



INTEROFFICE MEMORANDUM

TO: KATHERINE FERNANDEZ RUNDLE
State Attorney

DATE: February 4, 2016

FROM: STAFFING/REVIEW TEAM

RE: POLICE INVOLVED SHOOTING
Case No.: 62/15/02/15/002
Deceased: Lavall Hall

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 officer was legally justified in his use of force and no criminal charges will be filed.

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

Don L. Horn

Kathleen Hoague

Joel D. Proulx
Legal Division *Penny Bell*

Frank Ledee

Responding Member of
Shooting Team

Reid Rubin

Esther Jacobo

Responding Member of
Shooting Team

Jose J. Arrojo

Approved by State Attorney on this 4 day of Feb, 2016.

KATHERINE FERNANDEZ RUNDLE
State Attorney





INTEROFFICE MEMORANDUM

TO: STAFFING/REVIEW TEAM

DATE: February __, 2016

FROM: ABBE S. RIFKIN
Senior Trial Counsel
Assistant State Attorney

RE: POLICE SHOOTING CLOSEOUT MEMO
Case # 62/15/02/151/002

OFFICER INVOLVED:	Officer Eddo Trimino, ID #291 Miami Gardens Police Department
DECEASED	Lavall Randall Hall
INJURIES:	Multiple gunshot wounds
DATE & TIME:	Sunday, February 15, 2015, dispatched at 4:57 a.m.
LOCATION:	Roadway located in front of outside a residence located at 19134 NW 2 nd Court, Miami Gardens, FL
WEAPONS:	.40 Caliber Glock 35 (Trimino) Taser X26P (Trimino) Taser X26 (Ehrlich) Broom with metal tip (Hall)
LEAD:	Joseph Zellner, Miami Gardens Police Department
CASE #:	2015-002800
SAO CASE #:	62/15/02/151/002

FACTUAL OVERVIEW

On Sunday, February 15, 2015 at approximately 4:58 a.m., a call for help was received by 911 emergency dispatch of the Miami Gardens Police Department (“MGPD”). The caller, who identified herself as “Marsha”, reported a disturbance at her residence, which was reported as 19157 NW 3rd Court, Miami Gardens, Miami-Dade County, Florida. “Marsha” reported to the 911 operator that “her son” (not Marsha’s son, but the son of someone in the house) had been in a mental hospital but had “snapped” and that “we’re in the bedroom hiding.” She reported that the “son” had a history of mental illness and that he had a weapon or weapons. The mother of the son, Catherine Daniels, then got on the line and stated that “he” was “outside, I locked him out.” The mother described him as wearing an undershirt and boxers, short in height and twenty-five years old. She advised the 911 operator that “they” (both she and Ms. Daniels) had locked themselves inside the house for protection.

Officer Peter Ehrlich (“Officer Ehrlich”), the first responding officer, made contact with Catherine Daniels, who identified herself as the mother of the son who had just gotten out of a mental hospital. He was later identified as 25-year-old Lavall Randall Hall (“Mr. Hall”). By the time Ehrlich arrived, Ms. Daniels and Marsha (later identified as Marsha Brown) were standing outside of the house. Ms. Daniels advised that her son had mental health issues and that he had fled down the street from their residence. Officer Ehrlich then drove in his car east on NW 192nd Street where he located Mr. Hall. Officer Ehrlich attempted to speak to Mr. Hall from his vehicle, but Mr. Hall walked away from him. Officer Ehrlich then attempted to intercept Mr. Hall with his vehicle, but Mr. Hall continued to walk away from him.

Sometime during this exchange, Officer Eddo Trimino (“Officer Trimino”) arrived to assist Officer Ehrlich in the call. Both officers attempted to locate Mr. Hall. Officer Ehrlich saw Mr. Hall in front of 19134 NW 2nd Court. As Officer Ehrlich stopped his car and got out to approach Mr. Hall, Officer Trimino drove past him taking a position just to the south of the vehicle. As Officer Ehrlich was exiting his police cruiser, Mr. Hall quickly approached Officer Ehrlich from the rear of his vehicle and struck him multiple times on his head and body with a metal studded broom handle (hereinafter referred to as “the ¹Weapon”). Officer Ehrlich received a severe laceration on his forehead as a result of this attack and was bleeding profusely.

Officer Trimino observed the attack by Mr. Hall on Officer Ehrlich. As Officer Ehrlich was going down to the ground, Officer Trimino observed Mr. Hall grab for the right side of Officer Ehrlich’s gun belt making Officer Trimino fear Mr. Hall was trying to disarm Officer Ehrlich of his

¹ A copy of photographs of the metal studded broom handle is attached hereto as Exhibits A and B

firearm. In order to distract Mr. Hall from grabbing Officer Ehrlich's firearm, Officer Trimino revved the engine of his police vehicle loudly. This distracted Mr. Hall and caused Mr. Hall to walk away from Officer Ehrlich who was now on the ground. Mr. Hall fled the immediate area with his weapon still in his hand. Officer Trimino chased Mr. Hall in his vehicle and located him in front of a residence at 250 NW 192nd Street. Officer Trimino cut off Mr. Hall and then exited his vehicle at which point Mr. Hall and Officer Trimino became involved in a physical altercation. Mr. Hall struck Officer Trimino about his body with the weapon. During this physical altercation, Officer Trimino discharged his Taser at Mr. Hall. The Taser attempt was not successful because Mr. Hall appears to have broken the wire connection. At that point, Officer Ehrlich arrived in his vehicle and also attempted to discharge his Taser at Mr. Hall. He was also unsuccessful because he appears to have missed.

