

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
IN AND FOR ORANGE COUNTY, FLORIDA

COURT CASE NO. \_\_\_\_\_

AGENCY CASE NO. 202246001263

Offense(s):

**F.S.S.782.04 (1)(a)(1) First Degree Murder (with a  
weapon)- (Capital)**

**F.S.S. 812.13 (2)(a) Robbery with a Deadly Weapon  
(F1PBL)**

☒ *Completed as eWarrant*

STATE OF FLORIDA,  
Plaintiff,  
VS.

SHANE KELLY MCGARITY  
ADDRESS: 1308 BRANDONWOOD DRIVE  
BRANDON, FL, 33510

Race/Sex: White / Male

Height/Weight: 5' 11" / 225 lbs

DOB: 09/17/1976

Social Security Number:

---

**APPLICATION AND AFFIDAVIT FOR ARREST WARRANT**

---

STATE OF FLORIDA  
COUNTY OF ORANGE

**COMES NOW THE AFFIANT**, Detective Pamela Woehr, ID #601, a sworn law enforcement officer of the Winter Park Police Department, who, by first being duly sworn, states in a written and sworn Application and Affidavit for Arrest Warrant that there is probable cause to believe that on/between **11/11/2022** in Orange County, Florida, the Defendant, **SHANE KELLY MCGARITY**, born on **09/17/1976** did in violation of Florida State Statute unlawfully commit the following offense(s):

**F.S.S.782.04 (1)(a)(1) First Degree Murder (with a weapon)- (Capital)**

**F.S.S. 812.13 (2)(a) Robbery with a Deadly Weapon (F1PBL)**

Detective Woehr has completed seven hundred and seventy (770) hours of Basic Recruit Law Enforcement hours, received from the Criminal Justice Standards and Training, required by the State of Florida for Police Officers. Detective Woehr has successfully completed in excess of eight hundred and seventy-five (875) hours of advanced specialized training classes in police related subjects. Detective Woehr holds a Bachelor of Science degree in Psychology and a Master's of Science degree in Criminal Justice from the University of Central Florida. Along with her degrees, Detective Woehr also has a certificate in Behavioral Forensics and two master's certificates in Police Leadership and Public Administration.

Detective Woehr is currently assigned as a Detective in the Criminal Investigations Division of the Winter Park Police Department and has been since January 2017. Detective Woehr is responsible for and has successfully investigated cases relating to burglaries, thefts, homicides, sexual offenses, child abuse, child pornography, officer involved shootings, and other criminal activity.

Details of the investigation:

911 Call from Defendant McGarity

On November 11, 2022, Detective Woehr responded to Country Club Drive, Winter Park, FL 32789, regarding a homicide investigation. This address is within the jurisdictional boundaries of the Winter Park Police Department.

At 1526 hours, the Winter Park communications center received a 911 call from a male at this address, later identified as Defendant Shane Kelly McGarity (Date of Birth 09/17/1976) and the , indicating he needed medical attention. The following excerpts are from the recorded 911 call:

Defendant McGarity said, "I don't have a comment other than I was attacked, and I defended myself, and I'm cut up, bad. I got cut up bad with a knife. I need...I need paramedics. It's bad; I almost cut my finger off." The communications operator asked, "How long ago did this happen." Defendant McGarity answered, "30 minutes ago." When asked by the communications operator if the other individual was there, Defendant McGarity said, "I'm not in any danger. That's all I'm going to say." The communications operator asked if there was any serious bleeding. Defendant McGarity stated, "yeah, I'm bleeding all over the place."

The communications operator asked where Defendant McGarity's cuts were. Defendant McGarity said, "hands, I was hit in the face, my mouth is broken open, I don't know there is blood all over me. I'm not sure exactly where all I'm bleeding from but I know my face is fucked up, my mouth, and hands, arms. My pinky, my pinkys almost cut completely off; both of my pinkys are."

The communications operator asked if the bleeding needed to be controlled. Defendant McGarity explained, "I'm bleeding, but it's not gushing or anything; it's just dripping. So I mean, I'm just concerned I might need surgery. My pinkys not moving. I think it might have cut a tendon or something. So, I don't know how all that works but my pinky won't move". Defendant McGarity asked, "so if the tendon's cut, is there a certain period of time I would have to go in for surgery?" The communications operator said he didn't know. The communications operator asked for his name. Defendant McGarity answered, "Shane." The communications operator asked if was his residence. Defendant McGarity stated, "my " The communications operator asked if Defendant McGarity was there by himself or if were there. Defendant McGarity did not answer the question.

