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Officer cleared in fatal South Beach shooting

By DAVID OVALLE
The Miami Herald

A Miami Beach police officer who shot and killed a Virginia man outside a South Beach nightclub was justified in using deadly force, prosecutors said Tuesday.

In a final report, Miami-Dade prosecutors said that Officer Adam Tavss “likely was led to believe that his life or the lives of others was in danger” when he fatally shot Husien Shehada outside the Twist nightclub on Washington Avenue on June 14, 2009, just past 4 a.m.

Prosecutors believe Husien Shehada and his brother, Samer, had hidden a beer bottle and a wooden coat hanger under their shirts, sparking a flurry of 911 calls about armed men striding down Washington Avenue. The men did not have firearms.

Relatives had protested the shootings, especially because Tavss was involved in another deadly episode four days later. He was one of two officers who fired fatal shots at a man who carjacked a taxi and drove it the wrong way on the MacArthur Causeway.

A lawyer for the Shehadas, John Contini, said he disagreed with the Miami-Dade State Attorney’s findings, adding that he believes a civil jury will one day side with the family.

“This goes to prove how incestuous the relationship is between the State Attorney’s Office and Miami Beach Police. The prosecutor’s office is part of the problem,” Contini said.

Tavss is no longer a police officer. After the shootings, he was arrested for growing marijuana in his home and is now serving two years of probation.

In the Shehada shooting, the brothers had been in South Beach on vacation. According to police, Samer Shehada — who had been drinking — got into a fight with his girlfriend, pushing her out of her shoes and sparking a group of passerbys to rough him up.

Samer Shehada was later arrested for domestic battery, a charge dropped when his girlfriend refused to testify against him.

After returning to the Loews Hotel, the report said, Samer Shehada and his brother stormed off, wielding the hanger and green beer bottle.

Witnesses who called police said the men looked “agitated” and “very weird” and Samer Shehada’s hanger tucked in his waistband was “positioned in such a way that several people independently mistook it for a long barreled firearm.”

Officers rushed to confront the brothers and, within eight seconds, Tavss fired a volley. Tavss did not give investigators a statement, but other officers said Shehada refused to show his hands to police. At least one fellow officer said the men appeared to reach for their waistbands.

Miami-Dade prosecutors Gail Levine and John Perikles determined that Shehada did not have his hands raised — as claimed by the family’s lawyers — in part because of the path Tavss’ bullet took, through Shehada’s shoulder.

A video surveillance clip from Club Twist captured a portion of the scene — Contini says the clip shows Tavss shot Shehada in cold blood, while prosecutors said “it cannot be determined what the men were doing with their hands the instant before the shooting” from watching the video.

Another family lawyer, Gregory Samms, said there was “nothing indicating he was reaching toward the bottle. There was no movement toward anything.”

“I’m very disappointed, but I didn’t expect anything different,” Samms said.