Officer Trimino then chased Mr. Hall on foot around the corner locating him in front of 19136 NW 2nd Court. Officer Trimino ordered Mr. Hall to the ground several times to take him into custody for felony charges of aggravated battery committed on Officer Ehrlich and himself. In response, Mr. Hall attempted to strike Officer Trimino again with the weapon despite forceful and repeated commands by Officer Trimino to "get on the fucking ground or you're dead." Officer Trimino stated he utilized the forceful language in an attempt to get Mr. Hall to snap out of whatever possible drug induced state or psychosis he was exhibiting. As Officer Trimino screamed these orders at Mr. Hall, Mr. Hall then raised the weapon up again and lunged forward at Officer Trimino. In response, Officer Trimino discharged his firearm at Mr. Hall five times striking him three times thereby causing Mr. Hall to fall to the ground. Despite being shot multiple times, Mr. Hall continued to struggle while on the ground resisting Officer Trimino's attempt to get him handcuffed for officer safety. Fire Rescue was called to the scene. Mr. Hall was pronounced dead at the scene at 5:19 a.m.

As a crime scene perimeter was established and back-up officers were called to the scene, Detectives from the Miami Gardens Police Department Homicide Unit, Crime Scene, and Internal Affairs were notified and assigned and were enroute to the scene to investigate this police shooting. Det. Joseph Zellner was assigned as the lead investigator. Crime Scene responded and conducted an investigation. 911 recordings were also analyzed for content. Finally, an autopsy was performed by Dr. Benjamin Mathis, M.D., Associate Medical Examiner of the Miami-Dade Medical Examiner's Office.

CRIME SCENE

The lead crime scene investigator was Cynthia Alexander, ID#744 ("CSI Alexander"). CSI Alexander documented her findings in a police report as well as documented the condition of the police cruisers and their locations. She also documented visible tire tracks and disturbed gravel and dirt

associated with the vehicles' movement during this encounter and altercation. CSI Alexander noted, photographed and documented the presence of Taser wires and prongs at 250 NW 192nd Street in various locations in the front yard.

Ehrlich's police cruiser (MGPD #336) was located in front of the driveway area of 19136 NW 2nd Court. CSI Alexander noted the presence of blood on the exterior driver's door and the exterior left rear passenger door. She also noted a Taser cartridge on the left driver side of the front dashboard. The evidence collected at the scene was consistent with two (2) separate Taser discharges.

CSI Alexander also documented five casings at or near the body of decedent Mr. Hall and also located the metal studded broom handle (previously described as "the weapon") on the ground partially under the body of decedent Mr. Hall. CSI Alexander impounded the broom and swabbed it for DNA for later analysis. She was unable to lift any latent prints of value from the broom handle. CSI Alexander described and documented the body of decedent Mr. Hall as she found him on the street in front of 19136 NW 2nd Court. She noted that he was wearing an undershirt and boxer shorts with a Taser prong embedded in the right rear side of the undershirt.

Everything on the scene was photographically documented by CSI Alexander and other Crime Scene personnel. The injuries to Officer Ehrlich and Officer Trimino were photographed and documented in the MGPD scene reports. In addition, a crime scene sketch was prepared along with aerial photographs taken of this Miami Gardens neighborhood all of which have been made part of the investigative file.

In addition, other MGPD Crime Scene personnel responded to the residence of Lavall Hall and photographed the residence and Mr. Hall's bedroom. Inside Mr. Hall's bedroom, an empty prescription bottle for Mirtazapine (an antidepressant) prescribed to Mr. Hall was collected.

FIREARMS AND BALLISTICS

The .40 caliber Glock pistol belonging to Officer Trimino as well as one magazine and eleven live .40 caliber Smith and Wesson rounds were submitted to the Miami-Dade Police Department Firearm and Toolmark Lab on February 18, 2015. In addition, three spent projectiles and projectile fragments were retrieved from the Medical Examiner's Office following the autopsy of Mr. Hall. Five spent casings were also retrieved from the scene and submitted to the lab. The analyst, Yamil Garcia, determined that the casings and one of the projectiles were fired from Officer Trimino's Glock pistol. Analyst Garcia also determined that one of the projectiles was actually a projectile fragment and had no comparison value. The other projectile could have been fired from Officer Trimino's Glock; however, it was too damaged to be conclusive.

FORENSIC BIOLOGY FINDINGS

A DNA analysis was done of the broom handle by Criminalist Shantell Moffett of the Miami-Dade Police Department Forensic Biology Section. Criminalist Moffett determined that DNA retrieved from the surface of the broom handle matched the DNA profile of Mr. Hall to a reasonable degree of scientific certainty.

MEDICAL EXAMINER FINDINGS

An autopsy of Lavall Hall was performed on February 16, 2015, by Associate Medical Examiner Benjamin Mathis, M.D. Pursuant to that autopsy, Dr. Mathis found evidence of two gunshot wounds and a gunshot projectile fragment wound.