The communications operator said, "you don't have any weapons on you, correct?" Defendant McGarity stated, "correct."

It should be noted: Defendant McGarity, at no point during the 911 call, requested medical attention for the decedent.

Winter Park Fire Department Run #5604 response

Upon receiving the 911 call from Defendant McGarity, Winter Park Fire Department Run #5604 responded to the residence and requested police to expedite to the residence regarding a deceased male inside the residence. Firefighter Lieutenant Tobin provided a sworn written statement that included the following information:

Firefighter Lieutenant Tobin recognized the house belonged to a Lieutenant Tobin contacted Defendant McGarity outside of the residence. Lieutenant Tobin said to Defendant McGarity, "This is house. Where is he." Defendant McGarity replied, "He is the one that did this." Lieutenant Tobin asked again where the decedent was. Defendant McGarity stated the decedent was inside and "gone." When pressed by Lieutenant Tobin, Defendant McGarity said, "he is dead." Lieutenant Tobin asked Defendant McGarity if Defendant McGarity "did it." Defendant McGarity replied he had nothing else to say.

Lieutenant Tobin proceeded into the residence and found the decedent with wounds "incompatible with life on a chair." Lieutenant Tobin did not touch anything and called for expedited police and notified the communications center that there was deceased person on scene.

Uniform Patrol response to Country Club Drive, Winter Park, FL 32789

On Friday, November 11, 2022, while working patrol with the Winter Park Police Department, Officer Sheree Slaughter responded to Country Club Drive about a deceased male. Officer Slaughter provided a sworn written statement that stated the following:

Upon arrival, Officer Slaughter observed Defendant McGarity outside the residence in the driveway on a medical gurney. A Winter Park Fire Department member informed Officer Slaughter that a deceased male was inside the residence and that an altercation had occurred between the deceased and Defendant McGarity. Officer Slaughter began to speak with Defendant McGarity by asking him his name. Defendant McGarity stated his name was "Shane" and indicated he did not wish to speak at this time. Officer Slaughter asked "Shane" his complete name, and Defendant McGarity stated, "I don't have any comments. I am sorry, I was attacked, and I defended myself." At this time, Officer Slaughter secured Defendant McGarity to the gurney.

Officer Slaughter and Sergeant William Holley entered the residence to secure the scene. Upon entering the residence, Officer Slaughter observed blood on the floor throughout the living room and den areas. Officer Slaughter observed a deceased male partially in a recliner in the den. It appeared as if a sharp object had injured the deceased. The decedent's waistline appeared to be hanging off the recliner. Blood covered the decedent's face, and a black-handled tool appeared next to the descendant's hand and face.

Winter Park PD CST Ed Bigley and Detective Woehr at Advent Health Orlando

At 1724 hours, Detective Woehr arrived at Advent Health Orlando, emergency room green 60, to meet with Defendant McGarity. Detective Woehr observed that Defendant McGarity did not appear confused or disoriented. Detective Woehr noticed Defendant McGarity had a calm demeanor and did not appear distraught. Detective Woehr observed the multiple superficial injuries on Defendant McGarity. Detective Woehr introduced WPPD CST Bigley and told Defendant McGarity that WPPD CST Bigley would take photographs of him. While WPPD CST Bigley was taking photographs, Defendant McGarity said, "I washed off in the lake too. I had blood all over the place." WPPD CST Bigley asked Defendant McGarity if there were other injuries on his backside. Defendant McGarity answered, "Not that I know of."

Officer Browning told Detective Woehr that he read Miranda rights to Defendant McGarity prior to Detective Woehr's arrival. Detective Woehr asked if Defendant McGarity wanted to explain what happened. Defendant McGarity said, "No. I was just defending myself. He attacked me first, and I defended myself." Detective Woehr asked Defendant McGarity what time he arrived. Defendant McGarity said, "no." When asked if there were issues, Defendant McGarity said, "Um, there was a lot that happened in a really quick period of time. Um. But I should probably talk to my lawyer before I make any statements." Detective Woehr concluded the interview at this point.

