

**IN THE CIRCUIT COURT
SEVENTH JUDICIAL CIRCUIT
IN AND FOR VOLUSIA COUNTY, FLORIDA**

CASE NO.: 2025 104282 CFDB

STATE OF FLORIDA

VS.

SCOTT ALLEN GARDNER

DEFENDANT.

MOTION FOR PRE-TRIAL DETENTION

Pursuant to rule 3.132 of the Florida Rules of Criminal Procedure and Florida Statute 907.041, the State of Florida, by and through the undersigned Assistant State Attorney, hereby moves this Honorable Court for the entry of an Order denying the Defendant's release in this case, and as grounds therefore, would state as follows:

FACTS:

1. On June 6th, 2025, the Defendant drove with his young son, [REDACTED] to a local bar in Ormond Beach named Hanky Panky's. The Defendant arrived in the area of the bar around 11:30 AM.
2. The Defendant left [REDACTED] in a car-seat in the rear of his pickup truck when he went into a neighboring business to get a haircut and then went to the bar.
3. The Defendant left [REDACTED] in the vehicle, which was not running, for over two hours, in the mid-day June heat.
4. When the Defendant returned to the vehicle to leave, he found that [REDACTED] was unresponsive. The Defendant called 911 around 2:45 PM as he drove to his mother's house which was nearby.
5. The Defendant first made contact with his mother and her boyfriend, Bryan Crivac, who attempted to perform CPR on [REDACTED]. He had difficulty getting the child's jaw to open when he attempted to render aid.
6. A responding officer who attempted to perform CPR on [REDACTED] observed that rigor mortis had already begun in the child.

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7. When ██████ arrived at the emergency room, doctors discovered that his temperature was 107.8 degrees Fahrenheit. ██████ was pronounced deceased at 3:30 PM, however Dr. Cuculino stated that ██████ had been dead for some time based upon discoloration and lockjaw. The doctor informed the Defendant that ██████ had been dead for over an hour.
8. The medical examiner determined that ██████ died from hyperthermia.
9. The Defendant later admitted in an interview that he was in the bar for several hours (after getting a haircut) on June 6, 2024, which was corroborated by multiple witnesses from the bar and the barber shop. The Defendant admitted that he left ██████ in his vehicle, that the vehicle was not running, its windows were down, and he had pointed a small battery powered fan at ██████. When he returned to the vehicle after several hours, he realized something was not right with ██████ and he subsequently called 911.
10. On June 19th, 2025, Circuit Judge Robert Pickens, III, signed a warrant for the Defendant's arrest for the offenses of Aggravated Manslaughter of a Child and Child Neglect Causing Great Bodily Harm. Bond was set at \$100,000 for the Child Neglect Causing Great Bodily Harm and No Bond was given for the Aggravated Manslaughter of a Child.

ARGUMENT:

1. Pursuant to Florida Statute 907.041(5)(d), "If a defendant is arrested for a dangerous crime that is a capital felony, a life felony, or a felony of the first degree, and the court determines there is probable cause to believe the defendant committed the offense, the state attorney, or the court on its own motion, shall motion for pretrial detention. If the court finds a substantial probability that the defendant committed the offense and, based on the defendant's past and present patterns of behavior, consideration of the criteria in s. 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, the court must order pretrial detention."
2. Florida Statute 907.041(5) lists offenses that are defined as "Dangerous Crime[s]." Under this section, subsection (5)(a)(10), Manslaughter is a crime among those enumerated offenses defined as a dangerous crime.

3. Under Fla. Stat. 907.041 the State argues there is a substantial probability that the Defendant committed the crime, enumerated as a “dangerous crime” pursuant to 907.041. Additionally, there are no reasonable conditions of release that can protect the community from harm if the Defendant is to bond out of custody, assure his presence at trial or assure the integrity of the judicial process. The State asks this Court to make a determination the Defendant is to be held on pre-trial detention as a danger to the community.
4. The undersigned Assistant State Attorney certifies that sworn testimony under oath supports the grounds and essential facts alleged in this motion.

WHEREFORE, the State of Florida respectfully requests this Court enter an Order denying that the Defendant be given a Bond for the offense of Aggravated Manslaughter of a Child.

R.J. LARIZZA
STATE ATTORNEY

By: s/ANDREW J URBANAK
ASSISTANT STATE ATTORNEY
Florida Bar No.: 76713
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy hereof has been furnished by mail/delivery to _____ (NO ATTORNEY AT THIS TIME), on June 19th, 2025.

s/ANDREW J URBANAK
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