## Filing # 203010342 E-Filed 07/22/2024 11:24:08 AM

## IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT IN AND FOR ALACHUA COUNTY, FLORIDA

State of Florida Plaintiff,

Case Number: 01-2024-CF-002429-A

Division I

VS.

Malcolm Lynn Andrews
Defendant.

## MOTION FOR PRETRIAL DETENTION

COMES NOW the State of Florida, by and through the undersigned Assistant State Attorney, and moves this honorable court to enter an Order detaining the Defendant in custody pending a final hearing on Pretrial Detention, and sets forth with particularly the grounds and essential facts, as follows:

- 1. The Defendant has been arrested for an offense for which detention may be ordered under §907.041, Fla. Stat., to wit: Attempted Sexual Battery Upon a Person 18 years of aAge or younger but older than 12 years of Age. Two additional charges Voyeurism and Indecent Exposure have bonds of \$25,000 and \$10,000 respectively.
- 2. The State will show that there is a substantial probability that the defendant poses the threat of harm to the community. The defendant is presently charged with a dangerous crime, there is a substantial probability that the defendant committed such crime, the factual circumstances of the crime indicate a disregard for the safety of the community, and there are no conditions of release reasonably sufficient to protect the community from the risk of physical harm to persons.
- 3. The Defendant did commit an Attempted Sexual Battery on a Victim under 18 years of age but older than 12 years of age.
  - a. The male Defendant attempted, while naked, to enter the women's bathroom stall occupied by the 17 year old female Victim.
  - b. The Victim noticed a person in the stall next to her with no shoes and looked up and saw the male Defendant staring down at her.
  - c. The Victim's boyfriend, who is employed at the convenience store/gas station where the incident occurred, heard the Victim's screams, and intervened.
  - d. The facts contained in Attachment A, attached mittimus by Officer Murriello are incorporated and relied upon for this motion.

WHEREFORE, the State respectfully moves this honorable court to find that there is probable cause to believe that the Defendant committed the offense, and that the Defendant should be detained in custody pending a final hearing on Pretrial Detention.

STATE OF FLORIDA COUNTY OF ALACHUA

Personally appeared before me the undersigned Pamela K. Brockway, Assistant State Attorney, Eighth Judicial Circuit of Florida, who, being first duly sworn, certifies that he/she has received testimony under oath supporting the grounds and the essential facts alleged in this motion.

Brian S. Kramer

State Attorney

Pamela K. Brockway Assistant State Attorney Florida Bar No.: 0888664 120 West University Ave Gainesville, FL 32601

(352) 374-3670

E-service: eservice@sao8.org E-mail: brockwayp@sao8.org

The foregoing instrument was acknowledged before me this 22nd day of July, 2024. by Pamela K. Brockway, Assistant State Attorney, who is personally known to me and who did take an oath.

NOTARY PUBLIC

CERTIFICATE OF SERVICE

SANDRAK, MAYER
Commission # HH 144267
Expires July 25, 2025
Bonded Thre Budget Notary Services

I HEREBY CERTIFY that a true copy of the foregoing has been furnished to Alexis J. Giannasoli, Attorney for the Defendant, by email, this 22nd day of July, 2024.

s/ Pamela K. Brockway

Pamela K. Brockway Assistant State Attorney Florida Bar No.: 0888664 120 West University Ave Gainesville, FL 32601 (352) 374-3670

