

PROBABLE CAUSE AFFIDAVIT		FORM On View (PC Arrest) <input checked="" type="checkbox"/> Capias Request _____ PURPOSE Taken into Custody (Warrant/Capias Arrest) _____	Summons/Cited (NTA) _____	JUVENILE YES _____ NO <input checked="" type="checkbox"/>
		AMENDED _____	Referral _____ Civil Citation _____	
Arresting Agency ORI FL0050700	Arresting Agency Name CITY OF MELBOURNE POLICE		Arresting Agency Case/Arrest Number 2024-00171234	OBTS Number 0501478709
FDLE (SID) Number	FBI Number	DOC Number	Transport Time	Jail Date / Time 0645 12-22-2024
Location of Arrest (Include Name of Business) CROWN BLVD / S BABCOCK ST MELBOURNE 32901		City MELBOURNE	Location of Offense (Business Name, Address) CROWN BLVD / S BABCOCK ST MELBOURNE FL 32901	
Offense Date OR Date Range 12/22/2024	Arrest Date / Time 12/22/2024 00:48	Charge Type (Check as many as apply) Misdemeanor <input checked="" type="checkbox"/> Felony <input checked="" type="checkbox"/> Traffic _____ Ordinance _____		Evidence Confiscated (Check as many as apply) Vehicle _____ Firearm _____ Property _____ Unarmed
Name (Last, Suffix) CHAVEZ GRAY	Name (First) MALCOLM	Name (Middle) MILES	Alias and Type	Date of Birth 07/10/1999
Race Black	Ethnicity Hispanic	Sex Male	Height 5' 10"	Age 25
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)		Weight 225	Eye Color Brown	Jacket Number 5077918
Local Address (Street, Apt. Number) 560 fern ave ne palm bay, FL 32907-		City, State, Zip	Phone/Type (include area code)	Primary Language English <input checked="" type="checkbox"/> _____
Permanent Address (Street, Apt. #) or Parent's Name if Juvenile 560 fern ave ne palm bay FL		City, State, Zip	Phone/Type (include area code)	Complexion Brown, Dark
Business Address (Name, Street) or School if Juvenile		City, State, Zip	Phone/Type (include area code)	Build Heavy
Driver's License State / Number / Type FL/C126553992500/E	Social Security Number* [REDACTED]	INS Number	Place of Birth Florida	Citizenship United States Of America (USA)
Residence Type: City <input checked="" type="checkbox"/> County _____ Florida _____ Out of State _____		Mark All that Apply (Y, N, Unk) Homeless <input type="checkbox"/> Sex Offender <input type="checkbox"/> Gang Affiliation <input type="checkbox"/>		Suspected of Using (Y, N, Unk) Alcohol <input checked="" type="checkbox"/> Computer/Handheld Device <input type="checkbox"/> Drugs _____
PARENT Driver's License State / Number / Type	PARENT Social Security Number	Juvenile Civil Citation Not Referred Explanation		Juvenile Facility
*Collection of social security numbers from an arrested individual is to verify identity and may be shared with other law enforcement agencies.				
PC <input checked="" type="checkbox"/> Capias _____ Warrant _____ Additional Charge _____	Date Issued	Writ Aff. _____	Domestic Violence _____	Order of Arrest _____
Charge Description DUI - Alcohol * 90D1		Counts 1	F.S. Ord. <input checked="" type="checkbox"/> 316.193.1a	Reclassifier
Drug Activity	Drug Type	Amount / Unit	Bond Amount \$,500.00	Warrant / Citation / Court Number
The undersigned certifies and swears that he/she has just and reasonable grounds to believe and does believe that the above named Defendant committed the following violation of law On the 22 day of DECEMBER, 2024 at 0040 <input checked="" type="checkbox"/> AM _____ PM (Specifically include facts constituting cause for arrest)				
Confidential Victim Information Included - YES _____ NO <input checked="" type="checkbox"/>				
In accordance with F.S.S. 93B.27, I hereby request reimbursement of investigative costs consisting of _____ hrs @ \$ _____ per hr and/or _____ miles @ _____ per mile for a total of \$ _____ Affidavit Attached: Yes _____ No _____ Continue for: Narrative <input checked="" type="checkbox"/> Charges _____				
Mandatory Appearance in Court		Location (Court and Address)		Division #
		Date: Month _____ Day _____ Year _____ Time _____ AM _____ PM		
I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST OR A TAKE INTO CUSTODY ORDER SHALL BE ISSUED.				
Signature of Defendant / Juvenile		Signature of Juvenile's Parent/Custodian		Release to: (Name)
				Date
				Time
Hold for Other Agency Name:		Verified By:	Do Not Bond Out Reason	
				Hold for 1st Appearance (Adults Only)
I swear/affirm the above and attached statements are true and correct <input checked="" type="checkbox"/> on 12/22/2024		Officer's/Complainant's Signature Officer Electronically Signed	ID# 5047	Officer's/Complainant's Name (Printed) JaQuavious Smith
Sworn and Subscribed before me, the undersigned authority this <input checked="" type="checkbox"/> day of 12/22/2024		Notary Signature Officer Electronically Signed	Notary Name (Printed) Lt. W. L. ...	Notary/Law Enforcement Officer in Performance of Official Duties. Personally Known <input checked="" type="checkbox"/> ID _____

