

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

STATE OF FLORIDA,

v.

CHARLES LEON IVY,

Defendant.

CASE NO.: 2023 305335 CFDB
JUDGE RAUL A. ZAMBRANO

**MOTION TO PREVENT FURTHER
PREJUDICIAL PUBLICITY**

COMES NOW the Defendant, Charles Leon Ivy, by and through his undersigned attorney and respectfully moves this Honorable Court to enter an Order prohibiting all attorneys, parties, witnesses, law enforcement personnel, court personnel, who are connected to the prosecution or investigation of this case, and Florida Department of Children and Families (D.C.F.) personnel or agents of D.C.F. from extra judicially releasing information in any form to any agent or employee of any news media concerning any aspect of this proceeding. As grounds for this Motion, the Defendant states:

1. The Defendant has been arrested and is being held on two counts of first-degree murder, two counts of attempted felony murder and one count of first-degree arson of a dwelling.
2. There has been prejudicial publicity regarding this case. At a press conference conducted on November 22, 2023, Daytona Beach Police Chief Jakari Young made prejudicial statements. Chief Young was quoted as describing the crime as "horrific and horrendous" and further said:

"With what we witnessed throughout this investigation, the defendant in this incident deserves a special place in the gates of hell for what he did to this mother and these children," Young said.
"Again, I have never witnessed anything this horrific in my entire career."

Chief Young went on to release information about the case by saying:

"The defendant did not confess but what he did he placed himself on scene, he put himself on scene around the time that these murders would have occurred. Through technology, we were able to track his vehicle via traffic cameras leaving the area after this incident would have occurred. And he was also in possession, admittedly, of the victim's cellphone."

*Source Daytona Beach News Journal article dated November 22, 2023
(attached)*

These prejudicial quotes have been copied, repeated, and now appear in both national and international news media articles.

3. The very nature of the objectionable information that has being released, or that may be released in the future, serves only to increase the likelihood that Charles Ivy's right to a fair administration of his case and to a fair trial will be violated.
4. The current form of electronic news media makes it likely that news accounts of this event will be accessible and searchable by potential jurors years in the future. The dangers posed by poisoning the well of potential future jurors will remain as long as these prejudicial statements remain cataloged and searchable in search engines to be recalled in the future.
5. There is no recognized, valid community interest, which would allow this dissemination of extrajudicial information to continue. There is a serious and imminent threat to the fair administration of justice in this case. This dissemination of prejudicial and extrajudicial information must be stopped in order to assure that the Defendant has a fair trial as guaranteed by Article I, Sections 2, 9, 16 and 22 of the Constitution of the State of Florida and the Sixth, Eighth and Fourteenth Amendments to the United States Constitution. The defendant also cites Rule 4-3.6 of the Rules that Regulate the Florida Bar in support of this Motion.
6. The undersigned has reason to believe that this case will likely be a death penalty case. In the context of a trial in which the death penalty is sought, such protective measures are even more critical. The Supreme Court has repeatedly recognized that death as a punishment is unique in its finality and severity and that "extraordinary measures" must be taken to ensure that such a sentence is not imposed "out of whim, passion, prejudice or mistake." Eddings v. Oklahoma, 455 U.S. 104, 118 (1982).
7. In Sheppard v. Maxwell, 384 U.S. 333 (1966), in discussing the trial court's duty to prevent publicity from jeopardizing a criminal defendant's trial, the Supreme Court noted that "[g]iven the pervasiveness of modern communications and the difficulty of effacing prejudicial publicity from the minds of the jurors, the trial courts must take strong measures to ensure that the balance is never weighed against the accused." 384 U.S. at 362. The Court also warned that "[n]either prosecutors, counsel for defense, the accused, witnesses, court staff nor enforcement officers coming under the jurisdiction of the court should be permitted to frustrate its function." 384 U.S. at 362. Among the steps suggested by the Court for safeguarding the impartiality of a trial were controlling the release of leads, information and gossip to the press by the police, witnesses and other trial participants and proscribing extra judicial statements to the press by all lawyers, parties, witnesses and court officials. 384 U.S. at 359-361.

WHEREFORE, Defendant prays this Honorable Court grant this Motion.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing has been furnished by delivery to: Daytona State Attorney Office, Assistant State Attorney, at eservicevolusia@sao7.org, and to the defendant, on November 30, 2023.

