forget this, man." According to Ms. Belizaire, they left together in the Jaguar. They took North Miami Avenue and made their way to NW 62 Street. Linda Belizaire was driving the gold Jaguar.

LAW ENFORCEMENT PERSONNEL

1. MPD Officer Toshiba Johnson

On August 14, 2010 Officer Toshiba Johnson responded to the home of Angenard Alexis at 5:27 pm and interviewed Ms. Alexis and her cousin Claire Saint-Fart (the 911 caller). According to the two women, the subject and his sister arrived at the house at approximately 12:40 pm and left at approximately 12:50pm. Because there were no direct threats made to the parties on that day, the call signal did not meet the criteria for domestic violence, although the parties were interviewed and statements were taken by Domestic Violence Detective Peter Reynolds on the scene.

2. MPD Detective Peter Reynolds

On August 14, 2010, Domestic Violence Detective Peter Reynolds reported to the command post at NW 2 Avenue and NW 62 Street at 2:19 PM. He was directed to investigate the earlier incident involving domestic violence at the Alexis residence. Detective Reynolds spoke with Angenard

Alexis, Raymond Alexis and Claire Saint-Fart and took a sworn digital statement from Angenard Alexis. The subject of that investigation was identified as Gibson Junior Belizaire.

Detective Reynolds confirmed that the earlier incident at the Alexis home did not meet the criteria for domestic violence, but documented that there had been a history of violent threats involving guns by Belizaire against the occupants in the past. Detective Reynolds also confirmed that the 911 call and BOLO for the gold Jaguar and its occupants did reference Gibson and Linda Belizaire.

911 DISPATCH

A 911 tape and transcript documents that 911 operators received a cellular call at 1252 hours on August 14, 2010, advising that the caller's sister's baby's father was outside of the home armed with a gun: "black male "Gibson Belidaire" [sic]... wearing a red t-shirt and blue jeans." Dispatchers documented that there were "people telling subject not to shoot...subject is ringing door bell." At 1254 hours it was reported by dispatchers that the subject was armed and in the passenger seat of a "gold older model Jaguar," northbound on North Miami Avenue.

LAW ENFORCEMENT INVESTIGATIONS: SUMMARY

MPD Detectives Frank Castillo, Ricardo John, Fernando Bosch, Manuel Castillo, Michelangelo Rojas, Fabio Sanchez, John Fusinques, Orlando Silva, and Kevin Ruggiero conducted investigations of the incident which occurred at the intersection and the later SWAT-involved shooting. In addition, Detectives Eric Pulido, Ricardo John, and Sergeants Altar Williams and Confessor Gonzalez coordinated crime scene investigators and assisted supervising officers Lt. Alberto Borges and Lead Homicide Investigator Sgt. Juan Herrera.

Several crime scene investigators participated in gathering evidence and documenting the scenes. All of the firearms were impounded and examined. Numerous other items, casings and projectiles, gun clips and a holster were impounded and collected, as was a yellow cab trunk lid and two fence posts. The area was searched for evidence of blood or blood trails. Both the Belizaire gold Jaguar and a Ford Green Explorer belonging to James Rico Smith (see below) were searched and photographed. A crime scene diagram, photographs, a walk-through video and 911/BOLO tape document the location of the evidence. Ballistics examiner Jill Erickson, GSR examiner Allan Klein

and DNA analyst Sharon Barkwill examined the evidence that was submitted to them and generated reports.

Videos of the area of the intersection shooting were collected from Edison Middle School and the Miami-Dade School Police headquarter building.

II. INTERSECTION INCIDENT

CIVILIAN WITNESSES

1. Jean Enoch Bazille

Mr. Jean Bazille was interviewed and provided a sworn digital statement to MPD Detective Manuel Castillo inside Detective Castillo's police vehicle at the intersection where the shootings occurred at 2:49 pm on August 14, 2010.

Mr. Bazille reported that he was part of the funeral procession westbound on NW 62nd Street. When he arrived at the intersection he observed a motor officer stopping traffic on NW 2nd Avenue to facilitate the funeral procession. Mr. Bazille also observed a second officer turn in order to stop somebody. Mr. Bazille stopped his car when he heard gunfire. He saw three officers altogether. One officer left with part of the procession, and another officer was in the middle of the intersection. He observed a woman on the ground, and "a little man in a red shirt and blue short pants had an automatic weapon (a handgun) and he fired three shots as he ran across the street. There was a police car in the intersection and the officer opened fire." Mr. Bazille saw the man shooting at the police officers three or four times. The woman on the ground had been inside the Jaguar, and the shooter had been the passenger in the Jaguar. He saw when the shooter went behind the car, and crossed the street. When he crossed the street, the officers opened fire and kept shooting.

