

824

EIGHTH JUDICIAL CIRCUIT ALACHUA COUNTY, FLORIDA

STATE OF FLORIDA

vs.

NEWBY, MALCOLM JAMAL

Defendant

**FIRST APPEARANCE ORDER**

Defendant was before the Court on this date for First Appearance and was fully advised as required by Florida Rules of Criminal Procedure 3.130(b). Having considered all available relevant information necessary to determine the conditions of Defendant's release, and finding probable cause except as indicated below, it is

**ORDERED and ADJUDGED that:**

The State Attorney shall provide additional evidence to the Court within 72 hours to establish probable cause as to the charge(s) \_\_\_\_\_

The Defendant be held without bail or until a \_\_Jessica Lunsford Act \_\_Anti Murder Act hearing for cases that qualify.

The Defendant is to be held for a Nebbia hearing prior to posting bond.

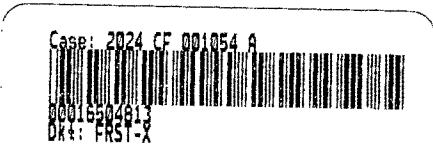
The Defendant be held without bail or released on standard conditions (F.S. 903.047) and the following conditions as indicated below:

Case Number	Charge	Bail Amount
01-2024-CF-001054-A 001	AGGRAV ASSLT - WEAPON: W DEADLY WEAPON WITHOUT INTENT TO KILL	<del>ROR/\$</del> <u>25,000</u>
01-2024-CF-001054-A 002	BATTERY: COMMIT DOMESTIC BATTERY BY STRANGULATION	<del>ROR/\$</del> <u>75,000</u>
01-2024-CF-001054-A 003	BATTERY: PRIOR CONVIC BATTERY COMMIT 2ND SUB BATTERY	<del>ROR/\$</del> <u>No Bond</u>

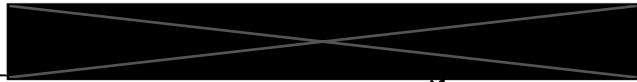
1. Release to Court Services for:  Contact Supervision  Job Search  
 Treatment Supervision for:  Substance Abuse  Alcohol Abuse  Substance/Alcohol Abuse  
**The defendant shall schedule their treatment appointment within seven (7) days of release. The treatment evaluation shall be completed within thirty (30) days of release.**  
 Mental Health and shall comply with all treatment recommendations.  
 Screening for electronic monitoring and if accepted, release on recognizance. Must abide by all special conditions of electronic monitoring, and pay any costs associated with electronic monitoring.

**\*\* Must Contact Court Services within 24 hours of release, excluding weekends and holidays, by calling (352) 338-7390 and asking for the Officer of the Day \*\***

2. Screen for:  Day Reporting  Mental Health Court  Drug Court  Veterans Treatment Court
- c.  Release if accepted. Must abide by the special conditions, treatment and sanction requirements for compliance.  
 Defendant is to be transported by the Alachua County Sheriff's Office Department of the Jail to 249 W. University Ave, Gainesville, FL  
 Defendant is directed to report to 249 W. University Ave, Gainesville, FL on \_\_\_\_\_ at \_\_\_\_\_ AM/PM..
- d.  Must post bond prior to release to Court Services  
e.  Must be approved by the Trial Judge prior to release to Court Services.  
f.  Other \_\_\_\_\_



3. Defendant must abide by the STANDING NO CONTACT ORDER AS CONDITION OF PRETRIAL RELEASE Order per Admin. Order No. 4.17 and have



- a.  No direct or indirect contact with victim/business, \_\_\_\_\_
- b.  No direct or indirect contact with co-defendant(s) \_\_\_\_\_
- c.  No unsupervised contact with minors under the age of 18 years of age.  
( ) All no-contact provisions may be modified by subsequent Order of the Dependency Court.
- d.  Maintain an Alternate Residence.
- e.  The Court will authorize a one-time visit with a Law Enforcement Officer to pick up his/her personal belongings.
- f.  Do Not Return to \_\_\_\_\_

4. Release upon verification of ( ) Ties to the Community ( ) Alternate Residence ( ) Other \_\_\_\_\_.

Do not release until defendant has been properly identified or fingerprints are returned showing no wants or warrants

- 5. Do Not Possess/Consume/Use Alcohol/Illegal drugs.
- 6. Possess no weapons/firearms.
- 7. Curfew from \_\_\_\_\_ AM/PM to \_\_\_\_\_ AM/PM. \_\_\_\_\_ Except for work or school purposes only.
- 8. Do not drive a motor vehicle without a valid Driver's License.
- 9. Report to Probation Officer within \_\_\_\_\_ hours of release from custody.
- 10. Return to First Appearance on \_\_\_\_\_ for possible consideration  
( )Plea ( )Appointment of Counsel
- 11. GPS/TAD fitting prior to release and after posting bond.
- 12. Jail to evaluate the defendant for a possible Marchman and/or Baker Act within 24 hours of this hearing.
- 13. Other \_\_\_\_\_

**APPOINTMENT OF COUNSEL**

ORDER APPOINTING PUBLIC DEFENDER

THIS CAUSE having come before the Court for the appointment of a public defender at the request of the defendant/child, and the court having been informed that the clerk has not yet reviewed an affidavit for indigent status pursuant to Section 27.52, Florida Statutes,

NOW THEREFORE it is ORDERED that the Public Defender is appointed to represent the above named defendant/child.

