

OFFICE OF THE STATE ATTORNEY

EIGHTEENTH JUDICIAL CIRCUIT OF FLORIDA
BREVARD AND SEMINOLE COUNTIES

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June 10, 2025

Special Agent Chris Imel
FDLE
6769 N. Wickham Rd., #B104
Melbourne, FL 32940

Re: Use of Force Investigation
FDLE Case #OR-27-0475

Dear Agent Imel:

My staff and I have completed a review of the above investigative case file you submitted to my office regarding the use of force by Officer Xzevies Baez and Corporal Zachary Blougouras with the Titusville Police Department. I find the summary, report, and evidence to be complete and thorough and all of which provides the basis for our independent review of the evidence.

At the outset I would like to thank the Titusville Police Department, Brevard County Sheriff's Office, and the Florida Department of Law Enforcement for their efforts to preserve the integrity and sanctity of this investigation and allowing an independent review of the facts, circumstances and evidence. Loss of life is tragic and the circumstance by which life is lost deserves a thorough and untainted review. I offer my sincere condolences to all affected.

The role of the State Attorney in this investigation and in conducting this review is limited to determining whether a criminal violation of Florida law has occurred, whether any person may be held criminally responsible, and whether such criminal responsibility can be proven beyond a reasonable doubt in a court of law. The State Attorney does not establish agency policy, procedures, or training requirements. Nor does the State Attorney have any responsibility for determining disciplinary action or pursuing civil litigation in these matters.

I have determined that the use of force by Officer Xzevies Baez and Corporal Zachary Blougouras was lawful and justified under the provisions of Chapter 776, Florida Statutes. "A person is justified in using or threatening to use deadly force if he or she reasonably believes that using or threatening to use 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..." Fla. Stat. 776.012(2).

The United States Supreme Court in *Barnes v Felix*, 145 S.Ct. 1353 (2025) provides guidance and has stated that "[T]he 'totality of the circumstances' inquiry into whether a use of force by a law enforcement officer was reasonable has no time limit; the history of the interaction, as well as other past circumstances known to the officer, may inform the reasonableness of the use of force." The following is a discussion of the events surrounding the shooting of February 7, 2025, considering the totality of the circumstances.

490 South Robbins Avenue, Titusville Florida: 490 South Robbins Ave is a 2-bedroom 1 bath, 704 sq foot single family residence. This residence was known to members of the Titusville Police Department (TPD) as a location where firearm possession and discharge, underage alcohol consumption, fights and general drug activity had recently occurred. In the weeks leading up to the night of February 7, 2025, multiple calls were reported of "shots fired" associated with this address and area of 490 Robbins Ave in addition to neighbor complaints. As recent as February 5, 2025, two days prior to this incident a search warrant was authorized by a Judge for the search of this residence. That search resulted in the removal of at least one firearm and some quantity of drugs. Intel provided to TPD revealed that more guns were in the target residence. It was reported that guns had been removed just prior to the search warrant on February 5th and brought back into the subject residence following the execution of the search warrant. This intel was received on February 7, 2025, prior to the shooting in question. Further intel in reference to a possible juvenile party resulted in a proactive patrol at 490 Robbins Ave on the evening of February 7th. This was an effort to enforce the blanket trespass that was authorized by the owner of 490 Robbins Ave and to deter possible criminal activity including possible gun activity. Officer Baez, minutes before responding to the Robbins Ave residence, had personally heard shots fired in the area and had reported that information to fellow officers. All squads within the TPD were updated on the information related to this residence and the type of activity that may be present including the possible presence of firearms and firearm use at this residence.

Response to 490 South Robbins Ave: Several members of the TPD arrived at 490 South Robbins Ave to enforce the blanket trespass on the evening of February 7, 2025. Officer Baez and Corporal Blougouras were among those who responded. The responding officers were dressed in agency issued uniforms with badges displayed, department issued service weapons, and operating marked patrol units. Each officer was wearing a department issued body camera that captured some portions of what transpired. In addition to the body worn cameras, there were also activated in-car cameras from patrol vehicles on scene and at least one surveillance camera from a neighboring residence.