Mr. Bazille believed that the first officer he saw on the scene was from one car and other officers soon arrived in other cars. As the man who was shooting went towards the bus stop, he kept shooting at the officers. He appeared to the witness to be 16 to 17 years old. Mr. Bazille last saw him when he ran across the street, from the south to the north side, west of NW 2nd Avenue. He saw one of the officers come from the area where the woman was sitting on the ground.

2. Chandra Stirrup

Ms. Chandra Stirrup was interviewed and provided a sworn digital statement to Detective Manuel Castillo of the Miami Police Department on August 14, 2010 at 3:47 pm, in the offices of National Group Realty, located at 199 NW 62 Street where Ms. Stirrup had been employed for the past seven years.

Ms. Stirrup reported that she was sitting at her desk when she heard two gunshots. She saw an older woman outside the door on the street in a state of panic. Ms. Stirrup ran to the door, brought the woman inside, and locked the door. Once they were inside, Ms. Stirrup watched through the glass front door as a young man fired at two police officers from behind a silver Infiniti. One of the officers was in a white shirt and another officer was in a police car. They were shooting toward the man as he ran from behind the Infiniti and crossed the street. There were people inside the Infiniti and Ms. Stirrup was afraid for them. The shooter was wearing a red shirt, and she saw him running and shooting as he went between the cars, going from the east to the west.

A Jaguar was next to the Infiniti. The police car was in front of the Jaguar. She had a clear view of the Infiniti, but she wasn't sure if it was the first car stopped in that lane. She saw an Altima as well.

As the man crossed the street, going toward the back of Edison Senior High, he fired his weapon. She did not see the color of the weapon. The man continued west, going between the eastbound cars stopped on NW 62 St at 2nd Avenue, and then she saw him turn to the north. She lost sight of him then.

3. Theola Octavia Hudson

Ms. Theola Hudson was interviewed and provided a sworn digital statement to MPD Detectives Fabio Sanchez and John Rusinque at Ms. Hudson's home at 12:31 am on August 15, 2010.

Ms. Hudson called the Homicide Office and left her name and number after she saw the evening news, indicating that she had witnessed the shooting that occurred earlier in the day.

Ms. Hudson told officers she was driving south on NW 2nd Avenue and slowed down for the light at NW 62 Street when a police officer came from behind, drove around her vehicle to the left, and cut off a car in front, almost hitting the motorman who was in the intersection directing traffic. Ms. Hudson was the only car in the left turn lane at the intersection.

As the officer approached the intersection from behind her, he put on his lights and siren. He crossed the intersection and blocked a vehicle facing north. As soon as he cut off the car, the officer

got out and pulled his gun. She did not recall hearing the officer say anything. Her windows were up, her air conditioning was on, but her radio was not. The suspect vehicle was small, with two people inside. The officer pointed the gun at the driver of the car. As soon as that happened, she heard a shot from the suspect. The officer just squatted down. The suspect shot first, then the patrolman, and then the motorman. She saw the suspect when he began running and shooting at officers at the same time. She said he turned, shot at the police officers, and ran on the sidewalk at the same time. Then he crossed NW 62nd Street and she thought he ran into the projects.

She was not able to see the handgun of the man who was shooting, and thus was unable to provide any color description of it.

Per Ms. Hudson, the patrol officer stayed by his police car. The motorman went to help the patrol officer. As the suspect ran across the street he was shooting, and she said he continued to shoot as he got to the sidewalk on the other side of the street by the school. She did not recall if he stopped shooting at some point. She said the officers did not follow him, but turned to the woman by the suspect's car. The woman had her hands up and she was hollering and screaming. As Ms. Hudson made a left turn, the woman was on the ground. She didn't see "the people when they were in the Jaguar" because the police car was in the way. Ms. Hudson was on her cell phone with her brother Johnny throughout the incident. He told her not to panic. He was visiting from Louisiana, staying with their mother. He ran into their mother's place hollering that Theola had witnessed the shooting. He said he could hear the shots from where he was.