As to the fatal shot, Dr. Mathis determined that this was a penetrating gunshot wound of the chest at the midline. This bullet passed through the sternum and into the heart through the lung and then lodged in the left side of the back where it was recovered. There is also no stippling or soot associated with this wound. The pathway of the fatal shot is described as front to back, right to left, and downward. Gunshot wound A enters Mr. Hall's body through the sternum at 37.5cm below the top of his head, travels through his heart and lung coming to rest in his back at 40.5 cm below the top of his head. This is consistent with Mr. Hall being shot face to face beyond three feet with the projectile traveling at a slightly less than level trajectory.

Gunshot wound B was a perforating gunshot wound to the right arm. The projectile passed through the elbow and then fragmented when it struck the humerus. The pathway of the bullet is consistent with the arm being raised and flexed upward. This is consistent with Mr. Hall having raised the weapon over his head in a striking motion. The bullet entered the back of the arm and passed into the upper part of the arm hitting the humerus where it fragmented. Dr. Mathis noted fragments in the musculature of the right arm and opined that the remainder of the projectile exited through a defect in the antecubital fossa; in layman's terms - the crook of the right arm where the forearm meets the bicep. It should be noted that there is a discrepancy between the diagram and the written report in the medical examiner report with regard to whether gunshot B was in the right or left arm. Dr Mathis and all available evidence confirmed that gunshot wound B is a right arm injury. There is no stippling or soot associated with this wound, either. The pathway of the wound to the arm is described as radial to ulnar, proximal to distal, and dorsal to ventral.

Dr. Mathis also found what he described as a defect of the lower region of the right facial cheek. He describes this wound as superficial and recovered a projectile fragment from the

subcutaneous tissue of the right facial cheek. Dr. Mathis also noted the presence of an abrasion on the chest as well as a superficial subcutaneous hemorrhage of the right wrist.

TOXICOLOGICAL FINDINGS

A screening was done on Mr. Hall's blood and urine which was retrieved during the autopsy. There were no illicit drugs found in the urine. Similarly, there were no drugs found in the blood screening.

EVIDENCE OF INJURIES TO OFFICERS

Officer Ehrlich received a severe laceration to his forehead which bled profusely. Officer Ehrlich was transported to Memorial Regional Hospital for treatment and evaluation. He received stitches to close his head wound and was then released. He returned to the police station that evening where he gave a statement of the events.

Officer Trimino received an injury to the left side of his face caused by the weapon Mr. Hall possessed and evidenced by redness and swelling. He also received an injury to his forehead as evidenced by a raised swollen welt. He was evaluated by Fire Rescue but did not require any treatment or hospitalization.

911 DISPATCHER CALLS

There are five calls to and from 911 dispatch of note. They have been preserved via CD.

- 1) In the first call, the address given is 19157 NW 3rd Avenue, Miami Gardens. The caller is a female who identifies herself as "Marsha." (Marsha is later identified as Marsha Brown, the wife of Mr. Hall's mother, Catherine Daniels). Marsha is heard saying, "You got to stay in here, he's going to hurt you," as if she is talking to someone else. She then tells the dispatcher, "Her son, he was in a mental hospital, he snapped." She reports that the son is armed, and that, "We are in the bedroom hiding." She reports that the son has a history of mental illness, and that "he just got out." Marsha says they "don't know where he's at." Then another female came on the line crying and states "Lord have mercy, Jesus." She reported to the operator "He's outside, I locked him out." She described her son as 25 years old, short, and wearing only an undershirt and boxers. She reported that "they" are locked inside the house.

- 2) At 4:57 a.m., the dispatcher dispatched a call reference a violent black male who is mentally ill on scene attempting to lock or block family members inside the residence. The officers were dispatched to the home of Hall at 19157 NW 3rd Avenue, Miami Gardens, Florida. At some point, Officer Ehrlich gets on the radio and stated, “He’s left the area, we’ll be on the canvass.”
- 3) At approximately 5:10 a.m., an officer advised over the air, “Shots fired, shots fired 2nd Court just south of 192 Street. Subject is down. Shots fired.” The dispatcher is also advised to “make sure you have Fire Rescue for the suspect and for the officer with a head injury.”
- 4) At 5:11 a.m., the resident of 19134 NW 2nd Court called police, reporting that she had “heard close to five shots outside my window.” She reported that the shots occurred and then “seconds after, it could have been up to sixty seconds” she heard the police shouting commands to someone.
- 5) At 5:15 a.m. a female called 911 and requested paramedics respond to Mr. Hall’s address as “the police just shot her son.”

PREVIOUS 911 DISPATCHES TO 19157 NW 3 AVENUE (HOME OF DECEDENT LAVALL HALL) AND PREVIOUS POLICE-INVOLVED INCIDENT REPORTS

Research of dispatches to the address of Mr. Hall showed several prior police dispatches involving Lavall Hall and his mother Catherine Daniels.

On December 23, 2013, Catherine Daniels advised police that she awoke to find Lavall Hall standing over her with a knife in his hands. He had set all of his clothes on fire in the front yard and reported that he was hearing voices. Ms. Daniels described him to police as a diagnosed schizophrenic. Police then transported Mr. Hall to JMH Crisis for treatment. A year later, on December 23, 2014, Catherine Daniels reported that Mr. Hall was intoxicated and causing a disturbance, which resulted in a verbal dispute between the two of them. Mr. Hall left the scene voluntarily. On February 2, 2015, two weeks before the shooting, Catherine Daniels called police and reported that her son was walking throughout their home continuously, that he was not sleeping, acting paranoid, sleeping with knives, and setting fires. Ms. Daniels reported him as saying, “Shit is fucked up. I’m going to kill somebody.” Ms. Daniels reported that he was not taking his medication, and as a result of his actions she feared for her safety. He was Baker Acted and taken to JMH Crisis for treatment.

