

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.:

v.

DIVISION: O

TYRELL STEPHEN PHILLIPS

MOTION FOR PRE-TRIAL DETENTION

COMES NOW the State of Florida, by and through the undersigned attorney, pursuant to Florida Statute 907.041 and Florida Rule of Criminal Procedure 3.132 to respectfully petition this Honorable Court to order Pretrial Detention.

As grounds for Pretrial Detention, the State would show that pursuant to Florida Statute 907.041(5)(c) there is a substantial probability, based on the Defendant's past and present patterns of behavior, the criteria set forth in Florida Statute 903.046, and any other relevant facts that the following circumstances exist:

- 1) The Defendant poses a **threat** to the community given that he is presently charged with a "dangerous crime" as defined by Florida Statute 907.041(5)(a), to wit: Murder in the Second Degree with a Firearm, there is a substantial probability that the Defendant committed that crime, the factual circumstances of the crime indicate a disregard for the safety of the community and there are no conditions of pretrial release sufficient to protect the community from the risk of physical harm to persons.
- 2) The Office of the State Attorney certifies that the grounds and essential facts alleged in the Motion for Pre-Trial Detention are based on testimony received under oath.
- 3) On Sunday October 29, 2023, at approximately 2:47 A.M., multiple officers with the Tampa Police Department (hereinafter "TPD")

were on duty within the Ybor City entertainment district when they heard several gun shots in the vicinity 1600 block of East Seventh Avenue.

- 4) Upon responding to the scene, officers discovered the victim lying in a pool of his own blood in the middle of Seventh Avenue.
- 5) The victim was ultimately pronounced dead at the scene due to gunshot injuries.
- 6) Beyond the injuries inflicted to the victim, multiple other individuals at the scene had been injured and were receiving aid from TPD and emergency personnel.
- 7) While providing aid to other injured individuals, TPD officers were voluntarily approached by the defendant.
- 8) The defendant admitted to having discharged a firearm during the incident and, when detained, was found to have a loaded Glock 29 10mm handgun in his front waistband.
- 9) TPD detectives later contacted the defendant and, after being instructed of his Miranda rights, the defendant voluntarily consented in writing to speak with detectives.
- 10) The defendant stated he was in Ybor City with several friends when he observed a former female schoolmate and waved to her.
- 11) As he waved to the female, the defendant said he was approached by several unknown black males who approached him in an aggressive manner.
- 12) The defendant further stated one of the black males took a fighting stance, while another black male spit at the defendant.
- 13) The defendant also described a third black male who made reaching movements toward his waistband, which the defendant claimed caused him to fear that the third black male was armed with a

firearm despite never having seen the third black male in possession of a firearm.

- 14) However, the defendant only mentioned the allegedly armed third black male after TPD detectives specifically asked whether any of the black males had weapons.
- 15) The defendant claimed he could not hear any of the words being yelled at him by the roughly half dozen black males that had approached him aggressively.
- 16) The defendant next claimed that he was in fear for his safety and, in response, drew the firearm he carried concealed at his waistband and discharged it at the black males but did not specifically target any one individual.
- 17) The defendant claimed to have fired approximately two rounds and then fled on foot.
- 18) TPD detectives discovered three 10mm spent shell casings at the scene near the body of the deceased victim and in a place consistent with where the defendant described the altercation took place.
- 19) The victim was found to have a loaded firearm concealed at his waistline, but that firearm was still fully encased inside its holster.
- 20) The victim's body was later examined and found to have a gunshot wound to the leg, as well as a separate gunshot wound to the victim's neck, which appeared to have struck the victim's spinal cord.
- 21) Subsequent to the defendant interview, TPD detectives began receiving video camera footage from eyewitnesses and on-lookers depicting the moments immediately preceding the shooting as well as the moment the defendant discharged his firearm three times.

- 22) Footage from multiple angles of the shooting, and the moments immediately preceding the shooting, were inconsistent with the defendant's version of events as he outlined the facts during his interview.
- 23) The defendant was again interviewed about the events leading up to the shooting by TPD detectives.
- 24) The defendant specifically identified himself on the video as the person who first draws and discharges a firearm.
- 25) The defendant also identifies several of the unknown black males who acted aggressively toward him, including the one who spit at him, which is the victim, and the one who the defendant believed had a firearm concealed in his waistband, which is not the victim.
- 26) On the video footage the victim is depicted raising his hands up at one point shortly before the shooting and no object or weapon can be seen in the victim's hand.
- 27) As the victim then lowers his hands back down, the defendant, in turn, draws and discharges his concealed firearm, despite the victim being more than an arm's length away from the defendant.
- 28) At no point prior to the shooting is the victim depicted pulling out a firearm or other weapon.
- 29) At the time of the shooting the victim is also standing several feet away from the third black, who the defendant believed to be the one reaching for a firearm.
- 30) Upon discharging of the defendant's firearm, the victim immediately falls onto the street in the same location where his body was later discovered by first responding TPD officers.
- 31) When specifically asked by TPD detectives if the victim was the one who the defendant saw reaching for a weapon at his waistline,

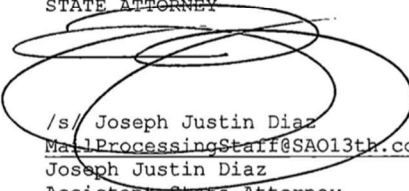
the defendant again clarified that the victim never reached for his waistband and/or for a weapon.

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

I HEREBY CERTIFY that a true and correct copy of the foregoing Motion for Pretrial Detention has been furnished to the Office of the Public Defender, attorney for the Defendant, via hand delivery to the Office of the Public Defender on this 30 day of October, 2023.

Respectfully submitted,

SUSAN S. LOPEZ  
STATE ATTORNEY



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