281B \$0

AGENCY NAME: CITY OF MELBOURNE POLICE	BREVARD COUNTY, FLORIDA	Arresting Agency Case Number 2024-00171234
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Defendant / Juvenile Name (Last, Suffix) CHAVEZ GRAY	Defendant / Juvenile Name (First) MALCOLM	Defendant / Juvenile Name (Middle) MILES	OBT Number
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Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth/Age	Juvenile (Y or N)
Arrested <input type="checkbox"/> At Large <input type="checkbox"/> Cited <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/>				

Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth/Age	Juvenile (Y or N)
Arrested <input type="checkbox"/> At Large <input type="checkbox"/> Cited <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/>				

PC <input checked="" type="checkbox"/> Capias <input type="checkbox"/> Warrant <input type="checkbox"/> Additional Charge <input type="checkbox"/>	Date Issued	Writ Aff. <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Order of Arrest <input type="checkbox"/>
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Charge Description DUI Damage to Prop/Person of Another - Alcohol * 90D1	Counts 1	F.S. Ord. <input checked="" type="checkbox"/>	Statute / Ordinance Number 316.193.3c1	Reclassifier
Drug Activity	Drug Type	Amount / Unit	Bond Amount \$,500.00	Warrant / Citation / Court Number

PC <input checked="" type="checkbox"/> Capias <input type="checkbox"/> Warrant <input type="checkbox"/> Additional Charge <input type="checkbox"/>	Date Issued	Writ Aff. <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Order of Arrest <input type="checkbox"/>
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Charge Description Flee W/Disregard of Safety to Persons/Prop * 90Z	Counts 1	F.S. Ord. <input checked="" type="checkbox"/>	Statute / Ordinance Number 316.1935.3a	Reclassifier
Drug Activity	Drug Type	Amount / Unit	Bond Amount 2500.00	Warrant / Citation / Court Number

PC <input type="checkbox"/> Capias <input type="checkbox"/> Warrant <input type="checkbox"/> Additional Charge <input type="checkbox"/>	Date Issued	Writ Aff. <input type="checkbox"/> Domestic Violence <input type="checkbox"/> Order of Arrest <input type="checkbox"/>
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Charge Description	Counts	F.S. Ord.	Statute / Ordinance Number	Reclassifier
Drug Activity	Drug Type	Amount / Unit	Bond Amount	Warrant / Citation / Court Number

Year 22	Make TOYOTA	Model COROLLA, CO	VIN 5D5Y5ENC7NP120757	Tag / Tag State 67BXDT	Primary Color Blue, Dark	Secondary Color
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* If Applicable, provide information related to the vehicle involved in the crime.

On 12/22/24 at 0023 hours, Ofc. Davenport #433 and FTO Murphy #4955 were assigned to the Melbourne Police Departments patrol division as B91X. During that time, they responded to 3550 S Babcock St in reference to a vehicle stopped in the roadway on Babcock St. According to the caller, the male was passed out behind the wheel of the vehicle.

