

# Sworn Complaint



ALACHUA COUNTY SHERIFFS OFFICE  
2621 SE HAWTHORNE RD

24 CF 1054 A

Report Date / Time 3/15/2024 02:02 AM	Report Number ASOCHG00032728S	Case Number/Cad Number ASO24OFF002274 / 031424-0743	Reporting Officer Name DILLON, JUSTIN P
Originating Agency ORI FL0010000	Occur Date Time Range 03/13/2024 23:00:57 - 03/14/2024 05:00:00	Jurisdiction ASO	
OBTS Number	Other Number	Clearance	

### Location of Occurrence

County ALACHUA	Location Type RESIDENCE	Location Description			
Street Number [REDACTED]	Street [REDACTED]	Apt/Lot/Bldg	City WALDO	State FL	Zip Code [REDACTED]

### Suspect

First Name MALCOM	Middle Name JAMAL	Last Name NEWBY	Suffix	Race BLACK	Sex MALE	Height 6'00"	Weight 165	Hair BLK	Eyes BRO
MNI # DOJ04MNI017279	SSN [REDACTED]	Date of Birth 01/01/1985	Age 39	ID Type N for 322.03 (1)	Drivers License or other ID N100550850010	State FL	OCA / Agency ID		
Place of Birth:	FL UNITED STATES								
Address * RESIDENCE / 1198 E CRUM ST , STARKE, FL 32091 /									

### Warrant Affidavit

Sent to Court Date/Time	Affidavit Status	Affidavit Disposition	Affidavit Disposition Date/Time
Court County	Court	Court Location	
Comments			

### Charge :

Counts 1	Charge 784.03.2	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree T	Charge Level FELONY		
General Offense Code COMMITTED	Arrest Offense Code BATTERY		
Charge Description PRIOR CONVICT FELON BATT COMMIT 2ND SUB BATTERY			
Administrative Code - Description			



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**Charge :**

Counts 1	Charge 784.021.1a	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree T	Charge Level FELONY		
General Offense Code COMMITTED	Arrest Offense Code AGGRAV ASSLT - WEAPON		
Charge Description W DEADLY WEAPON WITHOUT INTENT TO KILL			
Administrative Code - Description			

**Charge : S**

Counts 1	Charge 784.041.2a	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree T	Charge Level FELONY		
General Offense Code COMMITTED	Arrest Offense Code BATTERY		
Charge Description COMMIT DOMESTIC BATTERY BY STRANGULATION			
Administrative Code - Description			

**Probable Cause**

The VICTIM (██████████) and the DEFENDANT (MALCOM JAMAL NEWBY) have been involved in an intimate dating relationship for approximately four months. The relationship is characterized by a shared expectation of physical intimacy. This is an incidence of DOMESTIC VIOLENCE.

Between 2300 hours on March 13th, 2024 and 0500 hours on March 14th, 2024, the DEFENDANT was visiting the VICTIM at her residence located at ██████████ Waldo, Alachua County, Florida. During the night, an argument ensued between the two regarding the DEFENDANT'S insistence that the VICTIM not have any guests in her home. As the argument progressed the DEFENDANT began to accuse the VICTIM of infidelity, calling her a "ho" and other disparaging names. The DEFENDANT continued to escalate, then arming himself with a spatula and acting as though he intended to hit the VICTIM. The VICTIM stated that she was able to "talk him out" of hitting her with the cooking utensil, however, he remained irate. In continuing his abuse of the VICTIM, the DEFENDANT then gestured towards her with a pistol that he kept in his pants pocket. As he pointed the gun at the VICTIM, the DEFENDANT said that he would kill her and was only "waiting on the right time." The VICTIM expressed her fear of being shot, saying "I'm tough. I can take a whooping, but that was too much..."

Though the VICTIM did not see the DEFENDANT'S handgun during this incident due to it being obscured inside his pocket,

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she was certain that he possessed a gun at the time. The VICTIM explained that the DEFENDANT always carried a small, silver handgun in his pocket which had an attached clip for securing it in place, similar to the pocket clip featured on many pocket knives. Additionally, the VICTIM described the DEFENDANT presenting the firearm on several previous occasions whenever they would argue and had even gone so far as to remove the magazine and show her an individual bullet.

As the night progressed, the DEFENDANT continued his attack on the VICTIM. After threatening to kill the VICTIM, the DEFENDANT then attempted to choke her. The VICTIM described the DEFENDANT using his forearm in a bar across her neck and applying pressure to the extent that she experienced difficulty breathing or speaking. In concluding the assault on the VICTIM, the DEFENDANT struck her in her left eye with an unknown object, resulting in bruising to the immediate area. The DEFENDANT then fled the VICTIM'S home on foot. Photographs were taken of the bruising to the VICTIM'S face and she provided a sworn written statement, attesting to the altercation.

As the DEFENDANT is transient, his whereabouts are unknown, though it is believed that he remains within the Waldo community. The DEFENDANT has a prior conviction for BATTERY under court case number 04-2019-MM-0000744-MMAXMA with a conviction date of September 21st, 2020. In the course of his actions the DEFENDANT intentionally and maliciously stuck the VICTIM against her will, knowingly and intentionally impeded the VICTIM'S ability to breathe through his application of external pressure to her neck, and threatened to kill the VICTIM with a firearm, causing in her a well-founded fear that such violence or harm was imminent. The DEFENDANT has been charged with BATTERY, SECOND OR SUBSEQUENT OFFENSE FSS 784.03(2), DOMESTIC BATTERY BY STRANGULATION FSS 784.01(2)(a), and AGGRAVATED ASSAULT; DEADLY WEAPON FSS 784.021(1)(a)

**Person: VICTIM**

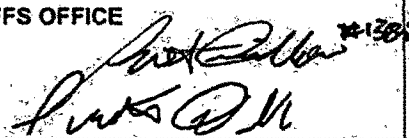
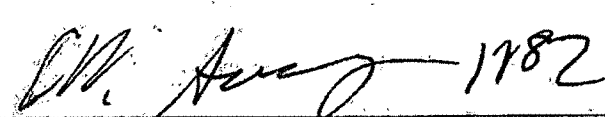
First Name	Middle Name	Last Name	Suffix	Race	Sex	Height	Weight	Hair	Eyes
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
MNI #	SSN	Date of Birth	Age	ID Type	Drivers License or other ID	State	OCA / Agency ID		
[REDACTED]	[REDACTED]	[REDACTED]	30	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		
Place of Birth:	GAINESVILLE FL UNITED STATES								
Address	* RESIDENCE / [REDACTED] WALDO, FL [REDACTED]								

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
DILLON, JUSTIN P DEPUTY 1385	REPORTING OFFICER	ALACHUA COUNTY SHERIFFS OFFICE DETECTIVES\SPECVICSGT\ASSIGNED

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The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s), of law, on the below date(s) and time(s), as listed in the probable cause associated with this report:

**Reporting Officer**

Officer Name DILLON, JUSTIN P	Office Rank DEPUTY	Officer ID No 1385	Sworn and subscribed before me, the undersigned authority This the <u>25</u> day of <u>MARCH</u> , <u>2024</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency ALACHUA COUNTY SHERIFFS OFFICE			
Officer Signature 		Date  1782	

No Bill / Petition   
 Issue Warrant   
 Prosecution Approved

Signature of Assistant State Attorney

Date