

IN THE CIRCUIT COURT OF THE EIGHTH JUDICIAL CIRCUIT
IN AND FOR ALACHUA COUNTY, FLORIDA

State of Florida
Plaintiff,

Case Number: 01-2024-CF-003425-A

Division IV

vs.

Michael Allen Smith
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:

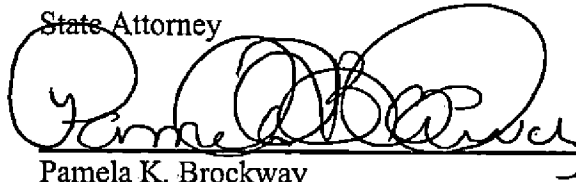
1. The Defendant has been arrested for an offense for which detention may be ordered under §907.041, Fla. Stat., to wit: Burglary of a dwelling
2. The State will show that there is a substantial probability that the defendant poses the threat of harm to the community. The defendant is presently charged 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 and victim were strangers to one another. The victim, who is over 65 years of age, was gardening at her home. The defendant tried to enter the home through a sliding glass door and then turned his attention to the victim and began to scream at her. The victim ran and entered the home through another door. The defendant followed her into the home and grabbed her. The victim was able to escape his grasp. The defendant went into the garage area of the home and set it on fire while the victim was still in the home.
 - a. The defendant is a sexual offender.
 - b. The defendant was just released from the Florida Department of Corrections on 8/10/24 for failure to register as a sexual offender.
 - c. See Exhibit A, the report of Ofc. Zanders which is incorporated and relied upon for purposes of 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 18th day of October, 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 Danielle Broome Muller, Attorney for the Defendant, by email, this 19th day of October, 2024.

s/ Pamela K. Brockway
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

EXHIBIT A

ARREST SWORN COMPLAINT HOLD

EIGHTH JUDICIAL CIRCUIT

JUVENILE NOTICE TO APPEAR

OBT NUMBER: **0108067920**

Case # **01202400993035A**

AGENCY CASE REPORT NUMBER: **02-24-015397**

DEFENDANT

NAME OF SUBJECT (LAST, FIRST, MI): **SMITH, MICHAEL ALLEN**
 ALIAS/MAIDEN:
 911 HOME ADDRESS (STREET, APARTMENT NUMBER, ETC.): **4015 SW 21ST LN** CITY: **GAINESVILLE** STATE: **FL** ZIP CODE: **32607** TELEPHONE NUMBER: **(352) 301-6056**
 BUSINESS/SCHOOL ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.):

MAILING ADDRESS (PO BOX, ETC. IF DIFFERENT THAN 911 ADDRESS): SCARS, MARKS, TATTOOS, FACIAL HAIR, UNIQUE PHYSICAL FEATURES (LOCATION, TYPE, DESCRIPTION):
 RACE: WHITE AMERICAN INDIAN BLACK ASIAN/ORIENTAL SEX: **M** DATE OF BIRTH: **05/08/1964** HEIGHT: **5'10** WEIGHT: **210** HAIR COLOR: **BALD** EYE COLOR: **BROWN** COMPLEXION: **DARK** BUILD: **LARGE**
 DRIVERS LICENSE / STATE ID NUMBER: **S530541641680** STATE OF DL / ID: **FL** SOCIAL SECURITY NUMBER: **[REDACTED]** PHOTO NUMBER: PLACE OF BIRTH: **US, FL, United States Of** COUNTRY OF CITIZENSHIP: **UNITED STATES OF AMERICA**
 SUBJECT'S OCCUPATION: **UNEMPLOYED** SPN NUMBER: **1988006020** AGENCY ORI NUMBER: **0010100** SO ID / AGENCY ID / NUMBER: **88-02431** BOOKING NUMBER: **24-605408**
 LOCATION OF ARREST: **[REDACTED]** DATE OF ARREST: **10/15/2024** TIME OF ARREST (MILITARY): **13:24** DATE OF BOOKING: **10/15/24** TIME OF BOOKING (MILITARY): **1746**
 WITNESS, LEO, ETC.): SUBJECT'S NAME VERIFIED BY (PHOTO ID, FAMILY MEMBER, KNOWN TO OFFICER, ETC.): **ZANDERS, DANTE** FL DL

