

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

STATE OF FLORIDA)
)
COUNTY OF MIAMI-DADE)


AFFIDAVIT IN SUPPORT OF ARREST WARRANT


Before me, Peter R. Lopez, Judge of the Circuit Court of the Eleventh Judicial Circuit in and for Miami-Dade County, Florida, personally appeared Detective Kevin Millan, [REDACTED], of the Miami Beach Police Department (hereinafter referred to as the "MBPD"), who being by me first duly sworn, deposes and says that he has probable cause to arrest Donte Lamar Stallworth (hereinafter "the Subject"), for DUI Manslaughter, in violation of s. 316.193(3)(c), Fla. Stat. (2009). The Subject is a black male, DOB 11/10/80. Your affiant's reasons for the belief that he has probable cause to effectuate such an arrest are as follows:

Your affiant is Detective Kevin Millan, of the MBPD, [REDACTED] (hereinafter referred to as "affiant"). Your affiant has been employed as a police officer for fifteen (15) years with the MBPD. Your affiant has actively participated in thousands of DUI investigations. Your affiant has made over one thousand (1000) DUI arrests. Your affiant is a Traffic Homicide Detective who has been the Lead Investigator and/or actively assisted in the investigation of over two hundred (200) traffic fatality cases. Your affiant has actively investigated hundreds of DUI Serious Bodily Injury cases. Your affiant has also been the Lead Detective for and/or actively investigated twenty (20) DUI Manslaughter cases. In this capacity, your affiant has investigated the circumstances of MBPD Case# 09-9397 and has found the following to be true to the best of his knowledge, information, and belief:

On March 14, 2009, the Subject was at Club Liv in Miami Beach during the early morning hours. While there, he consumed alcohol. Later in the early morning hours of March 14, 2009, the Subject left Club Liv and returned to a local residence in Miami. He arrived at this residence at approximately 6:18 a.m. The Subject departed the residence at approximately 7:07 a.m. When the Subject departed he was driving a 2005 Bentley GT, black in color, 2-door model, with an assigned tag bearing the markings of [REDACTED] (Tennessee), VIN number [REDACTED] (hereinafter referred to as "the Vehicle"), which is registered to the Subject.

On March 14, 2009 around 7:00 a.m., Mario Reyes (hereinafter referred to as "the Victim"), was in the area of the intersection located at the MacArthur Causeway (hereinafter "the Causeway") and Terminal Isle in Miami Beach, FL. Soon after departing his Miami residence the Subject was driving the Vehicle eastbound on the Causeway towards Miami Beach. The Victim began crossing the eastbound lanes of the Causeway heading north. As the Subject approached the aforementioned intersection he observed the Victim attempting to cross the eastbound lanes of the Causeway. The Vehicle that the Subject was driving struck the Victim in the left eastbound lane of the Causeway. The Victim was struck with the right front and fender of the Vehicle. The force of the impact caused the Victim to sustain critical head, chest, and

Affiant's Initials 

Judge's Initials 

abdominal injuries. The Victim was transported from the scene to the Jackson Memorial Hospital Ryder Trauma Center (hereinafter "JMH"). The Victim died a short time later at JMH. Later that morning at the MBPD station, the Subject was advised of his Miranda Rights. After being advised of his rights the Subject told your affiant that he had time to honk his horn and flash his headlights to alert the Victim that he was approaching the intersection prior to impact.

Upon arriving at the scene at approximately 7:19 a.m. Officer G. Delcastillo (), an officer with the MBPD, advised your affiant that he observed the Subject standing next to the Vehicle. The Subject told Officer Delcastillo, "I'm the driver of that car." The Subject pointed at the Vehicle while making this statement. The Subject also stated, "I hit the man lying in the road." While Officer Delcastillo was listening to the Subject speak, he noticed an odor of an alcoholic beverage emanating from his breath.

