

Fleeing, Failing, and Fatal Force

Description

Baxter v. Santiago-Miranda, Hendren, No. 23-11902, 2024 U.S. App. LEXIS 28813 (11th Cir. Nov. 13, 2024)

The Eleventh Circuit Court of Appeals rendered a recent decision in a case that highlights law enforcement's use of deadly force, the duty to render medical aid, and the potential liability for state-law battery. *Baxter v. Santiago-Miranda and Hendren* reached the Eleventh Circuit after a fatal shooting by a Brevard County Sheriff's Office Deputy. The Deputy fired his weapon into a moving vehicle, killing two individuals: Angelo Crooms and Sincere Pierce. While pursuing a vehicle suspected of being stolen, law enforcement officers faced a critical situation when the driver suddenly accelerated toward them, prompting the Deputy to discharge his weapon.

On November 13, 2020, at approximately 10:15 a.m., Deputy Dominguez of the Brevard County Sheriff's Department was patrolling a hotel parking lot in Cocoa, Florida, when he observed a gray Volkswagen Passat with illegally dark tinted windows. Nearby, a man appeared to be acting suspiciously. A few minutes later, the Passat left the parking lot, prompting Dominguez to initiate a traffic stop using his lights. The vehicle, however, sped off, and Dominguez terminated the pursuit and reported the vehicle's description over the dispatch radio. By 10:30 a.m., a woman reported her silver Volkswagen Passat, with license plate NWE22, stolen. The car, registered to an address in Brevard County, was reported via dispatch. Deputies Santiago-Miranda and Hendren, both from the Brevard County Sheriff's Department, learned of Dominguez's earlier encounter and of the stolen vehicle report via radio.

Positioned at a liquor store parking lot, the two deputies—both in marked cruisers and full uniform—spotted a gray Passat speeding onto Dixon Boulevard. Believing this to be the stolen vehicle, they followed it into a residential area without activating their lights or sirens.

Inside the car were 16-year-old driver Angelo Crooms, passenger Dominique Rucker, and later, Sincere Pierce, who joined after being picked up at his great-aunt's house. Cynthia Green, noticing the deputies following the car, began trailing them in her own vehicle. The situation escalated when the Passat turned into a driveway on Stetson Drive. Deputies Hendren and Santiago-Miranda stopped their cruisers in the road, partially blocking the exit. Santiago-Miranda activated his emergency lights but not his siren. As the Passat began backing out of the driveway, it turned toward the deputies' cruisers. Santiago-Miranda repeatedly commanded the driver to stop the vehicle. Despite these orders, the Passat continued to maneuver, eventually pointing directly toward Santiago-Miranda's cruiser.

At this point, the Passat began accelerating toward Santiago-Miranda, closing the distance rapidly. After issuing multiple commands to stop, Santiago-Miranda, perceiving an imminent threat, fired his weapon. Over a span of 2.1 seconds, he discharged 10 shots as the vehicle accelerated, ultimately crashing into a house. Forensic analysis revealed that Pierce, seated in the back, was struck first. Crooms, the driver, was struck multiple times by later shots. Both individuals passed away due to their injuries.

The plaintiffs, representing the families of the deceased, filed claims alleging excessive force, failure to provide medical aid, and battery. Claims were also raised against Deputy Hendren and Sheriff Ivey. Hearing the case at the outset, the District Court granted summary judgment in favor of the defendant officers, ruling Santiago-Miranda's use of force constitutionally permissible and dismissing all claims against Deputy Hendren. The plaintiffs appealed, asking the Eleventh Circuit to review the outcome of the District Court.

On appeal, the United States Court of Appeals for the Eleventh Circuit reviewed the case and affirmed the district court's decision, holding that the officer's use of deadly force was reasonable under the circumstances, as he had probable cause to believe that his life was in danger when the vehicle accelerated towards him.

According to the factors established in *Tennessee v. Garner*, deadly force is reasonable when an officer (1) has probable cause to believe that a suspected felon poses a threat of serious physical harm to the officer or others; (2) reasonably believes that the deadly force was necessary to prevent escape; and (3) has given some warning about the possible use of deadly force, if feasible.¹ The Court explained that this rule covers situations where (1) an officer believed his life was in danger because a suspect used a vehicle as a weapon against the officer or (2) the suspect's use of the vehicle otherwise presented an immediate threat of serious physical harm.²

Diving into the facts of the case, the Court emphasized that the Passat ignored eight commands to stop, backed out of the driveway, and accelerated toward Deputy Santiago-Miranda, who was on foot and only ten feet away. The Deputy had mere seconds to react and fired 10 shots within 2.1 seconds as the vehicle approached, closing to within 5.74 feet. Here, although the vehicle was not the stolen car that fled earlier, Deputies Santiago-Miranda and Hendren reasonably believed it was, based on its behavior and resemblance. The Court rejected arguments that the Passat was attempting to avoid Santiago-Miranda, noting, the dashcam video showed the vehicle accelerating directly toward him. It also dismissed claims that Santiago-Miranda could have moved aside or waited to see if the car was a threat, concluding that his perception of imminent danger was reasonable. Comparisons to Deputy Hendren, who did not fire her weapon, were unfounded due to the deputies' differing physical positions. Further, the Court ruled that Santiago-Miranda's continued firing as the Passat passed him did not violate the Fourth Amendment, as all shots occurred within seconds, leaving no time for reassessment.

The Court compared this case to prior Eleventh Circuit precedent where the Court found officers' use of force against an oncoming vehicle was reasonable.³ In doing so, the Circuit reaffirmed that, consistently, the Eleventh Circuit Court has upheld an officer's use of deadly force in cases where the officer reasonably believed his life was endangered by a suspect who used or threatened to use his car as a weapon or where the officer reasonably believed the use of a vehicle presented an immediate threat of serious physical harm. Santiago-Miranda was granted qualified immunity, as his actions were found constitutionally permissible and reasonable under the circumstances. The Court also found that the plaintiffs' state-law battery claims failed for the same reasons. Additionally, the Court affirmed the summary judgment in favor of Sheriff Ivey on the *Monell* claims, as there was no underlying constitutional violation by Santiago-Miranda.

In this case, the Eleventh Circuit upheld Deputy Santiago-Miranda's actions as reasonable when he perceived an imminent threat from an accelerating vehicle closing within feet of him. The Court emphasized that officers are not required to risk their safety by waiting to see if a lethal threat resolves

itself, especially when clear commands to stop are ignored. This case reinforces that deadly force is permissible when an officer has probable cause to believe their life or others' safety is in immediate danger. The Court's decision also made clear that rapid, consecutive shots in a tense situation are sometimes considered part of a single response.

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