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February 10, 2021

The Honorable Kevin Rambosk
Collier County Sheriff's Department
3319 Tamiami Trail East, Bldg. J
Naples, FL 34112

Re: Officer Involved Shooting – #20-365971
Nicolas Morales Besanilla

Dear Sheriff Rambosk:

My office has completed the review of the investigation into the officer involved shooting of Nicolas Morales Besanilla by Collier County Sheriff's Office Corporal Pierre Jean in an incident that occurred on September 17, 2020.

Based upon the investigative reports provided, and the applicable law, I am convinced that the actions of the officer involved in this incident were a legally justifiable use of deadly force, in the defense of himself or others. Therefore, my office will not be filing any criminal charges in this matter.

The enclosed memoranda by Assistant State Attorney Anthony W. Kunasek and SAO Investigator Michael T. Torregrossa summarize the legal and investigative review of this incident.

Thank you for your cooperation with the investigation and review of this case.

Sincerely,

Amira D. Fox
State Attorney
ADF/so
Enclosures

**OFFICE OF THE STATE ATTORNEY
20TH JUDICIAL CIRCUIT
P.O. BOX 399
FORT MYERS, FLORIDA 33902**

Amira D. Fox, State Attorney

MEMO

TO: Amira D. Fox, State Attorney

FROM: Anthony W. Kunasek, Assistant State Attorney

DATE: February 9, 2021

RE: Collier County Sheriff's Officer Involved Shooting
Investigation # 20-365971; District Twenty Medical Examiner # ME-2020-678;
SAO Investigation # 2020-0054

INTRODUCTION

This is a legal review of an officer-involved shooting incident that occurred on September 17, 2020 in the driveway of the residence located at 645 Edenfield Way, Immokalee, Collier County, Florida. The incident involved an individual identified as Nicolas Morales Besanilla. Collier County Deputy Sheriff Corporal Pierre Jean used deadly force against Mr. Morales Besanilla by firing his firearm at Mr. Morales Besanilla. When Corporal Jean discharged his firearm, Mr. Morales Besanilla was moving toward him and Deputy Tarazona with pruning shears in his hand. Mr. Morales Besanilla received three (3) gunshot wounds to his abdomen area and died as a result of his injuries.

Collier County Sheriff's Office (CCSO) Detective David Hurm conducted the investigation. Detective Hurm provided this office with his report and supplemental documentation. An independent agency was not used for this investigation. Deputy Jean provided a written statement.

FACTUAL SUMMARY

The shooting of Mr. Morales Besanilla at approximately 1:17 a.m. was the culmination of a series of events that took place in less than twenty-five (25) seconds on September 17, 2020. The facts are set forth in Detective Hurm's report, as well as State Attorney's Office (SAO) Investigator Michael T. Torregrossa's memorandum, some of which are reiterated below.

SCOPE OF REVIEW

This legal review is limited to the issue of whether the deputy committed a violation of the criminal laws of Florida by his use of deadly force against Mr. Morales Besanilla. No policy, procedural, or civil issues outside of the jurisdiction of the SAO are addressed, and no comment on such matters is intended.

LEGAL DETERMINATION

Florida Statute §776.012 (2015) allows for the justifiable use of deadly force "... if he or she reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony..." Law enforcement's use of deadly force means "force that is likely to cause death or great bodily harm to include the 'firing of a firearm in the direction of the person to be arrested even though no intent exists to kill or inflict great bodily harm'" *Florida Statute §776.06(1)(a)(2015)*.

The totality of the evidence supports the conclusion that Corporal Pierre Jean was justified in the use of deadly force.

On September 17, 2020, at approximately 1:12 a.m., _____ called 911 from her house located at _____ Edenfield Way, Immokalee, Florida. _____ reported that someone was outside her home, banging on the front door, trying to get inside. _____ reported that the individual had a shovel and kept yelling to open the door. _____ reported she thought the individual was someone that lived nearby but couldn't be sure.

