

IN THE CIRCUIT COURT OF THE TWENTIETH JUDICIAL CIRCUIT IN AND FOR
LEE COUNTY, FLORIDA CRIMINAL ACTION

STATE OF FLORIDA

CASE NO: 18-00093CF - ()
(ADF)

vs.

JOSE RAUL BONILLA

AMENDED MOTION SEEKING PRETRIAL DETENTION

THE STATE OF FLORIDA moves this Court, pursuant to Fla. R. Crim. P. 3.132, to order that the above named Defendant be detained pretrial based on the Defendant having been charged with Second Degree Murder with a Firearm and based upon the following grounds:

1. The Defendant has been arrested based upon a Capias & Information charging 7 counts including one count for Homicide, to wit: Second Degree Murder, a First Degree/PBL felony; 5 Counts of Aggravated Battery with a Firearm; and Tampering with or Fabricating Physical Evidence. (See attached information)
2. The State submits that pursuant to Florida Rule of Criminal Procedure 3.131, the Defendant does not have a right to pretrial release because he is charged with an offense punishable by life imprisonment to wit: Second Degree Murder, and the proof of guilt is evident and the presumption great.
3. Pursuant to Florida Rule of Criminal Procedure 3.132, the State files this motion seeking pretrial detention.
4. Furthermore, Homicide and Aggravated Battery are offenses enumerated in Florida Statute 907.041, therefore, the Court may order pre-trial detention based upon criteria enumerated in Florida Statute 907.041.
5. The State intends based upon testimony to be presented in support of the particular grounds and essential facts set forth in this motion to establish that pretrial detention is warranted and that the proof of guilt is evident and the presumption is great that the Defendant has committed a life imprisonment offense. *State v. Arthur*, 390 So.2d 717 (Fla. 1980).

6. The State recognizes that even if the State establishes that the proof of guilt is evident and the presumption is great, the Court retains discretion to grant or deny bail. *Id.*
7. The State also recognizes that “(a) pretrial Arthur hearing under Florida law and the Florida Constitution demands more than mere ‘probable cause’ before pretrial detention be ordered.” Florida Constitution Art. I, Section 14; Florida Rule of Criminal Procedure Rule 3.130(c). *Bletweiss v. State*, 24 So.3d 1215 (Fla. 4th DCA 2009).
8. The State further recognizes that an order for pretrial detention may not be based exclusively on hearsay evidence.
9. Therefore, the State requests the Court consider the nature and circumstances of the offense charged; the weight of the evidence against the Defendant; the Defendant’s past and present conduct; the nature and probability of danger which the Defendant’s release poses to the community; and, Defendant’s ties to the community.

10. NATURE AND CIRCUMSTANCES OF THE OFFENSE

The State submits the nature and circumstances of the offense charged warrant pre-trial detention.

Initial Investigation:

On Saturday October 17th 2015, a special event titled Zombicon occurred in the downtown river district of Fort Myers, Florida. This event was a street convention with an approximate twenty thousand people attending. During the event people attending were encouraged to dress up in costumes. Many of the individuals that dressed in costumes wore make-up with imitation wounds, fake blood, and some carried imitation guns. The streets were blocked off, stages were erected for bands and an additional detail of Fort Myers Police Officers, and EMS personnel were assigned to assist with security due to the large size of the crowds that attended the event.

At approximately 11:44 p.m. Officer Justin Trask with the Fort Myers Police Department was working as a uniformed officer at Ford’s Garage, located at 2207 First Street. Officer Trask heard approximately five gun shots to the east of his location. Officer Trask gave the information over the radio and responded east of his location where he located an individual laying on the ground in front of Cabos Cantina, located at 2226 First Street, and Market Earth located at 2224 South Street. This individual was later identified as Expavious Tyrell Taylor, date of birth

10/05/95, by family members who were present with him at the time he was shot and murdered.

Other Officers responded to the scene along with EMS personal and attempted to render aid to Taylor, but he was pronounced deceased at approximately 11:46 p.m. Officers then attempted to secure the scene and locate additional victims and witnesses. During that process, and subsequent investigation they located the following additional gunshot wound victims:

- Tyree Hunter date of birth 01/17/95
- David Perez date of birth 03/02/93
- Kaddyami Baruh date of birth 10/27/92
- Isaiah Knight date of birth 08/09/97
- Kyle Roberts date of birth 06/14/95

Hunter, Perez, Knight, and Roberts were transported to the hospital to seek medical attention for the gunshot wounds they suffered. However, they all survived the shooting.

None of the surviving victims saw who shot them.

Crime Scene:

The Florida Department of Law Enforcement was contacted to assist. FDLE crime scene technicians Lee Dewey and Kate Reidy responded to assist and process the crime scene. They later generated a report and provided it to the Fort Myers Police Department. The report stated that they located the scene at 2224 First Street, and the body of Expavious Taylor was lying face up in an apparent pool of blood on the edge of the sidewalk in front of the business located at 2224 First Street. Four .40 caliber cartridge casings were lying in the roadway approximately thirty-five feet from the body. FDLE collected the casings and additional evidence from the scene.

