

WARRANT TYPE: ARREST WARRANT
AWPS#: 17000224
COURT CASE NUMBER:

CASE TYPE: FELONY
REFILE INDICATOR:
DIVISION:

TO ALL AND SINGULAR SHERIFFS OF THE STATE OF FLORIDA, GREETINGS:
YOU ARE HEREBY COMMANDED TO IMMEDIATELY ARREST THE DEFENDANT AND BRING HIM OR
HER BEFORE ME, A JUDGE IN THE 11TH JUDICIAL CIRCUIT OF FLORIDA, TO BE DEALT
WITH ACCORDING TO LAW:

DEFENDANT'S NAME: ALEDDA
LAST

JONATHON
FIRST

MATTHEW
MIDDLE

TTL

AKA(S):

STR/APT/CITY/ST/ZIP: [REDACTED] / [REDACTED] / [REDACTED]

DOB: [REDACTED] RACE: W SEX: M HEIGHT: 509 WEIGHT: [REDACTED]

HAIR: EYES:

SOC SEC #: [REDACTED] CIN #: [REDACTED]

SID #:

FBI #:

SCARS, MARKS, TATTOOS:

IDS #: 3132746

DRIVERS LICENSE #: [REDACTED] STATE: FL

VEH TAG #: CRDN20

STATE: FL

MAKE: TOYO

MODEL:

YEAR: 2 COLOR:

COMMENTS:

PROBATION:

BEFORE ME PERSONALLY CAME MOSQUERA, DANIEL (AFFIANT) WHO, BEING DULY
SWORN, STATES THAT THE DEFENDANT ** ALEDDA, JONATHON MATTHEW **, DID COMMIT THE
ACTS STATED IN THE ATTACHED STATEMENT OF FACTS. BASED UPON THIS SWORN STATEMENT
OF FACTS, I FIND PROBABLE CAUSE THAT ** ALEDDA, JONATHON MATTHEW ** DID COMMIT
THE CRIME(S) OF:

F 2 782.07

MANSLAUGHTER/WITH A DEADLY WEAPON/ATTEMPT

\$5000-

M 1 784.05(2)

CULPABLE NEGLIGENCE/INFLECT PERSONAL INJURY

\$1000-

IN DADE COUNTY, FLORIDA, CONTRARY TO FLORIDA STATUTES AND AGAINST THE PEACE AND
DIGNITY OF THE STATE OF FLORIDA.

POLICE CASE #: MI270045

AGENCY: F. D. L. E.

ASSISTANT STATE ATTORNEY: DOWDY, RONALD

UNIT: 064

EXTRADITE INFORMATION

EXTRADITION CODE: 1 - FELONY - FULL EXTRADITION UNLESS OTHERWISE NOTED IN MIS FIEL
EXTRADITION MAY BE CONFIRMED WITH THE METRO-DADE POLICE DEPARTMENT, DADE COUNTY
** IN ANY EVENT, DEFENDANT WILL BE ARRESTED IF FOUND IN THE STATE OF FLORIDA **

SWORN TO BY AFFIANT MOSQUERA, DANIEL

SO ORDERED THIS 11th DAY OF April, 2017.

COURT ID 076-

10051

[Signature]

\$6000-
BOND AMOUNT

JUDGE IN THE 11TH JUDICIAL CIRCUIT IN AND FOR DADE COUNTY FLA

() FIRST APPEARANCE JUDGE MAY NOT MODIFY CONDITION OF RELEASE

(RULE 3.131(D)(1)(D))

() TO ANSWER UNTO THE STATE OF FLORIDA ON AN INFORMATION OR INDICTMENT
FILED AGAINST HIM OR HER BY THE STATE ATTORNEY FOR THE CHARGE(S) OF:

() UPON ORDER OF A JUDGE IN THE ELEVENTH JUDICIAL CIRCUIT OF FLORIDA FOR
FAILURE TO APPEAR IN COURT TO ANSWER THE PENDING CHARGE(S) FOR THE
CHARGE(S) OF:

HARVEY RUVIN, CLERK OF THE COURT

BY

DEPUTY CLERK

DATE

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

STATE OF FLORIDA)
) SS
COUNTY OF MIAMI-DADE)

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

Before me, NORMAN L. GATLEY
CIRCUIT COURT JUDGE, a Judge of the Circuit Court of the Eleventh Judicial Circuit of Florida, personally appeared Special Agent Daniel Mosquera hereinafter referred to as "Your Affiant," of the Florida Department of Law Enforcement, Miami Regional Operations Center, Miami-Dade County, FL. Your Affiant, who being by me first duly sworn, deposes and says that he has probable cause to believe and does believe he has probable cause for the arrest of **JONATHON MATTHEW ALEDDA**.

Your Affiant, Daniel Mosquera, a Special Agent with the Florida Department of Law Enforcement (FDLE), is presently assigned to the Miami Regional Operations Center (MROC). Your Affiant has been so employed since March 27, 2015. Prior to his employment with FDLE, he was a Sergeant with the Coral Gables Police Department (CGPD) and employed there from December 05, 1988 to March 27, 2015. Your Affiant is currently assigned to the Officer Involved Shooting/Violent Crimes Unit, and has investigated violent crimes, narcotics crimes including undercover operations, and crimes against persons and property. Your Affiant has attended numerous courses on conducting criminal investigations and has authored numerous search warrants and arrest warrants during his tenure with CGPD and FDLE.

On July 18, 2016, Officer Jonathon Aledda discharged his firearm while acting in his official capacity as a North Miami Police Officer, injuring Charles Kinsey. The State Attorney and the North Miami Police Department (NMPD) requested that the Florida Department of Law Enforcement conduct an investigation into the use of deadly force by Officer Aledda. Your Affiant, who was assigned as the lead investigator, delivered an investigative narrative report and other materials to the State Attorney relative to this investigation on or about December 16,



2016. In mid-February 2017, additional sworn statements of witness officers (Sergeant Milton Reid, Officer Alens Bernadeau, Officer Kevin Warren, and Officer Kevin Crespo) were taken by the Assistant State Attorneys Ester Jacobo and Don Horn. On or about Friday, April 7, 2017, the State Attorney concluded that there was sufficient evidence to formally charge Jonathon Aledda with Attempted Manslaughter by Act in violation of Sections 782.07, and 777.04, Florida Statutes, and Culpable Negligence, in violation of Section 784.05, Florida Statutes. Thereupon, the Florida Department of Law Enforcement was requested to participate in the preparation of an arrest warrant for presentation to a Judge of the Circuit Court for the Eleventh Judicial Circuit of Florida.

