

IN THE CIRCUIT COURT OF THE THIRTEENTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA IN AND FOR HILLSBOROUGH COUNTY  
CIRCUIT CRIMINAL DIVISION

STATE OF FLORIDA

CASE NO: 2024-CF-006536  
2024-CF-006561

V

ANGEL GABRIEL CUZ-CHOC

DIVISION: O

**MOTION FOR PRETRIAL DETENTION, OR IN THE ALTERNATIVE, TO DENY BOND TO THE DEFENDANT BASED  
ON ARTICLE 1, SECTION 14 OF THE CONSTITUTION OF THE STATE OF FLORIDA**

COMES NOW, the state of Florida by and through the undersigned attorney, pursuant to Florida Statute §907.041, Rule 3.131, Rule 3.132, and Article 1, Section 14 of the Florida Constitution to respectfully petition this Honorable Court to order Pretrial Detention and/or deny bond and as grounds therefore would show:

1. Pursuant to §907.041(5)(d), the defendant is arrested for multiple “dangerous crimes” that are a capital felony, a life felony or a felony of the first degree, and the court determines that there is probable cause to believe the defendant committed the offenses: as defined by Florida Statute 907.041(5)(a)(9), to wit: 2 counts of first degree murder (a capital offense), F.S. 782.04(1)(a)(1); Florida Statute 907.041(5)(a)(8), to wit: kidnapping (a first degree felony, punishable by life offense), F.S. 787.01(1)(a)3; and Florida Statute 907.041(5)(a)(5), to wit: aggravated child abuse (a first degree felony) F.S. 827.03(2)(a), and there is a substantial probability that the Defendant committed such crimes, and based on the defendant's past and present patterns of behavior, consideration of the criteria in Florida Statute §903.046, and any other relevant facts, that no conditions of release or bail will reasonably protect the community from risk of physical harm, ***ensure the presence of the defendant at trial***, or assure the integrity of the judicial process. ***(emphasis added)***. The defendant is an illegal immigrant from Guatemala. In his post-Miranda interview with Detective Renee Garcia, the defendant stated that he entered this country by illegally crossing the border through the assistance of a coyote (slang term for smuggler who is paid to assist

people illegally crossing over the border into the United States). The defendant is a flight risk. In addition to the defendant's illegal immigrant status, he actively evaded and fled from law enforcement after he committed these brutal murders. This crime scene was located in a relatively rural area that contained strawberry fields, wooded areas and areas with dense foliage and vegetation. HCSO immediately set up a perimeter and began an extensive search for the defendant utilizing K-9 units, aviation units and extensive manpower to locate and apprehend the suspect. The defendant evaded law enforcement for over 17 hours and was eventually tracked down and apprehended by law enforcement with the assistance of K-9 units. There are no conditions of release that will ensure the defendant's presence at trial. The brutal and violent nature of the offense where victim #1 was violently stabbed multiple times and victim #2 who was a 4 year old child was stabbed twice establish a probability of danger his release poses to the safety of the community. No conditions of release will reasonably protect the community from risk of physical harm.

2. Pursuant to §907.041(5)(c)(5), there is substantial probability, based on the Defendant's past and present patterns of behavior, the criteria set forth in Florida Statue 903.046, and other relevant facts that: The Defendant poses a threat of harm to the community because the Defendant is presently charged with a crime that qualifies as a "dangerous crime": as defined by Florida Statue 907.041(5)(a)(9), to wit: 2 counts of first degree murder (a capital offense), F.S. 782.04(1)(a)(1); Florida Statute 907.041(5)(a)(8), to wit: kidnapping (a first degree felony, punishable by life offense), F.S. 787.01(1)(a)3; and Florida Statute 907.041(5)(a)(5), to wit: aggravated child abuse (a first degree felony) F.S. 827.03(2)(a), and there is a substantial probability that the Defendant committed such crime, the factual circumstances of the crime indicates 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. In the alternative, should the Court determine that the Defendant does not meet the requirements for Pretrial Detention based on Florida Statute §907.041, the State would ask the Defendant be held without bond according to the Florida Constitution Article 1, Section 14 since the Defendant is charged with two capital offenses (2 counts of 1<sup>st</sup> degree murder) and an offense punishable by life imprisonment (kidnapping) and the proof of guilt is evident or the presumption is great. See, State v. Arthur, 390 So.2d 717 (Fla. 1980); Preston v. Gee, 133 So.3d 1218, (Fla 2<sup>nd</sup> DCA 2014); State v. Fox, 647 So.2d 1051, (Fla. 5<sup>th</sup> DCA 1994) and Rule 3.131. The defendant confessed to killing both victims to one of his brothers and later to law enforcement in a post-Miranda interview. The State respectfully requests the Court to find that the proof of the defendant's guilt is evident or the presumption is great. The defendant is not an appropriate candidate for any type of monetary bond given his illegal immigrant status and because he is flight risk.