Priscilla Doyle and Sean Martin, Investigators for the Medical Examiner's (ME) office responded to the scene to photograph and document the incident. Taylor was later removed from the scene by the Medical Examiner's Office.

Evidence Collected by FDLE:

FDLE Item #	Agency Exhibit #	Description
1	CS 1	.40 caliber cartridge casing from First St
2	CS 2	.40 caliber cartridge casing from First St
3	CS 3	.40 caliber cartridge casing from First St
4	CS 4	.40 caliber cartridge casing from First St

5 CS 5 Clown mask with black hair from under victim's leg on sidewalk
6 CS 6 Clown mask with red hair adjacent to victim's head on sidewalk
7 CS 7 Compact disc with digital images of crime scene on First Street

Medical Examiner and Autopsy:

The autopsy was performed on October 18th, 2015, at the Medical Examiner's Office by Doctor Rebecca Hamilton of the District 21 Medical Examiner's office. Doctor Hamilton performed the autopsy and ruled Taylor's death a homicide.

Dr. Rebecca Hamilton, M.D. concluded the following:

Manner of Death: Homicide

Cause of Death: Gunshot wound to the head

Included in the ME report was a toxicology report on Taylor. Based on the report, Taylor had no drugs or alcohol in his system at the time of the murder.

Crime Stoppers Tip on Bonilla:

On November 11, 2015, Investigators received a Crime Stoppers tip identifying Jose Bonilla, A/K/A "Balls" or "Bolls", as being responsible for the Zombicon shooting. The tipster stated that they saw Bonilla at the Zombicon event, then later heard him bragging about the shooting. The tipster said that Bonilla could be found in Immokalee, Florida.

Investigators conducted a records check and discovered a male named Jose Raul Bonilla, Hispanic male, date of birth January 14, 1995, who resided at 1509 West Immokalee Drive, Unit B3, Immokalee, Florida 34142. Based on the information, Federal Bureau of Investigation Special Agent Roncinske (hereinafter SA Roncinske) and Fort Myers Police Detective and Federal Bureau of Investigation Task Force Officer Mickey (hereinafter TFO Mickey) attempted to locate Bonilla in Immokalee without success. SA Roncinske and TFO Mickey left a business card at Bonilla's mother residence in hopes that Bonilla would contact them.

Additional Crime Stoppers Tips on Bonilla:

During the investigation a total of five tips related to Bonilla were received, including:

On February 11, 2016, Investigators received a Crime Stoppers tip identifying the Zombicon shooter. The tipster stated that they wanted to report a suspect who may have been involved in a shooting at the Zombicon Street Festival in Fort Myers on October 18, 2015. The tipster reported that a Hispanic male known as Jose Bosnia, who goes by the nickname "Boz" was responsible. The tipster described Bosnia as being 5' tall, weighing 120-130 pounds and having tattoos on both arms.

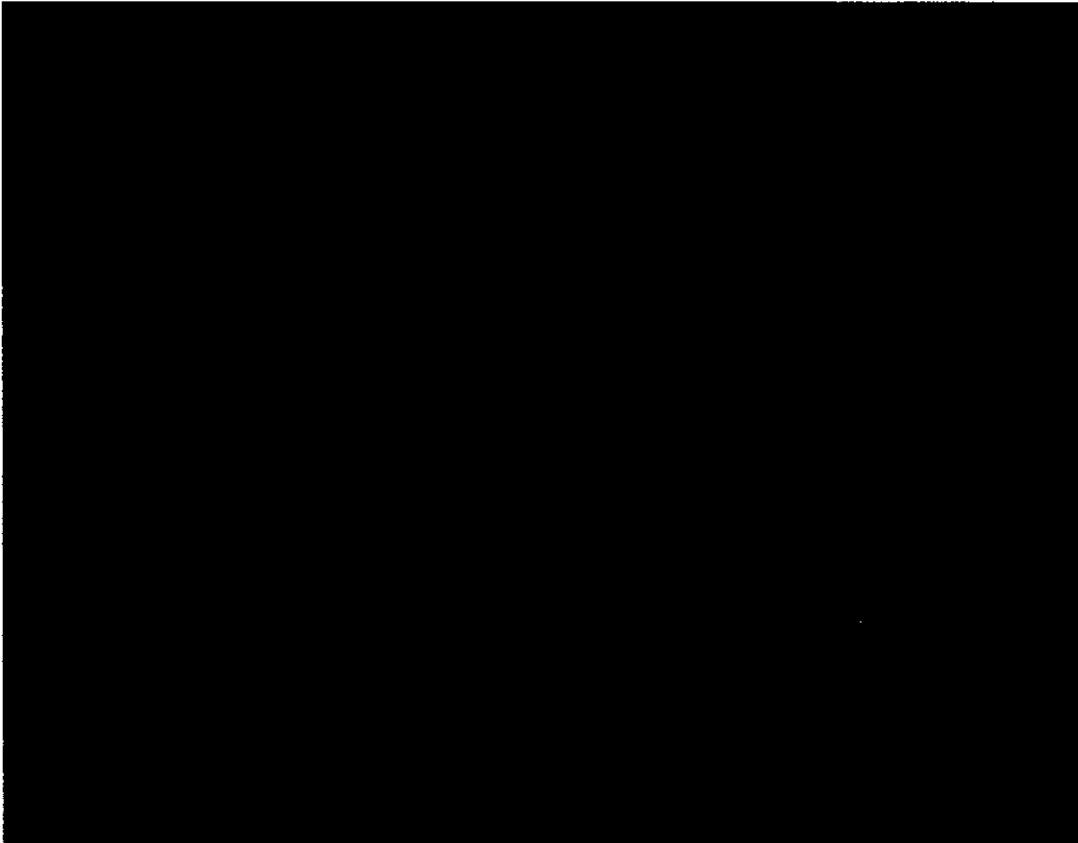
On March 14, 2016, Investigators received a Crime Stoppers tip identifying the Zombicon shooter. The tipster stated that they wanted to report a name they overheard as being responsible for the Zombicon shooting. The tipster described the male as being a Hispanic male from Immokalee, Florida who goes by the nickname "Boss". The tipster did not disclose whom they heard the information from, but reported the person overheard "Boss" bragging about committing the shooting.