#### Interview with Decedent's wife

Detective Woehr responded to the Winter Park Police Department and spoke to the decedent's wife (WIFE). WIFE showed Detective Woehr text messages that she received at 1:30 pm from the decedent's phone. The decedent sent a text advising that Defendant McGarity was at their residence. The decedent texted he was afraid of Defendant McGarity but was not going to ask him to leave. The decedent texted that he told Defendant McGarity that he needed to get a job and buy a house.

WIFE told Detective Woehr, "He has changed; he's not c he's different, and everybody that knows him says that." WIFE told Detective Woehr that she never thought Defendant McGarity would kill anybody, let alone her husband. When describing Defendant McGarity, Ms. McGarity stated, "He is an MMA fighter. He can beat you to a pulp with his bare hands."

It should be noted that only WIFE and the decedent lived at the residence. Defendant McGarity did not reside at the residence and had not been to the residence for approximately three years before the incident.

#### Execution of the search warrant for the Homicide scene

Detective Woehr returned to Country Club Drive and waited for the search warrant to be signed. At approximately 1930 hours, Detective Woehr learned that Honorable Judge Reginald Whitehead had issued the search warrant for the residence. Detective Woehr executed the search warrant on the residence.

At 1945 hours, Detective Woehr wearing full protective Tyvek gear conducted a walk thru at the residence with CST Arciniega, CST Bigley, and Detective Wright. Detective Woehr noticed that there did not appear to be any forced entry to the residence. Detective Woehr observed a male

decedent, the victim, who was later identified as [REDACTED] of Defendant McGarity. The decedent was in the living room in a recliner chair in a slightly reclined position. The decedent was slumped down in the chair so that his back was on the chair's seat and the decedent's waistline was on the edge of the chair where it met its reclining foot portion. The decedent was slumped to the right side so that the decedent's right cheek was turned toward the chair's seat. Detective Woehr observed a knife handle sticking out of the head area with the entire blade portion embedded into the left eye. The decedent's right arm was bent so that his right hand was touching his left cheek. The decedent's left hand was raised above his head and loosely around a small sledgehammer. The sledgehammer was lying across the decedent's face underneath the knife handle, and the "hammer" end was to the right of the decedent's face by the arm and seat of the chair. There was blood on the decedent's stomach that appeared to be "transfer blood." Transfer blood is created when a wet, bloody surface comes in contact with a secondary surface. Detective Woehr observed that on the inside of the decedent's upper left arm, there was a void of blood that did not match the blood present in the surrounding area.

A decorative Christmas pillow was resting on the chair's right arm, on top of the decedent's right forearm, and touching the decedent's torso. On top of the pillow was a folded pair of eyeglasses. The placement of the pillow and eyeglasses seemed out of the ordinary, given the extensive wounds to the decedent. Once the pillow was removed from the decedent's right arm, Detective Woehr observed that the decedent's right arm had a noticeable amount of blood. It should be noted that the decorative pillow had one small portion that had blood on the bottom of the pillow. Based on the violent altercation that occurred and the final resting position of the decedent, it is reasonable to believe that the pillow and eyeglasses were placed on the decedent after the decedent was killed.

The decedent's right leg was bent at the knee so that the bottom of the right foot was resting on the floor in the midline of the decedent's body. The decedent's left leg was straight out, so the decedent's left heel was resting on the floor. There was no blood or cuts to the bottom of the decedent's feet.

Detective Woehr observed what appeared to be blood drops throughout the living room, kitchen, and front room. Detective Woehr observed what appeared to be bloody shoe tracks from the back of the recliner chair toward the front door. Detective Woehr observed broken glass on the floor near the recliner chair and the couch.

Detective Woehr observed two pairs of folded eyeglasses, two coasters, and a remote on top of a round end table directly to the right of the recliner chair where the decedent was located. There were other pieces of furniture in the living room near the decedent that looked undisturbed. Detective Woehr observed that the rest of the house looked undisturbed despite there being a lot of items throughout the house. Based on the undisturbed items in close proximity to the decedent and the physical evidence at the scene, it is reasonable to believe that the majority of the altercation and the murder occurred while the decedent was reclined in the chair.