CCSO Corporal Pierre Jean arrived on scene at approximately 1:17 a.m. CCSO K-9 Corporal Nathan Kirk with K-9 Gomez, arrived seconds later, along with CCSO Deputy Brian Tarazona. All three (3) deputies got out of their respectively marked patrol vehicles and were on foot. A shirtless individual, later identified as Nicolas Morales Besanilla, walked out from behind some cars that were parked in the driveway of the 911 caller _____ holding a shovel in one hand, and a shiny object (later identified as pruning shears) in the other.

The deputies commanded Mr. Morales Besanilla to get on the ground several times. Instead, Mr. Morales Besanilla moved toward the deputies, still holding the shovel in his left hand and the shiny object in his right. As Mr. Morales Besanilla continued to get closer to the deputies, he dropped the shovel and began to run toward two (2) of the deputies with the shiny object still in his right hand.

Corporal Jean discharged his firearm four (4) times at Mr. Morales Besanilla, striking him three (3) times. Nearly simultaneous to Corporal Jean's discharge, Corporal Kirk released K-9 Gomez. Mr. Morales Besanilla fell in the driveway of 645 Edenfield Way and K-9 Gomez engaged him. Some moments later, K-9 Gomez was retrieved, and medical aid was provided to Mr. Morales Besanilla. Emergency Medical Services (EMS) arrived and transported Mr. Morales Besanilla to Naples Community Hospital (NCH) where he was pronounced dead.

Corporal Pierre Jean provided a written statement. Corporal Jean stated he was on duty the day of the incident. Corporal Jean stated he was dispatched to Edenfield Way in reference to an unknown male banging on the front door, holding a shovel. Corporal Jean stated, upon arrival, he parked in the middle of Edenfield Way, one house east of the address. Corporal Jean stated he observed a Hispanic male, (later identified as Mr. Nicholas Morales Besanilla) at the front door of the residence (at

Corporal Jean stated he was only able to see Mr. Morales Besanilla's head and the top of a shovel handle at first because of cars that were parked in the driveway. Corporal Jean stated he unholstered his firearm and immediately began to command Mr. Morales Besanilla not to approach and ordered him to get on the ground.

Corporal Jean stated Mr. Morales Besanilla ignored his commands and Mr. Morales Besanilla started walking toward Corporal Jean. Corporal Jean stated, "as he came closer to Edenfield Way, I could see that he was wearing no shirt, was wielding a shovel in his left hand, and was holding a shiny silver pointed object that I believed to be a knife in his right hand."

Corporal Jean stated he and Deputy Tarazona were within a few feet of each other and Mr. Morales Besanilla continued to ignore commands and "advanced" in their direction. Corporal Jean stated Mr. Morales Besanilla dropped the shovel when he was approximately six (6) to eight (8) feet away from them and began to run in their "direction with the sharp silver object still in hand."

Corporal Jean stated Mr. Morales Besanilla got to within three (3) to six (6) feet of him and the other officers on scene, while running toward them with the sharp object. Corporal Jean stated he feared for his life and the lives of the other officers and "fired multiple shots at (Mr. Morales Besanilla) to stop him from attacking one of us with the sharp object in his right hand."

Corporal Nathan Kirk provided a written statement. Corporal Kirk stated he responded to Edenfield Way as back-up to the suspicious person call. Corporal Kirk stated he was in full (CCSO) uniform and in a marked K-9 patrol vehicle. Corporal Kirk stated he heard over dispatch, while en-route, that the subject was banging on the front door and holding a shovel.

Corporal Kirk stated he followed Corporal Jean (into the neighborhood) and parked with his floodlights illuminating the front of the residence (Edenfield Way). Corporal Kirk stated he got out of his vehicle along with K-9 partner Gomez. Corporal Kirk stated Corporal Jean was positioned on the passenger side of his (Corporal Kirk's) vehicle. Corporal Kirk stated he observed a male (Mr. Morales Besanilla) without a shirt holding a large shovel in his left hand.