E-service: eservice@sao8.org E-mail: brockwayp@sao8.org

## ATTACHMENT A

_	ARREST LI SWORN COMPLAINT LI HOLD	EIG	SHTH JU	DICI	AL CIRC	CUIT			ENILE L	_ NOTICE TO A	PPEAK
(	15 NUMBER: 0208066350	24CFC	024	129A			AGENCY CASE REPORT NUMBER: 02-24-010586				
	NAME OF SUBJECT (LAST, FIRST, MI):  ANDREWS, MALCOLM L										
	911 HOME ADDRESS (STREET, APARTMENT NUMBER, ETC.):			STATE:	ZIP CODE	E:	TELEPHONE NUMB	ER:			
	MESSER LN LENOIR BUSINESS/SCHOOL ADDRESS (STREET, APARTMENT MUMBER, PO BOX, ETC.):						NC.	2864	5	TELEPHONE NUMB	ER-
D	Page 2010 of June 24 O LVE 51 WAY WELL MONDEY, LO BOY 510');									I ELEPTIONE HOME	-11.
E	MARLING ADDRESS (FO BOX, ETC. IF DIFFÉRENT THAN 911 ADDRESS):  SCARS, MARKS, TATTOOS, FÁCIAL HAIR, ÚNIQUE PHYSICAL FEATURES (LOCATION, TYPE, DESCRIPTION):										
E	RACE: SEX: DATE O	HEIGHT: W	HAIR COLOR:		EVE COLO	OR: COMPLEXION: BUILD:					
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T	SUBJECT'S OCCUPATION:	ABER:	AGENCY ORI NUMBER: SO				NCY IO / NUME	BER:	800X8NG NUMBER:	5.J71.J	
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	SUBJECT IDENTIFIED BY WHOM (VICTIM, WITNESS, LEO, ETC.): MURRIELLO, MATTHEW				SUBJECT'S HAME VERIFIED BY (PHOTO ID, FAMILY MEMBER, KNOWN TO OFFICER, ETC.):  NC DL PHOTO						
_ c	81 (NAME):	DATE OF	BIRTH: RACE		COURT NUM			RRESTED		FELONY	JUVENILE:
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Ŗ		CITATION	DATE OF OFFENSI		TIME OF OFFENS		BAIL AMOUNT	i:		VICTIM'S TELEPHON	
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c.	OFFENSE DESCRIPTION: VOYEURISM (PEEPING TOM)		X MISDEMEANOR				TATUTE / ORDINANCE NUMBER:			VICTUMOTIFICATION: ARREST: ☐ YES ØNO	
H A	☐ WARRANT ☐ JUVENILE PU ORDER ☐ CIVIL ORDER	DATE OF OFFENSE	☐ TRAFF	IC NTA		BAIL AMOUNT			RELEASE: YE	S (23 NO	
Ğ	CAPIAS NUMBER:	- CITATION		_ 1				TOTAL STEEL			
E	VICTIM INAMET:	07/18/2: ESS/STREET APAR	1 <u>5</u>	CITY:			STATE: ZIP CO	në.			
2 P	THE FOLLOWING INCIDENT OCCURRED AT (ADDRESS / LOCATI	nen.	CITY OF:		-			COUNTY OF:			STATE OF:
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Ę	On the above date and time		e above	locat	ion, th			is 17	years		`
Ŭ	stated while she was using the women's bathroom, she saw the DEF's bare feet in the										
V V	stall next to her. The VIC stated after she observed the DEF's feet, she realized that										
S	here was a pile of neatly folded clothes next to his feet. The VIC stated she then ooked up and saw the DEF peeking his eyes above the stall divider as he watched her use										
the bathroom.											
Ä	The VIC stated after she screamed, the DEF exited his bathroom stall, walked to her										
<u>`</u>	The VIC stated after she :	screamed	, the DE	F exi	ted his	bathr		tall, 1	walked	to her	ICE:
N Y											
۱	I AGREE AND PROMISE TO COMPLY AND ANSWER TO THE CHAI TO APPEAR, WILLFUL REFUSAL TO ACCEPT AND SIGN THIS NO LUNDERSTAND MY SIGNATURE IS NOT AN ADMISSION OF GUIL	TICE TO APPEAR M	AY RESULT IN PHYS			NT (SIGNATUR!	E):			DATE:	
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٤	SIGNATURE: A-H-540		<del></del>		NAME (PRINT); _ SIGNATURE: _T		ELLO,	MATTE	IEW B.		-
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<del></del>			ATE ATTORNEY	, <u></u>						1.4	
f (S)	Date (Revised 1/00) COURT	STA	ATE ATTORNEY	ſ	AGENCY		DEFEND	AN I		PAGE 1	OF <u>3</u>