At approximately 0056 hours, the Medical Examiner Investigator Abdiel Ramirez arrived. Detective Woehr observed the ME Investigator move the decedent. Detective Woehr observed no injuries on the backside of the decedent (ME22-2201).

### Medical Examiner Autopsy

On November 12, 2022, at approximately 0830 hours, Detective Woehr responded to the medical examiner's office to observe the autopsy.

Medical Examiner Chantel Njiwaji, MD, performed the autopsy on the decedent. Detective Woehr observed injuries to the decedent's head, left arm, left eye, right eye, right face, mouth, right hand, left hand, abdominal area, neck, and chest. Detective Woehr observed what appeared to be contusions to both eyes, right cheek, nose, and upper lip. Detective Woehr observed what appeared to be several "cuts" and stab wounds to the decedent's head. Detective Woehr observed what appeared to be stab wounds to the decedent's left arm. Detective Woehr observed what appeared to be "cuts" to both the decedent's hands and fingers. Detective Woehr observed other injuries on the decedent's abdominal area and neck.

Detective Woehr observed the examination of the decedent's skull, tissue around the skull, and brain. Detective Woehr noted the extensive bruising to the interior sides of the decedent's head. Detective Woehr also noted that when Dr. Njiwaji examined the brain, it was discolored with blood over the entire brain.

Detective Woehr observed that when Dr. Njiwaji attempted to remove the embedded knife, Dr. Njiwaji had to have assistance and brace herself to remove the knife from the decedent's left eye successfully.

### Execution of search warrant for Defendant McGarity's clothing and phones

On November 13, 2022, Honorable Judge Elizabeth Gibson issued a search warrant for the personal items retrieved from Shane McGarity at the hosopital, including all clothing items, forensic evidence on any clothing, and two (2) Apple iPhones at Advent Hospital Orlando. A forensic extraction was completed on the two (2) Apple iPhones. One of the Apple iPhones was determined to belong to Defendant McGarity. The other Apple iPhone belonged to the decedent and was taken from the crime scene by Defendant McGarity. Detective Woehr observed the extraction reports. Defendant McGarity's phone had images inside and outside Country Club Drive (the incident location) taken on the date of the death.

Photographs with timestamps found in the Defendant's phone:

1:22 pm	Picture of back of Decedent's residence
1:30 pm	Decedent sends text to WIFE that Defendant is at house and scared*
1:52 pm	Defendant googles "accosted"
2:30 pm	Decedent sends text to WIFE about Defendant having his car towed*
3:18 pm	Pictures of Decedent's dead body in recliner
3:21 pm	Pictures of Decedent's backyard
3:25 pm	Pictures of Decedent's frontyard
3:26 pm	Calls 911

\* taken from decedent's phone and added to show timeline

### Medical Examiner's case synopsis



On November 14, 2022, Detective Woehr obtained the Medical Examiner case synopsis listing the cause of death: sharp and blunt force injuries of the head and manner of death: Homicide.

#### Execution of search warrant for Defendant McGarity's medical records

On November 15, 2022, Detective Woehr obtained a search warrant for the medical records involving: Defendant McGarity's medical stay at Advent Health Orlando at 601 East Rollins Street, Orlando, FL, between 11/11/2022 and 11/12/2022. The medical records show that Defendant McGarity had a horizontal laceration to the right ring finger, a horizontal laceration to the left little finger, an avulsion flap laceration of the right little finger, a superficial laceration on his left leg, and a right-hand contusion. Defendant McGarity did not suffer from any broken bones and did not require surgery for his lacerations.

#### Recorded phone call

On November 27, 2022, Detective Woehr learned that Defendant McGarity called his brother (BROTHER). BROTHER lives in North Carolina. BROTHER recorded the conversation. BROTHER provided a sworn written statement and provided a copy of the recorded phone call to Detective Woehr. On the recorded phone call, Defendant McGarity told BROTHER that he was "going through a bunch of stuff." Defendant McGarity told BROTHER, " was dead when I got there. Someone had broken into the house; when I got there, the dude was in the house. So, he took off, cut me up, and then he took off." Defendant McGarity said he didn't want to talk about it. BROTHER told Defendant McGarity that the story was that Defendant McGarity killed Defendant McGarity explained that he told the cops that he defended himself but did not tell "the cops" who attacked him. Defendant McGarity asked BROTHER for money. BROTHER told Defendant McGarity that it was a big deal and questioned Defendant McGarity about the incident. Defendant McGarity explained that he didn't want to talk over the phone because they could use it against him in court.