Your Affiant now makes application for a Warrant for the arrest of JONATHON MATTHEW ALEDDA, hereinafter referred to as the "Defendant," for:

CRIME	STATUTE	DEGREE
Attempted Manslaughter by Act	F.S. §782.07	F3
Culpable Negligence	F.S. §784.05	M1

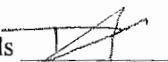
Fla. Stat. §782.07 Manslaughter by Act

(1) The killing of a human being by the act...of another, without lawful justification according to the provisions of chapter 776 and in cases in which such killing shall not be excusable homicide or murder, according to the provisions of this chapter, is manslaughter, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

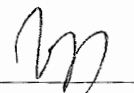
Fla. Stat. §777.04 Attempts

(1) A person who attempts to commit an offense prohibited by law and in such attempt does any act toward the commission of such offense, but fails in the perpetration or is intercepted or prevented in the execution thereof, commits the offense of criminal attempt, ranked for purposes of sentencing as provided in subsection (4). Criminal attempt includes the act of an adult who, with intent to commit an offense prohibited by law, allures, seduces, coaxes, or induces a child under the age of 12 to engage in an offense prohibited by law.

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Fla. Stat. §784.05 Culpable negligence

- (1) Whoever, through culpable negligence, exposes another person to personal injury commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.
- (2) Whoever, through culpable negligence, inflicts actual personal injury on another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Based upon sworn testimony provided to Your Affiant, other Special Agents, Assistant State Attorneys, and additional facts and circumstances surrounding this investigation, Your Affiant states the following:

Arnoldo Soto is a 27 year old adult male with an IQ of 40 who has been diagnosed with autism spectrum disorder. As result of his autism Mr. Soto is "nonverbal" and often displays physical violence and aggression. Mr. Soto was a resident of the Miami Achievement Center for the Developmentally Disabled (MACtown) Panther group home for mentally disabled adults. The group home is located at 1365 NE 128 Street, North Miami, Florida.

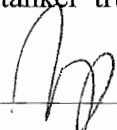
Due to Mr. Soto's condition, he required 24-hour one-on-one supervision from a MACtown behavior analyst. On July 18, 2016, MACtown behavior analyst Charles Kinsey was providing one-on-one care to Mr. Soto. Mr. Kinsey gave Mr. Soto his required medication at approximately 4:00 P.M. Thereafter, Mr. Soto stood up and began to yell and move about the group home. Mr. Soto, who usually carries a toy with him, then fled the group home with a toy tanker truck in his possession. Mr. Soto headed east on NE 128th Street toward NE 14th Avenue. Mr. Kinsey followed Mr. Soto, but was not alarmed, because this was normal behavior for Mr. Soto, who had left the group home before.

Once Mr. Soto got to NE 14th Avenue, he stood in the middle of the street. Mr. Kinsey was trying to convince Mr. Soto to return to the group home when a woman driving a vehicle approached them. Mr. Soto yelled "halt" to the woman while holding the toy tanker truck.

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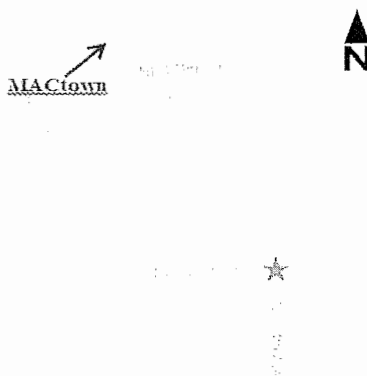
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According to Mr. Kinsey, the woman's car came to a screeching stop and she made a U-turn. Mr. Kinsey said he tried to signal to the woman that it was okay to pass, but she "panicked."


Mr. Soto then continued southbound to the intersection of NE 127th Street and NE 14th Avenue at which point he "plopped" down on the ground. See Exhibit 1. Mr. Kinsey jogged after him and attempted to convince Mr. Soto to get up and return to the group home. Shortly thereafter, Mr. Kinsey began to hear sirens from an emergency vehicle. He initially believed the sirens to be from Miami Dade Fire Rescue (MDFR) coming to take Mr. Soto to "crisis." Once Mr. Kinsey saw two officers park and arm themselves with assault rifles, he placed his empty hands in the air and began to plead with Mr. Soto to cooperate. Mr. Soto was not responsive to Mr. Kinsey's pleas.

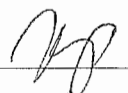
Exhibit 1¹



Marlene McKalla was driving her car southbound on NE 14th Avenue in North Miami, FL. As she reached NE 128th Street, she noticed a car in front of her make a "crazy turn". She believed that the vehicle in front of her made the turn to avoid Mr. Soto. As her car neared Mr. Soto, he pointed an object that Ms. McKalla perceived to be a firearm in her direction. Ms. McKalla ducked down in her seat and sped past him. After she had passed Mr. Soto, Ms. McKalla watched Mr. Kinsey run over to Mr. Soto through her rear view mirror. While Mr. Kinsey was talking to Mr. Soto, Ms. McKalla saw Mr. Soto sit down in the middle of the street.

¹ The star represents the approximate area where Mr. Soto and Kinsey were positioned.

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Concerned that Mr. Soto possessed a gun and was suicidal, [REDACTED] called 911 at approximately 4:59 P.M. The Miami Dade Police Department's (MDPD) Communications Bureau received the 911 call from [REDACTED]. She told the MDPD 911 call taker "there was a guy in the middle of the road and he has what appears to be a gun". She described the "guy" (Mr. Soto) as a "Spanish guy, young kid." [REDACTED] said the guy (Mr. Soto) was wearing a grey shirt and grey pants. When the 911 call taker asked [REDACTED] what the guy (Mr. Soto) was doing with the object she responded, "he has it to his head" and "there is a guy there trying to talk him out of it".

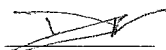
[REDACTED] said to the 911 call taker, "I think the Spanish guy is a mentally ill person." [REDACTED] repeatedly told the 911 call taker that she believed him (Mr. Soto) to be mentally ill, also referring to him as a "mentally disturbed kid." [REDACTED] advised the 911 call taker that she wasn't sure if the object in his hands was a gun, but she warned the responding officers to be "cautious."

[REDACTED] also advised that there was a black male, Mr. Kinsey, on scene trying to help. [REDACTED] ended the call once she noticed that police had arrived on the scene.