#### FACTUAL BASIS

On April 24<sup>th</sup> 2024, at approximately 1725 hours, Hillsborough County Sheriff's Office (HCSO) received a 911 call from complainant (Froylan Aparicio Rosales) who discovered victim #1 laying on the ground with blood on her while at 3720 Sumner Road, Dover, FL 33527. It was later determined victim #1 was beyond help and deceased in the back yard of the residence near a shed on the property. The complainant resides at 3720 Sumner Road along with victim #1, Angel Gabriel Cuz-Choc (the Defendant), and victim #1's daughter (victim #2). Victim #2 is a 4 year old child. HCSO Deputies cleared the residence and discovered victim #2 in the bathtub of the residence and observed blood within the bathtub.

A neighborhood survey was conducted, and video surveillance was obtained from 3719 Sumner Road, Dover, FL 33527. The video depicted a female subject running eastbound from the back (west ) of the residence (3720 Sumner Rd.) attempting to run from a male subject and screaming at 1540 hours.

Your affiant met with and conducted a sworn audio recorded interview with the complainant. During the interviewed, the complainant indicated he discovered victim #1 face down underneath a tarp on the west side of the residence. Victim #1 appeared to have a large laceration on the back of her neck and was covered in what appeared to be blood. Blood was also observed on the back door of the residence. Additionally, a bloody shoe known by the complainant to be worn by the defendant was located near victim #1's body on the south side of the property. Per the complainant, the defendant and victim #1 constantly argued and the defendant physically battered victim #1 a month prior.

Detectives on scene examined the victims and conducted a thorough search of the property. During the examination, Detectives noted the victim #1 to have a deep laceration to the back of her neck. Once victim #1 was turned over, Detectives observed a variety of lacerations to her face, breasts, and shoulder areas. Victim #2 was observed lying in a small pool of water within the bathtub inside the residence as the water was left running. A pool of blood was observed around victim #2's body and her head was also covered in blood. An examination revealed what appeared to be a puncture wound in victim #2's neck underneath the chin area and a second puncture in her head behind her left earlobe. Blood evidence observed over entry way of the rear door within the residence indicative of a violent event. A woman's torn blouse saturated with blood was located near the threshold of the interior rear door. Victim #1 was found to be shirtless in a partially torn bra.

Further, a blood trail was observed leading to the back of the trailer beginning directly west of the tree where victim #1 was originally seen in the surveillance video before being picked up by the defendant. Within the path of the blood trail, a grill on the southwest corner of the trailer was also observed containing blood transfer of handprint consistent with victim #1 being carried against her will. The blood trail was also consistent with the video which depicted victim #1 being forcibly abducted from the front (southeast) side of the trailer to her final resting location in the rear (west) side of the trailer. In the video, victim #1 could audibly be heard yelling in terror as she is carried to the area where she is

ultimately found dead. K9 also tracked north of the incident scene near 5711 US-92 Plant City, FL 33566 and in the process located a blue shirt with "Guatemala" written on a patch found on the right shoulder. Detectives then responded to 14530 Montaya Av. Dover, FL 33527 where a sworn audio recorded interview was conducted with witness #1 (Byran Cuz Choc) and witness #2 (Manuel Cuz Choc). Both witness #1 and witness #2 were identified the biological brothers of the defendant and they positively identified him via his first name, last name, and date of birth. During the interview with witness #1, he indicated he received a phone call from the defendant from phone number 908-887-6270 at approximately 1603 hours. During the phone call, the defendant bid farewell to witness #1. Witness #1 further indicated he had the defendant's phone number saved as "Angel" and positively identified the defendant's voice over the phone. During the interview with witness #2, he indicated he also received a phone call from the defendant at approximately 1910 hours. During the phone call, the defendant confessed to murdering victim #1 and victim #2. The defendant provided witness #2 with specific details regarding the deaths consistent with the crime scene and unknown to the public. Specifically the defendant stated that victim #2 was killed in the bathtub. Witness #2 also indicated he recognized the defendant's voice over the phone. Per witness #1, the defendant's reasoning for murdering victim #1 and victim #2 was due to victim #1 being out with a friend for three hours instead of her allotted hour and a half.

On 04/25/2024, an autopsy was performed on victim #2 by Dr. Jensen with the Hillsborough County Medical Examiner's Office. According to Dr. Jensen, the manner of death was ruled a "Homicide" while the cause of death was listed as a sharp force injury to the neck with damage to the jugular vein and larynx. The injuries observed on victim #2, including a laceration under the chin (approximately 1 cm in depth) and a laceration to the left side of the head/neck (approximately 6 cm in depth), indicated the defendant intentionally inflicted physical pain causing great bodily harm to victim #2. The act resulted in Victim #2's death.

On 04/25/2024, at approximately 1213 hours, law enforcement conducted a Post Miranda interview with the defendant. During the interview, the defendant admitted to the offense and provided details on how he stabbed victim #1 and victim #2. The defendant further provided statements that corroborated the crime scene to include the location of victim #1 and where the stabbing initially began which was consistent with the discovery of a large concentration of suspected blood near the rear (west) door of the trailer.