Ms. Hudson indicated that she was frightened but not hurt and her car was not hit. She didn't see anyone get hurt. No one dropped. The female just "looked scared". Ms. Hudson was able to describe the woman and the suspect, but was unable to remember the pants he wore or what hand he held the gun in. After the shooting she picked up her laundry and went home. She saw the news at seven, which made it look like the police officers had done another shooting like the one the previous week. She said she knew what happened because she was there, and that the man shot at the police first.

4. Biana Apricio Cervone

Ms. Cervone was interviewed by Detective Ricardo John and provided a sworn digital statement to him at 2:19 pm as they sat in her 2000 Toyota minivan at the intersection of NW 2nd Avenue and 62 Street.

Ms. Cervone reported that she and her boyfriend, Remus Romero, were eastbound on NW 62 Street approaching a red light at the intersection of NW 2nd Avenue when they were stopped by an officer assisting a funeral procession heading west on NW 62 Street. She was the passenger and her boyfriend was driving. Their vehicle was in the lane next to the turn lane. A male MPD K-9 officer traveling south on NW 2nd Avenue catty cornered, and parked in front of a Jaguar that was heading north on NW 2nd Avenue. The K-9 officer stepped out of his car. The passenger of the Jaguar got out of his car, went behind it, and drew a gun on the officers. It was black, but she couldn't see what kind it was. She opined that it could have been a .40 Glock. Ms. Cervone said she is somewhat familiar with firearms because her father was in the army. The K-9 officer drew his gun first, but the man who got out of the Jaguar fired the first shot at the motorcycle officer.

The motorcycle officer drew a gun on the man as the man ran toward the traffic that was heading east on NW 62nd Avenue. As the man ran, he was shooting at the officers. The man, who was wearing a red shirt and black shorts, went past her car. As he fired, she hit the floor in her vehicle.

Ms. Cervone said the shooter probably emptied his whole clip...she heard at least six shots from him with the officers firing maybe four or five shots. She said the officers were careful and didn't shoot because of all the people. The man was completely reckless, didn't care who he hit, but he was aiming at the two officers. The man went by the bus stop, went between the cars, and then she saw him go into the store. At that point she lost sight of him.

The female from the Jaguar looked disoriented and confused. She described the man who was shooting as about 5'6, African American, very big red t-shirt, very long black urban hip hop shorts that he tried to pick up as he was shooting. Ms. Cervone did not see him get hit, but he did look like he may have been struggling because of the shorts. Ms. Cervone repeated that she was sure the man shot first.

5. Remus G. Romero

Remus Romero was interviewed by Detective Ricardo John and provided a sworn digital statement to him at 2:40 pm as he and Mr. Romero sat in Ms. Cervones's 2000 Toyota minivan at the intersection of NW 2nd Avenue and 62 Street.

Mr. Romero reported that he was driving Ms. Cervone's Toyota minivan east on NW 62 Street when he was stopped by a motorcycle officer working a funeral procession at the intersection at NW 2nd Avenue. Mr. Romero saw a beige Jaguar to his right stopped on NW 2nd Avenue at NW 62 Street. A marked police vehicle entered the intersection and blocked the Jaguar. A black male passenger wearing a red shirt got out of the Jaguar and began to shoot at the police officers. They returned fire. He ran past their van, but Mr. Romero ducked down. When he popped his head up, the man had already passed by and was heading toward the store. Mr. Romero estimated that the man fired between six and eight shots at the police officers.

Mr. Romero saw a heavy-set black woman on the ground who was handcuffed. She appeared not to know what was going on.

Mr. Romero emphasized that the man fired first at the officers. He estimated that the total rounds fired were between twenty-six or thirty. He ducked down when the bullets were flying. The man's firearm was like a small caliber automatic. Mr. Romero said the officers did not provoke the shooting.

6. James Rico Smith

James Rico Smith was interviewed by Detective Ricardo John and provided a sworn digital statement at 4:47 pm on August 14, 2010 as they sat in a police vehicle located at the intersection at NW 2nd Avenue and NW 62 Street.

Mr. Smith told Detective John that he was in his green Ford Explorer in the northbound lane at NW 2nd Avenue and NW 62 Street. He had been stopped by motor officers working a funeral procession at that location. One motor officer left, and the other was revving his bike getting ready to move on when Mr. Smith heard a siren. He saw a City of Miami squad car approach, lights and sirens on, and it pulled in front of something...he didn't know what. The patrol officer got out of his car and ran toward the motorcycle officer. The patrol officer said something to the motor officer, which to Mr. Smith appeared to cause the motor officer to draw his weapon, take a position and begin firing at an object behind Mr. Smith. Mr. Smith was extremely frightened and anxious, almost immobilized. Both officers fired. Mr. Smith heard four shots.