At approximately 1700 hours (5:00 P.M.), a MDPD dispatcher notified a North Miami Police Department (NMPD) dispatcher of the following: "North Miami 50, 2-44 there is a male with a gun to his head in the middle of the roadway, 129 Street NE 14th Avenue." "2-44" is a two part police signal, with "2" serving to alert officers to respond in emergency mode. "44" indicates that the incident involves a suicidal person. It should also be noted that the MDPD dispatcher is a different person from the MDPD 911 call taker and, therefore, was not the person that communicated directly with [REDACTED]

The NMPD dispatcher notified the MDPD dispatcher of the available NMPD units that would be responding; "North Miami 281 [Officer Kevin Warren] with the signal, North Miami 113 [Officer Ashlee Villard] with the backup and North Miami 212 [Officer Alens Bernadeau] as

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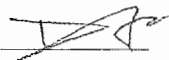
an additional backup unit." The MDPD dispatcher took control of all transmissions from that point on.

Just before the MDPD dispatcher began her transmission, a beep or priority tone can be heard on the dispatch transmission recording. This sound is issued to get the attention of all officers, so that they will listen to the following transmission. The MDPD dispatcher then transmitted the following dispatch over the radio, "Attention all units a 2-44 (emergency mode-suicidal person), 129 Street and NE 14 Avenue, there's a male with a gun to his head in the middle of the roadway, white Latin male wearing grey and black t-shirt and grey pants, North Miami 281 [Officer Warren], attention North Miami 113 [Officer Villard] and North Miami 212 [Officer Bernadeau], 2-44 129th Street and NE 14th Avenue. (5:01 P.M.)."

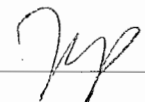
Notably, the transmission did not include important information obtained by the 911 call taker from [REDACTED]. The most significant of which was that [REDACTED] said she was unsure whether the object in Mr. Soto's hands was a gun. The transmission also did not include that [REDACTED] described Mr. Soto as being "mentally ill," nor did it alert the officers that a second person was on scene trying to help.

The first unit to arrive on the scene was Officer Kevin Crespo (Unit 142). Officer Crespo was not dispatched to the scene, but he heard the dispatch and elected to respond as an additional back up officer. Officer Crespo advised over the air "I'm about two blocks down. I see a white male down on the ground with a gray shirt with a black male in a green shirt QRX (standby)." Officer Alens Bernadeau (Unit 212) responded on the air "have him stand by until there's a unit with him." Officer Bernadeau, who was dispatched to respond, announced his arrival on the scene approximately 10 seconds later at 5:02 P.M. Officer Bernadeau met Officer Crespo shortly thereafter. Approximately 90 seconds after Officer Bernadeau announced his arrival, Officer Aledda advised over the radio, "North Miami... put me on 127 and 14. Black male, green shirt, hands up. White Hispanic male, gray shirt, jeans sitting down looking up." Officer Bernadeau then advised, "North Miami 212, just be advised he has something in his hands." Officers Crespo and Bernadeau were south of the intersection.

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Officer Warren was the primary officer dispatched to respond to the scene. Like the majority of the other officers on the scene, Officer Aledda heard the dispatch and elected to respond as an additional backup. According to the Computer-aided Dispatch (CAD) report, Officer Warren was the first officer to receive notice of the dispatch at approximately 5:01 P.M. It is unclear how long it took him to respond and arrive on scene. Officer Aledda arrived on the scene not long after Officer Warren arrived. The two took a position next to each other behind a parked black Toyota Camry. Officers Warren and Aledda were north of the intersection.

Several other officers heard the initial dispatch and elected to respond as additional backup units. In total, approximately 16 NMPD police officers responded to the scene. As officers responded to the scene they used the radio to share their respective locations and communicate important details and observations with one another.

The scene, which is where Mr. Soto and Mr. Kinsey were located, was the roadway of the intersection of NE 14th Avenue and NE 127th Street in North Miami, FL. A beige colored three-story apartment complex building and its adjacent parking lot area is located on the northwest corner of the intersection. A one story office building and its adjacent parking lot is located on the southwest corner. NE 127 Street ends at NE 14 Avenue as there is an electrical substation along the east side of NE 14 Avenue. See Exhibit 2.

Exhibit 2



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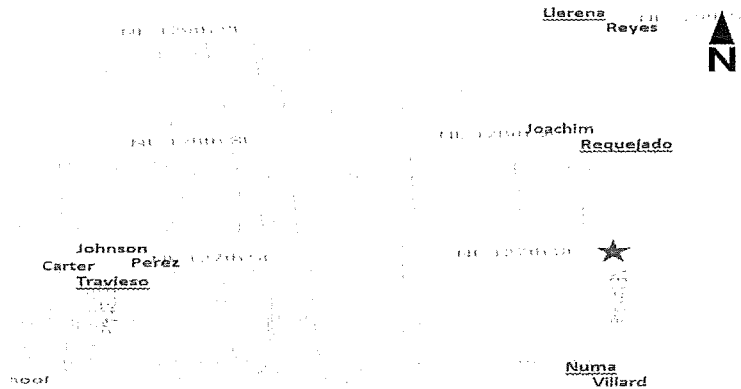
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Judge's Initials

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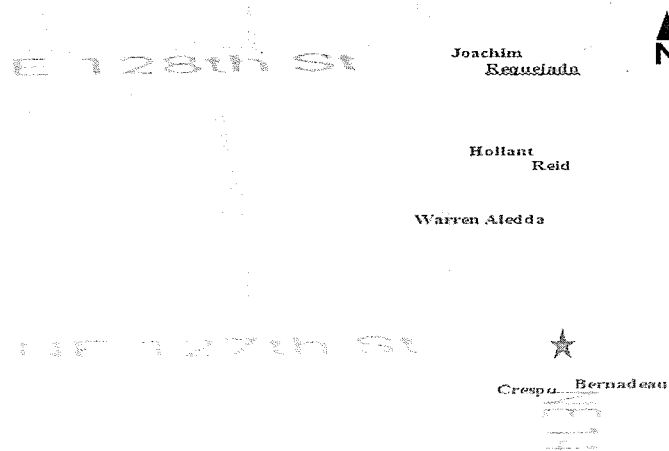
Of the 16 NMPD officers that responded to the scene, approximately 10 officers took positions to set up a secure perimeter and prevent traffic from entering the area. Exhibit 3A, which is seen below, shows an approximation of the areas where these outer perimeter officers were positioned prior to the shooting.

Exhibit 3A



The six officers that responded and took positions within the inner perimeter were Commander Emile Hollant, Sergeant Milton Reid, Officer Alens Bernadeau, Officer Kevin Crespo, Officer Kevin Warren, and Officer Jonathon Aledda. The location of these six officers and Mr. Soto and Mr. Kinsey are reflected in Exhibit 3B below.