Telephone Interview with Jose Bonilla:

On November 24, 2015, Bonilla telephonically contacted SA Roncinske

Bonilla provided the following information:

- Jose Bonilla heard from his sister, Janita Bonilla that investigators wanted to talk with him.
- Jose Bonilla resides with his mother, Elsa Bonilla in Immokalee, Florida.
- Jose Bonilla has been in trouble in the past. Jose Bonilla advised that Collier County Sheriff's Office deputies assigned to Immokalee are familiar with him and he no longer gets into trouble.



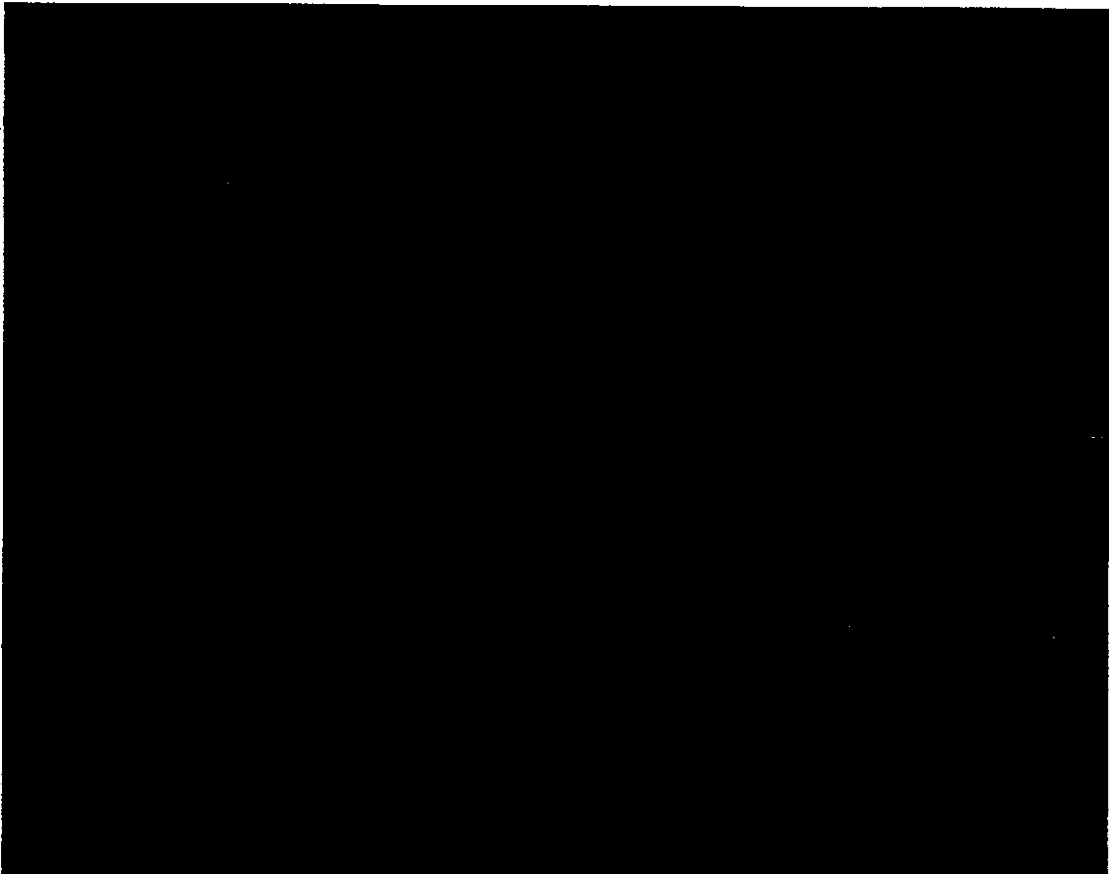
SA Roncinske advised Jose that FMPD detectives would like to meet with him in order to take a tape recorded sworn statement from him. Jose advised he did not wish to meet with FMPD detectives in person and that he could be reached through his sister, Janita.