Corporal Kirk stated Mr. Morales Besanilla approached him and Corporal Jean on foot while still holding a shovel. Corporal Kirk stated Corporal Jean gave (Mr. Morales Besanilla) several verbal commands to drop the shovel and get on the ground, which were ignored.

Corporal Kirk stated Mr. Morales Besanilla “released the shovel from his left hand...and continued walking quickly toward Corporal Jean.” Corporal Kirk stated as Mr. Morales Besanilla got within ten (10) yards of deputies he sprinted directly toward Corporal Jean. Corporal Kirk stated as Mr. Morales Besanilla passed him, he, Corporal Kirk, observed a shiny silver object in Mr. Morales Besanilla’s right hand.

Corporal Kirk stated he believed the object “to be a small belly revolver in his right hand.” Corporal Kirk stated he observed Mr. Morales Besanilla raise his right arm, which caused him (Corporal Kirk) to “fear that Corporal Jean was in immediate danger of serious bodily injury or death.”

Corporal Kirk stated he then released K-9 Gomez to attempt to stop Mr. Morales Besanilla’s actions, but he (Mr. Morales Besanilla) continued his “aggressive advancement” toward Corporal Jean. Corporal Kirk stated he drew his service weapon and aimed at Mr. Morales Besanilla but did not fire because of the house that was in the background. Corporal Kirk stated he heard several gunshots at the time he released K-9 Gomez, and saw Mr. Morales Besanilla fall to the ground.

Corporal Kirk stated he then observed the silver object fall from Mr. Morales Besanilla’s hand and identified it as pruning shears. Corporal Kirk stated he approached Mr. Morales Besanilla and removed K-9 Gomez and directed Deputy Tarazona to begin first aid.

Deputy Brian Tarazona provided a written statement. Deputy Tarazona stated he was dispatched to Edenfield Way in reference to a suspicious incident. Deputy Tarazona stated dispatch referenced an unknown male with a shovel banging on the front door trying to get inside.

Deputy Tarazona stated he parked behind Corporal Jean when he arrived. Deputy Tarazona stated, when he got out of his car, he could hear Corporal Jean giving repeated commands to someone, “to get on the ground.” Deputy Tarazona stated he then positioned close to Corporal Jean and observed a shirtless male (Mr. Morales Besanilla) holding a large shovel in his left hand.

Deputy Tarazona stated Mr. Morales Besanilla continued to walk quickly toward the deputies so he drew his weapon and pointed it at him. Deputy Tarazona stated he was ordering Mr. Morales Besanilla to the ground in English and Spanish. Deputy Tarazona stated as he (Deputy Tarazona) got closer (to Corporal Jean), Mr. Morales Besanilla dropped the shovel and started running toward him and Corporal Jean. Deputy Tarazona stated he holstered his weapon after seeing Mr. Morales Besanilla drop the shovel in preparation of a physical confrontation.

Deputy Tarazona stated that's when he heard several shots fired. Deputy Tarazona stated, "almost simultaneously, (with the shots fired) I saw a sharp silver object drop out of the male's right hand..." Deputy Tarazona stated Mr. Morales Besanilla fell to the ground and Corporal Kirk's canine bit Mr. Morales Besanilla's right shoulder.

Deputy Tarazona stated he began first aid after the canine was disengaged from Mr. Morales Besanilla's shoulder. Deputy Tarazona stated as he approached Mr. Morales Besanilla he observed a "pair of silver pruning cutters," which he kicked out of the reach of Mr. Morales Besanilla. Deputy Tarazona stated he rendered medical aid until EMS arrived.

CCSO crime scene unit responded. The scene was identified as the front yards and driveways of 645 Edenfield Way, and the immediate area surrounding both. The scene was video recorded and photographed. The following was located: one (1) shovel was located in the grass between the driveways of Edenfield Way and 645 Edenfield Way. It was photographed and collected. One (1) black handled pruning shear was located just off the driveway of 645 Edenfield Way. It was photographed and collected. A total of four (4) Speer 40 caliber S&W cartridge cases were located at the scene in the area where Corporal Jean fired from. Two (2) were found at the end of the driveway of 645 Edenfield Way; and the other (2) in the grass adjacent to the driveway. They were photographed and collected.

