

2017 WL 4485508 (Fla.Cir.Ct.) (Trial Order)  
Circuit Court of Florida.  
Eleventh Judicial Circuit  
Miami-Dade County

STATE of Florida, Plaintiff,  
v.  
Angelo JOHNSON, Defendant.

No. F16-6113C.  
April 19, 2017.

**Order**

Miguel M. de la O, Judge.

**\*1 THIS CAUSE** came before the Court on Defendant, Angelo Johnson's ("Johnson"), Motion to Reinstate Bond ("Motion") and *ore tenus* request for an evidentiary hearing on the Motion. The Court has reviewed the Motion, reviewed statements provided by the State of Florida, heard argument of counsel, and is fully advised in the premises. The Motion and *ore tenus* request for evidentiary hearing are denied.

***BACKGROUND***

Johnson was arrested on March 23, 2016 for Armed Robbery, Aggravated Battery on an Elderly Person, Aggravated Assault with a Firearm on Law Enforcement Personnel (two counts), and Resisting Officer without Violence in Case No. F16-6113C. He was released on a monetary bond. One of the conditions of Johnson's pretrial release was to commit no new criminal law offenses. Johnson was subsequently arrested on September 27, 2016 for Second Degree Felony Murder in Case No. F16-19875. This Court conducted a bond review on September 29, 2016, found probable cause for the new arrest, and revoked Johnson's bond in Case No. F16-6113C.

On October 26, 2016, the State decided not to press charges in Case No. F16-19875 because its main witness, Ms. Keyondra Hughes (Johnson's girlfriend) would not testify on behalf of the State. Hughes had previously given police a recorded, videotaped statement in which she admitted having rented a Hertz rental car for Johnson on the day it was used in Case No. F16-19875. She said Johnson called her later that same day and said the car needed to be returned immediately. After returning the car, Johnson admitted to Hughes he was committing an armed robbery when his partner in the robbery (Devonte Black) was shot. Johnson was afraid Mr. Black's friends and family would retaliate against him from Mr. Black's death. Johnson hid out with Hughes for days after the crime. The State charged Hughes with being an accessory and, after discussions with her Counsel, expected her to flip against Johnson but Hughes changed her mind. The accessory charge remains pending against Hughes.

***LAW***

Pursuant to [Florida Statutes 903.0471](#), a trial court has the discretion to revoke a defendant's pretrial release and hold the defendant in custody, without bond, until trial.

Notwithstanding s. 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.

§ 903.0471, Fla. Stat. (2015). The Florida Supreme Court has declared [section 903.0471](#) constitutional. See *Parker v. State*, 843 So. 2d 871, 878 (Fla. 2003). *Parker* rejected many of the same arguments raised by Johnson, finding that [section 903.0471](#) does not violate substantive due process or the Florida Constitution, and that a trial court is not required to hold an adversarial evidentiary hearing prior to revoking pretrial release pursuant to [section 903.0471](#). *Parker*, 843 So. 2d at 877-80.

It is indisputable that this Court may revoke the conditions of pretrial release of a defendant who is arrested on new criminal charges. See *Harris v. Ryan*, 147 So. 3d 1100, 1103 (Fla. 3d DCA 2014) (“The defendants do not dispute that they were arrested for new crimes. For these reasons, the defendants' subsequent criminal activity while released within the pretrial intervention program was sufficient to warrant the revocation of their bonds.”). The wrinkle in Johnson's case is that the State did not file an Information on the new case and admits they cannot – at least at this time – prosecute Johnson on the new arrest because Hughes refuses to cooperate against Johnson.

\*2 The question thus posed by the Motion is whether this Court, having revoked Johnson's conditions of pretrial release when he was arrested for a new case, can continue to order Johnson held in custody without bond (or other form of pretrial release) in light of the State's decision not to prosecute Johnson on the new case for which he was arrested.

This Court reviewed the post-*Miranda* statements made by Hughes to the police and concluded that, despite her refusal to testify against Johnson, there are sufficient indicia of trustworthiness to find that there is probable cause to believe Johnson did in fact engage in an armed robbery where his co-conspirator, Mr. Black, was shot to death by the target of the armed robbery. The express language of [section 903.0471](#) proves conclusive on the issue before this Court because it does not require that the State prosecute the new offense, it requires only that the trial court find that there is probable cause to believe that the defendant committed a new crime.

Not only does this Court conclude that there is probable cause to believe Johnson engaged in a new crime, there is probable cause to believe that Johnson was engaged in serious, violent crime while on pretrial release which resulted in Mr. Black's death. The Court finds that Johnson is a threat to the community and there are no conditions of pretrial release that can protect the community from Johnson. Therefore, the Court denies Johnson's motion to reinstatement bond. Likewise, pursuant to *Parker*, the Court denies Johnson's *ore tenus* request for an evidentiary hearing.

**DONE and ORDERED** in Miami-Dade County, Florida this 19th day of April, 2017.

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Miguel M. de la O

Circuit Judge