/s/ Larry Avallone

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VOLUSIA

Police: Ormond man accused of fatally stabbing mother, baby in burning apartment



Patricio G. Balona

Daytona Beach News-Journal

Published 2:48 p.m. ET Nov. 22, 2023 | Updated 1:45 p.m. ET Nov. 23, 2023

An Ormond Beach man was jailed early Wednesday accused of stabbing a mother and her 10-month son to death and leaving them in a burning Daytona Beach apartment with two other children, police said.

Daytona Beach police Chief Jakari Young said in a press conference Wednesday that Charles Leon Ivy, 34, was arrested during a traffic stop shortly after he left his Live Oak Avenue home in Ormond Beach.

Ivy was arrested at Tomoka Avenue and South Yonge Street in Ormond Beach, and charged with the killing of Den'Jah Moore, 30, and her 10-month-old son, police said.

He was also charged with two counts of attempted first-degree murder for leaving a 4-year-old girl and a 5-year-old boy in the burning apartment, Young said.

Volusia County Branch Jail records show Ivy was charged with two counts of premeditated first-degree murder, two counts of attempted first-degree murder and arson. He was being held Wednesday without bail in the Volusia County Branch Jail.

Drug deal death prison time 4th man charged in Daytona drug rip-off that left young woman dead gets life in prison

'Horrific and horrendous' crime with numerous knife wounds

Young said police and Daytona Beach firefighters were called to an apartment fire at the Countryside Apartments at 1200 Beville Road around 11:47 p.m. Monday, where officers and

firefighters pulled three children from the fire, including the 10-month-old, a 4-year-old and a 5-year-old.

Ivy was the father of the 4-year-old girl and 5-year-old boy but Moore had custody of them, Young said.

Chief Young described the crime as "horrific and horrendous."

"With what we witnessed throughout this investigation, the defendant in this incident deserves a special place in the gates of hell for what he did to this mother and these children," Young said. "Again, I have never witnessed anything this horrific in my entire career."

Young said Moore was found with numerous stab wounds as was the 10-month-old boy, who was in a crib.

The two other siblings were not stabbed, the chief said.

"Their injuries were as a result of being left to die in a fully engulfed fire," Young said.

The 10-month-old boy was taken to Halifax Health Medical Center in Daytona Beach where he died. The other children were taken to UF Health Shands Hospital in Gainesville where they remained in critical condition on Wednesday.

"I believe they're still intubated at this time," Young said.

Ivy did not confess to the crime but evidence linked him to the scene, Young said.

"The defendant did not confess but what he did he placed himself on scene," Young said. "He put himself on scene around the time that these murders would have occurred. Through technology, we were able to track his vehicle via traffic cameras leaving the area after this incident would have occurred. And he was also in possession, admittedly, of the victim's cell phone."

Arson and murder

According to an arrest report, when police and firefighters arrived at the scene of the fire on Monday night, they found a set of keys on the ground in front of the burning apartment.

They opened the door and found the children in the heavily smoke-filled home. Moore was found in the master bedroom with numerous knife wounds and severe burns, police said.

The State Fire Marshal and firefighters with the Daytona Beach Fire Department found two areas in the apartment where Ivy allegedly started the fire that engulfed the apartment, the report detailed.

Investigators found all burners on the stove in the kitchen turned on and the remains of burned paper and a box. The fire was also started in a bedroom where it spread through the home, the report states.

Ormond Beach police notified Ivy of the incident at 4:11 a.m. on Tuesday

Later in the afternoon, Daytona Beach police tried to contact Ivy again but were unsuccessful. Then at 2:45 p.m., police observed Ivy and an unidentified woman loading suitcases and bags in a sport utility vehicle. They were stopped by police shortly after in Ormond Beach, a report stated.

Dropping money to murdered mother

The woman, who is not facing charges, cooperated with police, Young said.

In the arrest report the woman told police that Ivy left for work at 4 p.m. Monday and said that after work, he was going to drop money off to Moore. The woman also told investigators that Ivy arrived back at his home in Ormond Beach at 11:50 p.m. Monday.

The woman told investigators that Ivy undressed on the porch because he said he didn't like how his work clothes smelled, the report noted.

Ivy suffered an apparent leg injury and cut to his hand during the alleged murders, but the woman said Ivy injured himself while working on a trailer, the arrest report states.

However, when police stopped at the fast food restaurant where Ivy worked, they learned that Ivy clocked out at 10:05 p.m. and was wearing his work clothes. Employees at the restaurant also told investigators that Ivy did not have a leg injury when he left work, the report states.