Physical interview with Bonilla #1:

On Thursday, May 12, 2016, SA Roncinske and TFO Walter Mickey went to the Naples Jail Center (NJC), 3347 Tamiami Trail East, Naples, Florida, and met with Bonilla, who was being held on charges of loitering and prowling and resisting arrest without violence.

SA Roncinske and TFO Mickey spoke with Jose in an interview room in the booking area. The interview was audio recorded. Prior to the commencement of the interview, Jose was advised his constitutional rights by SA Roncinske. Jose agreed to speak with both investigators.

A summary of the information Jose provided is memorialized below:





Interview with Gabrielle Alvarado:

SA Roncinske and TFO Mickey spent several months attempting to locate Gabriel Alvarado without success. In November 2016, Gabriel called SA Roncinske after receiving a letter from the FBI in the mail requesting Gabriel to speak with law enforcement.

On November 28, 2016, Gabriel Alberto Alvarado, Hispanic male, DOB 06/16/1995, agreed to meet with SA Roncinske and TFO Mickey at the Kountry Kitchen restaurant, 301 New Market Road East, Immokalee, Florida.

Gabriel provided the following information:

- Gabriel Alvarado was aware investigators were trying to locate him to speak to him about the shooting that occurred at the Zombicon event in downtown Fort Myers on October 17, 2015.
- Gabriel Alvarado advised he did not call investigators because he felt he did not have any information that could help investigators.
- Gabriel Alvarado decided to call Special Agent James Roncinske after he received letters that were mailed to his mother's and grandmother's residences.
- Gabriel Alvarado stated that he attended the Zombicon event in downtown Fort Myers on October 17, 2015, along with Jose Bonilla (aka) "Boss" and Jaime Gamez, (aka) "Dee-Dee" Hispanic male, DOB 01/16/1997.
- Gabriel Alvarado, Bonilla, and Gamez left from Gamez's house to go to Zombicon.
- Gamez at the time was living off a road behind the Ace Hardware store on North 15th Street in Immokalee.
- Gabriel Alvarado drove the three to the event in Gabriel's Chrysler 300. Gabriel did not recall where they parked in downtown Fort Myers.
- Gabriel Alvarado advised he had taken Xanax bars and was drinking alcohol so he could not remember much of what occurred at Zombicon.
- Gabriel Alvarado recalled seeing a man dressed in a skeleton costume. Someone threw water on Gabriel. He stated that he was unsure who threw the water on him. Gabriel did not know why this occurred. Soon after this occurred, Gabriel heard around seven gunshots go off close by him.

- Gabriel Alvarado checked himself to make sure he was not hit by any of the rounds. Gabriel, Bonilla, and Gamez ran to Gabriel's car.
- Gabriel Alvarado was unsure who drove his car away.
- Gabriel Alvarado could not recall where the three went after the shooting. Gabriel just recalled waking up the next day at Gamez's residence in Immokalee.
- Gabriel Alvarado advised that he did not take a gun to the Zombicon event. Gabriel stated that neither Bonilla nor he took a gun to the event.
- When asked, Gabriel Alvarado stated that he did not know if Bonilla committed the shooting.
- Gabriel Alvarado has a cousin named Rudy Ramos. Rudy's mother is Elizabeth Ramos. Rudy was released from Federal prison in late October of 2015. A party was held for Rudy at Elizabeth's house in Immokalee shortly after Rudy was released from prison. Gabriel attended the party along with Bonilla.
- Gabriel Alvarado did not recall Bonilla telling anyone at the party that Bonilla shot the people at Zombicon.
- Gabriel Alvarado, Bonilla, Gamez, Rudy, and Devonte Clifton are members of a rap musical group called "RNS." Gabriel stated that "RNS" stands for "Real Nigga Struggle."
- Gabriel Alvarado advised that "RNS" is not a street gang. Though he stated that some young kids steal property from homes and cars in Immokalee and claim to be members of "RNS" but are not members.

Telephone Interview with Jose Bonilla #2:

On December 13, 2016 at approximately 10:44 a.m. SA Roncinske received a telephone call at the Fort Myers FBI Resident Agency (RA) from Jose Bonilla. Special Agent (SA) James Roncinske spoke with Jose and recognized Jose's voice as SA Roncinske previously spoke with Jose Bonilla over the telephone and in-person.

- Jose Bonilla was upset that investigators recently interviewed his sister, Casandra Bonilla in Immokalee, Florida. SA Roncinske explained that investigators were going to interview Jose's relatives and friends as someone told authorities he admitted to committing the shooting at the Zombicon event.