Exhibit 3B



Affiant's Initials *[Signature]*

Judge's Initials *[Signature]*

Commander Hollant was the senior commanding officer who responded to the scene. When Commander Hollant arrived he decided to park his vehicle midblock on NE 128th Street between NE 13th Avenue and NE 14th Avenue. Commander Hollant parked in this location with intention of setting up a command post. Commander Hollant then traveled on foot to NE 14th Avenue, positioning himself between NE 128th Street and NE 127th Street.

Commander Hollant positioned himself near Sergeant Reid, the immediate supervisor of the patrol officers on duty. These two supervisors were north of Mr. Soto and Mr. Kinsey. See Exhibit 4. From their location Commander Hollant and Sergeant Reid were able to see Mr. Soto and Mr. Kinsey, but were too far away to hear them. According to Sergeant Reid, he was too far away to determine whether the object in Mr. Soto's hands was a gun. In fact, Sergeant Reid said he could not even determine the color of the object in Mr. Soto's hands. According to Sergeant Reid, he stood behind his car "...trying to figure out what's going on, wishing that I had my binoculars handy...and I didn't."

Exhibit 4



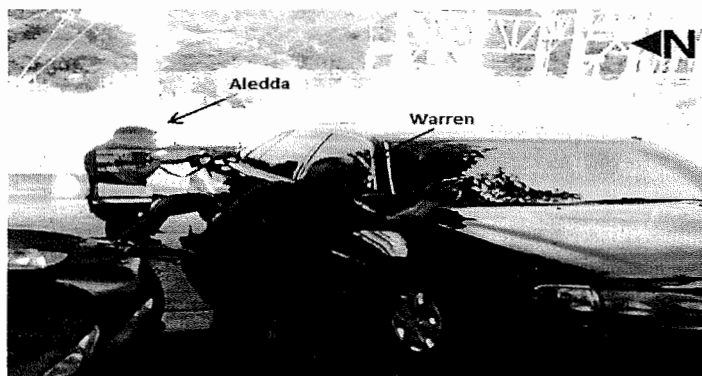
Commander Hollant initially believed that Mr. Soto was in possession of a firearm and announced over the radio, "he looks like he's loading up his gun." Shortly after Commander Hollant's announcement Officer Bernadeau announced over the radio that Mr. Kinsey was indicating that the object was a toy car. Commander Hollant, realizing that he needed his binoculars to accurately see the object in Mr. Soto's hands, went to his car to retrieve them.

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Sergeant Reid arrived on the scene after several other officers including Officers Aledda and Warren. When Sergeant Reid arrived on the scene he parked next to Officer Aledda's police vehicle. Officers Aledda and Warren quickly moved closer to Mr. Soto and Mr. Kinsey. The two took cover behind a parked Toyota Camry parked next to the apartment complex located on the northwest corner of NE 127th Street and NE 14th Avenue. See Exhibit 5. The Toyota Camry was parked in the northern end of the apartment's parking lot. Their position behind the Toyota Camry was far enough away from Sergeant Reid that he would have had to yell to in order to communicate with them.

Exhibit 5



Officers Bernadeau and Crespo exited their police vehicles on NE 14th Avenue about two blocks south of Mr. Soto and Mr. Kinsey. Each armed himself with their AR-15 rifle and they decided to approach Mr. Soto and Mr. Kinsey on foot. From his position at the intersection of NE 127th Street and NE 14th Avenue, Mr. Kinsey said he was able to see Officers Bernadeau and Crespo go to their trunks and grab their assault rifles. Mr. Kinsey immediately put his hands in the air and began to yell out to the officers. At that point, the officers were two blocks away from the intersection.

According to Officers Bernadeau and Crespo, they moved tactically; leap frogging behind poles on opposite sides on the street as they moved northbound towards Mr. Soto and Mr. Kinsey. As Officers Bernadeau and Crespo approached, they directed Mr. Kinsey to get on the ground. At the time Officers Bernadeau and Crespo were still several feet away from the final

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positions where they would stop just before the shooting. In fear that any wrong movement might result in him being shot, Mr. Kinsey stated that he kept his hands up in the air and complied with the officers commands to get on the ground. See Exhibit 6.

Intermittently, Mr. Kinsey would rise up (as if he were doing an abdominal crunch exercise) to shout information to Officers Bernadeau and Crespo and to Mr. Soto. Having provided that information he would return to the supine position (on his back) until he raised up again to provide more information to the officers or more instruction to his ward, Mr. Soto. In fact, on the cellphone video taken of a portion of the incident Mr. Kinsey can be heard screaming to the officers, "What he has is a toy truck in his hands. A toy truck. That's all it is. There's no need for guns." Mr. Kinsey can also be heard on the recording saying to Mr. Soto, "Arnoldo, please be still Arnoldo...Get down Arnoldo. Lay on your stomach Arnoldo." At one point Mr. Kinsey said to one of the officers, "Can I get up sir?"

Exhibit 6

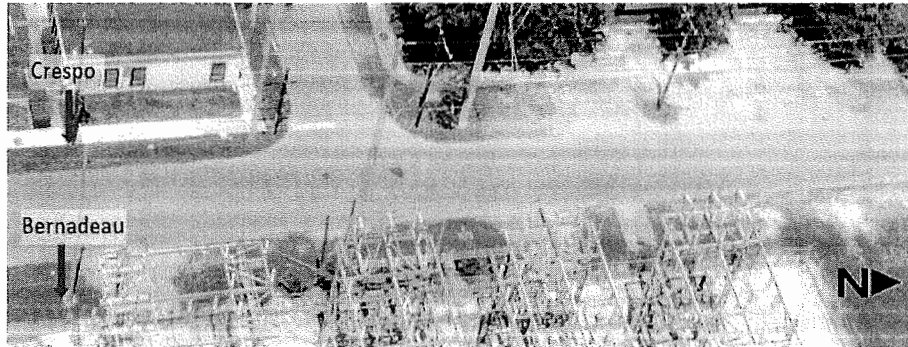


Eventually Officers Bernadeau and Crespo positioned themselves behind poles on opposite sides of NE 14th Avenue. Officer Crespo was located on the west side of NE 14th Avenue. Officer Bernadeau was positioned on the east side of NE 14th Avenue. See Exhibit 7. Both officers were communicating with each other as they moved from two blocks away towards the two men in the intersection. As Mr. Kinsey was yelling out information to the officers and Mr. Soto, the officers were yelling commands to Mr. Kinsey and Mr. Soto.

