

IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT
OF THE STATE OF FLORIDA IN AND FOR PINELLAS COUNTY

21-01554-CF-I
522021CF001554000APC

STATE OF FLORIDA

v.

ROBERT ALLEN HOLZAEPFEL
PID: 2811250

MURDER IN THE THIRD DEGREE; DUI
MANSLAUGHTER; DRIVING WHILE
LICENSE SUSPENDED OR REVOKED
(FELONY); AGGRAVATED FLEEING
AND ELUDING POLICE OFFICE

MOTION TO COMPEL BUCCAL SWAB

Comes now, BERNIE McCABE, State Attorney for the Sixth Judicial Circuit of Florida, and moves this Honorable Court to enter an Order to compel the Defendant to submit a buccal swab pursuant to Fla. R. Crim. P. 3.220(c)(1)(G), and as good cause and grounds therefore would show:

1. That Defendant ROBERT HOLZAEPFEL has been charged by information with Murder in the 3rd Degree, DUI Manslaughter, and DWLSR (Felony).
2. On 2/17/2021, Robert Holzaepfel was operating a 2002 White Ford F250 in Pinellas County when he was fleeing from Deputies of the Pinellas County Sheriff's Office. While fleeing, Robert Holzaepfel struck and killed Deputy Michael Magli.
3. Robert Holzaepfel displayed multiple signs of impairment and admitted to emergency service personnel that he had been drinking.
4. Inside of the F250 operated by Robert Holzaepfel were multiple bottles of alcohol which were opened and part of the contents missing from the bottle.

5. Deputies determined through their investigation that some of the alcohol bottles had been taken from a nearby residence where Robert Holzaepfel had been doing construction work.
6. Swabs from the bottles of alcohol were submitted to the Pinellas County Forensic Laboratory for DNA Analysis.
7. Previous swabs taken from blood stains inside of the F250 had been submitted to the Pinellas County Forensic Laboratory which resulted in a profile.
8. Per the Pinellas County Forensic Laboratory further DNA analysis may be completed on the alcohol bottle swabs and blood stain swabs upon submission of a suitable reference standard.
9. A buccal swab is necessary for a complete investigation and prosecution of the above-styled cause(s).

WHEREFORE, the State of Florida moves this Honorable Court to enter its Order granting the State's Motion to Compel Buccal Swab.

PLEASE TAKE NOTICE that the State's Motion to Compel Buccal Swab in the above-styled cause has been set for hearing before the HONORABLE Joseph Bulone, Judge of the above-styled Court, on the 22ND day of JUNE15th, 2021, at 8:30AM., or as soon thereafter as counsel may be heard.

I HEREBY CERTIFY that a copy of the above has been furnished to Sean Wagner, Assistant Public Defender, Attn: PUBLIC DEFENDERS OFFICE, CLEARWATER, FL 33762,

PUBDEF-EFILING@CO.PINELLAS.FL.US, by e-service or personal service or U.S. Mail this 15TH day of June, 2021.

BRUCE BARTLETT, State Attorney
Sixth Judicial Circuit of Florida

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