Corporal Jean's department issued Glock 40 S&W caliber semiautomatic pistol (SN # XHX516) was photographed and collected.

Corporal Jean and Corporal Kirk had functioning in-car cameras. Corporal Jean's in-car camera captured the shooting event. Corporal Kirk's in-car camera did not capture the actual shooting based on the position of the vehicle and camera. There is no other video evidence.

On September 17, 2020, an autopsy was performed by the District Twenty Medical Examiner's Office (ME) on Nicolas Morales Besanilla. The Deputy Chief Medical Examiner identified three (3) penetrating gunshot wounds. Two (2) of the gunshot wounds were of the abdomen, in close proximity to each other. One (1) was in the right region near the pelvis. Three (3) projectiles were recovered, photographed and collected. The cause of death was certified as gunshot wounds of abdomen and pelvis.

The Florida Department of Law Enforcement (FDLE) conducted analysis on Corporal Jean's Glock 40 S&W and two (2) of the four (4) 40 S&W caliber cartridge cases located at the scene. FDLE determined that both the 40 S&W cartridge cases submitted were in fact fired from Corporal Jean's department issued Glock 40 S&W pistol.*

FDLE also analyzed the pruning shears that were located at the scene, and were seen in Mr. Morales Besanilla's hand, for the presence of DNA. FDLE was able to develop a partial DNA profile from swabs taken from the handles of the shears, which were consistent with a male donor. FDLE further determined that the DNA profile matched the DNA profile from Nicolas Morales Besanilla and the observed DNA profile was greater than 700 billion times more likely to occur if the sample originated from Nicolas Morales Besanilla than from an unrelated individual.

FDLE analyzed the pruning shears for latent prints and found no latent prints of value for comparison were noted or developed.

Nicolas Morales Besanilla effectively committed aggravated assault on a law enforcement officer, which is a forcible felony as defined by *Florida Statute §776.08*, when he ran toward deputies with the pruning shears in his hand.

The actions committed by Nicolas Morales Besanilla presented a considerable danger to the law enforcement officers carrying out their duties, putting the law enforcement officers in reasonable fear of imminent death or great bodily harm. Corporal Jean was justified in the use of deadly force to stop the threat as Mr. Morales Besanilla closed the gap of distance between himself and the deputies while wielding the sharp-edged pruning shears.

CONCLUSION

CCSO Corporal Pierre Jean was reasonably justified in using deadly force to protect himself and others from the danger Nicolas Morales Besanilla posed during the early morning hours of September 17, 2020. For the reasons set forth above, there is no basis for further action by this office. This matter should be closed.

cc: Richard J. Montecalvo, Chief Assistant State Attorney
Michael T. Torregrossa, SAO Investigator

*Only the two (2) 40 S&W caliber cartridge cases found in the grass adjacent to the driveway of 645 Edenfield Way were submitted to FDLE and analyzed. The other two (2) located at the end of the driveway of 645 Edenfield Way were not submitted. The in-car video footage verifies Corporal Jean fired four (4) times. The fact that two (2) of the cartridge cases were not submitted for analysis has no legal effect on the conclusion and findings in this memorandum.

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INVESTIGATIONS CASE CLOSING REPORT

CASE NUMBER: 2020-00054SI
DATE: February 3, 2021
INVESTIGATOR: Michael T. Torregrossa 1903
SUBJECT: Officer Involved Shooting Investigative Report/Findings

Synopsis:

At about 5:00 am on Thursday, September 17, 2020, Investigator Michael Torregrossa, ID 1903 received a telephone call from Deputy Chief Assistant State Attorney, Dave Scuderi informing the investigator that there had been an officer involved shooting incident involving members of the Collier County Sheriff's Office. Investigator Torregrossa obtained the preliminary facts and initiated an officer involved shooting investigation, identified as 2020-00054SI. The following investigation is the culmination and review of the available information and evidence collected by detectives and forensic personnel from the Collier County Sheriff's Office, who did not utilize an independent agency to solely conduct this investigation.

