

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)

FILE FOR RECORD
2018 MAR 23 PM 4:19
CLERK OF CIRCUIT COURT
MIAMI-DADE COUNTY FLA.
CIRCUIT CRIMINAL #9

STATEMENT OF FACTS IN SUPPORT OF AN ARREST WARRANT

Before me, MILTON HIRSCH, a Judge of the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, personally appeared Detective Jeffrey Childers, of the Miami-Dade Police Department, Traffic Homicide Unit, who being by me first duly sworn, deposes and says that he has probable cause to arrest Marcos Antonio Gonzalez Balboa, W/L/M, DOB: 11/26/1952, hereinafter referred to as "the Subject," for the following crimes:

One (1) count of Driving Under the Influence/Manslaughter/Failure to Render Aid, in violation of Florida Statute 316.193 (3) (c) (3) (b);

One (1) count of Vehicular Homicide/Fail to Stop, in violation of Florida Statute 782.071(1)(b);

One (1) count of Leaving Scene of Crash/Death, in violation of Florida Statute 316.027(2)(c); and

One (1) count of Tampering with Physical Evidence, in violation of Florida Statute 918.13(1)(a).

Your Affiant's reasons for the belief that he has probable cause to effectuate such arrest are as follows:

Your Affiant has been employed with the Miami Dade Police Department as an officer for eleven (11) years and has served as a detective in the Traffic Homicide Unit for three (3) years. During the eleven (11) years of his employment, your Affiant has investigated approximately one (1000) thousand crashes. As a detective, your Affiant has been the lead investigator on approximately fifty-six (56) traffic fatalities. In addition, in the past eleven (11) years your Affiant has assisted other detectives in the investigation of approximately three hundred (300) traffic fatalities. Your Affiant has extensive training in the field of traffic homicide investigation, having completed his most recent traffic homicide training course in February 2018.

In his official capacity, your Affiant has been assigned as the lead Traffic Homicide Investigator of a traffic fatality crash reported under Miami Dade Police Department case number PD171207467046 that occurred on Thursday, December 07, 2017 at approximately 1:48 a.m., at the intersection of Miami Lakes Drive and Fairway Drive, Town of Miami Lakes, in Miami-Dade County, Florida. This crash resulted in the death of Tatum Holloway, W/F, DOB: 12/27/1990, hereinafter referred to as "the Victim." In the course of this investigation, your Affiant has learned the following:

On the afternoon of December 06, 2017, the Subject consumed multiple alcoholic drinks at the Bulla Gastrobar in Coral Gables, Florida. He was there from approximately 5:00 p.m. until 11:00 p.m. (Your Affiant was able to get a copy of the Subject's tab for the drinks he purchased from the bar.) ^{see attached} When he finished at the bar, the Subject walked to a nearby parking garage to retrieve his car. Video surveillance footage shows that the Subject was having difficulty walking properly, and that he appeared to stumble as he walked. The Subject can also be seen on video surveillance footage attempting to leave the parking garage in his vehicle. However, it took him a long time to exit the garage, as the video footage recovered in this case shows he had trouble with putting money or a

ticket into the machine that operates the exit gate. After the Subject finally left the parking garage, he drove north, into the Town of Miami Lakes. The vehicle he drove that night was a 2013 Silver Mercedes C250 bearing tag #HYL3F.

Once in Miami Lakes, the Subject drove west on Miami Lakes Drive, which has street lights that illuminate the roadway. That road has a posted speed limit of 30 mph. As he approached a curve in the roadway, the Subject lost control of his vehicle, veered from his lane of travel, and struck the "Victim," who was walking west, crossing Fairway Drive. The impact of the crash was so great that the Victim's body was vaulted upward and into the windshield of the Subject's vehicle. Her body was then hurled about 51 feet from the area of collision, and came to rest along the side of the road next to a storm drain. Her watch was knocked off her wrist due to the impact, as well. Dr. Amber Wang, M.D., Associate Miami-Dade County Medical Examiner, responded to the scene of the crash and conducted a preliminary post-mortem examination. An autopsy that was later performed on the Victim's body revealed that the cause of death was multiple blunt force injuries. It appears that the victim was struck and killed at around 1:48 a.m. on December 7, 2017.

The right front and side of the Subject's vehicle sustained damage as a result of striking and killing the victim. A piece of the front bumper was found on the scene of the crash. This car part had markings on it that indicated that the vehicle which struck the victim was in fact a Mercedes, consistent with the vehicle the Subject was driving that night.

The Subject did not stop and remain to render assistance to the Victim, nor did he report this fatal collision. Instead, he continued to travel west, and ultimately drove to his residence, located at 17325 NW 81 Avenue, Hialeah, Florida. He arrived there at approximately 1:59 a.m. Your Affiant is familiar with the roadways between the scene of the fatal crash and the Subject's residence, and he easily could have driven at that time of the night from the crash scene to his home in that amount of time.

The house across the street from the Subject's residence is equipped with video surveillance cameras, and footage obtained by your Affiant shows the Subject returning home. Additionally, the video surveillance footage shows that the Subject's vehicle, upon its arrival at his home, has damage. The footage of the Subject leaving the Coral Gables parking garage at 11:57 p.m. shows that the Subject's Mercedes is intact with no damage to the windshield, hood and bumper.