CIVILIAN WITNESS STATEMENTS

1. CATHERINE DANIELS:

Ms. Daniels is the mother of Lavall Hall. Ms. Daniels allowed investigators to search her son's room and to take photographs of the outside of her home on the day of the shooting. Subsequently, she refused further communication with investigators and according to Detective Joseph Zellner, she has refused to be interviewed by police. She told the police that her son was mentally ill, and that they should have known what they were dealing with, especially since they had helped her have him Baker Acted in the days before the shooting. In reviewing her statements to the media, there is no indication that she witnessed the actual shooting.

2. MARSHA BROWN:

Ms. Brown contacted Det. Zellner on or about October 14, 2015. She told Det. Zellner that she had some information that she wanted to provide to him regarding Lavall Hall and the circumstances surrounding the shooting, but that she was concerned because she did not want the detective coming to her home. She agreed to be interviewed telephonically and for that interview to be taped and sworn. A sworn statement was taken on October 15, 2015. She confirmed that she was the "Marsha" who called the police on the morning of the incident to report that Mr. Hall was being violent. She reported that she had shared a residence with Catherine Daniels, the mother of Lavall Hall, on the day of the shooting.

Ms. Brown told Det. Zellner that she was married to Catherine Daniels, the mother of Lavall Hall. She reported that they were married on February 9, 2015. She related that the day of her marriage to Ms. Daniels was the same day that Ms. Daniels had signed Mr. Hall out of the hospital. She said that Mr. Hall called his mother from the hospital on February 9th and told her "Mama, I don't want to be here." She said that after their wedding dinner, Ms. Daniels said, "Marsha, go get him." Ms. Brown told her 'no, he doesn't need to be out', at which point Ms. Daniels said, "If you don't, I'll get someone else to go and do it." Because she wanted to be a "good wife" she acquiesced and checked Hall out of the hospital.

Ms. Daniels told Ms. Brown that Mr. Hall was not mentally ill, but was instead on drugs and that "drugs are what messed him up." She said he had a slow start in school, but eventually "he picked it up," and had a normal life and normal teenage years, including playing football in high school. She said he began using drugs and drinking about four years ago, and that he was "drinking and taking Mollie pills and that's when he starting acting crazy [and] the problems started with him." Ms. Brown related that everyone in the house was afraid of Mr. Hall and that they had hidden every knife in the

house. She said that on or about the night Mr. Hall died, she and Ms. Daniels had gone into his bedroom and saw liquor bottles and a sword, and that Ms. Daniels had remarked to her, "He could have killed us with that sword."

Ms. Brown stated that Mr. Hall was fine that first night but the next night he went back to his old habits, buying liquor and drugs and "it started all over again." She said he began hallucinating, seeing "spiders on the walls" and did not take his medication. She said he kept walking around the house "all night long," then walking outside and around the house, leaving the door open.

Ms. Brown related that on the night/morning of Mr. Hall's death, she and Ms. Daniels had returned home and observed Mr. Hall "doing what he always do, walking around inside and outside the house, setting fires like always." She stated that Mr. Hall was clearly high. She said they thought they had "hidden everything in the house," meaning all of the potential weapons. She stated she and Ms. Daniels went to bed, but that Mr. Hall did not sleep that night, walking all night and refusing to sleep.

She said that at about 4:00 a.m., Ms. Daniels got out of bed and made some coffee. Shortly thereafter they heard a loud boom. Their investigation of the source of the sound revealed that Mr. Hall's bedroom door had hit the wall that adjoins Ms. Brown's bedroom (photographs of Mr. Hall's room corroborate a hole in the wall). She then saw either Ms. Daniels or Mr. Hall walk "so fast" out towards the living room. She said she heard Ms. Daniels say to Mr. Hall, "La-La, bring your ass back inside the house, it's cold out there." Ms. Daniels then yelled for Ms. Brown, saying, "That damn boy on that shit again." Ms. Brown told her she should have left him in the hospital, as "that man told you he should be in the hospital." Ms. Daniels again tried to coax Mr. Hall inside the house, but he refused to come inside. Ms. Brown said she observed him with "a piece of broom" in his hand and "a crazy look in his eye." Ms. Brown believed he was not only on drugs but also drunk on alcohol as she saw in his bedroom a bottle of liquor and because he "was always drunk."

Ms. Brown stated that Ms. Daniels continued to try and coax Mr. Hall inside the house. She called out to Ms. Brown, "Marsha, come back. Look at his dumb ass, walking up and down." She said that Mr. Hall suddenly raised up the broom and charged at them in the doorway. Ms. Brown related that they closed and locked the door on him as they "knew what he was going to do....he was going to beat the shit out of her [Ms. Daniels] with that broom." She reported that they were both very scared as he was "crazy; those drugs have made him crazy." Ms. Daniels suggested they call the police so they could have him Baker Acted again. Ms. Brown then called the police and said she advised them that Mr. Hall was mentally ill. She said she "should have told them he was high on drugs and drunk that night."