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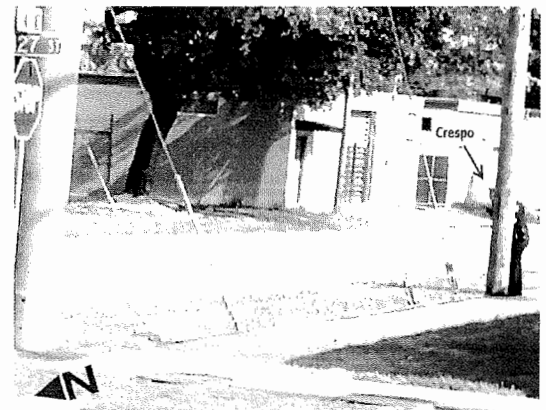
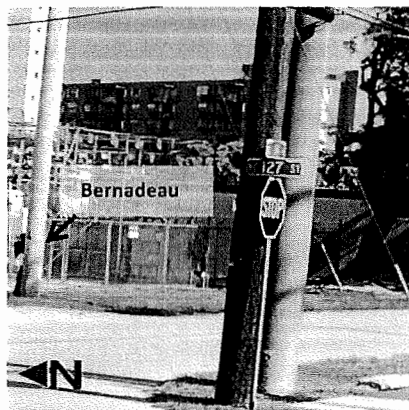
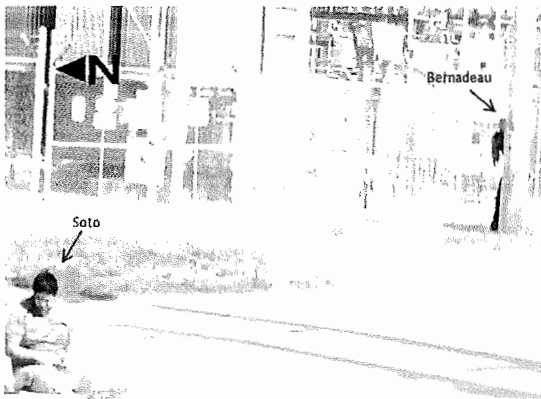
Judge's Initials

Exhibit 7



Of all the officers that responded to the scene, Officers Bernadeau and Crespo were positioned the closest to Mr. Soto and Mr. Kinsey prior to the shooting. They were also the only officers on the scene close enough to hear what was being said by Mr. Kinsey. According to Sergeant Reid, prior to the shooting Officers Bernadeau and Crespo had “worked their way to about 20 feet...20 feet or so away” from Mr. Soto and Mr. Kinsey. Officer Bernadeau estimated that prior to the shooting he was positioned approximately 15-20 feet away from Mr. Soto and Mr. Kinsey. Officer Crespo stated that from his position on the west side of NE 14th Avenue he was as close as 25 feet away from Mr. Soto and Mr. Kinsey. Still images taken from a cell phone video of the scene before the shooting, which are displayed in Composite Exhibit 8 below, show the proximity of Officers Bernadeau and Crespo to Mr. Soto.

Composite Exhibit 8



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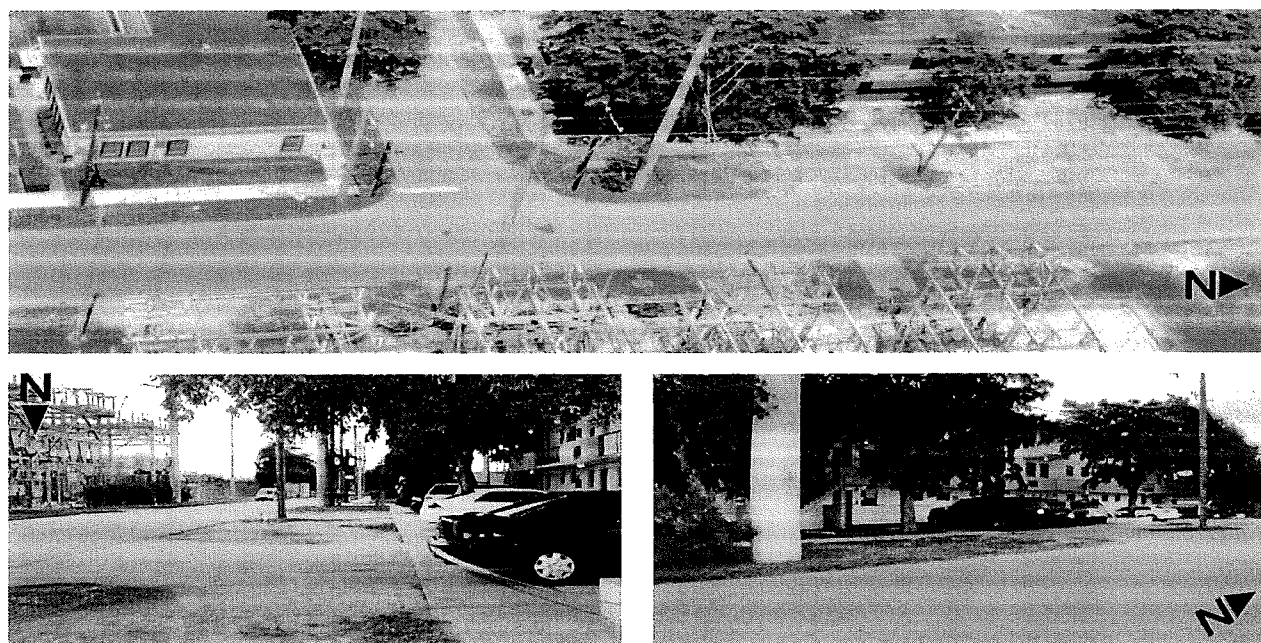
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Officers Aledda and Warren, were positioned significantly further away from Mr. Soto and Mr. Kinsey than Officers Bernadeau and Crespo. Measurements done by Officer Duhamel Jeanite reveal that Officer Aledda was approximately 152 feet away from Mr. Kinsey. From that distance Officers Warren and Aledda were too far from Mr. Soto and Mr. Kinsey to hear anything either was saying. According to Officer Warren, from that distance he could not see exactly what was in Mr. Soto's hands. See Composite Exhibit 9.

Composite Exhibit 9



Sivano Hernandez is a resident of the apartment complex that is located on the northwest corner of the intersection of NE 127th Avenue and NE 14th Avenue. Mr. Hernandez was outside of his apartment when he noticed Mr. Soto and Mr. Kinsey. According to Mr. Hernandez, he initially believed the object in Mr. Soto's hands was a gun. About 2-3 minutes after he saw police arrive on the scene, Mr. Hernandez began using his cell phone to record the activity.