- [REDACTED]
- Jose Bonilla stated investigators need to stop asking the same questions. SA Roncinske told Jose that investigators were going to keep talking with his friends and relatives. Jose advised this was not necessary.
- Jose Bonilla advised he does not like cops harassing him.
- SA Roncinske told Jose that investigators were going to do their job.
- Jose Bonilla told SA Roncinske [REDACTED]

Physical interview with Jose Bonilla #3:

On December 19, 2016 SA Roncinske and TFO Mickey located and spoke to Jose Bonilla in front of 321 Carson Road in Immokalee, Florida. Bonilla provided the following information:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- Jose Bonilla advised he does not like being harassed by cops.

Telephone Interview with Jose Bonilla #3:

On Monday, January 30, 2017, Jose Raul Bonilla called SA Roncinske at the Federal Bureau of Investigation office in Fort Myers, Florida. Bonilla called from telephone number 239-651-8708. Bonilla provided the following information:

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Rudy Ramos Interview:

On Friday, February 24, 2017, Fort Myers Police Department (FMPD) Detectives Daniel Losapio and Michael Walsh, along with TFO Mickey interviewed Rudy Manuel Ramos, (white male, DOB 06/10/1993) at the Fort Myers Police Department. RAMOS was

arrested by the United States Marshal's Service on the same date for Robbery with a Firearm and battery (FMPD case #2017-02086).

Ramos was advised of his Miranda rights and signed a FMPD Miranda Waiver Form before speaking with detectives. The interview was video recorded by FMPD and the recording was downloaded to a CD, maintained in FMPD custody. The recording should be relied upon for the accuracy and the entirety of the interview.

A summary of the interview is as follows:

- Ramos denied involvement in the robbery and stated that his aunt Crystal would corroborate his claims at being home sick at the time the robbery occurred.
- TFO Mickey asked Ramos about his knowledge concerning the Zombicon Shooting. TFO Mickey believes that Ramos has vital information on the shooting due to Ramos's personal relationships with suspects Jose Raul Bonilla and Gabriel Alvarado.
- Ramos was reluctant to speak with TFO Mickey and wanted assurance that he would receive the Zombicon reward money, have his probation moved to another area and not be charged with the robbery if he cooperated. TFO Mickey told Ramos that he could not make any promises and any cooperation would have to be approved by a supervisor.
- Ramos was unsatisfied and told TFO Mickey that he knew that the FBI had spoken to several of Ramos's associates.
- When asked by TFO Mickey if Jose Bonilla was "falling apart", (*Agents Note, Jose had recently called the FBI several times, asking to speak with SA Roncinske in reference the Zombicon incident), Ramos told TFO Mickey, "You have no idea".
- Ramos said that if investigators thought that Gabriel Alvarado was responsible for the shooting, they were wrong.
- TFO Mickey asked Ramos if his brother, Jaime Gamez did the shooting.
- Ramos said that Gamez did not do the shooting.
- Ramos eluded that Bonilla was solely responsible for the shooting and that the weapon used had been disposed of, but Ramos would not provide any further information.

Interview of Informant:

On December 13, 2017, information was received from Collier County Sheriff's Office (CCSO) Chief Deputy of Corrections Chris Roberts that an inmate had come forward and provided significant information concerning the Zombicon shooting. The inmate, herein after referred to as "informant" passed this information to CCSO Sergeant Capo, who provided a written memo to Chief Roberts. Chief Roberts immediately contacted FBI Senior Supervisor Resident Agent (SSRA) John Kuchta, who alerted SA Roncinske and TFO Mickey.

On December 22, 2017, SA Roncinske, along with the informant's attorney, Assistant State Attorneys Katherine Rumley and Dave Scuderi met with the informant at the Naples Jail Center (NJC).

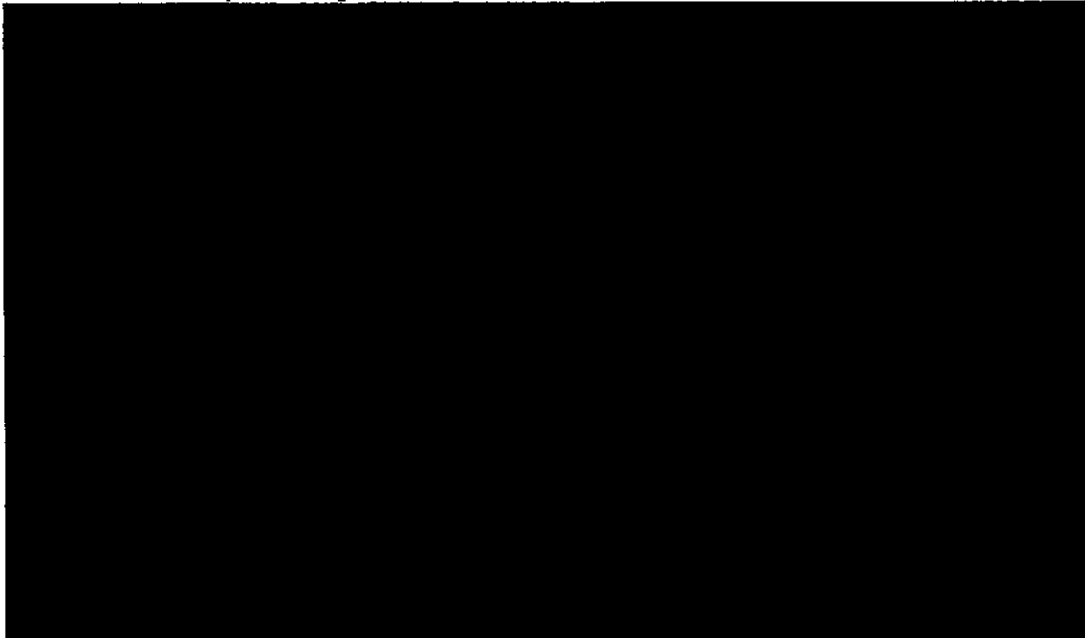
The informant provided information to a Collier County Sheriff's Correctional Deputy about inmate, Jose Raul Bonilla having committed a shooting at an event in downtown Fort Myers, Florida.

