

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:

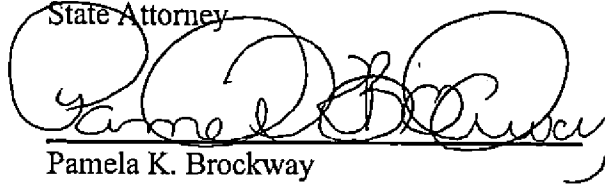
1. The Defendant has been arrested for an offense for which detention may be ordered under §907.041, Fla. Stat., to wit: Attempted Sexual Battery Upon a Person 18 years of aAge or younger but older than 12 years of Age. Two additional charges Voyeurism and Indecent Exposure have bonds of \$25,000 and \$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

SANDRA K. MAYER
Commission # HH 144267
Expires July 25, 2025
Bonded Thru Budget Notary Services

CERTIFICATE OF SERVICE

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
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Gainesville, FL 32601
(352) 374-3670
E-service: eservice@sao8.org
E-mail: brockwayp@sao8.org

ATTACHMENT A

CBTS NUMBER: 0208066350

012024CF002429A

AGENCY CASE REPORT NUMBER: 02-24-010586

NAME OF SUBJECT (LAST, FIRST, MI): ANDREWS, MALCOLM L
911 HOME ADDRESS (STREET, APARTMENT NUMBER, ETC.): MESSER LN
CITY: LENOIR STATE: NC ZIP CODE: 28645

RACE: [X] WHITE DATE OF BIRTH: 08/22/1968 HEIGHT: 6'03 WEIGHT: 260 HAIR COLOR: BROWN EYE COLOR: BROWN COMPLEXION: LIGHT
DRIVERS LICENSE / STATE ID NUMBER: 3014455 STATE OF DL / ID: NC SOCIAL SECURITY NUMBER: [REDACTED] PHOTO NUMBER: 0010100 PLACE OF BIRTH: NC, United States Of

LOCATION OF ARREST: 100 NW 17TH ST DATE OF ARREST: 07/18/2024 TIME OF ARREST (MILITARY): 22:24 DATE OF BOOKING: 07/18/2024 TIME OF BOOKING (MILITARY): 22:35
SUBJECT IDENTIFIED BY WHOM (VICTIM, WITNESS, LEO, ETC.): MURRIELLO, MATTHEW SUBJECT'S NAME VERIFIED BY (PHOTO ID, FAMILY MEMBER, KNOWN TO OFFICER, ETC.): NC DL PHOTO

#1 (NAME): DATE OF BIRTH: RACE: SEX: COURT NUMBER: [X] ARRESTED [X] SWORN COMPLAINT [X] FELONY MISDEMEANOR [X] TRAFFIC CASE [X] JUVENILE: YES [X] NO
#2 (NAME): DATE OF BIRTH: RACE: SEX: COURT NUMBER: [X] ARRESTED [X] SWORN COMPLAINT [X] FELONY MISDEMEANOR [X] TRAFFIC CASE [X] JUVENILE: YES [X] NO

JUVENILE: DISPOSITION: [X] RELEASED TO JAC [X] ISSUED NTA AND RELEASED NAME OF PARENT / GUARDIAN (NOTIFIED [X] YES [X] NO): Confidential and Protected Crime Victim Information WORK TELEPHONE NUMBER:
PARENT / GUARDIAN HOME ADDRESS (STREET, APARTMENT #, PO BOX, ETC.): CITY: STATE: ZIP CODE: HOME TELEPHONE NUMBER:

#1 (NAME): ADDRESS: TELEPHONE NUMBER:

ATTEMPTED - SEXUAL BATTERY - VICTIM 12 YOA OR OLDER BUT YOUNGER THAN 18 [X] FELONY [X] MISDEMEANOR [X] TRAFFIC [X] NTA COMPLETE STATUTE / ORDINANCE NUMBER: 794-011(5)(A) VICTIM NOTIFICATION: ARREST: [X] YES [X] NO RELEASE: [X] YES [X] NO
DATE OF OFFENSE: 07/18/2024 TIME OF OFFENSE: 20:35 BAIL AMOUNT: VICTIM'S TELEPHONE NUMBER:

VOYEURISM (PEEPING TOM) [X] FELONY [X] MISDEMEANOR [X] TRAFFIC [X] NTA COMPLETE STATUTE / ORDINANCE NUMBER: 810-14 VICTIM NOTIFICATION: ARREST: [X] YES [X] NO RELEASE: [X] YES [X] NO
DATE OF OFFENSE: 07/18/2024 TIME OF OFFENSE: 20:35 BAIL AMOUNT: VICTIM'S TELEPHONE NUMBER:

THE FOLLOWING INCIDENT OCCURRED AT (ADDRESS / LOCATION): 1614 W UNIVERSITY AVE CITY OF: GAINESVILLE COUNTY OF: ALACHUA STATE OF: FLORIDA

On the above date and time, at the above location, the VIC, who is 17 years of age, stated while she was using the women's bathroom, she saw the DEF's bare feet in the stall next to her. The VIC stated after she observed the DEF's feet, she realized that there was a pile of neatly folded clothes next to his feet. The VIC stated she then looked up and saw the DEF peeking his eyes above the stall divider as he watched her use the bathroom.

