

**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: [REDACTED]

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 Perry v. State, 842 So 2d 301 (Fla. 5th 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

7th. Judicial Circuit 707
 Charging Affidavit - FLAGLER

Arrest # _____

Bk # 22-0014

Pg #1 of 6

ARREST <input checked="" type="checkbox"/> NOTICE TO APPEAR <input type="checkbox"/> AFFIDAVIT <input type="checkbox"/> C.C. <input type="checkbox"/>		ADULT <input checked="" type="checkbox"/> JUVENILE <input type="checkbox"/>		Court Case Number:
(ORD) FL: 0 1 8 0 0 0 0		Agency Name: Flagler County Sheriff's Office		Agency Case Number: 2022-00008497
FCIC/NCIC Check? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		OBTS# <u>1801061818</u>	CR: _____	Date Arrested: 01/28/2022
ADDRESS OF ARREST: 6000, SUNSET, BLVD, Palm Coast, Florida, 32164		Arrested By: Weaver Daniel		ID Number: 412
DEFENDANT Name (L.F.M.): WINDOM, MICHAEL, TYRONE		AKA: _____		Sex: Male Race: BLACK
DOB: 11/05/1999	Age: 22	Driver's Lic. ID No.: W535558994050	State: Florida	Year Expires: 2030
Height: 6 2	Weight: _____	Hair: BLACK	EYES: BROWN	DOB (City, St. Country): _____
Scars, Marks, Tattoos: _____	Business & Occupation: _____	Statement: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Citizenship: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		
Probation: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Sexual Predator: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	English: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Deaf/Blind: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Address - Mailing Permission (STREET, APT NUMBER) (CITY) (STATE) ZIP CODE RESIDENCE PHONE				
Address - Local (STREET, APT NUMBER) (CITY) (STATE) ZIP CODE RESIDENCE PHONE				
720 WESTMORELAND RD DAYTONA BEACH Florida 32114 (386)258-7794				
Address - Other (Employer/School) (STREET, APT NUMBER) (CITY) (STATE) ZIP CODE BUSINESS PHONE				
CHARGES		DOMESTIC VIOLENCE? YES <input type="checkbox"/>	Attachments: Affidavit(s) <input type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input checked="" type="checkbox"/> Traffic Instruction(s) <input type="checkbox"/> DUB <input type="checkbox"/>	Total Charges: 7
#1	Charge: METHAMPHETAMINE - POSS W/INTENT S/M/D	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	PC/ORD: 893.13.1.A.1	Citation No.: _____ Bond: None
#2	Charge: FENTANYL - POSSESSION	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	PC/ORD: 893.13.6.A	Citation No.: _____ Bond: None
#3	Charge: OXYCODONE - POSSESSION	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	PC/ORD: 893.13.6.A	Citation No.: _____ Bond: None
CO-DEFENDANT Co-Def #1 Arrested? Y <input type="checkbox"/> N <input type="checkbox"/> Fel <input type="checkbox"/> Misd <input type="checkbox"/> Traf <input type="checkbox"/> Ord <input type="checkbox"/> NTA <input type="checkbox"/> Co-Def #2 Arrested? Y <input type="checkbox"/> N <input type="checkbox"/> Fel <input type="checkbox"/> Misd <input type="checkbox"/> Traf <input type="checkbox"/> Ord <input type="checkbox"/> NTA <input type="checkbox"/>				
#1 NAME (L.F.M.): _____		Race: _____	Sex: _____	DOB: _____ Age: _____
#2 NAME (L.F.M.): _____		Race: _____	Sex: _____	DOB: _____ Age: _____
NARRATIVE The undersigned certifies and swears that there is a probable cause to believe the above named defendant, on the 28th day of January, 2022, at approximately 23:57 A.M. X P.M. at 6000 SUNSET BLVD within Flagler County, violated the law and did then and there.				
*****Defendant is currently out on bond for trafficking fentanyl, possession of cocaine with intent to sell, possession of a controlled substance, resisting without violence, possession of drug paraphernalia and possession of cannabis under 20 grams, case #2022 CF 45.*****				
On 1/29/22 at approximately 2337 hours I was conducting foot patrols in the 6000 Sunset Boulevard parking lot when I observed a silver Buick bearing FL tag #6370HF running in the parking lot with the headlights on. While observing the vehicle I observed the headlights turn off and the vehicle kept running in the parking lot with no one exiting. As I approached the passenger side of the vehicle I observed that the passenger door to the vehicle was open. I observed a male, now known to me as Michael Windom,				
Supervisor Approved: _____				
NOTICE TO APPEAR		MANDATORY APPEARANCE <input type="checkbox"/>	YOU NEED NOT APPEAR IN COURT BUT MUST COMPLY WITH INSTRUCTIONS ON THE REVERSE SIDE OF YOUR COPY <input type="checkbox"/>	FINE AND COSTS AMOUNT: _____
I AGREE TO APPEAR IN COURT HEREIN TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE INDICATED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED, OR PAY THE LISTED FINE, I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST WILL BE ISSUED.				
SIGNATURE OF DEFENDANT		DATE	RELATIONSHIP TO JUVENILE	Juv Dcp Citation No.
SIGNATURE OF JUVENILE PARENT OR CUSTODIAN		DATE	RELATIONSHIP TO JUVENILE	Juv Dcp Citation No.
Sworn to and subscribed before me, the undersigned, this 28th day of Jan 2022		I swear affirmatively above statements are correct and true.		
Name: <u>D. Weaver</u>		OFFICER & COMPLAINANT'S SIGNATURE: <u>A. [Signature] *412</u>		
Notary Public <input type="checkbox"/> Law Enforcement or Corrections Officer <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Possessed Identification <input type="checkbox"/>		Type of Identification: _____		
NAME (PRINTED): <u>D. Weaver</u>		ID NUMBER: <u>*412</u>		
Inmate Number & Facility: _____		RT Thumb: _____		