While the officers were shooting, a young man was shooting back. Mr. Smith indicated that he was very afraid, and drove his vehicle in a u-turn to get out of the crossfire. When he completed the u-turn he spotted the suspect in blue pants and a red shirt, running with a weapon west and north toward NW 62 Street. After driving south, Mr. Smith turned left and made his way onto the expressway.

Shots were still being fired after he turned. He spotted the funeral procession at NW 119th Street heading north, with only one motorcycle officer. He said when he realized that, he returned to the scene. He became aware en route that his vehicle window was damaged. At some point he could hear the wind in his vehicle, then heard a crashing sound and looked and saw his window had been shot out.

When Mr. Smith got back to the scene, it had been blocked off. He found an officer and asked the officer to call Fire Rescue for him. He was being treated by Fire Rescue for chest pains when Detective M. Rojas spoke with him.

Mr. Smith described the shooter as about 5'6, not tall, red shirt, blue short pants, running with the weapon in his hand. He described him as "in anger. He was mad" and "whoever this individual was – he didn't care who he hurt. ... You could see it in his eyes. He had a--- that—that look."

On June 20, 2011 ASA Colleen Kay interviewed Mr. Smith. Mr. Smith described the events that he experienced on August 14, 2010, and emphasized that he had been traumatized. The high blood pressure which he suffered at the time has been worse since then.

Mr. Smith repeated his earlier description of events, and confirmed that he was in the center lane, en route to NW 69 Street. The K-9 vehicle was to his right. He saw no vehicles beside him in either the left or right turn lanes. He did not see the Jaguar. He did not see anyone get out of a vehicle. The first time he saw a young man in a red shirt was when the young man passed either in front of or behind his vehicle as he drove south on NW 62 Street. He was aware that the young man fled to the north and west because he could see him in his rear view mirrors. Mr. Smith believes that his window was shot out by the police officers, although he was present when officers searched the interior of his car and did not find any evidence of a bullet. Nor has Mr. Smith found any bullets in the vehicle since it happened. Mr. Smith and the officer who spoke with him did discuss what might have been a ricochet mark on the window frame of the passenger side rear window of his truck.

7. Barbara Brinson

Barbara Brinson was interviewed by Detective Ricardo John and gave a sworn digital statement at 3:34 pm on August 14, 2010 inside the office of National Group Realty located at 199 Northwest 62nd Street.

Ms. Brinson told Detective Castillo that she was the passenger in an Infiniti at a traffic light at the corner of NW 62 Street and NW 2nd Avenue waiting for a funeral to pass. Her daughter, Eboni Donald, was driving. A few minutes later, a little beige Jaguar came up on the right-hand passenger

side and went past them, as if it was going to make a right turn at the corner. A few minutes after that, she heard police sirens approach. The police cut through the funeral traffic and a patrol car blocked the Jaguar. A black male jumped out of the passenger side of the Jaguar, put himself in a shooting stance, drew his weapon and began shooting at the officers. The officers drew their guns and began shooting back at him. The man was firing steadily and knelt down, using her Infiniti as a sheer [sic] shield. He was shooting a black and gray gun, which looked like a Glock, automatic. He was wearing a red shirt and gray or black pants. He was a small, dark-skinned guy with a low haircut. He appeared to be in his mid-twenties. The officers fired as she ducked, but she could hear the guns firing. The man went between the Infiniti and a car behind it to NW 62nd Street and 2nd Avenue, up under the tree, in that direction. She lost sight of him and did not know where he went; however, she said that as he crossed by the bus stop, he was still firing his gun.

Ms. Brinson spontaneously said that she thought the officers handled the situation well.

8. Hector Orlando Castro

Hector Orlando Castro was interviewed in Spanish by Detective Frank Castillo and gave a sworn digital statement at 4:20 pm on August 14, 2010 at the scene.

Mr. Castro indicated that he was in his car with a friend in the middle lane of the street, the third car back, when he saw a confrontation between a black man and a police officer. They heard shots and then threw themselves to the floor of his car. After a minute or so, he looked up and saw a police officer approaching. The officer told him to stay there.

The subject was the passenger in a car that was stopped to his right, a little north of where his vehicle was located. The subject got out of his car from the right side. Mr. Castro described the subject as an African American male. Mr. Castro heard between five and ten shots. His friend told him to get down because someone was shooting. A police officer was in front of them, in the intersection. He did not see the officer shoot, and doesn't know whether he ever fired his gun.