At approximately 1:12 am on Thursday, September 17, 2020, the Collier County Sheriff's Office communications received a 911 Call of a "Suspicious Person" at Edenfield Way, (Workers Village) Immokalee, Florida. The female caller stated that an unknown male was outside of her residence, banging on the front door and windows and attempting to gain entry. stated that the person was a male who may live in their neighborhood but does not know him personally. further informed communications that the male went around to the back of the house and took possession of a shovel, and began yelling for the occupants to open the door.

At about 1:12 am, Collier County Sheriff Deputies were dispatched to Edenfield Way. Uniform Patrol Deputy Pierre R. Jean ID 3800 arrived on scene at about 1:16 am and stopped his vehicle to the southwest of the address. Deputy Jean had a functioning In-Car video of the incident that has been uploaded to a portable USB memory stick and is attached to this report. K9 Deputy Nathan E. Kirk ID 4008, and K9 partner Gomez arrived seconds later and pulled alongside to the left of Deputy Jean, to a southwest position of the address. Deputy Kirk In-Car Video was also functioning and captured video during the incident. This video was uploaded onto the same USB memory stick mentioned above. Deputy Brian A. Tarazona ID 3775 arrived behind Deputy Jean. The patrol vehicle that Deputy Tarazona was using at the time of the incident did not have a functioning In-Car Video system, and as a result, there is no video from this unit.

A review of both In-Car Videos depict the following: Deputy Jean is first on scene and immediately exits his patrol vehicle which is located in front of 645 Edenfield Way southwest of the 911 caller. Deputy Jean is heard saying, "Hey don't come over here." The video shows the address a white Nissan and a green Kia vehicles parked in the driveway. As Deputy Jean walks towards the address, you can see a head appear from around the vehicles and walk towards the deputies. Deputy Jean says "hey get on the ground" twice, then "get on the ground" six more times.

The video shows Deputy Tarazona appear to the right of Deputy Jean, and both deputies have drawn their service pistols. When the male walks around the white Nissan, he is holding a shovel in his right hand and something shiny in his left. As the male moves towards the deputies K9 Deputy Kirk with his partner, K9 Gomez come into view of the camera walking from left to right towards the male subject. As the three deputies and K9 approach, the male drops the shovel and runs in the direction of Deputies Jean and Tarazona. Both Deputies Jean and Tarazona take steps backwards, Deputy Jean then fires at the male subject four times. Within a second of the first shot, K9 Deputy Kirk releases his K9. The K9 immediately engages the male subject by his right shoulder and based on both applications of force, the male falls to the ground. From the moment the deputies arrive on scene to time of the first shot, 23 seconds has elapsed.

Deputy Tarazona backs up and he and Deputy Kirk announce via their radios that shots have been fired. Deputy Jean takes a cover-officer position with his firearm targeting the male. K9 Deputy Kirk then holsters his weapon and grabs the K9 and directs Deputy Tarazona to start first aid. Deputy Tarazona goes to his patrol vehicle and retrieves a first aid kit. Deputy Jean then transitions from his service pistol to his Taser, while Deputy Tarazona initiates first aid. As Deputy Tarazona makes his assessment of any other possible weapons and injuries he observes a pair of silver pruning shears, and kicks it away from the male subject. K9 Deputy Kirk puts K9 Gomez back into his patrol car and returns to the male subject and assists Deputy Tarazona in providing first aid. EMS (Medic 31) arrives on scene and transports the male subject to Naples Community Hospital at the Immokalee Road campus. After all attempts to revive the male were unsuccessful, the male subject was pronounced dead upon arrival at the hospital at 2:15 am.

A follow up investigation correctly identified the deceased male as Nicolas Morales Besanilla, a 37 year old Hispanic Male with a D.O.B: May 9, 1983. He is described as 5'04" tall, 149 lbs. with light brown complexion. He resided at 1799 Elk Hammock Circle, Immokalee, Florida 34142, approximately .2 miles from the location of the shooting. Mr. Morales Besanilla is the father of 12 year old Nicholas Morales.