707 - COURT COPY

Narrative 707-B Supplement

Arrest
 Affidavit
 Notice to Appear
 Adult
 Juvenile

Court Case Number:

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Defendant Name: WINDOM, MICHAEL, TYRONE		Agency Case Number: 2022-00008497	
CHARGES	DOMESTIC VIOLENCE? YES <input type="checkbox"/>	Attachments: Affidavit(s) <input type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input checked="" type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/>	Total Charges: 7
#	Charge: HYDROCODONE - POSSESSION	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	PS/ORD: 893.13.6.A Citation No: Bond: None
#	Charge: MDMA - POSSESSION	FEL <input checked="" type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	PS/ORD: 893.13.6.A Citation No: Bond: None
#	Charge: MARIJUANA - POSSESSION 20 GRAMS OR LESS	FEL <input type="checkbox"/> MISD <input checked="" type="checkbox"/> ORD <input type="checkbox"/>	PS/ORD: 893.13.6.B Citation No: Bond: None
Sworn to and subscribed before me, the undersigned this <u>24th</u> day of <u>January</u> , 2022.		I swear/affirm the above statements are correct and true.	
Name: <u>D. Weave</u>		OFFICER'S/COMPLAINANT'S SIGNATURE <u>D. Weave #412</u>	
Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>			
Type of Identification:		NAME (PRINTED): <u>D. Weave</u>	ID NUMBER: <u>#412</u>

707-B - COURT COPY

Witness/Victim/Evidence Form 707-A

Arrest
 Affidavit
 Notice to Appear

 Adult
 Juvenile

Court Case Number:

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Defendant Name: WINDOM, MICHAEL, TYRONE		Age or Case Number: 2022-00008497	
Name (L.F.M.): SMITH, TORRI, RESHA	Vic <input type="checkbox"/> Wit <input checked="" type="checkbox"/>	Race: BLACK	Sex: <input checked="" type="checkbox"/> M <input type="checkbox"/> F
Address: 6000 SUNSET BLVD APT 6104 PALM COAST, Florida	Age: 24	DOB: 02/21/1997	SSN: --
Bus/School Address:	Zip: 32164	Home Phone: (386)276-8815	Statement Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:	Relative/Contact Address:	Bus Phone:	Phone:
Name (L.F.M.):	Vic <input type="checkbox"/> Wit <input type="checkbox"/>	Race:	Sex: <input type="checkbox"/> M <input type="checkbox"/> F
Address:	Age:	DOB:	SSN:
Bus/School Address:	Zip:	Home Phone:	Statement Yes <input type="checkbox"/> No <input type="checkbox"/>
Relative/Contact Name:	Relative/Contact Address:	Bus Phone:	Phone:
EVIDENCE COLLECTED			
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
3.7G METHAMPHETAMINES IN CLEAR BAGGIE	01/28/2022		
Owner (Name)	(Address)	(Phone)	Value
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
6.7G CANNABIS IN CLEAR BAGGIE	01/28/2022		
Owner (Name)	(Address)	(Phone)	Value
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
1.2G FENTANYL IN CLEAR BAGGIE	01/28/2022		
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
1.5 PILLS ACETAMINOPHEN AND OXYCODONE HYDROCHLORIDE	01/28/2022		
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
1 PILL ACETAMINOPHEN AND HYDROCODONE BITARTRATE	01/28/2022		
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
.5 PILL MDMA	01/28/2022		
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
5 AND .25 PILL OF AN UNIDENTIFIED PEACH PILL	01/28/2022		
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount
DIGITAL SCALE	01/28/2022		
Description of Evidence	Date Recovered	Model Serial/I.D. Number	Drug Amount

I certify that the foregoing is a complete list of witnesses/victims & evidence known to me.

