

1 INVESTIGATION NUMBER: F.D.L.E CASE# MI-27-0045

2

3

4

5

6 DATE: MONDAY, FEBRUARY 13th 2017

7

TIMES: 10:28AM - 10:50AM

8

9

10

11

12

SWORN STATEMENT

13

OF

14

MILTON R. REID II

15

16

17

18

19

20

21

22

23

24

25

APPEARANCES:

ON BEHALF OF THE STATE:

BY: Esther Jacobo, Chief Assistant State Attorney

Don Horn, Chief Assistant State Attorney

Katherine Fernandez Rundle, State Attorney

1350 N.W. 12th Avenue

Miami, Florida 33136

(305) 547-0100

ALSO PRESENT:

- N/A

ON BEHALF OF THE WITNESS:

- N/A

OFFICIAL COURT INTERPRETER:

- N/A

CONTENTS

PAGE

Direct Examination by ASA Jacobo

4

ASA Horn

EXHIBITSNUMBERDESCRIPTIONPAGELINE

N/A

PROCEEDINGS

(Beginning of statement 10:28AM)

Whereupon,

Milton Reid II,

Been first duly sworn, was called as a witness and was examined and testified as follows:

ASA Jacobo: Good morning Sergeant.

Witness: Good morning.

ASA Jacobo: My name is Esther Jacobo; I'm an Assistant State Attorney. I'm here with Don Horn, who is also an Assistant State Attorney. Could you please state your name for the record?

Witness: Sergeant Milton Reid, R-E-I-D.

ASA Jacobo: And as I explained to you, you've given two previous statements and we're just going to ask you a couple of additional questions. Okay?

Witness: Okay.

DIRECT EXAMINATION

By ASA Jacobo:

Q. Did you have the opportunity to, first, view your video statement to North Miami and then listen to your statement to F.D.L.E. afterwards?

A. Yes, I did.

Q. Okay. Has that refreshed your recollection as to the events that happened on that day?

A. Yes, it has.

1 Q. Okay. Can you tell us where were you located specifically in
2 relation to Officer Aledda and Officer Warren - How far from them?

3 A. Initially, when I first arrived I parked behind Officer
4 Aledda's vehicle and I was...within 10ft of Officer Aledda initially.

5 Q. Okay. And from your vantage point how far were you from Mr.
6 Rios and Mr. Kinsey?

7 A. I would say 40-yards, 30 or 40-yards, as a guestimate.

8 Q. Were there any obstructions between you and Mr. Rios and Mr.
9 Kinsey?

10 A. No.

11 Q. Okay. Could you describe when you arrived on the scene what
12 you saw Mr. Rios and Mr. Kinsey doing?

13 A. What I recall, they were just...one person looked like he
14 was...the...Mr. Kinsey...?

15 Q. Okay - The Black male who had been shot?

16 A. Correct.

17 Q. Who ended up getting shot?

18 A. Mr. Kinsey was lying down at some times, sometimes he was
19 sitting up...

20 Q. Okay.

21 A. Where was Mr. Rios?

22 Q. Yes.

23 A. He was...it looked like he was just in his own world, doing his
24 own thing. He had an object in his hand and we couldn't tell what it
25 was.

1 Q. Okay. So from your vantage point you couldn't tell what the
2 object was - Is that what you said?

3 A. Correct.

4 Q. Okay.

5 A. Correct.

6 Q. Could you tell what color the object was?

7 A. No.

8 Q. You said that he had an object in his hand and he was playing
9 it around - Did he hold it in any particular way; did he have it set-
10 in a particular way?

11 A. No.

12 Q. Can you describe how he was playing with the object from your
13 vantage point what you could see?

14 A. Initially, I remember...just like he was holding it
15 [demonstrating]

16 Q. You're using two-hands --

17 A. And moving it around...like that...just like that [demonstrating]

18 Q. You're using two-hands - Was he using both hands?

19 A. He was using both hands.

20 Q. Did he move the object from one hand to another?

21 A. Possibly, but I don't -

22 Q. You couldn't see?

23 A. I don't know exactly.

24 Q. Okay. How long would you say you were on the scene altogether
25 - not altogether - From the time that you arrived to the time the

1 shots were fired?