Ofc. Davenport arrived on scene and located the vehicle in question in the roadway near the entrance from Babcock St. The vehicle was a blue Toyota bearing Florida tag #67BXDT. They observed a black male driver later identified as Malcolm Chavez-Gray (herein defendant), seated behind the wheel of the vehicle passed out. The vehicle was in drive with the defendant as the only occupant of the vehicle. Ofc. Davenport and FTO Murphy knocked on the window several times to wake the defendant up. The defendant eventually woke up. He looked over towards Ofc. Davenport with a fixed gaze stare. Ofc. Davenport stated the defendant appeared to have red eyes and appeared intoxicated. Further, the defendant had vomit on his dark jacket.

Officer's/Complainant's Signature Officer Electronically Signed	ID# 5047	Officer's/Complainant's Name (Printed) JaQuavious Smith
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Defendant / Juvenile Name (Last, Suffix) CHAVEZ GRAY	Defendant / Juvenile Name (First) MALCOLM	Defendant / Juvenile Name (Middle) MILES	OBTS Number
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PC <input type="checkbox"/> Capias <input type="checkbox"/> Warrant <input type="checkbox"/> Additional Charge <input type="checkbox"/>	Date Issued	Writ Aff. <input type="checkbox"/>	Domestic Violence <input type="checkbox"/>	Order of Arrest <input type="checkbox"/>
Charge Description	Counts	F.S. <input type="checkbox"/>	Statute / Ordinance Number	Reclassifier
Drug Activity	Drug Type	Amount / Unit	Bond Amount	Warrant / Citation / Court Number

PC <input type="checkbox"/> Capias <input type="checkbox"/> Warrant <input type="checkbox"/> Additional Charge <input type="checkbox"/>	Date Issued	Writ Aff. <input type="checkbox"/>	Domestic Violence <input type="checkbox"/>	Order of Arrest <input type="checkbox"/>
Charge Description	Counts	F.S. <input type="checkbox"/>	Statute / Ordinance Number	Reclassifier
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PC <input type="checkbox"/> Capias <input type="checkbox"/> Warrant <input type="checkbox"/> Additional Charge <input type="checkbox"/>	Date Issued	Writ Aff. <input type="checkbox"/>	Domestic Violence <input type="checkbox"/>	Order of Arrest <input type="checkbox"/>
Charge Description	Counts	F.S. <input type="checkbox"/>	Statute / Ordinance Number	Reclassifier
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The defendant let his foot off the brake and the vehicle began rolling slowly southbound. Ofc. Davenport entered the patrol vehicle as the driver and activated both the emergency lights and siren. The defendant drove the vehicle over the curb in front of Walmart. This information was given over the police radio to Lt. Hart #403 who was monitoring the pursuit.

The defendant drove back onto Babcock southbound at approximately 20 mph. The vehicle struck the curb in front of 3595 S Babcock St. The vehicle continued south giving no regard for the emergency lights or sirens. The vehicle continued at low speeds weaving within the lane of travel. The vehicle drove off the roadway again near 3960 S Babcock St narrowly missing a pole.

The vehicle came back onto the roadway still at low speeds. The vehicle temporary came to a stop near 4070 S Babcock St. Lt. Linehan #3198 approved the vehicle to be stopped via a Precision Immobilization Technique (PIT) if safe to do so. When the vehicle continued back southbound near Crown Blvd, Ofc. Davenport performed a low-speed PIT maneuver placing his front passenger side of the patrol vehicle into the rear driver side of the defendant's vehicle. This caused the defendant's vehicle to turn abruptly to the left and stop. Due to the PIT, both the police vehicle and suspects vehicle sustained damage.

I Officer Smith #5047, came on scene as a back up officer due to a possible drunk driver. When the vehicle became immobilized, I made contact with the vehicle and its driver Malcolm

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Defendant / Juvenile Name (Last, Suffix) CHAVEZ GRAY	Defendant / Juvenile Name (First) MALCOLM	Defendant / Juvenile Name (Middle) MILES	OBTS Number
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PC <input type="checkbox"/> Capias <input type="checkbox"/> Warrant <input type="checkbox"/> Additional Charge _____	Date Issued _____	Writs Aff. _____	Domestic Violence <input type="checkbox"/>	Order of Arrest _____
Charge Description	Counts	F.S.	Statute / Ordinance Number	Reclassifier
Drug Activity	Drug Type	Amount / Unit	Bond Amount	Warrant / Citation / Court Number