It should be noted that North Carolina is a one party consent state for recording phone conversations.

#### Meeting with the Medical Examiner

On December 12, 2022, Detective Woehr and Sergeant J. DiCarlo attended a meeting with Medical Examiner Chantel Njiwaji M. D. at the medical examiner's office. Dr. Njiwaji provided a review of her findings from the autopsy.

Dr. Njiwaji listed the following injuries of the decedent:

- one (1) fatal stab wound to the left eye
- one (1) stab wound to the forehead
- three (3) stab wounds to the left arm
- eleven (11) incise wounds to the head, one of which was delivered hard enough to cause an indentation to the decedent's skull
- five (5) incise wounds to the torso
- multiple abrasions

- multiple punctate incise wounds to the torso and abdominal areas
- nine (9) incise wounds to hands, arms, and wrist.

The total number of incised wounds to the decedent's body was twenty-five (25).

#### ME Measurements:

- The stab wound to the middle of the forehead measured approximately 1.5 centimeters (.6 inches)
- The stab wound to the left eye measured approximately 12.7 centimeters (5 inches), the length of the blade.

The incised hand and wrist wounds were consistent with defensive wounds.

#### Trauma to the decedent's head and face

The decedent suffered from multiple strikes to the head and face. The decedent had two black eyes, contusions to the mouth area, contusion to the nose, contusion to the right ear, and contusions to the left and right cheek. The blunt force trauma caused the decedent to have subarachnoid hemorrhages on both sides of the brain. The decedent also had a severe subdural hemorrhage.

#### Summary

In summary, Defendant McGarity told the communications operator that an altercation occurred thirty (30) minutes before calling. In the thirty (30) minutes before calling 911:

- Defendant McGarity admitted to washing off in the lake.
- Defendant McGarity took several photographs of the residence
- Defendant McGarity took photographs of the decedent after the decedent was killed prior to calling for an ambulance for himself

Defendant McGarity also took possession of the decedent's cellular phone which was found on his person at the hospital.

Washing off in the lake also destroyed evidence relating to the murder.

Once Winter Park Fire Department arrived, Defendant McGarity told WPPD that the decedent caused Defendant McGarity's injuries. Defendant McGarity stated that he acted in self-defense and did not explain further. Defendant McGarity was standing outside the residence and did not mention \_\_\_\_\_ death on his own. He only mentioned this \_\_\_\_\_ injuries because WPPD recognized who lived at the residence and inquired as to the deceased's whereabouts. There is no indication that he would have mentioned his \_\_\_\_\_ otherwise.

On November 27, 2022, Defendant McGarity told BROTHER a different version of events. Defendant McGarity told BROTHER that an unknown intruder killed the decedent. Defendant McGarity told BROTHER that he acted in self-defense against an unknown intruder. However, there was no forced entry into the residence. Defendant McGarity never mentioned an unknown



intruder to any members of Winter Park Police. Defendant McGarity told BROTHER that the decedent was already dead when he got there. The decedent's text messages to WIFE were sent at approximately 1:30 pm and the decedent was taking pictures behind the residence at 1:22 pm. The text messages at 1:30 pm and 2:00 pm relayed that Defendant McGarity was at the residence and the decedent was scared of him. The decedent did not mention anyone else being present while Defendant McGarity was at the residence. Almost two hours later, the 911 call was received at 3:26 pm.

Defendant McGarity never sought medical treatment for the decedent.

During the investigation, Detective Woehr learned Defendant McGarity is known to be a trained fighter with extensive martial arts knowledge. Based on the observations at the autopsy, the decedent suffered extensive strikes to the head.

It is reasonable to believe that the blunt force trauma to the decedent's head diminished his capacity to fight back. Based on the medical examiner's photographs, there was a collection of blood in the decedent's skull, which would indicate significant head trauma. The pattern of the wounds and the evidence at the scene is consistent with the stab wounds occurring while the decedent was sitting/lying in the reclining chair.

