

Bail set for Florida man accused of throwing gator into Wendy's

WEST PALM BEACH, Fla.—A Jupiter man is out on bail after an arrest that only could happen in Florida made him the subject of viral attention Monday and Tuesday: throwing an alligator through a Wendy's drive-through window.

Joshua James, 24, is charged with aggravated assault with a deadly weapon, taking an alligator and theft. In setting his bond Tuesday, Judge Joseph Marx ordered him not to have any contact with any Wendy's restaurants nor have possession of any animals.

"Including reptiles," the judge added.

James spoke to WPTV News Channel 5 outside of the jail Tuesday evening and said he had no idea how big the story had become. He said he had no idea that he'd be charged with such severe charges for "a prank."

When asked if he would ever do something like this again, he said "Probably would not."

The charges struck his parents as extreme. "Well, I mean, how could you not think something like that was a prank?" said his mother, Linda James of Jupiter.

According to Florida Statute, James faces a third-degree felony charge for possessing the alligator, which state investigators said he admitted to picking up off the side of the road. Anyone who kills, attempts to kill, possess or captures an alligator or its eggs without a license can be arrested. If convicted, he can face up to five years in prison on that charge alone, according to statutes.

Surveillance-camera footage and a credit-card record led the Florida Fish and Wildlife Conservation Commission to James. Just after 1 a.m. Oct. 11, 2015, a white four-door pickup truck pulled into to a 7-Eleven gas station, according to the FWC.

The driver, later identified as James, climbed out of the truck through the driver's window instead of the door, officials wrote. James, wearing jeans and a backward hat, and an unidentified male talked outside the truck while James pumped gas and appeared to keep looking in at something inside it, according to security footage mentioned in the FWC report.

"I found the behavior of the men to be very suspicious," an FWC official wrote in the report.

Minutes later, a similar truck and driver were seen at the Wendy's next to the 7-Eleven. When the car pulled up to the drive-thru window, an employee handed James a drink and turned away, according to security tape from the fast-food restaurant. At that moment, James picked up a gator measuring 3.5 feet long, threw it through the window and drove off, according to the report.

FWC officials were called to the site, taped the gator's jaws shut and released it about an hour later into an area canal, according to the report. The report did not mention any injuries either to the employees of the Wendy's or to the alligator. A manager at the Wendy's had no comment on the incident.

James was later identified when the card he used to buy gas at the 7-Eleven was traced to him, officials said. James admitted to throwing the gator into the window, according to the report. He does not appear to have a previous criminal history other than traffic tickets.

The story went viral across social media Monday night from the staple Florida Man Twitter account to more traditional outlets like The Washington Post and BuzzFeed. Some tweeted the story out saying “Only in Florida” and “Do you want fries with that?”

James was released Tuesday after posting \$6,000 bail and returned home to Jupiter. He told Marx there’s a small dog in the home he shares with his parents in Jupiter. His public defender argued because there were no previous allegations of animal abuse, living with the dog shouldn’t be a problem.

“(We) don’t have to worry about him turning the dog into Hacky Sack,” the public defender told Marx.

By: [Hannah Winston](#)