A review of video evidence reveals the following: Tri-Marea Charles is seen on the property upon law enforcement arrival, is told to "stay right there" and is seen entering the subject home. There are 2 other identified individuals on the front porch of the residence. Notably there are no visible cartridge casings or ammunition visible on the sidewalk by the stairs to the front door. Officers identify themselves as "Titusville Police" Department. Officers surround the residence with Officer Baez addressing those individuals on the front porch of the

residence. Officer Nigh goes around to the back (west) side of the residence, body camera activated. Corporal Blougouras responds to the North side of residence. Corporal Blougouras activates his body worn camera as well as his in-car camera. Mr. Charles is seen by Officer Nigh at the back of the residence through a window and is believed to be attempting to flee the residence through the window. Mr. Charles is told to "stop" and "come outside". Mr. Charles was seen adjusting/concealing something in his waistband area and running toward the front of the residence by Officer Nigh.

As Mr. Charles runs from the back of the house to the front door of the residence there are 5 other people in the direct area of the front door. There were three (3) identified individuals on the porch, the resident of the home is standing in the doorway with her walker and an additional black male is in the residence. (5 total visible). Officer Baez is standing off of the porch to the south speaking to the individuals at the door of the residence with a body worn camera activated. Mr. Charles, in a rush, pushes past the woman with the walker to run out of the residence. Mr. Charles trips and falls down the stairs of the residence. Officer Baez's body camera and Corporal Blougouras in car camera capture the interaction between Mr. Charles and Officer Baez as Mr. Charles exits the front door of the subject residence. Corporal Blougouras in car camera provides the best vantage point of what occurs between Mr. Charles, Officer Baez and Corporal Blougouras.

As Mr. Charles exits the home, he has a cell phone in his left hand and a firearm is seen in his waistband. As Mr. Charles falls, Officer Baez reaches out and attempts to grab Mr. Charles. A firearm with an extended magazine falls from Mr. Charles's waist area to the sidewalk at the base of the stairs. Ammunition and a firearm are now seen on the pavement by the stairs on video and by the officer. Mr. Charles then turns and begins to run south towards Pine Street and away from the firearm and Officer Baez. Officer Baez's firearm is holstered. Officer Baez begins to yell "he has got a gun". Officer Baez blocks his attempt to flee, and Mr. Charles pushes off the officer by making contact and then swings a closed fist in the officer's direction. This offer of violence towards Officer Baez causes the officer to take a step back from Mr. Charles to the south. Mr. Charles then turns and runs back north towards the firearm that he had previously dropped. Mr. Charles re-arms himself with the firearm and runs north towards the location of Corporal Blougouras and his patrol vehicle. As Mr. Charles re-arms himself, Officer Baez continues yelling that he has a "gun", and it is at this moment, once Mr. Charles has re-armed himself the officer unholsters his own duty issued Glock 9mm firearm and gives chase. As Mr. Charles is running in the direction of Corporal Blougouras, Officer Baez discharged his firearm in the direction of Mr. Charles as he ran north towards a parked patrol vehicle and then turned east towards 495 Robbins Ave. Mr. Charles runs in the direction of Corporal Blougouras (North) with a firearm in hand before turning East. Corporal Blougouras discharged his firearm in the direction of Mr. Charles as he ran east. Mr. Charles drops his firearm on the driveway of 495 Robbins Ave.

Witness Statements/9-11 calls: 9-11 Calls leading up to February 7th include multiple calls for shots fired. One such 9-11 call references a "machine gun" being fired in the area. Statements from witnesses on scene indicated that Mr. Charles was at the residence, entered the residence upon police arrival, then exited the residence to run away. They confirmed Mr.

Charles dropped a firearm in a scuffle, then picked up the firearm and ran away from Officer Baez before Mr. Charles was shot by the police.