Mr. Castro believed the subject left his car ready to use his gun. After firing, the subject disappeared. There was a black female in that car. The officers told her to get out and they handcuffed her. He heard her yell in English at the officers but he didn't understand what she said.

9. Jose Mejia

Jose Mejia was interviewed in Spanish by Detective Frank Castillo and gave a sworn digital statement at 4:42 pm on August 14, 2010 at the scene.

Mr. Mejia told Detective Castillo that he is a landscaper. He was travelling north on NW 2nd Avenue, close to NW 62 Street when he saw a man leave a car shooting a gun. He saw the officer stop his vehicle in the middle of the street. The subject got out of the right side of a two-door gold Jaguar, and starting shooting at the officers. The subject shot first. The subject disappeared and more police arrived.

He described the subject as a black male, 5'10", slim, wearing blue jeans. He fired first from the area of his car, moved away, and kept shooting. He walked just in front of Mr. Mejia's car, and Mr. Mejia observed him to have a semiautomatic, chrome or silver firearm. As the man approached his car, Mr. Mejia reclined his seat in order to protect himself. He heard about five or six shots. He believes the subject fired four times. Mr. Mejia described the shooting as lasting a few seconds.

10. Linda Belizaire (cont'd)

With regard to the incident at the intersection, Ms. Belizaire said after she and her brother left the Alexis house, she drove on North Miami Avenue and made her way to NW 2nd Avenue to get to NW 62 Street. She was stopped at the intersection by a motorcycle officer. She said at that point "everything happened fast." She saw her brother jump out of the car with a gun which she hadn't noticed before that time. She believes "he must have had it on him". She said she saw it only after he got out of the car and ran. She heard a lot of shots. She didn't know her brother to carry a gun, and didn't know where he got it. An officer ordered her to get on the floor. She said she put the car in park and got on the floor.

Ms. Belizaire provided MPD detectives with a written consent to the search of her vehicle.

LAW ENFORCEMENT PERSONNEL

1. Miami-Dade Department of Corrections Officer Eboni M. Donald

Officer Eboni Donald was interviewed by Detective Manny Castillo and gave a sworn digital statement at 3:29 pm on August 14, 2010.

Officer Donald is a Miami-Dade Corrections officer and works at the Dade County Jail. She told Detective John that she was stopped in her grey Infiniti at the intersection of NW 2nd Avenue at NW 62 Street for a funeral procession. She said she saw a guy jump out of an older model Jaguar and "get low". She was looking straight at him. He pulled out a gun and started shooting at the police as

he ran backward toward her truck. She and the other occupants of the vehicle, her mother Barbara Brinson and her two young children, ducked down. The shooter ran behind her truck, then went northwest. She saw as he ran that he was still shooting at the police. He went behind a tree and she lost sight of him. After that, the police got a young lady out of the Jaguar, who they handcuffed.

She said there was a vehicle in front of hers. The Jaguar was to her right and a little bit ahead. She described the male who got out of the Jaguar and began shooting as a black male with a red shirt, low-cut, dark-colored pants, 5'3" or 5'4", about 150 pounds. He fired three or four shots at the police when he got out of the car. She believed his firearm could have been a grey and black nine millimeter or a Glock. The handle of the gun was black with a gray lining.

Ms. Donald did not believe that the police fired as often as the man did.

2. Miami-Dade School Board Police Officer Tracey Paisant

Officer Tracey Paisant, a nineteen-year Miami-Dade School Board Police officer, was interviewed by Detectives Orlando Silva and Kevin Ruggiero and gave a sworn digital statement at 7:40 pm on August 14, 2010 inside a police vehicle. In addition, Officer Paisant was interviewed by ASA Colleen Kay on June 28, 2011.

Officer Paisant reported that she was in her patrol car facing east in the headquarters parking lot at 6100 NW 2nd Avenue when she heard shots. When she looked out onto NW 2nd Avenue, she saw a black male with a red t-shirt firing a gun several times toward NW 62 Street. From her vantage point, she could not see what he was shooting at. The male was crouching, holding a firearm horizontally, jabbing the air as he fired indiscriminately toward the intersection, backing up. He took cover behind a silver vehicle and moved west behind it. He crossed NW 2nd Avenue and then went north on the sidewalk as he continued to fire toward the intersection. She drove out of the parking lot, turned left and followed him. The male continued to fire toward the intersection. When she reached the intersection she realized for the first time that he was firing his gun at an officer, who had no cover. She followed the male as he ran east on NW 62 Street but lost him when he went north into a housing development.