Ms. Brown said they left Mr. Hall outside and waited for the police. Once they saw the police lights, they decided to open the door. Ms. Brown described the police officer as older, short, and fat.

Ms. Daniels pointed out her son who Ms. Brown described as “walking away with the pole”, and told the responding officer “My son is right there. He’s mentally ill. He won’t come inside.” Ms. Brown said Ms. Daniels “should have told [the police officer] he was high, but she didn’t.” She said Mr. Hall was walking fast, and that the police officer could not walk that fast. She said she heard the police officer say, “Come here, come here,” but that Mr. Hall went walking around the back of the house. At this point she said that she and Ms. Daniels were outside of the house on the sidewalk, and that Ms. Daniels said to the police officer, “Don’t kill my son, don’t hurt him, he’s mentally ill.” Ms. Brown said she didn’t correct Ms. Daniels and did not tell the officer about Mr. Hall being drunk or on drugs. She said the “other police officer” showed up and soon thereafter, she heard someone say on the radio, “We got him, we got him.” She said that Ms. Daniels then said to her, “Let them take his crazy ass back to the hospital.”

Ms. Brown said at that point she got in her car and drove to a gas station near the house in order to retrieve Ms. Daniels’ brother, “Possum” (who she later identified as Hercules Daniels). She said she saw Possum and told him, “LaLa is acting crazy again and we had to call the police on him.” She reported that Possum replied, “Oh, we have to get him off that shit, the liquor and the drugs.” She said Possum suggested that he return back to the Daniels/Brown residence. She said as they were turning onto NW 191st Street, she heard five gunshots. She said she observed “LaLa” on the ground handcuffed, and the “short fat guy” checking for a pulse. She said that a police officer told them to leave or “he would shoot them.” She said she raised her hands, but that Possum said, “You shot and killed my nephew.” She said she returned to her house and saw Ms. Daniels sitting on the porch. She said Ms. Daniels said, “Did you hear the shots? Tell me he’s not dead,” and then began hitting Ms. Brown in the chest. She said Ms. Daniels was screaming and hollering and saying, “They killed our son” over and over. She said that’s when family members started arriving to the house.

Ms. Brown stated that neither she nor Ms. Daniels witnessed the shooting. She also stated that “Ty” (who is possibly Tyrone Bennett) is the only person who said he saw anything, but that in reality he did not. She said there is a “neighbor around the corner who says she saw Lavall with a broomstick.” She did not provide that person’s name or information.

Ms. Brown also said that she believes all police are crooked.

3. MICHELLE ROBINSON:

Two statements were obtained from Michelle Robinson, the 52-year-old resident of 19128 NW 2nd Cour., one on the day of the police shooting and the other on April 16, 2015. They were essentially identical. The first statement was obtained by Det. Stephen Parr and the second by Det. Joseph Zellner.

In the statement provided on the day of the incident, Ms. Robinson told police that she had lived at that residence for a year and was not aware of Mr. Hall. However, she advised the police had been to the area before, but she didn't know why. She said that at approximately 5 a.m., she was in bed in her bedroom which faces east and heard police say "Stop, don't move. Police." She said she then heard three gunshots. She did not witness any of the events, and did not hear the police say anything after the gunshots. She observed Mr. Hall lying on the ground when she went outside, but she couldn't see his face.

Another statement was taken on April 16, 2015. Ms. Robinson stated that she was already awake when the incident occurred. She heard, "Stop don't move, police, hold it." She then heard gunshots. She said that she then went outside and saw decedent Mr. Hall lying down handcuffed in the street with a red broom next to him. She also observed when Fire Rescue came. She repeated that she had not witnessed the shooting.

4. REGINA DRINKS:

Ms. Drinks was interviewed by Det. Parr the morning of the event. She advised that she was home in bed and was awakened by a male voice yelling, "Stop, stop." She then heard multiple gunshots. After the gunshots, everything was quiet. She ventured outside her house and observed a black male lying on the ground. She said she did not recognize him at first, but later realized she had seen him in the neighborhood. She said another black male arrived and said to police, "I can't believe you shot my nephew."

TYRONE BENNETT:

Mr. Bennett was interviewed on the morning of the incident by Det. Zellner. He said to Det. Zellner, "Okay, you tell me what you know, and I'll tell you if it's the truth." Det. Zellner told Mr. Bennett that that wasn't the procedure and then invited Mr. Bennett to come down to the police station to be interviewed. Other people standing around Mr. Bennett's advised Mr. Bennett, "Don't tell that cracker shit" and "Don't talk to that cracker." Mr. Bennett was provided with Det. Zellner's business card and asked to call him. As of the writing of this memorandum, Mr. Bennett has not contacted Det. Zellner. Mr. Bennett refused to come to the station or give any further information.

5. ERIKA BENNETT:

It is unknown if Ms. Bennett is related to Tyrone Bennett. When MGPD detectives attempted to speak with Ms. Bennett, she did not want to make herself available for a statement. The civil attorneys

representing Catherine Daniels urged the police to contact Ms. Bennett. However, to date, reportedly, she has refused to come forward and be interviewed.

6. JOHN FEUERSTEIN:

Mr. Feuerstein said about 4:30 a.m., he heard a female arguing outside on the street. After that, it quieted down and he heard nothing else until about 5 a.m., when he reported hearing “rapid fire gunshots,” but did not see anything.