2 A. I'm guessing less than 5-minutes.

3 Q. Did you have, as explained to us, in-terms of 'Command at the
4 scene' - Were you the highest ranking person on the scene?

5 A. No

6 Q. Who else was on the scene that was higher ranking than you?

7 A. Commander Hollant.

8 Q. Okay. When you're in a situation like this, I guess it's a
9 tactical situation, are you or someone in command tasked with giving
10 orders to Officers about what they should or should not be doing?

11 A. Correct.

12 Q. Did you at some point give an order over the air as to what an
13 officer should be doing in this particular situation?

14 A. I did.

15 Q. What was that?

16 A. Initially I gave - Well, I guess you can call it an order, but
17 it was based on -- I noticed that the people up north, if we fired,
18 we'd be endangering the Officers that were to the south.

19 Q. And you're talking specifically Bernadeau and Crespo?

20 A. Correct.

21 Q. Okay. So what did you say in-regard to that?

22 A. I told everyone to stand-by and I told them to basically re-
23 adjust and they moved to the west-side of 14th avenue behind a pole and
24 that seemed to have cleared up the situation.

25 Q. Okay. So, the people you told to re-adjust were Crespo and

1 Bernadeau?

2 A. Correct.

3 Q. Okay. Any other orders or commands that you gave during that
4 time?

5 A. I remember asking to stand-by again because so many things
6 were going on and I was just trying to figure out "What is this kid
7 holding" because to me, that was the key.

8 Q. Right.

9 A. It didn't look threatening but, you know, I had heard
10 differently so I just needed to try to see what was going on.

11 Q. Okay. Was your Command, if you recall, "to stand-by" to in
12 response to any other communications by other Officers?

13 A. Um...

14 Q. If you recall?

15 A. Well, I remember as I'm there trying to figure out what's
16 going on, wishing that I had my binoculars handy...

17 Q. Okay.

18 A. And I didn't. But then I saw Commander Hollant come up with
19 his binoculars and I think that's when I issued the "Stand-by" again.

20 Q. Okay.

21 A. To give him time to figure out what was going on.

22 Q. And the "stand-by" command is Q-R-X - Right? Is that correct?
23 Or do you actually say --

24 A. No. It's just "stand-by".

25 Q. "Stand-by"

1 A. Yeah.

2 Q. You say, "stand-by".

3 A. Correct.

4 Q. Okay. But that "stand-by" command was given prior to you
5 hearing shots?

6 A. Correct.

7 Q. If you can estimate it, about how long before you hear the
8 shots do you give the "stand-by" command?

9 A. I'd say 30-seconds or less. It wasn't very long.

10 Q. Are you close enough to Aleda and Warren to have a verbal
11 conversation with them? Not on the radio, I mean.

12 A. At the point when I realized they were shooting, I...where they
13 were, I would have to yell at them.

14 Q. Okay.

15 A. Because he had moved all the way over to where the apartment
16 complex was to the east.

17 Q. Okay.

18 A. So we could hear each other but I'd have to yell.

19 Q. Could you hear anything that Aleda and Warren might've been
20 saying?

21 A. No.

22 Q. From where you were?

23 A. No.

24 Q. At any point during the time you were there?

25 A. No. I don't recall any of that.

1 Q. How about what Mr. Rios and Mr. Kinsey was saying or not
2 saying, could you hear them at all?

3 A. Periodically I could hear Mr. Rios yelling something but it
4 was inaudible.

5 Q. Okay. Could you hear Mr. Kinsey speaking?

6 A. No.

7 Q. Could you tell, at that point, when you were at that vantage
8 point, that if there were any issues with Mr. Rios' behavioral mental
9 health issues, anything like that?