While Mr. Hernandez was recording he was standing on the stairs located on the southern end of the apartment complex. See Exhibit 10. According to Mr. Hernandez he was approximately 15-20 yards away from Mr. Soto and Mr. Kinsey, which was "just about the same

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Judge's Initials VP

distance as the closest officers” (Officers Bernadeau and Crespo). Mr. Hernandez’ position on the stairs meant that he was significantly closer to Mr. Soto and Mr. Kinsey than Officer Aledda. Hernandez was close enough to hear Mr. Soto and Mr. Kinsey.


Mr. Hernandez estimated that Officer Aledda was “more than 50 yards away.” When asked if Officers Aledda and Warren could hear Mr. Kinsey, Mr. Hernandez said “there’s no possible way anybody could hear anything from that distance.”

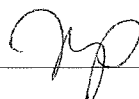
Exhibit 10



The position of several officers on the scene, particularly those inside the perimeter, put them all at risk of injury from crossfire. See Exhibit 3B on page 8. Sergeant Reid recognized this risk and stated that he alerted the other officers via the radio. Indeed an officer did say over the radio, “Units to the south, look out for crossfire.” This alert was then immediately repeated verbatim by the dispatcher. When asked about crossfire, Officer Warren, who was next to Officer Aledda, said, “...yes, it did enter my mind. Because there was, as I told you, Officer Bernadeau off to the left, Officer Crespo was pretty much I believe in the center.”

Officer Crespo, who was especially concerned about the threat of crossfire, said, “I just remember giving hand gestures ‘Move out the way! Get out of the way!’ Just in case there was a shot fired anything like that, that their lives were not in a predicament as well because it’s in the middle of a crossfire.” Officer Crespo continued, “I have officers and people – I was telling them

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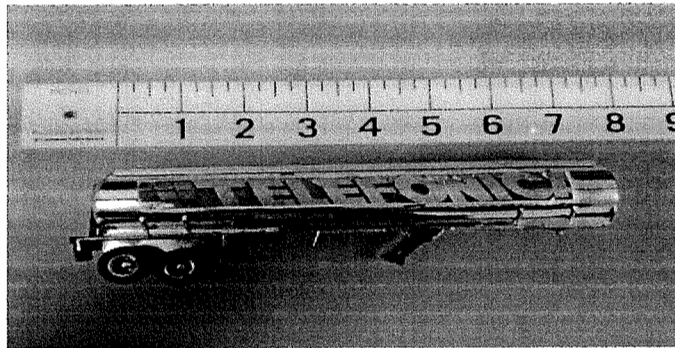
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‘get everybody!’ Pedestrians, whether...whoever it is to get out the way because they were right in the line of fire.”

Even Officer Requejado, from his perimeter position at the intersection of NE 128th Street and NE 14 Avenue, recognized that crossfire was a serious threat to his safety. See Exhibits 3A and 3B on page 8. When he arrived on the scene Officer Requejado initially took cover behind the engine block of his car. Once Officer Requejado saw Officers Bernadeau and Crespo holding long guns and facing in his direction, he took cover by kneeling behind a concrete pole on the side of the road.

When Mr. Soto left the group home he was holding a toy tanker truck. See Exhibit 11. According to MACtown President and CEO Clint Bower, Mr. Soto usually carries a toy as do many autistic people. The toy tanker truck is silver in color, has a cylindrical shape, and is approximately eight inches long.

Exhibit 11



Mr. Kinsey said that he began to yell out to Officers Bernadeau and Crespo as soon as he noticed their arrival on scene. He stated that he identified himself to Officers Bernadeau and Crespo and repeatedly told them that Mr. Soto was merely in possession of a toy. Mr. Kinsey, who had been standing initially, could clearly hear Officer Bernadeau and Crespo, because when he was ordered to get down, he did.

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Mr. Kinsey stated that Officers Bernadeau and Crespo also asked him what Mr. Soto was holding. According to Mr. Kinsey, he told them 3-4 four times that the object in Mr. Soto's possession was a toy. Mr. Kinsey claims that he was yelling as loud as he possibly could.

Mr. Hernandez' video, which recorded a portion of the interaction, begins with Mr. Kinsey responding to Officers Bernadeau and Crespo's request that he tell Mr. Soto to lie on his stomach. The video shows Mr. Kinsey plead with Mr. Soto to lie down on his stomach. Mr. Soto did not comply with Mr. Kinsey's requests. Later in that same video Mr. Hernandez recorded Mr. Kinsey can be heard yelling out to the police, "All he has is a toy truck in his hands. A toy truck...I am behavior tech at the group home. That's all it is. That's all it is..." Mr. Hernandez stated that when he heard Mr. Kinsey say it was a toy, "I thought the situation wouldn't escalate further."

Notably, Officer Crespo also heard Mr. Kinsey yell out to him "It's okay. It's okay." Officer Bernadeau heard Mr. Kinsey say that the object in Mr. Soto's hands was a toy. Officer Bernadeau stated that he heard Mr. Kinsey before he had reached the "last point," which is where he was positioned just before the shooting. See Exhibits 7 and 8 on page 12. At approximately 5:06 P.M., Officer Bernadeau advised over the radio "the person advised that it's a toy – it's the toy, uh, car...so use caution."

Once Officer Bernadeau reached the last point he was able to determine that the object was in fact a toy. At approximately 5:07:24 P.M., Officer Bernadeau stated over the radio, **"I have a visual. Does not appear to be a firearm. Have units QRX."** QRX is code for "standby." The dispatcher repeated Officer Bernadeau's standby command.

Mr. Hernandez was also able to see from his position that the object in Mr. Soto's hands was not a gun. When he was further away Mr. Hernandez thought it was a gun. But after he moved closer, Mr. Hernandez "knew for sure it wasn't a pistol." Mr. Hernandez was able to make that determination, in part, based on how Mr. Soto was handling the object.

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At one point, Mr. Soto pointed the object at Officer Crespo. See Exhibit 12. Officer Crespo concluded that Mr. Soto's action did not cause an immediate threat to his safety. Officer Crespo explained that Mr. Soto was waiving the object around and playing with it with "two hands, mostly." Officer Crespo continued, "At some points, if I recall, he did maybe, possibly, have it with one hand but it was injunction [*sic*] with both. He would play with...I guess [demonstrating]." Officer Crespo stated he "still couldn't tell if it was a gun or not. And his behavior seemed a little unusual...As if he had some sort of mental disability."