Informant provided the following information:

- The informant stated that Bonilla is in the jail because he is accused of beating a child.
- He advised Bonilla began to talk to him and began to trust him and eventually started to confide in him.
- Bonilla told him that Bonilla was in a gang in Immokalee. The gang commits robberies and was run by Rudy Ramos.
- The informant stated that Bonilla said that he is currently in charge of the gang because Ramos was arrested and sent to a jail out of the area.

The informant told the agents and the Assistant State Attorneys that Bonilla told him the following information:

- Bonilla went to an event held in downtown Fort Myers, Florida, in 2015. There were over twenty thousand people at the event. Bonilla did not tell the informant the name of the event.
- Bonilla went to the event with Bonilla's friend, Jaime Gomez (actual last name is Gamez). Note: During 5 prior interviews with Bonilla, Bonilla had claimed he was with Gabriel Alvarado at the Zombicon event; and in one interview specifically denied being with Gamez.)
- Gomez is currently in state prison for assaulting someone.



which Bonilla had previously discussed. A recording device was provided to the informant on Friday, December 29th 2017 to record these conversations should they occur.

On Saturday, December 30, 2017, Bonilla was moved into the same Pod as the informant.

On Tuesday, January 2, 2018, at 9:33 a.m., SA Roncinske received a telephone call from the informant stating that he had obtained recordings of conversations he had with Bonilla.

The recording device was recovered and reviewed by SA Roncinske.

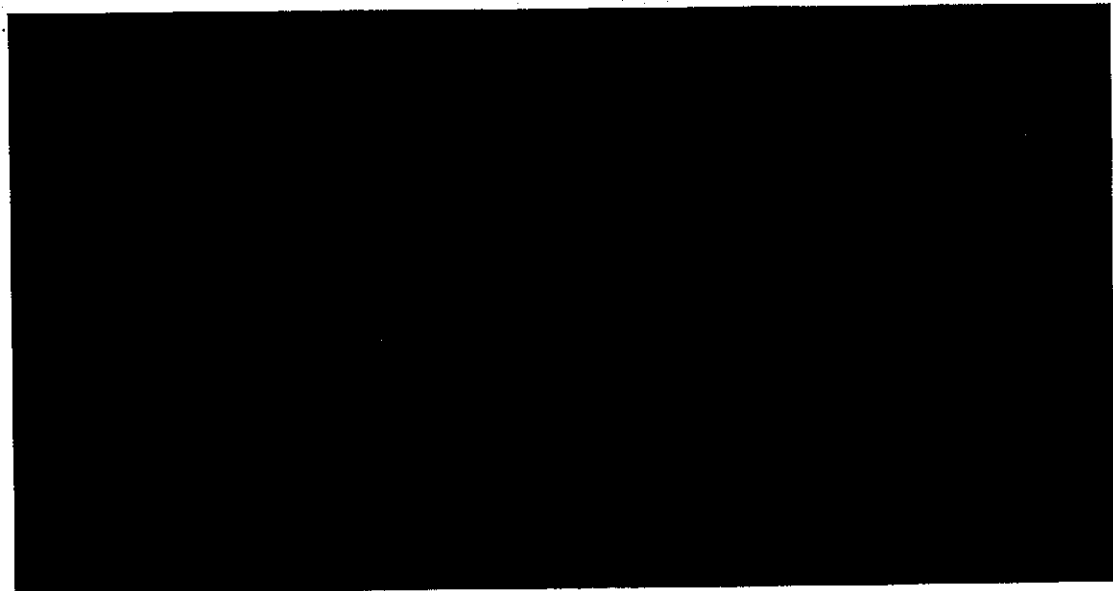
Details of audio recording:

It was determined that on Saturday, December 30, 2017, the informant turned the recording device on and had a conversation with Bonilla. Bonilla admitted [REDACTED] during the conversation.

It was also determined that on Monday, January 1, 2018, the informant turned the recording device on and had another conversation with Bonilla. Bonilla again admitted [REDACTED] during the conversation. Bonilla went into detail about the shooting.