10 A. I couldn't tell.

11 Q. Okay.

12 A. But he didn't look like he was normal.

13 Q. From where you were, even at that point?

14 A. Correct.

15 Q. What about him seemed 'not normal'?

16 A. Just his behavior -

17 Q. Okay.

18 A. Being surrounded by police, ignoring what was going on, it
19 just...it didn't seem right.

20 Q. Okay. Okay. Could you hear commands that were being given to
21 Mr. Rios from where you were?

22 A. I could not.

23 Q. Okay. During the time that you were there till the time that
24 you heard the shot, did anything different occur with Mr. Rios and Mr.
25 Mr. Kinsey that had not been occurring for the...you said about the 5-

1 minutes you were there?

2 A. No.

3 Q. Now at some point -- Let me go back - Officer Crespo and
4 Officer Bernadeau, you can see them clearly from your vantage point?

5 A. Not clearly but I could see them.

6 Q. How close were they to Mr. Rios and to Mr. Kinsey before the
7 shots?

8 A. I'm guessing they worked their way to about 20-feet...20-feet or
9 so away...

10 Q. In your opinion were they in a better vantage point than you
11 Aleda and Warren?

12 A. Absolutely.

13 Q. To see what was happening with Mr. Rios and Mr. Kinsey?

14 A. Right.

15 Q. Were Officer Crespo and Officer Bernadeau communicating over
16 the air about what they saw?

17 A. I would hope so, but, I don't specifically recall anything.

18 Q. During the last statements you said you'd recalled that
19 someone transmitted that it was maybe a toy - Do you recall that?

20 A. Yes.

21 Q. Okay. Do you remember at what point that was transmitted over
22 the air?

23 A. I believe it was before the shots were fired. And, I think it
24 was Bernadeau or Crespo or somebody from the south.

25 Q. Okay. Now, after the shot was fired did you know who had shot?

1 A. Not immediately. No.

2 Q. Okay. What did you do as result of the shots being fired?

3 A. I moved from my car over to where the apartment complex is,
4 which is where Aleda and Warren were and I gave the command for us
5 guy's up north to start advancing on the target...on the two in the
6 middle of the street.

7 Q. Okay.

8 A. And the guy's from the south were doing the same thing.

9 Q. Okay. After the shot, you could still see Mr. Kinsey and Mr.
10 Rios clearly from where you were coming?

11 A. Correct. Correct.

12 Q. Were they at that point doing anything different than they had
13 been doing for the 5-minutes prior to the shot?

14 A. No.

15 Q. As you advanced did you see -- Who else was up there with Mr.
16 Kinsey and Mr. Rios when you got there - any other Officers?

17 A. When I got there Bernadeau was already there, Requejado was
18 there, and I want to say Crespo was there.

19 Q. During your statement to North Miami, you stated that Officer
20 Aleda "told you that he had shot" - Is that correct?

21 A. Correct.

22 Q. Can you tell us specifically how that happened and what
23 exactly did he say to you?

24 A. The first time he tried to tell me I was like, "Hold on. Hold
25 on. I'm taking care of some stuff", and then he comes back again and

1 says, "Sergeant, I need to talk to you. I'm the one who shot" and I
2 guess, that's when it all made sense...

3 Q. Right.

4 A. And I told him to go to his car and do the police shooting
5 protocol.

6 Q. Other than saying, "I'm the one who shot", did he give you any
7 specifics about how he had shot?

8 A. No.

9 Q. Or why he had shot?

10 A. He didn't.

11 Q. At any point prior to the shooting, did you perceive a reason
12 to shoot at either Mr. Rios or Mr. Kinsey?

13 A. No.

14 Q. What's the difference between "stand-by" and "stand-down"?

15 A. For me, because I'm Jamaican, it's semantics...

16 Q. Okay.

17 A. [laughs]

18 Q. Okay. Now, I know when I got to Jamaica.

19 A. [laughs]

20 Q. "stand-down" "stand-by"

21 A. I guess in actuality, to "stand-down" means, put your weapons
22 down and everything because for whatever reason there's no harm or
23 whatever. "Stand-by" is to like just "hold on a second."