7. CESAR RICHARDS:

Mr. Richards advised that he was home in bed and was awakened by gunshots. He did not know how many gunshots he heard. He did not see the shooting and heard nothing before or after hearing the gunshots.

8. WINSTON SHAWN:

Mr. Shawn advised Det. Parr that he neither saw nor heard anything and had slept through the shooting.

9. GARY SOMAN:

Mr. Soman advised Det. Parr that he neither saw nor heard anything and had slept through the shooting.

10. SHENEKA SCOTT:

Ms. Scott was interviewed by Det. Luis Gonzalez and advised him that she was sleeping when she was awakened by two gunshots around 5 a.m. She said she didn’t see anything so she went back to sleep.

11. MARQUETTA ROJAS:

Ms. Rojas told Det. Gonzalez that she heard five shots about 5 a.m., but didn’t see anything so she went back to sleep.

12. GERALD MYERS:

Mr. Myers advised he heard five shots about 5 a.m. He said he didn’t witness anything or see anything.

13. LUCKENSON JOSEPH:

Mr. Joseph says he heard approximately 3 gunshots at around 5 a.m., but he did not see anything.

14. CEDIQUENE JOSEPH:

Mr. Joseph heard three or more shots. He advised he was not sure of the time that he heard those shots, and he wasn't sure how many shots he heard. He did not witness anything.

POLICE OFFICER STATEMENTS

1. OFFICER PAUL EHRLICH:

Officer Ehrlich's sworn statement was taken on February 15, 2015, the evening of the shooting, beginning at 10:47 p.m. It was videotaped, but not transcribed.

Officer Ehrlich is 66-years-old. He became a police officer in 1975 in Brookline, Massachusetts and achieved the rank of Lieutenant. He moved to Florida and then joined the Miami Gardens Police Department in 2008 where he is a patrol officer.

Officer Ehrlich was riding a one-man unit on the night of the shooting. He was dispatched to Mr. Hall's home reference a violent male whose parents were locked in a bathroom and afraid to come out. When Officer Ehrlich arrived, the mother and another female were in the doorway. When they came outside, Mr. Hall was gone. The mother told Officer Ehrlich that her son had mental problems and had just been released from a mental hospital. She then pointed and said "There he is, he's going down the street." Officer Ehrlich drove down NW 2nd Court to where Mr. Hall was and tried to motion to him, but Mr. Hall walked away from him.

Officer Ehrlich then turned around and started driving back towards Mr. Hall's house. At that point, Officer Trimino arrived as backup and the two talked. Officer Ehrlich then drove towards NW 2nd Court where he saw Mr. Hall and waved to him to stop, and at one point said from his vehicle, "Hey, come on, I just want to talk to you." Officer Ehrlich observed Mr. Hall carrying the weapon. Mr. Hall did not respond verbally and continued to walk away from the officer who was still inside his vehicle. At some point, Hall's mother was on NW 2nd Court and said to Officer Ehrlich "Please don't hurt my son." Officer Ehrlich drove to where Officer Trimino was to tell him that Mr. Hall was in the area. He then saw Mr. Hall on NW 2nd Court and stopped his car with the intention of trying to approach Mr. Hall on foot. As Officer Ehrlich got out of his police cruiser, Mr. Hall went around the back of the vehicle and attacked Officer Ehrlich with the weapon hitting him several times about the

head and body. Both Officer Ehrlich and Officer Trimino began to chase Mr. Hall, who reportedly “went left” on NW 192nd Street where Officer Trimino caught up to him.

Mr. Hall then attacked Officer Trimino with his weapon. Officer Trimino deployed his Taser. Officer Ehrlich was about twenty-five feet away at this point in time. He also attempted to deploy his Taser, but neither Taser seemed to have made contact with, nor had any effect, on Mr. Hall. Mr. Hall then came back at Officer Ehrlich and attacked him again with the weapon. Mr. Hall then ran in the direction towards where Officer Ehrlich’s cruiser was parked. Officer Trimino chased after him and Officer Ehrlich lost sight of Mr. Hall. Officer Ehrlich said he heard Officer Trimino say something like “He’s going after the cruiser.” Officer Ehrlich then heard “a couple of shots, maybe two” and then “under ten seconds after the shooting”, reached the area where he observed Mr. Hall down on the ground still physically struggling as Officer Trimino tried to cuff him. Officer Ehrlich then assisted Officer Trimino in handcuffing Mr. Hall for officer safety. Fire Rescue was dispatched for both Mr. Hall and Officer Ehrlich. Officer Ehrlich was transported to the hospital where he was given a CT scan and three stitches to close the laceration on his head.

OFFICER EDDO TRIMINO:

Officer Trimino gave a voluntary sworn statement in the presence of his attorney, Andrew Axelrad, on March 2, 2015. This statement was tape recorded and transcribed. Officer Trimino was employed by the Hialeah Police Department for five years prior to coming to the Miami Gardens Police Department where he has been a patrol officer for six years. He has received SWAT training, Rapid Department Force Training, Military Interrogation, Narcotics Training, Defensive Driving Training and Critical Incident Training. At the time of the shooting, he was assigned to the midnight shift as a patrol officer.

On the morning of the shooting, Officer Trimino said he had been dispatched in emergency mode to 19157 NW 3rd Avenue, the home of Mr. Hall, in reference to a violent male. The information Officer Trimino had was that this male was inside the home and family members had been seeking refuge from him by locking themselves inside different rooms. He was also told that the male was pacing back and forth inside the home. As Officer Trimino proceeded to the address, he was told by Officer Ehrlich over the radio that the male was not on the scene.