Officer Paisant called in the shooting and gave a description of the offender, as well as assisted with establishing a perimeter with other Miami-Dade officers with whom she had radio contact.

PHYSICAL AND FORENSIC EVIDENCE: TAURUS FIREARM

Analyst Sharon Barkwill determined that Belizaire's DNA was on the Taurus firearm collected from the inside corner of the fenced-in area after Fire Rescue removed Belizaire. Barkwill also determined that Belizaire's DNA was on the empty magazine located on NW 62 Street where, according to witnesses, Belizaire was seen crossing the roadway.

Belizaire's hands were tested for the presence of gunshot residue at Ryder Trauma. Analyst Allen Klein determined that the tests were positive for gunshot residue.

Ballistics examiner Jill Erickson determined that .45 caliber casings located in the fenced-in area were fired in the Taurus. One casing was located east of the Jaguar on the sidewalk of Edison Middle School, where, according to several witnesses, Belizaire first fired at Officers Mathis and Clifford. Four additional .45 casings were found along the route witnesses described Belizaire taking as he travelled west from the Jaguar, behind the Infiniti, across NW 2nd Avenue, then north and northwest to the bus bench on NW 2nd Street, and north and west on NW 62nd Street. A black holster and the empty magazine were also located along the described route.

Two projectiles located on the roadway consistent with the Taurus were found next to the front driver side tire and a few feet to the rear of the driver's side of Officer Clifford's patrol car. A third projectile, located next to the passenger rear tire of the patrol car, was too damaged to determine specific origin, but it was consistent with either the Glocks or the Taurus.

PHYSICAL AND FORENSIC EVIDENCE: CLIFFORD AND MATHIS GLOCK FIREARMS

Fifteen casings consistent with having been fired in either Officer Clifford's or Officer Mathis's firearms were located in a cluster to the rear of Officer Clifford's patrol car. One projectile consistent with any of the submitted Glock firearms was located on the sidewalk in front of a fence post, which appeared to have been penetrated by the projectile, 274 feet south of the intersection on the west side of the street. This is consistent with witness accounts of the direction of shots fired by Officers Clifford and Mathis.

Investigators did not observe any evidence of blood on the street or sidewalk or on any vehicle or other object located along the path observers reported Belizaire taking. Nor did observers report that Belizaire appeared to have been injured or shot when he was engaged in gunfire with Officers Clifford or Mathis.

VIDEO EVIDENCE OF THE INTERSECTION SHOOTING

The School Board video provides partial views of the intersection shooting. It shows Mr. Smith's SUV first at the intersection. (A large truck then pulled up into an area of the School Police parking lot that blocked a view of Mr. Smith's vehicle where it was stopped.) The Infiniti stopped behind Mr. Smith's vehicle. The Jaguar passed the Infiniti next, in the far lane. A white vehicle stopped behind the Infiniti. Officer Clifford's patrol car cut across the intersection, but because of the truck in the School Board parking lot, only the trunk of the patrol vehicle is visible. Officer Mathis approached the patrol car. As a figure comes into view behind the Infiniti, Mr. Smith drove into the intersection and made a u-turn into the southbound lane. The figure behind the Infiniti crossed to the west side of NW 2nd Avenue moments before Mr. Smith's SUV drove into sight from behind the truck, and then proceeded south. A different screen of the video shows a male wearing a red shirt crossing the street directly in front of the truck driver in the school board parking lot, who exited the passenger side of the truck and fled to the rear of the truck. The figure in red appears to be gesturing toward the intersection. He is seen on the far side of the fence next to the truck, moving from the front to the rear of the truck toward the bus bench on NW 62 Street. Officer Paisant's vehicle is shown parked, then proceeding across the parking lot and driving quickly out of view. Her vehicle is visible through the trees as she followed the male in red first north and then west on NW 62 Street.

III. SWAT-INVOLVED SHOOTING

LAW ENFORCEMENT WITNESS

Miami Police Department Officer Roberto Monleon

Officer Roberto Monleon was interviewed by Sgt. Juan Herrera and gave a sworn digital statement at 5:57 pm on August 14, 2010 in the Major's Conference Room of the Special Operations Section Building.