24 Q. Let me go back and ask you a couple of questions about
25 Commander Hollant.

1 A. Sure.

2 Q. Were you on the scene when Commander was on the scene at the
3 very beginning?

4 A. Yes. Yes.

5 Q. Okay. Did you hear transmissions from Commander Hollant when
6 he was on the scene?

7 A. I heard one possible transmission from him.

8 Q. Okay. And what was that, if you recall?

9 A. Something about loading...loading a gun or something like that.

10 Q. You don't remember specifically what he said?

11 A. No.

12 Q. Do you recall when Commander Hollant left the scene?

13 A. Yeah. After I was there for a while, he was on the left
14 side...on the passenger side of my car...

15 Q. Okay.

16 A. Kind of almost --

17 Q. So, he was right next to you then?

18 A. Pretty much, yeah.

19 Q. Okay.

20 A. But near behind Aleda's car...or whosever car that was in-
21 front him, then I see him disappear behind me and he comes back
22 shortly after carrying the binoculars, which I was glad to see.

23 Q. Okay.

24 A. And...

25 Q. He came back before the shots or after?

1 A. Yeah, no, before the shots.

2 Q. Oh - Before the shots?

3 A. And then after the shots, I just kind-of, had a different
4 focus.

5 Q. Okay. So before the shots Commander Hollant comes back with
6 his binocular?

7 A. Correct.

8 Q. Does he look through his binoculars or do you know?

9 A. Yeah, no, he's looking through the binoculars...and I think,
10 that's why I said "stand-by" again, so we could see what was going on...

11 Q. Okay. How close was he to you when he was looking through his
12 binoculars?

13 A. Less than 10-feet.

14 Q. Okay. Were you communicating with him about what he was seeing
15 through his binoculars, by any chance?

16 A. Not yet. Not at that point.

17 Q. Did you communicate with him, at all, about what he saw
18 through his binoculars?

19 A. No.

20 Q. Did you have any conversations with either Mr. Kinsey or Mr.
21 Rios when you made contact with them?

22 A. I believe, I told Mr. Kinsey the reason why I handcuffed him.

23 Q. Okay. Which was?

24 A. Um...

25 Q. You told him, what did you tell him?

1 A. I told him that it's police procedure. I don't know what has
2 happened here and I want to make sure that he wasn't armed or none of
3 them were armed.

4 Q. Did he have a response to that?

5 A. He probably did but I don't recall what it was.

6 Q. How about Mr. Rios - Did you have any communication with Mr.
7 Rios at all?

8 A. No. Because I can tell that talking with him was not going to
9 be very fruitful.

10 **By ASA Horn:**

11 Q. I have a couple of things - When you gave your first statement
12 you said at the time you pulled up, you got out of your car, you
13 didn't have your weapon un-holstered. Did you ever un-holster it while
14 you were there?

15 A. Yes, after the shots and I was advancing towards the subjects.

16 Q. Advancing - Okay. But before that you were trying to take
17 assessment -

18 A. Correct.

19 Q. Giving commands over the radio?

20 A. Correct. I mean, I was far enough away that...trying to figure
21 out what they're doing...

22 Q. And [unintelligible]?

23 A. Correct.

24 Q. Okay.

25 A. I'm sure I pull out my gun initially, but then I holstered it

1 back and was just trying to check out what was going on.

2 Q. Okay. Now, from the vantage point, I think Esther asked you,
3 was there anything obstructing your view - You pretty much got your
4 car in the street.

5 A. Right.

6 Q. These people in the street -

7 A. Correct.

8 Q. And you're just looking down the street -

9 A. Correct.

10 Q. With nothing in-between you and them, other than space?

11 A. Right.

12 Q. Okay. Now, you were looking at the...I'm going to call it "the
13 cellphone video" that one of the civilians took and you see what you
14 now know as Mr. Kinsey, laying there on his back with his hands up in
15 the air. In your video statement you said you saw that and you didn't
16 know whether there were other Officers' giving him commands?