As Officer Trimino pulled in front of the home where the 911 transmission emanated from, Officer Ehrlich was not there, but was driving around the block looking for Mr. Hall. Officer Trimino said he made contact with a heavy-set female who told him, “You guys gotta get my nephew, he’s being very violent, I think he’s back on Mollie.” Officer Trimino said that based upon his narcotics

training, he recognized “Mollie” as a street drug (MDMA) that’s known to cause irrational behavior and a psychotic state.

As Officer Trimino was speaking to this female, Officer Ehrlich pulled up next to him and said, “Hey, I found him, he’s a block east of here, behind some houses. I tried to approach but he just kept walking away from me.” As Officer Trimino approached the area where Officer Ehrlich was located, Officer Trimino stated, “I see my partner....the suspect walking and as soon as my partner puts the car in park, I see the suspect immediately start running with a stick, something [sic] type of article in his hands over his head and attacked my partner as he was exiting the marked police vehicle.....we were both in marked police cars, we both had full police uniforms on at the time of the incident, my partner I believe even had his overhead lights on, his emergency lights on still. I observed the suspect continually strike my partner repeatedly about the head and body area with the article.....at one point as my partner is going down the suspect reached to the right side of my partner’s gun belt....I thought he was going to arm himself with my partner’s firearm.”

Officer Trimino said he did not shoot at Mr. Hall at that point as he was in fear that he would hit Officer Ehrlich. Instead, he said he revved the engine loudly to “make a noise to distract” Mr. Hall. He said it worked and that Mr. Hall “stopped his actions of messing with the holster...looked up at me, he still had the stick in his hands, he took off running.” He said he then checked on Officer Ehrlich and observed him bleeding profusely from the head. At that point, he chased after Mr. Hall in his vehicle. Per Officer Trimino, Mr. Hall ran first east and then south toward NW 2nd Court and then abruptly stopped in the road. Officer Trimino stopped his vehicle and then exited.

As Officer Trimino was exiting his vehicle, Mr. Hall attacked him with “the stick” in his hand, hitting him in the right side of the head. The two then got into a “fistfight” for ten to fifteen seconds during which Officer Trimino was trying to physically distance himself from Mr. Hall. When he was successful in getting some space between himself and Mr. Hall, he reported that Mr. Hall “put the stick up” and in response “I take out my Taser to tase him, as I’m taking out my taser to tase him he takes off running.” Officer Trimino got back into his vehicle to give chase. Mr. Hall had already run. Officer Trimino believed he was “running straight toward his house....remind you he’s already attacked two police officers in full uniform.....I’m thinking he’s running straight to the house to seek refuge or barricade himself.....there is still people inside the home.”

Officer Trimino said he was not only worried about Mr. Hall running to his own home, he was also worried about a park nearby where a lot of elderly people take early morning walks. Officer Trimino said he managed to cut off Mr. Hall with his vehicle and tased him in the back from his vehicle. He said he knew the Taser hit him because “I see him jolt.” He said that Mr. Hall was able to defeat the Taser by breaking the leads before the five-second repeat charge could hit him and he ran

away. He then attempted to block in Mr. Hall to prevent him from running away again. As Officer Trimino exited his police cruiser, Mr. Hall attacked him again with “the stick” (the weapon) and then “engaged in hand-to-hand” fighting. He said Mr. Hall fell from the force of swinging his weapon and missing when Officer Trimino ducked. Officer Trimino attempted to get on top of Mr. Hall but Mr. Hall managed to loosen Officer Trimino’s hold on him. In addition, according to Officer Trimino Mr. Hall was sweating profusely despite only wearing boxers and an undershirt on a cool morning which made him slippery and not easy to hold onto. Officer Trimino stated he ran after Mr. Hall on foot. At that point, Mr. Hall stopped and turned again on Officer Trimino swinging the weapon trying to hit him. Officer Trimino said he stepped to the right of Mr. Hall and that Mr. Hall took another swing at him. Officer Trimino then drew his weapon, pointed it at Mr. Hall, and said words to the effect of, “Get on the fucking ground or you’re dead.” Officer Trimino stated he said these things in that manner in order to be as aggressive as possible with his verbal commands so that Mr. Hall would “maybe....snap out of that psychosis or whatever he was on due to what I felt was under the influence of some type of narcotics.” Officer Trimino said Mr. Hall refused his order to get down on the ground and lunged at him again with his arms and weapon raised upward whereupon he discharged his service pistol five times at Mr. Hall. Officer Trimino reflected during his sworn statement that just prior to shooting Mr. Hall, he was thinking about Officer Ehrlich having already been rendered incapacitated, what could happen if he became incapacitated by Mr. Hall’s aggression, and what could happen to those family members in Catherine Daniels’ home.

Officer Trimino said Officer Ehrlich ran up towards them and assisted with getting Mr. Hall handcuffed on the ground. He said Mr. Hall was “still screaming profanities” even after he was shot and on the ground. He then advised via police radio that shots had been fired and requested Fire Rescue for Mr. Hall and Officer Ehrlich. Officer Trimino said that family members were running down the road screaming profanities at them, and that they needed to get the area blocked off as soon as possible.