Video surveillance evidence obtained shows that on the morning of December 07, 2017, at around 6:47 a.m., the Subject exited his residence and examined the damage to his vehicle as it was parked at his residence. Shortly thereafter, the Subject left his residence and drove the damaged Mercedes to his law office located at 6500 Cow Pen Road Suite #302, Miami Lakes, Florida 33014. At around 4:00 p.m. that afternoon, an anonymous tipster made contact with this investigator. The tipster was aware of the fatal hit and run crash (there were numerous news outlets which had covered this crash), and noticed the Subject's vehicle had damage to the windshield, and further noted the Subject's vehicle was not parked in his ordinary designated parking spot, but across the street. The tipster agreed to speak with your Affiant and said "I observed the vehicle with damage on the windshield, on the lower right side." The tipster's observation of the damage to the Subject's vehicle was consistent with where the Victim would have come into contact with the car.

Upon receiving this information, your Affiant had Miami Dade Police Department Traffic Homicide Investigator Detective Michael Tapanes respond to the Subject's residence to set up a visual surveillance for the Subject in case he returned home with the vehicle because based upon the information provided, your Affiant believed that the vehicle the tipster had described was the one that had struck and killed the victim.

On December 07, 2017 at approximately 5:06 p.m., Detective Tapanes observed the Subject driving the Mercedes on N.W. 174 Street in Miami-Dade County. Detective Tapanes initiated an investigative stop of the Subject in the vehicle. An inspection of the

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exterior of the vehicle revealed there was front end damage, consistent with having struck the Victim. Additionally, a piece of the front right bumper was missing, which was consistent with the vehicle part that was found at the scene of the fatal crash. Moreover, it was obvious that the windshield had recently been replaced because there was still tape on the windshield holding it in place and the suction cup marks from installing the new windshield were visible.

At the scene of this investigatory stop, the Subject made a spontaneous statement that "a coconut hit my windshield," although there were no coconut trees in the area of where the Victim was struck and killed. Although the Subject refused to provide a statement about what had happened the night before, he did sign a consent form for the police to seize and search his Mercedes, and to seize and search his cellular telephone. A subsequent digital forensic examination of the Subject's cell phone was conducted by the Federal Bureau of Investigation (FBI) revealed that the Subject's cell phone was in the geographic area of the location of the crash at time of the crash with the Victim. Additionally, the car part which was found at the scene of the crash was compared to the missing part of the Mercedes by the Miami-Dade Police Department crime laboratory. The microscopic examination of these parts confirmed that the car part found at the scene of the crash did in fact come from the Subject's Mercedes.

Your Affiant made note of the manufacturer of the new windshield that was on the Subject's Mercedes, and determined that it had been installed at a repair shop in Pompano, Florida. Your Affiant made contact with the workers at that repair shop, and they confirmed that on December 7, 2017, the Subject arrived there with a damaged Mercedes vehicle, and directed them to replace the windshield. Although the original windshield had already been discarded in the trash, your Affiant was able to locate the windshield at the Waste Management (WM) Recycling Center located at 1750 SW 43 Terrace, Deerfield Beach, Florida 33442. That windshield was impounded as evidence.

Based upon the totality of this evidence, your Affiant has probable cause to believe

Arrest Warrant of Marcos Antonio Gonzalez Balboa

Case Number PD171207467046

Affiant's Initials UV

Judge's Initials MMK

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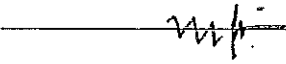
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that on the night of December 6, 2017, going into the early morning hours of December 7, 2017, the Subject drove a Mercedes motor vehicle while under the influence of alcohol to the extent that his normal faculties were impaired; and that he drove that vehicle recklessly, and did therefore strike, and kill the Victim in this case. Moreover, the Subject did not stop and render assistance to the Victim, nor did he report the crash, as required by law. He then took steps to destroy evidence of his crimes, by taking the vehicle from Miami-Dade County into Broward County, in order to replace the damaged windshield.

WHEREFORE, for the foregoing reasons, Your Affiant requests a warrant for the arrest of Marcos Antonio Gonzalez Balboa for the charges of Driving Under the Influence/Manslaughter/Failure to Render Aid, Vehicular Homicide/Fail To Stop, Reckless Driving Resulting in Serious Bodily Injury, Leaving Scene of Crash/Death, and Tampering With Physical Evidence, based on the probable cause herein shown.


Affiant / Detective Jeffrey M. Childers, 30-7952

SWORN TO AND SUBSCRIBED before me on this 23 day of March 2018.


Judge of the Circuit Court
Of the Eleventh Judicial
Circuit of Florida

IBER.PRT
Bulla Gastrobar

Server: PM BAR 2
604Lurk/1
Guests: 0 2077
Reprint #: 1

12/06/2017
10:06 PM
20221

3 Rocks El Jimador Reposado (@10.00) 30.00
4 Rocks Titos (@11.00) 44.00
20 Rocks Macallan 12 (@14.00) 28.00
Margarita El Jimador Repo 12.00
2 Tartar de Atun (@14.00) 28.00

Subtotal 142.00
Tax 11.36

Total 153.36

AMEX #XXXXXXXXXXXX6002 153.36
Service Charge 20.00
Total 173.36

Auth:525798

Grand Total 173.36

Thank You!
***Suggested Tip ***
(18%) \$25.56
(20%) \$28.40

IBER.PRT
Bulla Gastrobar

Server: PM BAR 2
901 Lurk/1
Guests: 0
Reprint #: 1

12/06/2017
11:21 PM CLOSED
20328

2 Rocks Macallan 12 (@14.00) 28.00
8 Rocks Grey Goose (@12.00) 96.00

Subtotal 124.00
Tax 9.92

Total 133.92

AMEX #XXXXXXXXXXXX6002 133.92
Service Charge 20.00
Total 153.92

Auth:528484

Grand Total 153.92

Thank You!
***Suggested Tip ***
(18%) \$22.32
(20%) \$24.80

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