Based upon the evidence and investigation, the defendant chased victim #1 as she attempted to flee from him and forcefully grabbed her. The defendant then carried the victim behind the residence against her will where she was eventually found deceased. During the incident the defendant armed himself with a sharp object and knowingly and intentionally stabbed victim #1 resulting in her death. The defendant also knowingly and intentionally via unknown means stabbed victim #2, a 4 year old child, in the neck and head also resulting in her death. The defendant brutally and violently killed both victims. The defendant was identified, via first name, last name, and date of birth, by witness #1 and witness #2 as the person who contacted them, made admissions, and confessed to killing both victims. A "Tik Tok" photograph was also obtained from an ex-roommate (witness #3) of the defendant depicting the defendant with victim #1. Witness #3 identified the person in the photograph as the defendant.

In addition, the defendant is an illegal immigrant from Guatemala. In his post-Miranda interview with Detective Renee Garcia, the defendant stated that he entered this country by illegally crossing the border through the assistance of a coyote (slang term for smuggler who is paid to assist people illegally crossing over the border into the United States). The defendant is a flight risk. In addition to the defendant's illegal immigrant status, he actively evaded and fled from law enforcement after he committed these brutal murders. This crime scene was located in a relatively rural area that contained strawberry fields, wooded areas and areas with dense foliage and vegetation. HCSO immediately set up a perimeter and began an extensive search for the defendant utilizing K-9, aviation units and extensive manpower to locate and apprehend the suspect. The defendant evaded law enforcement for over 17

hours and was eventually tracked down and apprehended by law enforcement with the assistance of K-9 units.

The State respectfully requests this Court to hold the defendant under pretrial detention pursuant to §907.041(5)(d), and find that the defendant is arrested for multiple “dangerous crimes” that are a capital felony, a life felony or a felony of the first degree. The State further requests that the Court finds there is probable cause to believe the defendant committed the offenses, and there is a substantial probability that the Defendant committed such crimes, and based on the defendant's past and present patterns of behavior, consideration of the criteria in Florida Statute §903.046, and any other relevant facts, that no conditions of release or bail will reasonably protect the community from risk of physical harm, ***ensure the presence of the defendant at trial***, or assure the integrity of the judicial process. ***(emphasis added)***. There are no conditions of release that will ensure the defendant’s presence at trial based upon the defendant’s flight risk and illegal immigrant status. Alternatively under this section of the pretrial detention statute, pursuant to Florida Statute 903.046 (a) and (e), the court can also consider among other factors, the nature and circumstances of the offense and the nature and probability of danger which the defendant’s release poses to the community to determine that no conditions of release or bail will reasonably protect the community from risk of physical harm. The nature and circumstances of these offenses are excessively violent and brutal. The defendant attacked and stabbed his live-in girlfriend multiple times. In addition, he stabbed an innocent and defenseless four year old child while she was in the bathtub. The heinous nature of the offenses elevates that probability of danger the defendant’s release poses to our community and establish that no conditions of release will reasonably protect the community from risk of physical harm.

In the alternative, should the Court determine that the Defendant does not meet the requirements for Pretrial Detention based on Florida Statute §907.041, the State would ask the Defendant be held without bond according to the Florida Constitution Article 1, Section 14 since the Defendant is charged with two capital offenses (2 counts of 1<sup>st</sup> degree murder) and an offense punishable by life

imprisonment (kidnapping) and the proof of guilt is evident or the presumption is great. *See, State v. Arthur*, 390 So.2d 717 (Fla. 1980); *Preston v. Gee*, 133 So.3d 1218, (Fla 2<sup>nd</sup> DCA 2014); *State v. Fox*, 647 So.2d 1051, (Fla. 5<sup>th</sup> DCA 1994) and Rule 3.131. The defendant confessed to killing both victims to one of his brothers and in a post-Miranda interview to law enforcement. The State respectfully requests the Court to find that the proof of the defendant's guilt is evident or the presumption is great. The State would further request that the Court find that the defendant is not an appropriate candidate for any type of monetary bond given his illegal immigrant status and because he is flight risk.

The undersigned Assistant State Attorney certifies that they have received testimony under oath supporting the grounds and the essential facts alleged in the motion.

WHEREFORE, based on the foregoing, the State respectfully prays this Honorable Court to order Pretrial Detention.

I HEREBY CERTIFY that a copy of the foregoing MOTION FOR PRETRIAL DETENTION, OR IN THE ALTERNATIVE, TO DENY BOND TO THE DEFENDANT BASED ON ARTICLE 1, SECTION 14 OF THE CONSTITUTION OF THE STATE OF FLORIDA has been furnished by email to ASSISTANT PUBLIC DEFENDER, PDDISCOVERY@PD13.STATE.FL.US, 700 TWIGGS ST, TAMPA, FL 33602, attorney for the defendant, this 26<sup>th</sup> day of April, 2024.

Respectfully submitted,

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