

IN THE CIRCUIT COURT, FOURTH
JUDICIAL CIRCUIT, IN AND FOR
DUVAL COUNTY, FLORIDA

CASE NO.: **2010-CF-8579-AXXX**
DIVISION: **CR-G**

STATE OF FLORIDA

vs.

MARISSA DANIELLE ALEXANDER
_____ /

ORDER GRANTING PRETRIAL RELEASE WITH SPECIAL CONDITIONS

Defendant has filed a motion seeking pretrial release in this case. After considering the motion, memoranda, and documents submitted by both sides, as well as hearing argument of counsel, the court **grants** the Defendant's motion with special conditions that will be detailed below.

Before the first trial in this case, the Defendant was granted bond totaling \$125,000 that secured her pretrial release. While out on bond, the Defendant was arrested on a misdemeanor charge of Battery involving the alleged victim in this case, Rico Gray, Sr.. The prior judge revoked the Defendant's bond in this case and ordered that she be remanded into custody to await trial. In the interim, the Defendant pled no contest to the battery charge and was sentenced to one year in jail.

Based on these facts, the prior judge appropriately revoked the Defendant's bond and this court is not required to reconsider conditions for pretrial release in light of the Defendant's conviction. *See Francis v. State*, 963 So.2d 301, 302 (Fla. 1st DCA 2007). Additionally, it is not this court's customary practice to allow continued pretrial release for defendants who commit a crime while they are out on bond awaiting trial.

However, the Defendant has completed her sentence on the separate misdemeanor charge and that case is now resolved. The court is persuaded that due to the passage of time that the Defendant should be granted pretrial release with more stringent bond and special conditions that reflect the fact

that she failed to abide by the court's previous conditions for pretrial release.

The court's decision, in no way, should be seen as a comment on the strength and/or weakness of the evidence supporting the State's case or the Defendant's claim of self defense. It is simply an assessment of the Defendant's background and criminal history, the current status of the case, her ties to the community, and the resources available to the court to ensure that she appears at all court proceedings and has no further contact with the victims in the case.

Accordingly, **IT IS ORDERED** that the Defendant is granted pretrial release with the following conditions:

1. Defendant shall post a bond for the charge in Count I in the amount of \$150,003; for the charge in Count II in the amount of \$25,003; and for the charge in Count III in the amount of \$25,003.¹

2. Defendant shall remain under the supervision of the Pretrial Services Program (PSP), or its designated service provider the Community Transitions Center of the Jacksonville Sheriff's Office (CTC), at all times who shall monitor the Defendant's compliance with the conditions of her pretrial release;

3. Defendant shall be subject to electronic monitoring through the CTC at all times;

4. Defendant shall remain on home detention until the completion of her case and will not be allowed to leave her residence except for court appearances, medical emergencies, and to satisfy any requirements of the PSP or the CTC;

5. Defendant shall report for all required court appearances and all required

¹The Defendant was originally arrested on one count of Aggravated Assault and one count of Child Abuse. The original \$125,000 bond was based on these two charges only. The State elected to file an Information charging three separate counts of Aggravated Assault and bonds must be set for each count.

appointments with the PSP or its designated service provider;

6. Defendant shall not change her residence without prior notice and approval by the PSP or its designated service provider;

7. Defendant shall have no contact with, nor communicate by any means with, Rico Gray, Sr., Pernell Gray, and Rico Gray, Jr.;

8. Defendant shall abide by all court orders in the divorce proceedings involving Rico Gray, Sr., including all orders that pertain to child custody. Exchange of custody for visitation shall be facilitated by a third party;

9. Defendant shall not possess any firearms, nor shall there be any firearms in her residence at any time during her pretrial release;

10. Defendant shall not consume any alcoholic beverage or drug not prescribed by a physician;

11. Defendant must abide by all rules and regulations for the PSP, and the CTC, including random drug testing;

12. Defendant shall be subject to all reporting requirements for the CTC and the PSP;

13. Defendant shall be subject to warrantless searches of her residence by CTC officers, or any JSO officer conducting such a search at the direction of CTC personnel, to ensure compliance with her pretrial release conditions;

DONE AND ORDERED in Chambers, at Jacksonville, Duval County, Florida, this 27TH day of November, 2013.



JAMES H. DANIEL, Circuit Judge

Copies furnished to:

State Attorney's Office, Division CR-G
Bruce Zimet, Esquire