CO-DEFENDANT

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

CHARGE

JUVENILE DISPOSITION: RELEASED TO JAC ISSUED NTA AND RELEASED NAME OF PARENT / GUARDIAN (NOTIFIED YES NO): WORK TELEPHONE NUMBER:
 PARENT / GUARDIAN HOME ADDRESS (STREET, APARTMENT #, PO BOX, ETC.): CITY: STATE: ZIP CODE: HOME TELEPHONE NUMBER:
 #1 (NAME): ADDRESS: TELEPHONE NUMBER: **(386) 678-3610**
 #2 (NAME): ADDRESS: TELEPHONE NUMBER:

CHARGE 1 CHARGE 2

OFFENSE DESCRIPTION: **FALSE IMPRISONMENT** FELONY MISDEMEANOR TRAFFIC NTA COMPLETE STATUTE / ORDINANCE NUMBER: **787-02/2** VICTIM NOTIFICATION: ARREST: YES NO RELEASE: YES NO
 WARRANT JUVENILE PU ORDER CIVIL ORDER CITATION DATE OF OFFENSE: **10/15/2024** TIME OF OFFENSE: **13:12** BAIL AMOUNT: VICTIM'S TELEPHONE NUMBER:
BATTERY ON A PERSON 65 YOA OR OLDER FELONY MISDEMEANOR TRAFFIC NTA COMPLETE STATUTE / ORDINANCE NUMBER: **784-08/2C** VICTIM NOTIFICATION: ARREST: YES NO RELEASE: YES NO
 WARRANT JUVENILE PU ORDER CIVIL ORDER CITATION DATE OF OFFENSE: **10/15/2024** TIME OF OFFENSE: **13:12** BAIL AMOUNT: VICTIM'S TELEPHONE NUMBER:

SUBJECT

On the above date at **[REDACTED]** the VIC (who is 66 years old) was gardening in her backyard when the DEF approached the VIC. The VIC watched as the DEF attempted to enter her residence through the back glass sliding door. The DEF was unable to gain entrance to the VIC's residence due to the sliding glass door being locked. The DEF began screaming at the VIC which caused the VIC to run inside the residence through a second back door. The DEF pursued the VIC into the house and intentionally grabbed the VIC within her residence. The VIC was able to free herself from the DEF's grasp; however, the VIC lost sight of the DEF. The VIC did not know if the DEF left the residence or

MANDATORY APPEARANCE IN COURT AT: DATE OF APPEARANCE: TIME OF APPEARANCE: AM 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: **15** DAY OF **October** 2024 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]** NAME (PRINT): **ZANDERS, DANTE M.** SIGNATURE: **[Signature]**
 TITLE: **LEO** AGENCY: **GAINESVILLE POLICE DEPARTMENT** LEO ID NUMBER: **1243**

OBYS NUMBER: 0108067820
AGENCY ORI NUMBER: 0010100

SUPPLEMENT

Contains Marsy's
Rights and
Protections

EIGHTH JUDICIAL CIRCUIT

SPN NUMBER: 1988006020
AGENCY CASE REPORT NUMBER: 02-24-015397

NAME OF SUBJECT (LAST, FIRST, MI): SMITH, MICHAEL ALLEN
ALIAS/MAIDEN:

RACE: WHITE BLACK
 AMERICAN INDIAN ASIAN / ORIENTAL
SEX: M
DATE OF BIRTH: 05/08/1964
HEIGHT: 5'10
WEIGHT: 210
JAIL NUMBER:
SO ID / AGENCY ID / NUMBER: 88-02431

#3 (NAME):
ADDRESS:
TELEPHONE NUMBER:

CHARGE 3: ARSON OF STRUCTURE/DWELLING
 FELONY
 MISDEMEANOR
 TRAFFIC NTA
COMPLETE STATUTE / ORDINANCE NUMBER: 806-01
VICTIM NOTIFICATION: ARREST: YES NO
RELEASE: YES NO
WARRANT JUVENILE PU ORDER CIVIL ORDER CITATION
DATE OF OFFENSE: 10/15/2024
TIME OF OFFENSE: 13:12
BAIL AMOUNT:
VICTIM'S TELEPHONE NUMBER:

CHARGE 4: ASSAULT/BATTERY DURING BURGLARY
 FELONY
 MISDEMEANOR
 TRAFFIC NTA
COMPLETE STATUTE / ORDINANCE NUMBER: 810-02/2A
VICTIM NOTIFICATION: ARREST: YES NO
RELEASE: YES NO
WARRANT JUVENILE PU ORDER CIVIL ORDER CITATION
DATE OF OFFENSE: 10/15/2024
TIME OF OFFENSE: 13:12
BAIL AMOUNT:
VICTIM'S TELEPHONE NUMBER:

CHARGE 4: (Continuation of Charge 4)
VICTIM (NAME):
ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.):
CITY:

CHARGE 4: (Continuation of Charge 4)
 MISDEMEANOR
 TRAFFIC NTA
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:
VICTIM (NAME):
ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.):
CITY: STATE: ZIP CODE:

CHARGE 5: (Continuation of Charge 4)
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:
VICTIM (NAME):
ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.):
CITY: STATE: ZIP CODE:

PROSECUTIVE SUMMARY CONTINUED

simply hid within the residence.

The VIC heard what she described a rumbling noises coming from the garage, which suddenly turned into an explosion type of noise. The VIC ran to the garage and realized that the garage had been set ablaze. The VIC ran to the backyard to grab a hose, shovel, and sand in attempts to put out the fire. While actively trying to extinguish the fire, the DEF willfully and intentionally confined and restrained the VIC without lawful authority against her will by using the shovel the VIC was using to put out the fire. The DEF proceeded to physically drag the VIC from the backyard to the front of the residence only to be released after the DEF heard the sound of approaching law enforcement and fire department sirens.

The DEF was arrested a short time after when he exited one of the fire department vehicles. The DEF's pants were scorched and appeared to have been burned by the fire. The DEF also appeared to have sustained injuries to both his left and right shin caused by the fire. Search incident to arrest located two lighters within the DEF's front left pocket. The DEF willfully and unlawfully caused damages to the VIC's residence by using a gas can located within the residence's garage to set the garage ablaze. At the time of his actions, the DEF knew and had reasonable grounds to believe that that residence was occupied by the VIC.

The WIT stated he was working outside near the residence when suddenly he saw smoke coming from the residence's garage. The WIT stated he suddenly saw the DEF physically dragging the VIC from the backyard of the residence to the front of the residence. The WIT stated the VIC was screaming as the DEF was intentionally using a shovel to

SUPPLEMENT EIGHTH JUDICIAL CIRCUIT

OBTS NUMBER:
AGENCY ORI NUMBER:
0010100

SPN NUMBER:
1988006020
AGENCY CASE REPORT NUMBER:
02-24-015397

NAME OF SUBJECT (LAST, FIRST, MI): **SMITH, MICHAEL ALLEN** ALIAS / MAIDEN:

RACE: WHITE AMERICAN INDIAN BLACK ASIAN / ORIENTAL
SEX: **M** DATE OF BIRTH: **05/08/1964** HEIGHT: **5'10** WEIGHT: **210** JAIL NUMBER: **88-02431** 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:
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
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 WARRANT JUVENILE PU ORDER CIVIL ORDER CITATION DATE OF OFFENSE: TIME OF OFFENSE: BAIL AMOUNT: VICTIM'S TELEPHONE NUMBER:
NUMBER: VICTIM (NAME): ADDRESS (STREET, APARTMENT NUMBER, PO BOX, ETC.): CITY: STATE: ZIP CODE:

forcefully restrain the VIC's movements. The WIT stated the DEF eventually released the VIC from his grasp.

At the scene, the DEF made spontaneous utterances claiming that he believed he was being shot at. The DEF uttered that he grabbed the VIC to protect himself from the shots. Post Miranda, the DEF invoked his Miranda Rights and declined to speak about the arson, the burglary, the battery, and the false imprisonment. The DEF only continued to make utterances stating "That is not what happened"; however, he continued to decline to talk about the incident.

The DEF was identified by law enforcement rough his FL ID card.

PROSECUTIVE SUMMARY - CONTINUED

Contains Marsy's Law
Confidential and Not