Special Note: Initially Mr. Morales Besanilla was misidentified as Nicolas Besannia through a prior contact records check with the CCSO, as he had no forms of ID on him at the time of the incident. The initial record check revealed that the deceased male had been Marchman Acted twice before (2011 and 2014) under the alias Besannia. However, a confirmation of his correct identity/spelling of his last name; Nicolas Morales Besanilla was made once a copy of his birth certificate was obtained.

During a neighborhood canvas, Detective David Hurm made contact with a neighbor, Oralia Mendez-Perez who lives at 604 Edenfield Way and collected a sworn recorded statement. She states that about 1:00 am some unknown person attempted to gain entry into her residence by pulling on her doorknob.

On September 17, 2020, at about 1:30 pm a Child Protection Interview (see DVD #6 CCSO) was conducted with the son of the deceased, identified as Nicholas Morales, H/M DOB: August 18, 2008. During the interview, the son stated that he lives with his Dad, Nicolas Morales-Besanilla, they share a bedroom, and both reside with a roommate only known to the son as Diablo. The son stated that on the evening of September 16, 2020, his father had cleaned the house, they had dinner together and that the father may have consumed one to two beers. He added that they both went to bed around 9:00 pm. At about midnight the father woke the son up and told the son that he was seeing spirits and creatures. The son further stated that his father left their house, began running around outside, and went over to the neighbors' banging, trying to get in and yelling for help.

Agency witnesses:

- Deputy Pierre Jean, ID 3800: wrote in his incident report narrative that he, along with Deputies Kirk and Tarazona responded to a suspicious person call. Upon arrival they encountered a male who failed to heed the officer's directions and ran towards them with a shiny silver object in his hand, and having fear, shot his service pistol several times at Mr. Besanilla.
- Deputy Nathan Kirk, ID 4008: wrote in his incident report narrative that he, along with Deputies Tarazona and Jean arrived at a suspicious person complaint and observed a male with a shovel and something shiny in his other hand. Thinking it was possibly a small belly revolver caused the deputy to have fear and as a result released his K9 Gomez who bit onto Mr. Besanilla's right shoulder.
- Deputy Brian Tarazona, ID 3775: wrote in his incident report narrative that he, along with Deputies Jean and Kirk responded to a suspicious incident involving a male with shovel. Upon their arrival, he observed Mr. Besanilla drop the shovel and run towards them. Tarazona holstered his service pistol, then heard the shots from Deputy Jean and then saw a sharp silver object drop out of Mr. Besanilla's right hand.

Civilian witnesses:

Investigator Torregrossa in working with Detective Hurm attempted to identify and speak with the roommate of Mr. Besanilla known only as Diablo, however all attempts have resulted in negative results. When detectives went to meet with him the day of the incident it was learned that he had moved out of the residence. In speaking with the Attorney of the family of Mr. Besanilla, the Attorney stated he would attempt to find out Diablo's correct name and where-about, but no such information has been supplied.

- _____ Hispanic Female, DOB: _____ stated she lives at _____ Edenfield Way, Immokalee, Florida. On the morning of the shooting she was inside her residence along with her husband, _____ her sister, _____, and her father _____ was sleeping in the living room when she was awakened by dogs barking and observed an unknown male trying to gain entry into their house.
- _____, Hispanic Female, DOB: _____ stated she lives at _____ Edenfield Way and is the sister of _____. She stated she was awakened by her dogs who were barking at an unknown male who was trying to get into their house. _____ stated her sister is pregnant and was scared, so she instructed _____ to call the CCSO non-emergency number, but the male continued to bang and tried to open the door. _____ then had _____ call 911. She further stated the pruning shears were her father's and had been left on the front window sill, and later discovered missing. She thought it was two shots.
- _____, Hispanic Male, DOB: _____, lives at _____ Edenfield Way with _____ and \ _____. He stated he was aware of an unknown male trying to get inside the house.
- Nicholas Morales, the 12 year old son of the deceased, resided at 1799 Elk Hammock Circle, Immokalee, Florida, provided a CPT interview and stated that his father woke up around midnight and began acting irrational, speaking about spirits and the house being poisoned. At about 1:00 am the father left on foot wearing shorts.
- Oralia Mendez-Perez, a neighbor who lives at 604 Edenfield Way, provided a sworn recorded statement that someone tried to open her front door by pulling on the doorknob at about 1:00 am.
- Dr. Caufield, Attending Physician, working in the emergency room at Naples Community Hospital, Immokalee Road campus. Was being advised by medics during the ambulance transport of Mr. Besanilla, and their unsuccessful attempts to revive him. Dr. Caufield declared the time of death at 2:15 am. Dr. Caufield observed injuries sustained on the right shoulder, and mid-section and hip area believed to be gunshot wounds.