Officer Monleon, who was assigned to the K-9 Unit, was called out from home to respond to the scene of a police-involved shooting that occurred earlier at the intersection of NW 2nd Avenue and 62 St. as a K-9 SWAT team member. He arrived at the location about 2:00 pm. He was briefed upon arrival, suited up and got his canine partner ready. Three SWAT officers were also assigned to the team; Officer Guzman was in front with a shield and Officers Diaz and Cazassus were to his left and right rear as back-up.

They started the search for the shooter on the east side of NW 2 Avenue and NW 62nd Street, and proceeded north, then west on the south side of a concrete structure. At the halfway point, Officer Guzman called out an opening to their right (or north). They made a decision to clear that area first. Officer Guzman started calling out obstacles in the small fenced in area, as, for instance, a car, a fence sign, so that the team would be aware. As they approached the fence which had a two to three foot opening, he heard Officer Guzman call out, "Gun." Officer Monleon observed the subject holding a barricade, which he described as "...a door or some kind of metal object", emerge from a corner. He heard the subject push the barricade out of the way and come out shooting off rounds.

Officer Guzman was in Officer Monleon's line of sight, but Officer Monleon saw the subject with both hands on an object come from a crouched position, firing rounds. Officer Monleon demonstrated this during the statement by holding both arms in front of his chest, with his left hand coming together in the center of and away from his chest. Officer Monleon was not positive the subject had both hands on the weapon, but it appeared that way to him.

Officer Monleon reported that after the subject started firing, he attempted to take his K-9 partner toward cover, but as he backed up, he tripped. The dog was reacting to the gunfire. When Officer Monleon stood up, the SWAT team was already inside the enclosure exchanging gunfire with the subject. He remained behind them with his dog, ready for deployment. Officer Monleon went into the enclosed area but stayed behind the team. He saw the subject go down at one point, but stated that his view wasn't good. He did not engage his weapon during the shooting. He did not know which officers engaged the subject but as Officer Guzman was the first contact, he assumed Officer Guzman did. He could see gunfire coming from the corner so he thought the subject was still engaging.

Officer Monleon repeated that the subject fired three or four rounds as soon as Officer Monleon heard the word "gun", and then they returned fire. He heard no further words. He saw white smoke coming from the subject's corner. When he and Officers Cazassus and Diaz cleared the area, Officer Guzman remained with the subject.

PHYSICAL AND FORENSIC EVIDENCE

Twenty F.C. 07 .223 caliber casings were collected from the area immediately south of the concrete wall south of 6220 NW 2nd Avenue, to the right of the fence opening. The casings were consistent with the Rock River Arms rifles of the SWAT team Officers Diaz and Casassus, and the statement of K-9 Officer Monleon who was a member of the team. Two casings consistent with being

fired in the .40 caliber Glock pistols used by the SWAT team members were located in the same area. Five casings consistent with the Rock River Arms rifles were located inside the fenced in area and seven casings consistent with SWAT Glock pistols were located within the fenced in area. A SWAT shield and an empty Glock firearm registered to Officer Diaz, and one Taurus firearm with one magazine and seven live .45 cartridges was located. The Glock and Taurus pistols were found to be in satisfactory operating condition. Five projectiles fired in a .40 Caliber Glock were located within the fenced-in area. Three casings fired in Belizaire's .45 Taurus were collected from inside the fenced-in area.

Examination of the yellow cab trunk lid collected from the fenced in area revealed 13 holes and 3 strike marks. Trajectory rods document the path of the rounds from the outside surface toward the inside surface. The holes are scattered on the surface with trajectories generally out to in, and downward. The fence posts collected from each side of the entrance to the fenced-in area showed evidence of gunshot perforation. Trajectory examination revealed one post with a trajectory path from outside the fenced –in area to the inside, and the trajectory examination of the other fence post revealed a trajectory path from inside the fenced-in area to the outside.

POLICE COMMUNICATIONS

A tape of the 911 call and law enforcement communications of the incidents document the incidents and are consistent with the above summary.

MEDICAL EXAMINER

Dr. Emma Lew is the Deputy Chief Medical Examiner for the Miami-Dade Medical Examiner's Office. Dr. Lew conducted an autopsy on the body of the decedent, Gibson Belizaire, in the presence of MPD Detective Manny Castillo on August 15, 2010.

After noting evidence of medical intervention, Dr. Lew examined the body and determined that the decedent sustained three penetrating gunshot wounds and six perforating gunshot wounds to his body.