SA Roncinske and TFO Mickey reviewed the covert audio recording made by the informant. The two recordings revealed the following:

The following is summary of the covertly recorded conversation that occurred on December 30, 2017, between Jose Bonilla and the informant at the Naples Jail Center:



• [REDACTED]

• [REDACTED]

The following is summary of the covertly recorded conversation that occurred on January 1, 2017, between Jose Bonilla and the informant at the Naples Jail Center:

• [REDACTED]

• [REDACTED]

• [REDACTED]

• [REDACTED]

• [REDACTED]

• [REDACTED]

• [REDACTED]

• [REDACTED]

Jose Bonilla statement February, 26, 2018

After reviewing the recorded statements made by Bonilla to the informant which were consistent with what the informant had reported, SA Roncinske and TFO Mickey met with Bonilla at the Naples County Jail. Bonilla provided a post-miranda statement regarding his involvement in the shooting.

Despite Bonilla's five prior statements to the contrary given to law enforcement and documented above, Bonilla admitted [REDACTED]

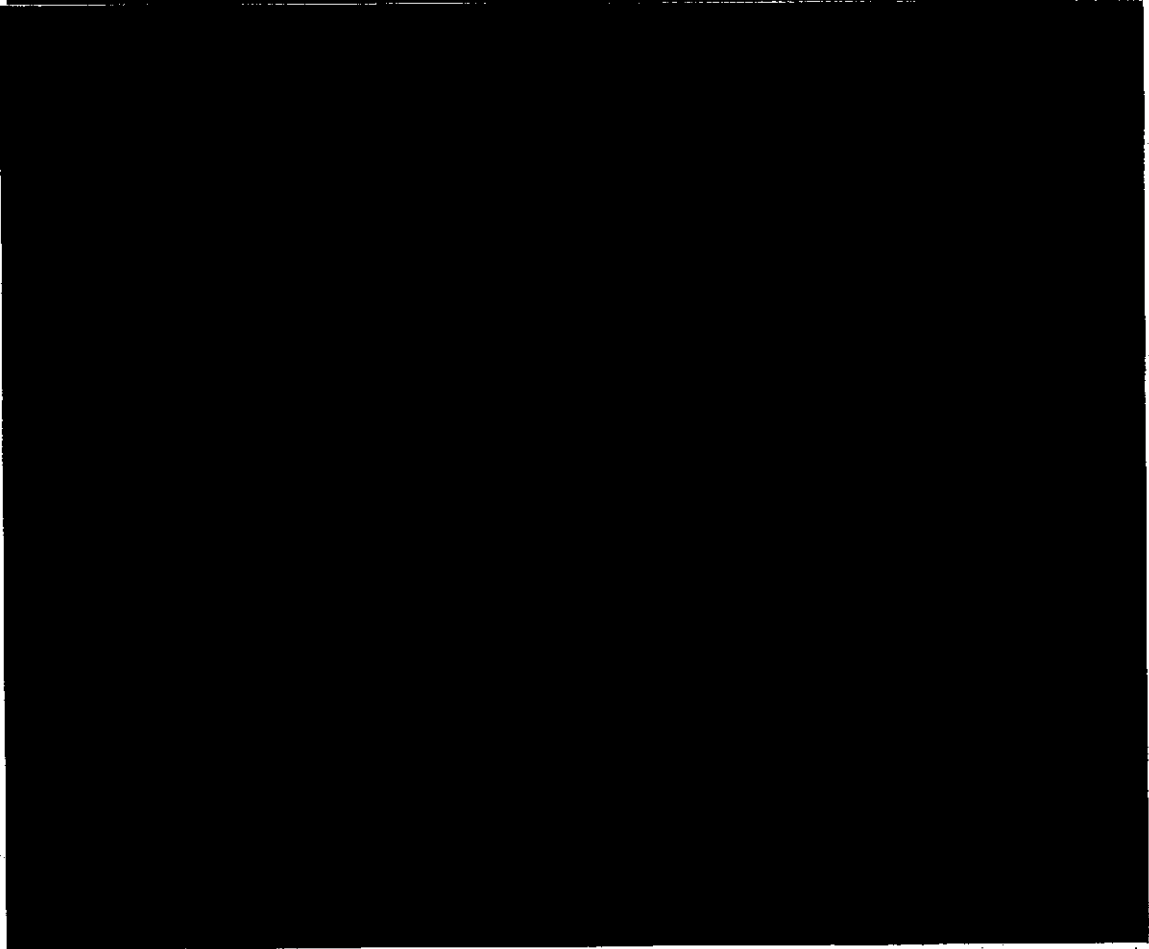
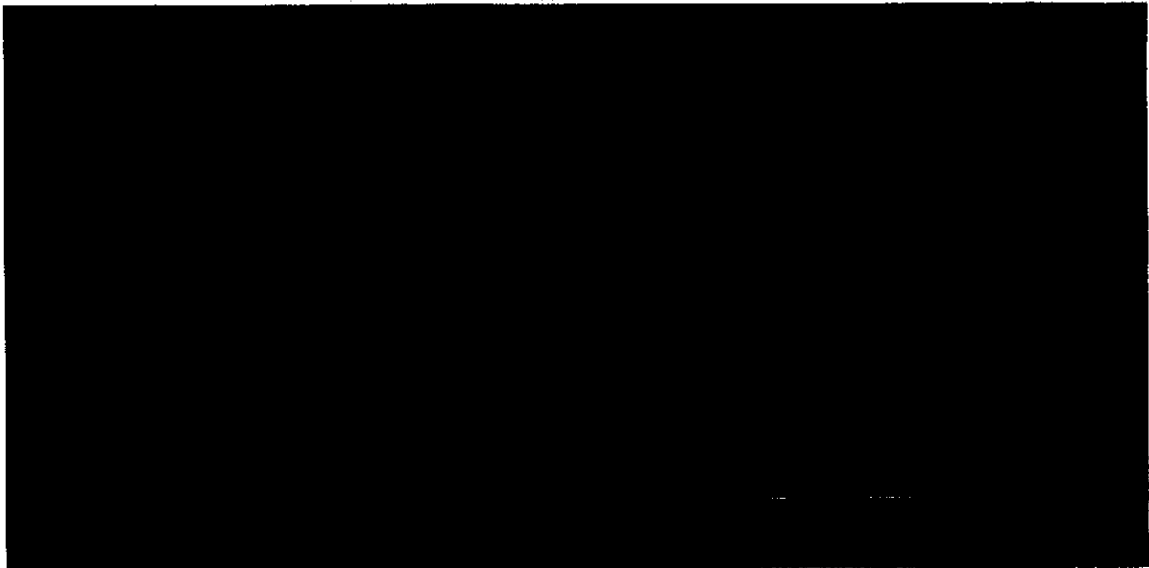
[REDACTED] Bonilla repeated most if not all of the statements he made to the informant during their unrecorded and recorded conversations as documented above.