The VIC stated after she screamed, the DEF exited his bathroom stall, walked to her
MANDATORY APPEARANCE IN COURT AT: DATE OF APPEARANCE: TIME OF APPEARANCE: [X] AM [X] PM

I AGREE AND PROMISE TO COMPLY AND ANSWER TO THE CHARGES AND INSTRUCTIONS SPECIFIED IN THIS NOTICE TO APPEAR. WILLFUL REFUSAL TO ACCEPT AND SIGN THIS NOTICE TO APPEAR MAY RESULT IN PHYSICAL ARREST. I UNDERSTAND MY SIGNATURE IS NOT AN ADMISSION OF GUILT OR WAIVER OF MY RIGHTS. DEFENDANT (SIGNATURE): DATE:

SWORN TO AND SUBSCRIBED BEFORE ME THIS: I SWEAR THE ABOVE, AND REVERSE AND ATTACHED PAGES AND STATEMENTS ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.
SIGNATURE: [Signature] DAY OF: July NAME (PRINT): MURRIELLO, MATTHEW B.
TITLE: ACSO A/D SIGNATURE: [Signature] AGENCY: GAINESVILLE POLICE DEPARTMENT LEO NUMBER: 1209

SUPPLEMENT EIGHTH JUDICIAL CIRCUIT

OBTS NUMBER:
AGENCY ORI NUMBER:
0010100

SPN NUMBER:
AGENCY CASE REPORT NUMBER:
02-24-010586

NAME OF SUBJECT (LAST, FIRST, MI): **ANDREWS, MALCOLM L** ALIAS / MAIDEN:
 RACE: WHITE AMERICAN INDIAN BLACK ASIAN / ORIENTAL
 SEX: **M** DATE OF BIRTH: **08/22/1968** HEIGHT: **6'03** WEIGHT: **260** JAIL NUMBER: SO ID / AGENCY ID / NUMBER:

#3 (NAME): ADDRESS: TELEPHONE NUMBER:

CHARGE 3
 OFFENSE DESCRIPTION: **EXPOSURE OF SEXUAL ORGANS / INDECENT EXPOSURE** FELONY MISDEMEANOR TRAFFIC NTA COMPLETE STATUTE / ORDINANCE NUMBER: **800-03**
 VICTIM NOTIFICATION: ARREST: YES NO RELEASE: YES NO
 WARRANT JUVENILE PU ORDER CIVIL ORDER CITATION DATE OF OFFENSE: **07/18/2024** TIME OF OFFENSE: **20:35** BAIL AMOUNT: VICTIM'S TELEPHONE NUMBER:
 CAPIAS NUMBER: VICTIM (NAME): ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): CITY: STATE: ZIP CODE:

CHARGE 3
 OFFENSE DESCRIPTION: **EXPOSURE OF SEXUAL ORGANS / INDECENT EXPOSURE** FELONY MISDEMEANOR TRAFFIC NTA COMPLETE STATUTE / ORDINANCE NUMBER: VICTIM NOTIFICATION: ARREST: YES NO RELEASE: YES NO
 WARRANT JUVENILE PU ORDER CIVIL ORDER CITATION DATE OF OFFENSE: TIME OF OFFENSE: BAIL AMOUNT: VICTIM'S TELEPHONE NUMBER:
 CAPIAS NUMBER: VICTIM (NAME): ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): CITY: STATE: ZIP CODE:

CHARGE 3
 OFFENSE DESCRIPTION: **EXPOSURE OF SEXUAL ORGANS / INDECENT EXPOSURE** FELONY MISDEMEANOR TRAFFIC NTA COMPLETE STATUTE / ORDINANCE NUMBER: VICTIM NOTIFICATION: ARREST: YES NO RELEASE: YES NO
 WARRANT JUVENILE PU ORDER CIVIL ORDER CITATION DATE OF OFFENSE: TIME OF OFFENSE: BAIL AMOUNT: VICTIM'S TELEPHONE NUMBER:
 CAPIAS NUMBER: VICTIM (NAME): ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): CITY: STATE: ZIP CODE:

CHARGE 3
 OFFENSE DESCRIPTION: **EXPOSURE OF SEXUAL ORGANS / INDECENT EXPOSURE** FELONY MISDEMEANOR TRAFFIC NTA COMPLETE STATUTE / ORDINANCE NUMBER: VICTIM NOTIFICATION: ARREST: YES NO RELEASE: YES NO
 WARRANT JUVENILE PU ORDER CIVIL ORDER CITATION DATE OF OFFENSE: TIME OF OFFENSE: BAIL AMOUNT: VICTIM'S TELEPHONE NUMBER:
 CAPIAS NUMBER: VICTIM (NAME): ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): CITY: STATE: ZIP CODE:

PROSECUTIVE SUMMARY
 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 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.
 WIT 1 stated after he heard his girlfriend scream, he ran into the bathroom and observed the DEF standing naked in front of the VIC's stall. WIT 1 stated the DEF was actively trying to open the VIC's stall door so he pushed the DEF out of the bathroom.
 VIC 2 stated after she heard the VIC scream, she entered the women's bathroom with WIT 1 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.
 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 time of the incident.

CONTINUED
 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.
 Another officer advised me the DEF spontaneously stated he was supposed to meet up with a person named [REDACTED] as the two had arranged to have sex at the location. He said that he believed the VIC was who he was meeting and expressed his intent to engage in sexual intercourse with her.

SUPPLEMENT EIGHTH JUDICIAL CIRCUIT

OBTS NUMBER: _____
 AGENCY ORI NUMBER: **0010100**

SPN NUMBER: _____
 AGENCY CASE REPORT NUMBER: **02-24-010586**

NAME OF SUBJECT (LAST, FIRST, MI): **ANDREWS, MALCOLM L** ALIAS / MAIDEN: _____
 RACE: WHITE AMERICAN INDIAN BLACK ASIAN / ORIENTAL
 SEX: **M** DATE OF BIRTH: **08/22/1968** HEIGHT: **6'03** WEIGHT: **260** JAIL NUMBER: _____ SO ID / AGENCY ID / NUMBER: _____

#3 (NAME): _____ ADDRESS: _____ TELEPHONE NUMBER: _____
 #4 (NAME): _____ ADDRESS: _____ TELEPHONE NUMBER: _____

CHARGE OFFENSE DESCRIPTION: _____
 FELONY MISDEMEANOR TRAFFIC NTA COMPLETE STATUTE / ORDINANCE NUMBER: _____ VICTIM NOTIFICATION: ARREST: YES NO RELEASE: YES NO
 WARRANT JUVENILE PU ORDER CIVIL ORDER CITATION DATE OF OFFENSE: _____ TIME OF OFFENSE: _____ BAIL AMOUNT: _____ VICTIM'S TELEPHONE NUMBER: _____
 CAPIAS NUMBER: _____
 VICTIM (NAME): _____ ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): _____ CITY: _____ STATE: _____ ZIP CODE: _____

CHARGE OFFENSE DESCRIPTION: _____
 FELONY MISDEMEANOR TRAFFIC NTA COMPLETE STATUTE / ORDINANCE NUMBER: _____ VICTIM NOTIFICATION: ARREST: YES NO RELEASE: YES NO
 WARRANT JUVENILE PU ORDER CIVIL ORDER CITATION DATE OF OFFENSE: _____ TIME OF OFFENSE: _____ BAIL AMOUNT: _____ VICTIM'S TELEPHONE NUMBER: _____
 CAPIAS NUMBER: _____
 VICTIM (NAME): _____ ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): _____ CITY: _____ STATE: _____ ZIP CODE: _____

CHARGE OFFENSE DESCRIPTION: _____
 FELONY MISDEMEANOR TRAFFIC NTA COMPLETE STATUTE / ORDINANCE NUMBER: _____ VICTIM NOTIFICATION: ARREST: YES NO RELEASE: YES NO
 WARRANT JUVENILE PU ORDER CIVIL ORDER CITATION DATE OF OFFENSE: _____ TIME OF OFFENSE: _____ BAIL AMOUNT: _____ VICTIM'S TELEPHONE NUMBER: _____
 CAPIAS NUMBER: _____
 VICTIM (NAME): _____ ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): _____ CITY: _____ STATE: _____ ZIP CODE: _____

CHARGE OFFENSE DESCRIPTION: _____
 FELONY MISDEMEANOR TRAFFIC NTA COMPLETE STATUTE / ORDINANCE NUMBER: _____ VICTIM NOTIFICATION: ARREST: YES NO RELEASE: YES NO
 WARRANT JUVENILE PU ORDER CIVIL ORDER CITATION DATE OF OFFENSE: _____ TIME OF OFFENSE: _____ BAIL AMOUNT: _____ VICTIM'S TELEPHONE NUMBER: _____
 CAPIAS NUMBER: _____
 VICTIM (NAME): _____ ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): _____ CITY: _____ STATE: _____ ZIP CODE: _____

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.

I located an unopened condom in the DEF's belongs after he was arrested.

The DEF was identified by his North Carolina driver's License photo.

PROSECUTIVE SUMMARY

CONTINUED