This appointment shall be revisited if, after filing an application/affidavit of indigent status, the clerk determines that the defendant/child is not indigent.

The Court does not appoint the Office of the Public Defender.

The Office of the Public Defender has been previously appointed on case number(s) \_\_\_\_\_.

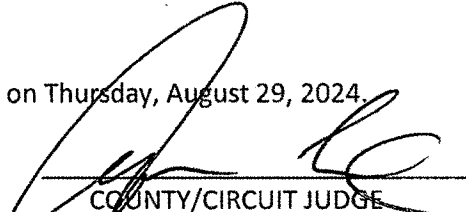
The Defendant represents to the court he/she will consult private counsel.

The Court Orders Attorney \_\_\_\_\_ as Attorney of Record on the case(s) listed in this First Appearance Order.

2024 CF 001054 A (Public Defender) PHILLIPS, DEBORAH A

08/09/2024

DONE AND ORDERED at Gainesville, Alachua County, Florida, on Thursday, August 29, 2024.

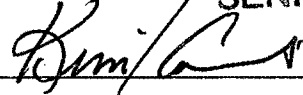


COUNTY/CIRCUIT JUDGE

SENIOR

AYMER L. CURTIN

Filed in Open Court Thursday, August 29, 2024 by



D.C.

**Risk Level (anticipated success rate):**

Level 1 (89.5%)

Level 2 (80% - 89.4%)

Level 3 (64.4% - 79.9%)

Level 4 (53.8% - 64.3%)

**FIRST APPEARANCE  
Pretrial Investigation Summary**

For First Appearance Use Only  
Provided by: Court Services

FILED IN OPEN COURT

August 29, 2024  
Sam [Signature]

D.C.

Possible J.L.A.: YES/NO  
Possible ANTI-MURDER: YES/NO  
Possible VETERAN: YES/NO

Defendant's Name: NEWBY, MALCOLM

**Comments:**

Residency	Current: <u>39 YEARS</u> AC: <u>1 DAY</u> FL: <u>39 YEARS</u> OTH: <u>STARKE, FL</u>	
Employment/School	Where: <u>UNEMPLOYED</u> How Long: _____	
Felony (Total Adj.) Violent (Yr) Drugs (Yr) Property (Yr) Sex Offenses (Yr)	<u>15</u> Felony Adjudication(s) (most recent <u>2020</u> ) <u>14</u> drug	<u>1</u> other
Misdemeanor (Total Adj.) Violent (Yr) Drugs (Yr) Property (Yr)	<u>8</u> Misdemeanor Adjudication(s) (most recent <u>2020</u> ) <u>3</u> violent <u>1</u> drug	<u>4</u> other
Criminal Traffic # priors violations/yr	<u>3</u> Traffic Violation(s) (most recent <u>2014</u> )	
# FTA's Most Recent Year	<u>10</u> Failure(s) to Appear (most recent <u>2024</u> )	
Pending Case(s) Felony Type of Bond MM Type of Bond TC Type of Bond	<u>2</u> Pending <u>1 MM</u> , <u>1 CF</u> <u>Bradford x2</u> Case(s) <u>In Custody</u>	
Current Probation # of prior Violations	Current <u>0</u> Probation	Charge
DOC # of Commitments Recent Release	DOC X <u>6</u> recent release <u>10/9/21</u>	Charge
Out of County/State History (range of years)	<u>00 03 - 2024</u>	
Other	<u>Civil War 2570</u> <u>NCWU NW</u> <u>Jun 99-02 Hx of Adj 3 dropped via diff vic</u>	

I hereby certify that the conditions for pretrial release set forth in the Florida Statutes 907.041; 903.047; Florida Rules of Criminal Procedure 3.130 and ABA Standards 10-5.1 thru 10-6.1, have been investigated or otherwise verified. This assessment conforms with the validated Florida RAI tool. Subject to the Court, the defendant qualifies for the following Pretrial Release recommendation:

ROR    Contact Supervision    Treatment Supervision    Defer to Court

Certified by: R-Ford Date: August 29, 2024

Department of Court Services Investigation and Community Supervision. Based on the best available information

Disclaimer: Unauthorized dissemination of information for other than its intended purpose may constitute a violation of the FDLE/CJI stakeholder agreement. (Revised 3/2022)