PC <input type="checkbox"/> Capias <input type="checkbox"/> Warrant <input type="checkbox"/> Additional Charge _____	Date Issued _____	Writs Aff. _____	Domestic Violence <input type="checkbox"/>	Order of Arrest _____
Charge Description	Counts	F.S.	Statute / Ordinance Number	Reclassifier
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PC <input type="checkbox"/> Capias <input type="checkbox"/> Warrant <input type="checkbox"/> Additional Charge _____	Date Issued _____	Writs Aff. _____	Domestic Violence <input type="checkbox"/>	Order of Arrest _____
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Chavez Gray who was observed staring in a fixed gaze. When I made contact at the driver side of the vehicle, the defendant was observed with vomit on his jacket and pants, and I could smell a strong odor of an alcoholic beverage coming from within the vehicle. The defendant was taken into custody and read his Miranda rights, to which the defendant advised he understood and wished to speak with me.

Post Miranda the defendant admitted to drinking at a friend's party prior to contact being made with him. While speaking with the defendant, I could smell a strong odor of an alcoholic beverage coming from his breath, he had glassy/watery and bloodshot red eyes. I then informed the defendant of my observations thus far and requested that he cooperate with the administration of standardized field sobriety exercises, to which he agreed.

I began by asking the defendant preliminary questions pertaining to his overall health and Physical well-being. The defendant advised that he had no physical impairments that would prevent him from standing on one foot or walking in a straight line.

I administered the standardized field sobriety exercises, with the following results: During the horizontal gaze nystagmus exercise, the defendant exhibited a lack of smooth pursuit in both eyes, maximum deviation in both eyes and on-set prior to 45 degrees in both eyes, and failed to keep his head still as instructed.

During the walk-and-turn exercise, the defendant attempted to begin the exercises before instructions were finished, he couldn't maintain his balance while listening to instructions, lost his balance while walking, stepped offline, turned incorrectly as instructed, did not touch heel to toe, used his arms for balance raising them approximately six inches away from his body, took the incorrect number of steps going up the line at which point I had to direct him to turn

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Defendant / Juvenile Name (Last, Suffix) CHAVEZ GRAY	Defendant / Juvenile Name (First) MALCOLM	Defendant / Juvenile Name (Middle) MILES	DBTS Number
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Drug Activity	Drug Type	Amount / Unit
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around. While defendant was attempting to walk he did not count from 1 to 9 but counted each step out from 1 to 3.

During the one-leg stand exercise, the defendant swayed while balancing, attempted to start the exercise numerous times before instructions were finished, put his foot down stopped performing the exercise prior to my direction.

Due to my observations thus far, I determined that the defendant was under the influence of alcoholic beverages to the extent that normal faculties were impaired. I arrested the defendant for Driving under the influence. I asked the defendant to give a sample of his breath, to which he first disagreed until he was informed of the outcome if he refused at which point he agreed.

I transported the defendant to Holmes Regional Medical Center for medical clearance, and later transported him to the Palm Bay Police Department booking facility, where I administered the breath test after a 20-minute observation period, during which the defendant placed nothing in his mouth and did not regurgitate (0200-0220 hours). The defendant's first breath sample resulted in 0.188, and the second sample resulted in a 0.192.

I arrested the defendant for Driving Under the influence W-BAL over .15, D.U.I w/property damage and Fleeing and eluding. The defendant was later turned over to the Brevard County Jail. The field sobriety exercises were recorded on my department-issued Axon Body-Worn Camera.

The defendant was issued a Florida Uniform Traffic Citation (AKPYVGE) for D.U.I w/property

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Defendant / Juvenile Name (Last, Suffix) CHAVEZ GRAY	Defendant / Juvenile Name (First) MALCOLM	Defendant / Juvenile Name (Middle) MILES	OBTS Number
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damage, UTC (AKPYVAE) for failing to drive within designated lane, UTC (AKPYV9E) for overtaking on and driving of pavement, UTC(Fleeing and Eluding LEO and a Florida DUI citation (AI9B8VE) and his driver's license was seized.

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