Exhibit 12



Jiovanny Taylor, a witness who was inside the office building located on the southwest corner of NE 127th Street and NE 14th Avenue, saw Mr. Soto point the object at Officer Crespo. Mr. Taylor described Mr. Soto as having a "laughing type of look on his face" when he pointed the object in Mr. Soto's direction. Taylor said he turned to his coworker and said "[Mr. Soto]'s playing games, these officers are serious...Either he's not got his senses about him, he's probably crazy or whatever. Or he's on drugs."

Sergeant Reid explained that Mr. Soto "looked like he was just in his own world, doing his own thing." When asked whether he thought Mr. Soto had "mental health issues," Sergeant Reid responded, "I couldn't tell. But he didn't look like he was normal." Sergeant Reid said that Mr. Soto's behavior seemed abnormal, because he was "surrounded by police, ignoring what was going on, it just...it didn't seem right." According to Sergeant Reid, Mr. Soto was playing around with the object, "moving it around...using both hands."

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Officer Warren also described Mr. Soto as “playing” with the object. According to Officer Warren, Mr. Soto was “sitting there twirling this object” with both hands at times. Although the object appeared to be a gun to Officer Warren, he described Mr. Soto as “twisting” the object and occasionally holding it by what would be the barrel.

Significantly, Officer Aledda expressed uncertainty about whether the object was a gun. Before the shooting, Officer Aledda asked Officer Warren if he thought Mr. Soto was holding a gun. Officer Warren responded that he was not sure.

At 5:06:32 P.M., approximately 32 seconds after Officer Bernadeau announced over the radio to the dispatcher and the other officers on the scene that Mr. Kinsey was advising the object was not a gun, Officer Aledda advised over the radio, “211. I have a clear shot of the subject. Have a supervisor...” The ending of Officer Aledda’s transmission is unintelligible. The dispatcher asked Officer Aledda to repeat his transmission. According to Officer Warren, Officer Aledda heard the dispatcher’s request that he repeat his transmission. Officer Aledda then asked Officer Warren to repeat his statement on his behalf. Officer Warren then said, “211 advised he has a clear shot.”

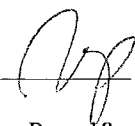
It is certainly clear that Officers Bernadeau and Crespo were in a much better position than Officer Aledda to determine whether Mr. Soto was in possession of a weapon. At the time of Officer Aledda’s announcement, Officers Bernadeau and Crespo were likely still approaching Mr. Soto and Mr. Kinsey. Officer Bernadeau said he had yet to make it to his last point when he was able to hear Mr. Kinsey say Mr. Soto was holding a toy. Officer Bernadeau’s transmission relaying Mr. Kinsey’s claim was made before Officer Aledda announced that he a clear shot.

Once Officer Bernadeau made it to his last point, approximately 15-20 feet away from Mr. Soto and Mr. Kinsey, he was able to see that the object in Mr. Soto’s hands was not a gun. Officer Bernadeau said that he made sure to announce this over the radio. At 5:06:55 P.M. Officer Bernadeau said over the radio, **“I have a visual does not appear to be a firearm. Have units (standby).”**

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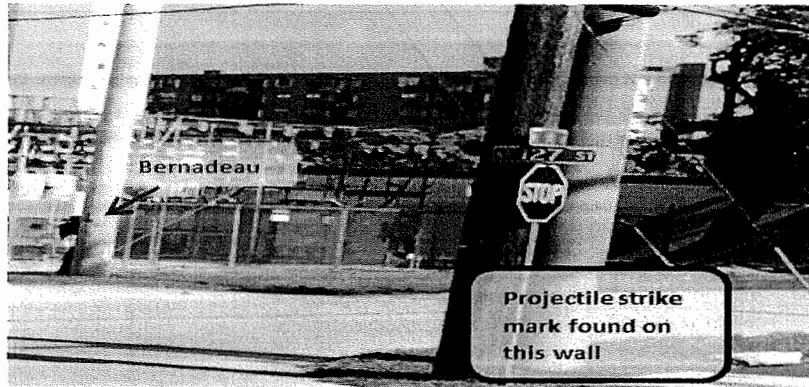
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At approximately 5:07:25 P.M. Commander Hollant advised over the radio "shots fired." Officer Aledda had just fired three shots. Officer Aledda fired the shots from his Colt M4 Carbine rifle. Based on measurements done by Officer Duhamel Jeanite, Officer Aledda was approximately 152 feet away from Mr. Kinsey when he fired the shots. See Composite Exhibit 13.

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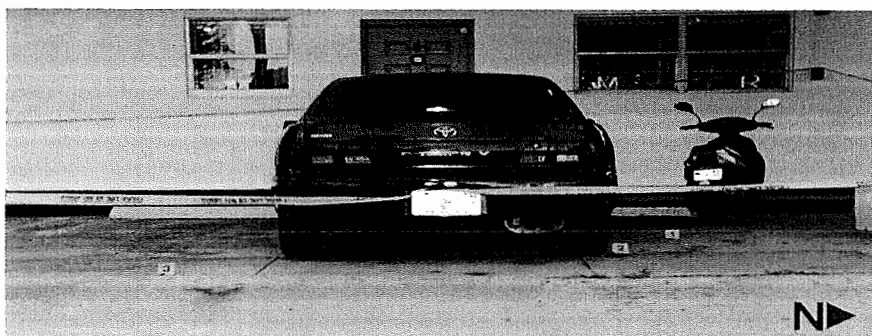


The Colt rifle, model M4 Carbine fired by Officer Aledda was Officer Aledda's personal weapon. Officer Aledda's rifle was only equipped to operate in semi-automatic mode. His Colt rifle was not equipped to operate in fully-automatic mode or in a "three-round burst" mode.

Officer Aledda's rifle did not have any enhanced optical sights. Such sights could have aided Officer Aledda in seeing that Mr. Soto was holding a toy. Instead, Officer Aledda's rifle was only equipped with iron sights. Iron sights assist a person to aim a firearm at a target, but offer no assistance in seeing a target from long distances.

NMPD Crime Scene Technician Patricia Santana, who processed the scene after the shooting, found three spent .223 caliber casings near the Toyota Camry where Officer Aledda had been positioned. See Exhibit 14. The three casings and Officer Aledda's rifle were submitted to the MDPD Crime Lab and were analyzed by MDPD Criminalist II Yamil Garcia. Criminalist Garcia determined that the three casings were fired from Officer Aledda's rifle.