17 A. Correct.

18 Q. Would that be consistent with what you there with the other
19 Officers Bernadeau or Crespo possibly giving commands to him?

20 A. Very possible.

21 Q. You also saw him, kind-of, going up and down like crunches?

22 A. Yeah.

23 Q. And you couldn't hear anything but you could tell there was
24 communication going on from what you saw?

25 A. Oh yeah, I assumed.

1 Q. And with the person we later know to be Soto, he pretty much
2 sat there during the entire time as you were demonstrating playing
3 with the thing?

4 A. Right.

5 Q. And that's what they did all the while you were watching them
6 up until the time the shots were fired?

7 A. Correct.

8 Q. In the second statement they took from you, at some point you
9 said you wanted everyone to freeze "because we had everything held" -
10 What does that mean?

11 A. It means - In terms of parameter around the situation?

12 Q. Yes.

13 A. We had that on lock. The two Subjects didn't appear to be
14 threatening any of us on the outside...

15 Q. Right.

16 A. We still didn't know what they had...

17 Q. Right.

18 A. In my opinion I wanted everyone to just kind of freeze
19 because, and I don't think I said this, but I knew Bernadeau and
20 Crespo --

21 Q. "And I wanted to figure out what the hell was going on".

22 A. Were to the south and they were gonna be the ones to start
23 giving information.

24 Q. Okay.

25 A. Because there was a lot of radio chatter.

1 Q. Right.

2 A. In times like that you just kind of block-out a lot of things
3 and deal with...focus on that..."tunnel vision" whatever you call it, on
4 what's important and I wanted them to start telling us what was going
5 on because I could see they were close enough to have the eye in the
6 air.

7 Q. Okay. And from your assessment, "we just slow everything down,
8 freeze everything, figure out what the hell was going on..."

9 A. Exactly...

10 Q. And then allow them the opportunity to communicate to us who
11 are so far away.

12 A. Yes.

13 [Off the record]

14 [Back on the record]

15 **By ASA Dorn:**

16 Q. I'm sorry, I did forget one thing. In the video statement you
17 gave, one of things that you stated was "you wanted to have everything
18 calm down" and you and Ernie would actually try to engage these guys,
19 Ernie being Sergeant Reyes.

20 A. Correct.

21 Q. And I think you said if he wasn't there yet behind you, you
22 knew he was going to be there shortly?

23 A. Correct.

24 Q. Had things played out the way you had envisioned what did you
25 expect would happen once Sergeant Reyes got there; how were you guys

1 going to engage these guys?

2 A. We would've moved to a position where we're going to start a
3 dialog with them.

4 Q. Okay.

5 A. We're both hostage negotiators and - there was something going
6 on here so we would try that route.

7 Q. Okay.

8 ASA Horn: Thank you.

9 [End of statement 10:50AM]

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

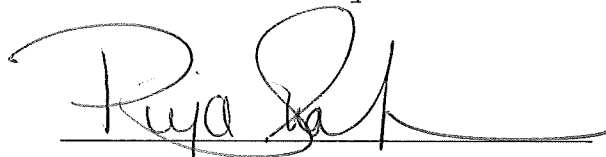
25

REPORTER'S CERTIFICATE

I, Puja Shah, hereby certify that the foregoing transcript consisting of 21 pages, is a complete true, and accurate transcript of the testimony indicated, held on Monday, February 13th 2017, at the State Attorney's Office, E.R. Graham Building, 1350 N.W. 12th Avenue, Miami, Florida, 33136, Sworn Statement of Milton R. Reid II; INVESTIGATION NUMBER: F.D.L.E CASE# MI-27-0045.

I, further certify that this proceeding was reported by Puja Shah, and that the foregoing transcript has been prepared by me.

Date: February 22nd 2017

A handwritten signature in black ink, appearing to read 'Puja Shah', written over a horizontal line.

Puja Shah

Hearings' Reporter

Notary Public State of FL

Commission # FF914430

Expires: 10-03-2019