Dr. Lew examined a gunshot wound to the right forehead and determined the projectile path to be from front to back, right to left and downward. Dr. Lew examined a gunshot wound to the right frontoparietal scalp and determined the projectile path to be from right to left, downward and slightly back to front. Dr. Lew noted that these wounds included multiple skull fractures, hemorrhage, and lacerations. Dr. Lew examined two gunshot wounds to the decedent's left and right arms and

determined the projectile path of each was from right to left, front to back and upward. Dr. Lew examined a gunshot wound to the right forearm and determined that when placed in the anatomical position, the projectile path was back to front, left to right and downward. Dr. Lew examined four gunshot wounds to the decedent's legs and right ankle, and determined that the projectile paths of three of these injuries was front to back, right to left, and downward. The projectile path of the fourth was front to back, right to left, with minimal deviation from the horizontal plane.

None of the wounds had searing, soot deposition, muzzle imprinting or gunpowder stippling.

Dr. Lew submitted fluid samples from the decedent to the Toxicology Laboratory at the Miami-Dade Medical Examiner's Office for examination. The toxicology report indicates that Methamphetamine, Methylenedioxy Methamphetamine and Methylenedioxy Amphetamine were detected in Belizaire's urine and blood.

CONCLUSION

Based upon the police investigation, a review of the statements of the witnesses and the evidence collected, and the assessment of the evidence observed at the shooting scene, it is clear that Officer Clifford's actions in attempting to conduct a felony stop of Belizaire were in response to the 911 call and subsequent BOLO initiated by Angenard Alexis and her family.

Of the civilian and law enforcement personnel witnesses at the scene of the intersection incident, all but one of the witnesses who described the events at the intersection were consistent that Belizaire got out of the passenger side of the Jaguar, assumed a shooting position and immediately fired upon Officers Mathis and Clifford at the intersection. According to all but one witness, Officers Clifford and Mathis returned fire as they could, given the risk to the occupants of the vehicles stopped at the intersection.

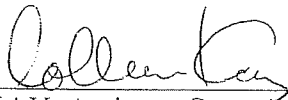
Only Mr. Smith's account differs with the statements of other observers. However, Mr. Smith's statements indicate that his perceptions of the event were limited by his vantage point and his physical and emotional condition during and after the incident. Although the photographs of Mr. Smith's SUV show an unobstructed view from the driver's seat through the passenger side front window, Mr. Smith neither saw nor heard anyone fire a gun at the officers from the right side of his vehicle. According to Mr. Smith, he became aware of the man in the red shirt for the first time as the man crossed NW 2nd Avenue in front or behind his SUV as Mr. Smith drove south, through the crossfire. Photographs of Mr. Smith's SUV show damage from what appears to be a ricocheted object. Mr. Smith says he was not aware when or how the damage occurred. As he drove on the highway and felt wind and heard the glass shatter, he determined that the officers shot out his window. However, no

evidence that a bullet went through the window was located in the vehicle at the time or since. Without knowing at what point during the shooting the damage occurred or what caused the damage, a more definitive determination is not possible, especially since, on the other hand, several witnesses with different vantage points corroborate each other and the forensic evidence regarding the sequence of events during the intersection shooting.

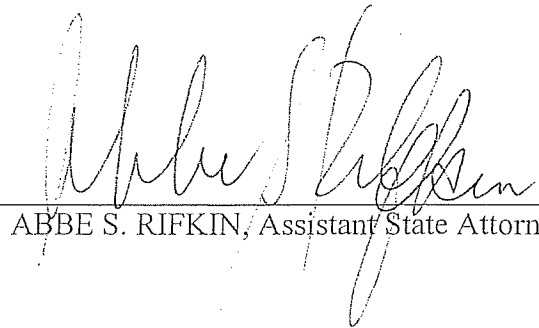
Based on the statements of witnesses to the intersection incident and the evidence retrieved from the scene, it is clear that Officer Mathis and Officer Clifford discharged his firearm during the course of attempting a felony stop and acted both in self-defense and the defense of others as events unfolded. The actions of each officer were legally justifiable pursuant to Section 776.05, Florida Statutes.

Based on the investigation, the review of the statements of the witnesses and a review of all of the evidence, it is clear that the shooting of Gilson Belizaire was legally justifiable pursuant to Section 776.05, Florida Statutes. Belizaire's actions put fear in the minds of Officers Diaz, Guzman and Cazassus that violence was imminent to the individual officer and to the other officers in the vicinity, and, as a consequence, the officers fired in order to protect each of their lives and the lives of their fellow officers.

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