Exhibit 14



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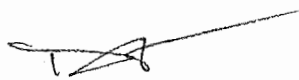
One of the three shots fired by Officer Aledda struck Mr. Kinsey in the right thigh. Miami Dade Fire Rescue (MDFR) was dispatched to treat Mr. Kinsey for his injury. According to MDFR Captain Manuel Rodriguez, Mr. Kinsey was classified as a "trauma alert," and he was transported to the Ryder Trauma Center at Jackson Hospital for emergency medical treatment. One of the bullets Officer Aledda fired was found to have struck a wall more than 338 feet away from Officer Aledda's firing position. The projectile strike mark was located on the wall of that building which was to the immediate south of Officer Bernadeau. None the shots Officer Aledda fired struck Mr. Soto.

Significantly, Officer Aledda fired the three shots just as Officers Bernadeau and Crespo were about to approach Mr. Soto and Mr. Kinsey. In recalling the moments before the shooting both Officers Bernadeau and Crespo said that they had begun to leave cover just as they heard the first shot. Officer Crespo recalled, "As soon as we do the initiative of moving out, as soon as I actually step out I remembered that the second I moved, about half-a-step, a round goes off, so, I hide [*sic*] behind cover again."

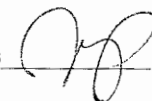
When Officer Warren, who was positioned next to Officer Aledda, heard Officer Aledda's gunshots he immediately took cover behind the wheel well of the Toyota Camry. Officer Warren stated he did not learn who shot until after they had secured Mr. Soto and Mr. Kinsey. According to Officer Warren, Mr. Soto was "just sitting on the ground and he's just twirling the object in his hand." Officer Warren did not see Mr. Soto do anything differently or suddenly prior to the shooting. When asked why he didn't shoot Officer Warren stated, "To me I was just too far away. It looked like it could possibly [be] a gun but I...wasn't 100% sure." As a result, Officer Warren said, "I was not ready to shoot."

Mr. Hernandez, who had been walking along the outdoor walkway to his apartment, fell to the floor to take cover. Officer Crespo initially thought that the shots had come from somewhere else altogether, as opposed to from Mr. Soto or a fellow officer. Officer Crespo's confusion about who was shooting is due to the fact the he and Officer Bernadeau had concluded that the object in Mr. Soto's hands was a toy and, therefore, no threat existed. When asked who

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he thought was shooting, Officer Crespo said, "I have no idea. I didn't know if maybe I was getting shot at, maybe as an ambush from the apartments next door. I don't know where the shots were coming from." Sergeant Reid was similarly unaware of who fired until much later.

Much like Officer Warren, no other officer on the scene observed Mr. Soto exhibit any behavior that compelled them to shoot. Sergeant Reid explained Mr. Soto's actions were consistent for the approximately 5 minutes of time that he observed him before the shots were fired. Sergeant Reid's estimation that he had watched Mr. Soto as he played with the toy for approximately 5 minutes is supported by Officer Warren. Officer Warren, in fact, estimated that he was on the scene observing Mr. Soto for approximately 5 to 7 minutes. Dispatch records reveal that more than 5 minutes had elapsed from the time the first officer announced his arrival on scene until when Commander Hollant announced "shots fired."

Mr. Soto's behavior only changed after Officer Aledda fired his rifle. As Mr. Kinsey screamed in pain, Mr. Soto stood up and began to yell. Mr. Soto was still holding the toy tanker truck. Mr. Kinsey never moved. Although Mr. Soto was still holding the object, Officer Aledda did not fire again.

At approximately 5:08 P.M., Officer Aledda made his second radio transmission. Officer Aledda stated, "North Miami, uh, 211, he – be advised it's a toy gun." The dispatcher requested that he verify that it was a toy gun. Officer Aledda responded, "Yes. Subject is a 43." 43 is the police code to identify a person as a "Baker Act" or that they likely need emergency mental health treatment. Notably, the dispatcher asked if anyone had been injured. Officer Aledda responded, "negative." Mr. Kinsey, who was screaming out in pain, was still too far from Officer Aledda for him to hear what was going on at the intersection.

Significantly, when Officer Aledda made this radio transmission no officer had yet to approach and secure Mr. Soto and Mr. Kinsey. The first officers to make the final approach were the two officers that were closest to Mr. Soto and Mr. Kinsey: Officers Bernadeau and Crespo. Mr. Taylor, the witness who was inside the office building located on the southwest corner of the

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intersection started recording video on his cell phone from his vantage point inside the office. Officers Bernadeau and Crespo were captured on the recording maintaining their covered positions behind their respective poles. Mr. Taylor's video, which captured Officers Bernadeau and Crespo in the moments after the shooting standing behind poles taking cover, is approximately 22 seconds long. See Exhibit 15. Officers Bernadeau and Crespo never moved from behind the poles during the video.

Exhibit 15



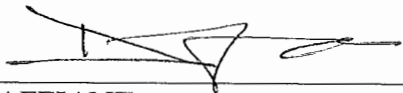
Officers Bernadeau and Crespo did not approach until after announcing over the radio that they were moving in approximately 30 seconds after Officer Aledda's transmission. As soon as Officer Bernadeau approached Mr. Kinsey he requested MDFR respond to the scene. Mr. Kinsey can be heard in the background of his transmission screaming in pain.

Upon seeing Officers Bernadeau and Crespo approach, Sergeant Reid directed Officers Warren and Aledda to approach as well. Officers secured and searched Mr. Soto and Mr. Kinsey. Neither was in possession of any weapon or firearm. While the officers were securing Mr. Kinsey and Mr. Soto, Officer Aledda asked to speak with Sergeant Reid. Sergeant Reid initially ignored Officer Aledda until he made a second request. Officer Aledda said to Sergeant Reid, **"I need to talk to you. I'm the one who shot."** Sergeant Reid had Officer Aledda sit in his car and secured Officer Aledda's Colt, model M4 rifle inside his trunk.

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WHEREFORE, based upon the foregoing, Your Affiant believes and states that there is probable cause to arrest Jonathon Matthew Aledda and charge him with one (1) count of Attempted Manslaughter, in violation of Fla. Stat. §782.07, §777.04 and one (1) count of Culpable Negligence, in violation of Fla. Stat. §784.05.



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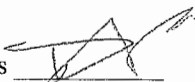
SWORN TO AND SUBSCRIBED BEFORE ME THIS THE 11th DAY OF

April, 2017.



HON. NUSHIN SAYFIE
CIRCUIT COURT JUDGE

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