On Friday, December 18, 2020, Investigator Torregrossa made contact with and requested to speak to the other members of the family who were present during the event, to include: her husband, sister, and her father, Investigator Torregrossa met with all four at their residence at Edenfield Way on Sunday, December 20, 2020, at approximately 8:00 am at their behest. During the interview several new bits of information were learned:

- The occupants initially called the CCSO's non-emergency number but later due to the on-going actions of the unknown suspicious male, and growing fear to potential harm to the pregnant occupant, 911 was called.
- The metal pruning shears actually belonged to the father and were left outside on the front window sill prior to the incident.
- The front door knob was repaired/replaced based on the suspicious male yanking on the door knob so vigorously.
- When asked, (the husband of the 911 caller) stated when the police arrived he did come out of the house after the shots were fired and observed, using his cell phone as a flashlight, but did not record the events.

A copy of the medical examiner report including the toxicology result was obtained and revealed very small amounts of alcohol, and no drugs. The third and final FDLE report was obtained on January 7, 2021 which revealed there was a positive match of DNA sampling to that of Mr. Besanilla on the silver pruning shears recovered at the scene.

Crime scene, & laboratory Reports:

Medical Examiner Report (ME-202-678) Dr. Manfred Borges: On September 17, 2020 at 1:00 pm, Deputy Chief Medical Examiner conducted an autopsy on Mr. Besanilla and provided a report, describing a large laceration and abrasions consistent with a dog bite. The report continues to describe three penetrating gunshot wounds. Two entered the abdomen, one of which lacerated Mr. Besanilla's liver and kidney, and a third wound to the pelvis area. All three projectiles were recovered and described to be of a similar caliber and deformed. The pathway of the projectiles were from right to left and from up to down.

FDLE Laboratory Report (20200603839) November 19, 2020: Testing was conducted on Deputy Jean's duty pistol, a Glock 22 Gen4 with serial number XHX516, and determined to be functional. Upon further analysis, the casings collected from the scene were identified to have come from Deputy Jean's Glock.


FDLE Laboratory Report (20200603839) November 30, 2020: A pair of pruning shears collected from the scene was analyzed for fingerprints with negative results.

FDLE Laboratory Report (20200603839) January 7, 2021: A DNA analysis of the pruning shears resulted in a very high probability that the DNA found was that of Mr. Besanilla.

CCSO Property Receipts: That included the collection of (4) spent casings, shears, blood swabs, plastic container of vomit, uniforms, Deputy Jean's firearm, Mr. Besanilla's shorts, bags from the hospital, samples of hair, hospital ID bracelet and other bodily fluids.

Closing:

Based on the review of the evidence, statements and other investigative reports and without further evidence to the contrary, it is believed that Deputy Pierre R. Jean fired his weapon believing that his life and the life of Deputy Brian Tarazona were in immediate jeopardy and used deadly force to stop the threat. For these reasons, it is the opinion of Investigator Torregrossa that Deputy Jean's use of deadly force was objectively reasonable and justified. This investigation is closed pending a legal review of the facts.

 1903
Investigator

 7702
Approved (Chief Assistant Chief)