Time frames: Officer Baez reports hearing shots fired approximately 11 minutes prior to the subject case. Officer Baez discharged his firearm within five (5) to seven (7) seconds of physical contact with Mr. Charles. Approximately two (2) seconds after contact with Mr. Charles at the door, Officer Baez shouts he has "got a gun". This is repeated while the firearm is on the ground and Mr. Charles' swings his closed fist in the direction of Officer Baez. Approximately two (2) seconds later Mr. Charles re-arms himself as observed on body camera, in car camera and corroborated by physical evidence and independent witness statements. Within two (2) seconds of Mr. Charles picking up the firearm, Officer Baez discharges his firearm at Mr. Charles. Based on round count it is estimated that Officer Baez discharged his firearm 16 times. Based on round count it is estimated that Corporal Blougouras discharged his firearm three (3) times.

Firearms in use:

- Officer Baez, Glock 47 9mm Pistol, weapon mounted flashlight and red-dot optic. Equipped with 3 magazines that had extensions allowing for 22 rounds each. Firearm was recovered from Officer Baez.
- Corporal Blougouras, Glock 47 9mm pistol, weapon mounted flashlight and red-dot optic. Equipped with three (3) 17 round magazines. Firearm was recovered from Corporal Blougouras.
- Mr. Charles, Glock 21 .45 caliber pistol, weapon mounted flashlight. Equipped with an extended magazine and a "Glock switch". Said switch is utilized to convert a semi-automatic (single projectile per trigger pull) firearm to a fully automatic (multiple projectiles in single trigger pull) firearm. The trigger of the Glock 21 .45 caliber firearm was depressed prior to collection, indicating a trigger pull. The firearm was recovered from the driveway of the residence located at 495 Robbins Ave with a broken portion of the magazine in the firearm. A piece of the magazine associated with this firearm was located on the ground to the south of the steps of 490 Robbins Ave. This Glock 21 .45 caliber firearm was linked to shootings in other jurisdictions, none of which appear to be connected to Mr. Charles.

Injuries to Mr. Charles: 10 total noted gunshot wounds (GSW) by the medical examiner. Order in which these injuries were inflicted is unknown. (1) GSW to left calf with front to back direction of travel. (2) GSW to left lower buttock, back to front direction of travel. (3) GSW to left upper buttock, back to front direction of travel. (4) GSW to the right hip, direction of travel back to front. (5) GSW to right shoulder, direction back to front. (6) GSW to the left shoulder, direction back to front. (7) GSW to the right shoulder, direction right to left. (8) GSW to the left elbow, direction back to front. (9) GSW to the right lateral elbow, direction lateral to medial. (10) An apparent grazing GSW to the right anterior (front) thigh, direction indeterminate.

It is imperative to evaluate all available evidence, information and the conduct of all involved when making a determination in this matter. A significant fact in this investigation is that Mr. Charles rearms himself following Mr. Charles' offer of violence towards Officer Baez. The conduct of Mr. Charles represented an active resistance with violence to being taken into custody. This fact evidenced a clear and present danger to not only the officers but others in the area prompting the use of force by each officer. A firearm picked up during a violent encounter with a law enforcement officer is a firearm in use for this determination.

As previously stated, my role in this investigation is to determine if a violation of the law has occurred and if that violation can be proven beyond and to the exclusion of a reasonable doubt in court. Based on the information provided to me I have determined that the use of force by Officer Xzevies Baez and Corporal Zachary Blougouras was lawful and justified. When viewed in light of Chapter 776 and the totality of the circumstances standard in *Barnes v Felix*, the actions of each officer were reasonable given the threat presented and were the result of the unlawful action of Mr. Charles and were made to protect themselves and others.

As usual, thank you for the thorough and professional investigation you and the other members of your agency conducted in this matter. Please contact me should you have any questions or concerns.

Sincerely,

A handwritten signature in blue ink, appearing to read 'William Scheiner', written in a cursive style.

William Scheiner

cc: Chief John Lau