Due to the subarachnoid hemorrhages on both sides of the brain and the severe subdural hemorrhage, it is reasonable to believe based on the injuries of the deceased and the physical evidence that the decedent was unconscious in the reclining chair, leaving the decedent defenseless as he was fatally stabbed.

It should be noted that Defendant McGarity has previously killed an individual which he argued was self-defense and he was not prosecuted for that prior incident.

Based on the above facts, and his multiple stories, it is not reasonable to believe that Defendant Shane Kelly McGarity acting in self-defense.

Therefore, based on the investigation, there is probable cause that Defendant Shane Kelly McGarity did commit F.S.S. 782.04(1)(a)(b) First Degree Murder when he delivered multiple strikes to the decedent to the point where the decedent's ability to fight back was considerably diminished. Defendant McGarity used a knife to cut and stab the decedent twenty-five (25) times. Defendant McGarity killed the decedent by embedding the knife in the left eye, which penetrated the decedent's brain stem and instantly killed the decedent. The repeated blunt force trauma and twenty-five (25) stab wounds show an intent to kill.

Additionally, Defendant Shane Kelly McGarity committed Robbery with a Deadly Weapon when he took the deceased's cellular phone and during the course of the taking, force, violence or fear was used.

Based upon my investigation, your Affiant has probable cause to believe that the Defendant, **SHANE KELLY MCGARITY**, committed the aforementioned violations of law and requests the issuance of an arrest warrant.

Pamela Woehr

Affiant

Detective Pamela Woehr, ID#601

**SWORN TO AND SUBSCRIBED** before me in the County and State aforesaid this 31 day of March, 2023.

*Sergeant Joseph DiCarlo*

Law Enforcement Officer

IN THE CIRCUIT COURT OF THE NINTH JUDICIAL CIRCUIT  
IN AND FOR ORANGE COUNTY, FLORIDA

COURT CASE NO. \_\_\_\_\_

AGENCY CASE NO. 202246001263

Offense(s):

F.S.S.782.04 (1)(a)1 First Degree Murder (with a  
weapon)- (Capital)

F.S.S. 812.13 (2)(a) Robbery with a Deadly Weapon  
(F1PBL)

STATE OF FLORIDA,

Plaintiff,

VS.

SHANE KELLY MCGARITY

ADDRESS:

Race/Sex: White / Male

Height/Weight: 5' 11" / 225 lbs

DOB: 09/17/1976

Social Security Number:



---

ARREST WARRANT

---

**TO: ALL AND SINGULAR SHERIFFS OF THE STATE OF FLORIDA; SPECIAL  
AGENTS OF THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT**

A written and sworn Application and Affidavit for Arrest Warrant has been presented to me as Committing Magistrate wherein it is alleged that on/between **11/11/2022**, in Orange County, Florida, the Defendant, **SHANE KELLY MCGARITY**, did in violation of Florida State Statute unlawfully commit the following offense(s):

**F.S.S.782.04 (1)(a)1 First Degree Murder (with a weapon)- (Capital)**

**F.S.S. 812.13 (2)(a) Robbery with a Deadly Weapon (F1PBL)**

**ACCORDINGLY**, this Court finds that probable cause exists to believe that the said Defendant did commit the above-specified offense(s) based upon said Application and Affidavit for Arrest Warrant, and that an arrest warrant should be issued as the appropriate means to ensure that said Defendant will appear to answer said charges.

**THEREFORE**, you are hereby commanded to arrest instanter the said Defendant if he/she is to be found within your jurisdiction, and bring said Defendant before the proper court to be dealt with according to law.

The said Defendant shall be admitted to bail in the following amount:

(Count 1) F.S.S. 782.04 (1)(a)1 Murder: first degree (Capital Felony) - \$ None.

(Count 2) F.S.S. 812.13 (2)(a) Robbery with DW (F1PBL) - \$ None.

TOTAL BAIL - \$ None.

The court imposes the following special conditions of bail, bond, or other pretrial release:

---

---

---

Accordingly, this Arrest Warrant is issued this <sup>31st</sup>~~30~~ day of March, 2023.

  
\_\_\_\_\_  
Judge, Ninth Judicial Circuit

Chad K. Alvaro  
\_\_\_\_\_  
Judge's Printed Name