During the February 26, 2018 interview, Bonilla specifically stated:

• [REDACTED]

• [REDACTED]

• [REDACTED]





11. WEIGHT OF THE EVIDENCE

With regard to the weight of the evidence, the State submits that the proof of guilt is evident and the presumption is great. Specifically, the State relies upon the recitation of facts above; and specifically notes the State has recordings in which the Defendant has admitted to the informant that he is responsible for the shootings at the Zombicon event on October 17, 2015. Admissions he repeated post-miranda to SA Roncinske and TFO Mickey on February 26, 2018.

While the State does not concede that there was an individual who in fact pulled a gun on the defendant; it is the State's position that even if this were true the Defendant would not be justified in using deadly force in these circumstances. See, *Reyes v. State*, 783 So.2d 1129 (3rd DCA 2001) and *March v. State*, 458 So.2d 308 (5th DCA 1984); and the cases cited therein.

12. DEFENDANT'S PAST AND PRESENT CONDUCT

The Defendant's criminal history will be presented during the hearing.

13. NATURE AND PROBABILITY OF DANGER

The State further submits that no conditions of bond will be sufficient to protect the public, and that the Defendant is charged with an offense punishable by life imprisonment in which proof of guilt is evident and the presumption great.

Should the Court agree with the State to grant the order for pretrial detention, the State respectfully requests the Court to render specific findings of fact and conclusions of law to support the order for pretrial detention within 24 hours of the pretrial detention hearing as required by F.S. 907.041(4)(i) and Florida Rule of Criminal Procedure 3.132 (c)(2).

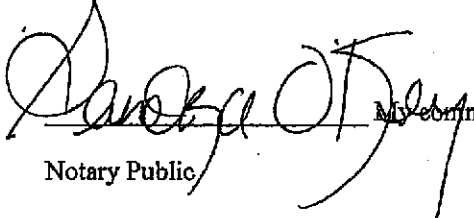
The undersigned Chief Assistant State Attorney hereby certifies that she has received testimony under oath supporting the grounds and essential facts alleged in this motion.

WHEREFORE THE STATE respectfully requests that the Defendant be detained without bond.

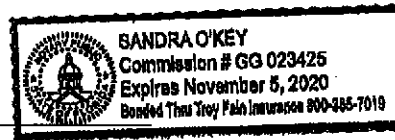
STATE OF FLORIDA, COUNTY OF LEE

Personally appeared before me, Amira D. Fox, Chief Assistant State Attorney of the Twentieth Judicial Circuit of the State of Florida, being personally, known to me, who being duly sworn, says that this motion is filed in good faith and certifies that testimony under oath supporting the grounds and essential facts alleged in this motion have been received.


Sworn to and Subscribed before me this 28th day of February 2018, by Amira D. Fox, personally known to me.


Notary Public

My commission expires: _____



STEPHEN B. RUSSELL
STATE ATTORNEY

BY: 
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Chief Assistant State Attorney
Florida Bar Number 0861316
2000 Main Street
Fort Myers, Florida 33901
eService: ServiceSAO-CH@sao.cjis20.org

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing will be furnished to David Brener, Counsel for Defendant, by Courthouse Mail and/or Electronic Transmission this February 28, 2018.



Amira D. Fox
Chief Assistant State Attorney