Officer Trimino’s injuries were documented, but he did not require medical treatment.

2. SERGEANT JOSEPH MARINELLA:

Sgt. Marinella has been a police officer for twenty years, and a Sergeant for two of those years. Sgt. Marinella was a police officer in Kansas City where he was an investigator with their homicide unit. He has been with Miami Gardens Police Department for approximately seven years.

Sgt. Marinella heard the call go out for officer assistance and for “shots fired”. He responded to the scene and provided assistance to the police officers on the scene in getting decedent Mr. Hall handcuffed. He was aware that Hall had been combative and was unsure of his physical condition at

the time he rendered assistance. Sgt. Marinella observed Officer Ehrlich's bloody face, and saw the blood coming down from his forehead. He also observed swelling on the side of Officer Trimino's face. He was advised by Officer Ehrlich at some point that Mr. Hall had struck both he and Officer Trimino with the previously described weapon which he observed lying under Mr. Hall on the street.

Sgt. Marinella then contacted the major and waited for instruction by the shooting team upon their arrival.

VIDEO TAPE RECORDINGS

There are two video tape recordings. Both were recorded from Officer Ehrlich's vehicle. One shows a rear view of the vehicle, and the other shows a front windshield view. Those videotapes are incorporated by reference and will be made part of this memorandum. Both videos, while not identical to the events as reported by the witnesses and the officers, are extremely consistent with their statements and versions of the event. In the front facing video, an image of decedent Mr. Hall carrying the weapon in his right hand can also be seen. One can hear the attack on Officer Ehrlich, and the actual shooting by Officer Trimino is also captured, although Mr. Hall cannot be seen from the angle in which the dash cam was filming.

CONCLUSIONS

Section 776.012, Florida Statutes, permits the use of deadly force when a person reasonably believes such force is necessary to prevent imminent death or great bodily harm or to prevent the commission of a forcible felony. Florida Statutes Section 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.

Mr. Hall used a weapon to exact force and injury against two police officers. This weapon, a metal studded broom handle, could be classified as a deadly weapon. After beating Officer Ehrlich with that weapon, Mr. Hall was evading capture while wandering a residential neighborhood armed with this weapon thereby causing potential risk for any residents out on the street, even at that time of the morning. As discussed above, numerous attempts to subdue Mr. Hall by use of Tasers after initial contact proved ineffective. Moreover, after beating Officer Ehrlich with the weapon causing a severe laceration to his head, and attempting to disarm Officer Ehrlich, Mr. Hall lunged towards Officer Trimino striking him with the same weapon thereby justifying the use of deadly force.

Evidence collected by Crime Scene was consistent with the testimony of the civilian witnesses, witness officers, and the subject officer. During the course of the investigation, statements were taken from Officers Trimino and Ehrlich, as well as other officers and civilians. In addition, Dash Cam videos were obtained and analyzed for content and those videos are consistent with the accounts by Officer Ehrlich and Officer Trimino.

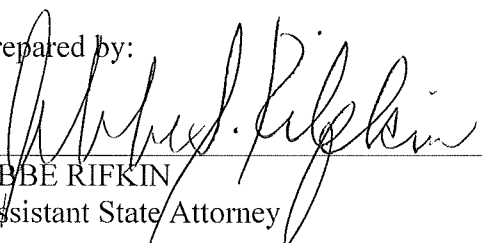
The medical examiner findings are consistent with the shooter standing slightly to the right of Mr. Hall when the shots were fired. The nature of the fatal wound is consistent with Mr. Hall having ten to fifteen seconds of movement before succumbing to his wounds. The nature of the non-fatal wound to the arm is consistent with the elbow pointing in the direction of the shooter, with his arm flexed. This is consistent with Mr. Hall having the weapon in his hand, raised and in a striking position. The fact that there is no stippling or soot associated with the wounds (especially that of the arm/elbow since it is not covered by clothing as the wound to the chest would have been) is consistent with the shooter firing at a distance beyond 3 feet from Mr. Hall. The medical examiner findings, therefore, are consistent with the officer backing away from Mr. Hall and then firing as Mr. Hall raised his arm with the broom in his hand in a striking motion. Dr. Mathis' findings are consistent with the account given by the officers.

Based upon Officer Trimino's and Officer Ehrlich's statements, the physical evidence gleaned from the scene and autopsy, as well as the overall circumstances of this violent encounter, Officer Trimino used deadly force under Florida Statute Section 776.012. It should be noted that Officer Trimino had observed Mr. Hall reaching for Officer Ehrlich's firearm as he stood over him after striking him with his weapon.

Mr. Hall's actions put a reasonable fear in the mind of Officer Trimino that death or great bodily harm was imminent as he lunged at him with that weapon above his head. As a consequence, Officer Trimino fired his service pistol in order to protect his life and that of others.

Based upon the investigation, a review of the statements of the witnesses and the evidence retrieved, it is clear that the shooting of Lavall Hall, while tragic, was legally justifiable and in valid self-defense pursuant to Section 776.012, Florida Statutes. Moreover, it was also legally justifiable under Section 776.05, Florida Statutes, as a justifiable use of force in effectuating the arrest of Lavall Hall for Battery on a Law Enforcement Officer who was using deadly force to flee from the officers.

Prepared by:



ABBE RIFKIN
Assistant State Attorney



Exhibit
A



EXHIBIT
6