☑ ARREST ☐ SWORN COMPLAINT ☐ HOLD ☐ JUVENILE ☐ NOTICE TO APPEAR											
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R	☐ WARRANT ☐ JUVENILE PU ORDER ☐ CIVIL ORDER ☐ CAPIAS	CITATION	DATE OF OFFENSE	i:	TIME OF OFFENSE:		AMOUNT:	VICTUS TELEPHONE NUMBER:			
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Ĥ	or rescuescifficity			☐ MISD	NT EMEANOR FIC ☐ NTA	COMPLETE STATE	OTE ) ORDINANCE NOMBER.	ARREST:	: YES NO		
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	stall, and attempted to open her stall door. The VIC stated this caused her to scream										
	again. The VIC stated after she screamed, her boyfriend and an employee at the location										
P	ran into the bathroom and pushed the DEF out of the area. The VIC stated that she had no idea who the DEF was and that she did not have any prior contact with him.										
Ö	$\mathcal{C}_{\mathbf{c}}$										
Ε,	WIT 1 stated after he heard his girlfriend scream, he ran into the bathroom and observed										
C	he DEF standing naked in front of the VIC's stall. WIT 1 stated the DEF was actively rying to open the VIC's stall door so he pushed the DEF out of the bathroom.										
I											
Ę	VIC 2 stated after she heard the VIC scream, she entered the women's bathroom with WIT 1										
S	and observed the DEF completely naked, standing in front of the VIC's stall. WIT 2 stated she saw the DEF actively trying to open the VIC's stall door.										
M											
Α	WIT 3, WIT 4, and WIT 5 all observed the DEF run away from the location of the incident completely naked. The location of the incident is a public business that was open at the										
R	time of the incident.										
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ç	Other officers located the DEF without any clothes on, in the same area of location of the incident. WIT 2 conducted a show up and positively identified the DEF.										
Ñ											
	Another officer advised me the DEF spontaneously stated he was supposed to meet up with a person named										
ñ	a person named said that he believed the										
		in sexual intercourse with her.									
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onn Date (Revised 1/00) COURT STATE ATTORNEY AGENCY DEFENDANT PAGE 2 OF 3

P	ARREST SWORN COMPLAINT HOLD	·					□ JUVENILE	□ NOTICE	TO APPEAR		
O	SUPPLEMENT SYNNUMBER:										
AG	AGENCY OF INUMBER:  O010100  EIGHTH JUDICIAL CIRCUIT  O2.										
	NAME OF SUBJECT (LAST, FIRST, MI):	02-24-010586									
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E	VICTIM (NAME):	AD	Crime V	WENTHANDERS BOR	9X-E1C.):	CITY:		STATE	ZIP GODE:		
╟	OFFENSE DESCRIPTION:		Calline .	FELONY		STATUTE (ORD	NANCE NUMBER:	FVICTUAL	NOTIFICATION:		
H				MISDEMEANOR TRAFFIC N				ARREST: ☐ YES ☐ NO RELEASE: ☐ YES ☐ NO			
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E	NUMBER; VICTIM (NAME):	ADI	ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETG.): CITY:			спу:	TY:		ZIP CODE:		
-	Post Miranda the DEE stat	ad ha h	had already explained what happe				d sad then	ha ia	120200		
	Post Miranda the DEF stated he had already explained what happened and then he invoked his right to remain silent and did not wish to answer any more questions.										
P R	I located an unopened condom in the DEF's belongs after he was arrested.										
10	ò{										
3ELC	The DEF was identified by his North Carolina driver`s License photo.										
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PAGE 3 OF 3