D. Weaver
Investigating Officer

4112
ID Number

FLCSO
Agency

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Narrative 707-B Supplement

Arrest
 Affidavit
 Notice to Appear
 Adult
 Juvenile

Court Case Number:
 2022-00008497

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Defendant Name: WINDOM, MICHAEL TYRONE		Agency Case Number: 2022-00008497	
CHARGES		DOMESTIC VIOLENCE? YES <input checked="" type="checkbox"/> Attachments: Affidavit(s) <input type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/>	
#	Charge: POSS DRUG PARAPHERNALIA/EQUIPMENT	FEL <input type="checkbox"/> MISD <input checked="" type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: 893.147.1.A Citation No: Bond: <i>None</i>
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: Citation No: Bond:
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: Citation No: Bond:
[Empty area for narrative text]			
Sworn to and subscribed before me, the undersigned this <i>29th</i> day of <i>January</i> , 2022. Name: <i>D. Weave</i> Notary Public: <input type="checkbox"/> Law Enforcement Officer: <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/> Type of Identification:		I swear/affirm the above statements are correct and true. Signature: <i>D. Weave</i> OFFICER & COMPLAINANT'S SIGNATURE NAME (PRINTED): <i>D. Weave</i> ID NUMBER: <i>2412</i>	

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Narrative 707-B Supplement

Arrest
 Affidavit
 Notice to Appear
 Adult
 Juvenile

Court Case Number:

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Defendant Name:		Agency Case Number:	
CHARGES		DOMESTIC VIOLENCE? YES <input type="checkbox"/>	Attachments: Affidavit(s) <input type="checkbox"/> Statement(s) <input type="checkbox"/> NTA Schedule <input type="checkbox"/> Report <input type="checkbox"/> Traffic Infraction(s) <input type="checkbox"/>
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: Citation No: Bond:
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: Citation No: Bond:
#	Charge:	FEL <input type="checkbox"/> MISD <input type="checkbox"/> ORD <input type="checkbox"/>	FS/ORD: Citation No: Bond:
<p>place his feet back inside the vehicle and close the door. The driver of the vehicle is now known to me as Torri Smith. I shined my flashlight through the passenger window and the window rolled down slightly and I made consensual contact with the occupants of the vehicle. While speaking with the occupants I observed a green leafy substance scattered all over the front of Michael's hoodie and the front of his pants. I also smelled a slight odor of cannabis emitting from within the vehicle. I observed a black zippered bag between Michael's back and the seat he was sitting on. Michael kept moving his body around and grabbed the bag and tried to place it on the left side of his body hidden from my view. Michael continued to move around within the vehicle and I had to tell him several times to stop moving around.</p> <p>Upon the arrival of backup, Michael exited the vehicle and I secured him in handcuffs pending further investigation. During a search of the black zippered bag that had been behind Michael and he moved beside him the following narcotics were located within individual baggies:</p> <p>approximately 3.7 grams of methamphetamines approximately 6.7 grams of cannabis approximately 1.2 grams of fentanyl 1.5 Acetaminophen and Oxycodone Hydrochloride 325 mg / 10 mg pills, a schedule 2 controlled substance 1 Acetaminophen and Hydrocodone Bitartrate 325 mg / 10 mg pill, a schedule 2 controlled substance .5 of a yellow round pressed pill, testing presumptive positive as MDMA .5 and .25 of a round peach pill that was unable to be identified digital scale</p> <p>It should be noted that the way each baggie was individually packaged separating different narcotic types is consistent with my training and experience to involve the sale of narcotics. On Michael's person, \$954 in currency was located. Torri asked if she could have the money that was on Michael's person and stated that she had given Michael the money and that it was her rent money. I read Michael his Miranda Rights from a State Attorney's Office issued department card. Michael stated that he has been working at Popeye's since his last arrest on 1/12/22. Michael advised that he had received one paycheck for \$500 and his grandmother had given him another \$500 for bond money. Torri was asked if Michael had received a paycheck yet from work and Torri initially stated no before changing her story and saying that he had received a paycheck. Due to the currency being on Michael's person, the narcotics being located within the vehicle in Michael's possession and being consistent with the sale of narcotics the \$954 on Michael's person was seized for forfeiture. Michael was placed under arrest and transported to the Flagler County Inmate Facility without incident. A notice of forfeiture was issued to Michael for the currency and the currency was submitted into evidence. The narcotics were packaged and submitted into evidence. AXON video of the incident will be uploaded to evidence.com.</p> <p>There is no further information available at this time.</p>			
Sworn to and subscribed before me, the undersigned this <u>29th</u> day of <u>January</u> 2022.		I swear/affirm the above statements are correct and true.	
Name: <u>D. Waver</u> Notary Public <input type="checkbox"/> Law Enforcement Officer <input checked="" type="checkbox"/> Personally Known <input type="checkbox"/> Produced Identification <input type="checkbox"/>		OFFICER'S/COMPLAINANT'S SIGNATURE <u>D. Waver #412</u>	
Type of Identification:		NAME (PRINTED) <u>D. Waver</u>	ID NUMBER <u>412</u>

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