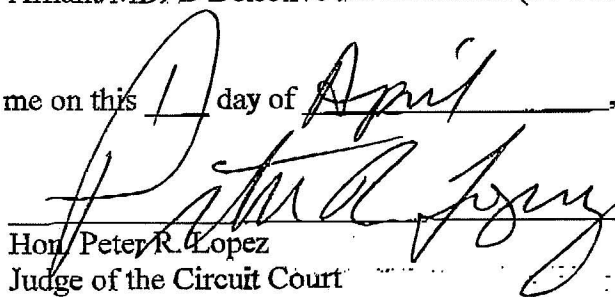
Your affiant responded to the scene, observed that the Subject had bloodshot, watery eyes, and also noted an odor of an alcoholic beverage emanating from his breath. Based on your affiant's observations and the information your affiant received at the scene regarding the condition of the Subject and the Victim your affiant directed Officer S. Cosner (), an officer with the MBPD, to request that the Subject provide a mandatory blood sample. The Subject consented to this request. A blood sample was collected from the Subject at the scene. This sample was forwarded to the University of Miami Toxicology Laboratory. This blood sample revealed that the Subject had a blood alcohol level of .126 g/100 ml, over the .080 legal limit in the State of Florida.


The Subject is a professional football player. The Subject is employed in that capacity outside of Miami-Dade County and the State of Florida.


Your affiant now makes application for a Warrant for the arrest of Donte Lamar Stallworth for the offense of DUI Manslaughter, in violation of s. 316.193(3)(c), Fla. Stat. (2009), a second degree felony.


Affiant/MBPD Detective Kevin Millan (ID #02-141)

SWORN TO AND SUBSCRIBED before me on this 1 day of April, 2009.


Hon. Peter R. Lopez
Judge of the Circuit Court
Eleventh Judicial Circuit of Florida

Affiant's Initials 

Judge's Initials 

IN THE CIRCUIT COURT OF THE
11TH JUDICIAL CIRCUIT IN AND FOR
MIAMI-DADE COUNTY, FLORIDA

STATE OF FLORIDA,

CASE NO.:

Plaintiff,
vs.

JUDGE: LOPEZ.

DONTE STALLWORTH,

Defendant.
_____ /

AGREED ORDER SETTING BOND AND CONDITIONS OF PRE-TRIAL RELEASE

THIS CAUSE, having come to be heard pursuant to stipulation between defendant, DONTE STALLWORTH, and the State of Florida, and this Court being otherwise fully advised in the premises it is hereby:

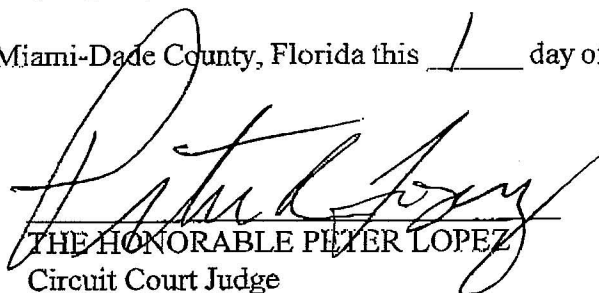
ORDERED AND ADJUDGED that bond and conditions of pre-trial release be set as follows:

- 1) Bond shall be set at \$200,000.00.
- 2) Defendant shall consume no alcohol or drugs while out on bond.
- 3) Defendant shall submit to random alcohol/drug testing through the National Football League's Program for Substance Abuse and provide the results to Pre-Trial Services.
- 4) Defendant shall be permitted to reside in both the State of Ohio and the State of Florida.
- 5) While in the State of Ohio, defendant shall reside at _____, _____, Cleveland, Ohio 44114 and shall report to Cuyahoga County Pre-Trial Services.
- 6) While in the State of Florida, defendant shall reside at _____

[REDACTED], Miami, Florida 33132 and shall report to Miami-Dade County Pre-Trial Services.

- 7) Defendant shall notify Cuyahoga County Pre-Trial Services and Miami-Dade County Pre-Trial Services twenty-four (24) hours in advance of any travel between the two jurisdictions.
- 8) Defendant shall obtain leave of court for any other travel.
- 9) Defendant shall have no contact with any family members of the decedent Mario Reyes.
- 10) Defendant shall be under a curfew for the hours between 12:00 a.m. (midnight) through 6:00 a.m.
- 11) Defendant shall not drive while out on bond.
- 12) Defendant shall surrender any and all passport(s).

DONE AND ORDERED in Chambers in Miami-Dade County, Florida this 1 day of April, 2009.


THE HONORABLE PETER LOPEZ
Circuit Court Judge

cc: Lyons & Lurvey, P.A.
Patrick Tresc, ASA
Pre-Trial Services