## IN THE CIRCUIT COURT, SEVENTH JUDICIAL CIRCUIT IN AND FOR FLAGLER COUNTY, FLORIDA

**CASE NO.: 22-00045-CFFA** 

STATE OF FLORIDA

VS.

MICHAEL TYRONE WINDOM /

DOB: 11/05/1999, SSN:

B/M, HT:, WT:

## **MOTION TO REVOKE BOND**

COMES NOW, the State of Florida, by and through the undersigned Assistant State Attorney, and pursuant to Fla. Statue 903.0471, hereby moves this Honorable Court to revoke the present bond of the defendant because there is probable cause to believe the defendant committed a new offense while on pretrial release in this case. Specifically, the State would show:

- 1. The defendant in the above case was arrested by the Flagler County Sheriff's Office on January 12, 2022 for the offenses of Trafficking in Fentanyl, Possession of Cocaine with Intent to Sell, Resisting an Officer Without Violence, Possession of Cannabis under 20 grams, and Possession of Paraphernalia.
- 2. The defendant posted bond in the amount of \$56,500 via surety bond on January 12, 2022 and did not have a First Appearance.
- 3. On January 28, 2022, the State filed an Information for all six (6) counts.
- 4. On January 29, 2022, the defendant was arrested by the Flagler County Sheriff's Office for Possession of Methamphetamine with Intent to Sell, Possession of Fentanyl, Possession of Oxycodone, Possession of Hydrocodone, Possession of MDMA, and Possession of Cannabis under 20 Grams. Please see exhibit A.
- 5. At First Appearance, probable cause was found on all of the above counts above and bond was set at \$51,000.
- 6. Fl. R. Crim. Pro. 3.131 (a) states, in part:

As a condition of pretrial release, whether such release is by surety bail bond or recognizance bond or in some other form, defendant shall ...comply with all conditions of pretrial release as ordered by the court. ... If no conditions of release can reasonably protect the community from risk of physical harm to persons, assure the presence of the accused at trial or assure the integrity of the judicial process, the accused may be detained.

7. Florida Statute §903.047, which governs the conditions of pretrial release, states:

As a condition of pretrial release, whether such release is by surety bail bond or recognizance bond or in some other form, the defendant must:

- i. Refrain from criminal activity of any kind.
- 8. Florida Statute § 903.0174, which governs violations of pretrial release, states:

Notwithstanding § 907.041, a court may, on its own motion, revoke pretrial release and order pretrial detention if the court finds probable cause to believe that the defendant committed a new crime while on pretrial release.

- 9. Pursuant to <u>Perry v. State</u>, 842 So 2d 301 (Fla. 5<sup>th</sup> DCA 2003), which states if a defendant has been arrested on a second case, the trial court may revoke bond in the first case based solely on a probable cause affidavit and a probable cause determination at first appearance. See also Parker v. State, 843 So. 2d 871 (Fla. 2003).
- 10. It is apparent the defendant cannot or will not abide by the reasonable conditions of bond and pre-trial release. It is the State's position that a monetary bond is insufficient to protect this community from the continued criminal acts of this defendant.
- 11. Therefore, the State moves this Court to revoke the Defendant's bond in the above case for which he was released and order the Defendant be held in custody until the resolution of that case.

WHEREFORE, the State of Florida respectfully requests this Court enter an Order revoking the defendant's bond.

R.J. LARIZZA STATE ATTORNEY

By: s/TARA LIBBY

ASSISTANT STATE ATTORNEY

Florida Bar No.: 0123872

ESERVICEFLAGLER@SAO7.ORG

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy hereof has been furnished by mail/delivery to TYRONE WINDOM, FLAGLER COUNTY JAIL, on January 31, 2022.

s/TARA LIBBY

ASSISTANT STATE ATTORNEY Florida Bar No.: 0123872 1769 EAST MOODY BLVD BLDG 1 THIRD FLOOR BUNNELL, FL 32110 (386) 313-4300 ESERVICEFLAGLER@SAO7.ORG

## EXHIBIT A

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