

J: 0516933

20 MM4871

P: 3128

| OBTS Number | | ARREST / NOTICE TO APPEAR Juvenile Referral Report | | | | 1. Arrest 2. N.T.A. | | 3. Request for Warrant 4. Request for Capias | | Jvenile <input type="checkbox"/> N <input checked="" type="checkbox"/> | |
|---|--|--|--|---|--|---|--|---|--|---|--|
| Agency ORI Number FLO 5 0 0 6 0 0 | | Agency Name PALM BEACH POLICE DEPARTMENT | | | | Agency Report Number (N.T.A.'s only) 117, 612, 010, 0, 0, 6, 7, 8, 11, 11 | | | | | |
| Charge Type: Check as many as apply | | <input type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony | | <input checked="" type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 4. Traffic Misdemeanor | | <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other | | Weapon Seized Enter Type NIA | | Multiple Clearance Indicator U, K | |
| Location of Arrest (Including Name of Business) 1 S County Rd. Palm Beach FL 33480 | | | | | | Location of Offense (Business Name, Address) 1 S County Rd Palm Beach FL 33480 | | | | | |
| Date of arrest 0, 6, 1, 2, 2, 0 | | Time of Arrest 2, 3, 2, 3 | | Booking Date | | Booking Time | | Jail Date | | Jail Time | |
| Name (Last, First, Middle) Hartinger, Cheryl R | | | | | | Alias (Name, DOB, Soc. Sec. #, Etc.) | | | | | |
| Race W - White B - Black | | Sex M F | | Date of Birth 0, 5, 2, 9, 9, 0 | | Height 508 | | Weight 120 lbs | | Eye Color BRO | |
| Hair Color BRO | | Complexion LBRWN | | Build Small | | Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) L/ Hard Ring Fing, R/wrist | | Marital Status S | | Religion NIA | |
| Local Address (Street, Apt. Number) 185 SW 7th St. Apt 1808 Miami FL 33130 | | Phone (716) 578-0102 | | Residence Type: 1. City 2. County 3. Florida 4. Out of State | | Indication of Alcohol Influence Drug Influence | | Y <input type="checkbox"/> N <input type="checkbox"/> Unk <input checked="" type="checkbox"/> | | Permanent Address (Street, Apt. Number) (City) (State) (Zip) Phone () | |
| Business Address (Name, Street) (City) (State) (Zip) Phone () | | Occupation Student | | D/A Number, State 825 870 166 NY | | Soc. Sec. Number | | INS Number | | Place of Birth (City, State) Buffalo NY | |
| Citizenship US | | Co-Defendant Name (Last, First, Middle) | | Race | | Sex | | Date of Birth | | <input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large | |
| Co-Defendant Name (Last, First, Middle) | | Race | | Sex | | Date of Birth | | <input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large | | <input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile | |
| Parent Legal Custodian Name (Last) Other: | | Address (Street, Apt. Number) (City) (State) (Zip) | | Residence Phone () | | Business Phone () | | Notified by (Name) Date Time Juvenile Disposition 1. Handled/Processed within Dept. and Released 2. TOT DCF 3. Incarcerated | | | |
| Released To: (Name) | | Relationship | | Date | | Time | | The above address was provided by <input type="checkbox"/> defendant and / or <input type="checkbox"/> defendant's parent. The child and / or parent was told to keep the Juvenile Court Clerk's Office (Phone 355-2526) informed of any change of address. <input type="checkbox"/> Yes, by: (Name) <input type="checkbox"/> No: (Reason) | | | |
| Property Crime? <input type="checkbox"/> Yes <input type="checkbox"/> No | | Description of Property | | Value of Property | | School Attended Grade | | | | | |
| CODE Drug Activity N. NIA P. Possess | | S. Sell B. Buy T. Traffic | | R. Smuggle D. Deliver E. Use | | K. Dispense/ Distribute | | M. Manufacture/ Produce/ Cultivate | | Z. Other | |
| Drug Type N NIA A. Amphetamine | | B. Barbiturate C. Cocaine F. Heroin | | H. Hallucinogen M. Marijuana O. Opium/Deriv. | | P. Paraphernalia/ Equipment S. Synthetic | | U. Unknown Z. Other | | Violation of ORD # | |
| 1 CHARGE Breach of the Peace Disorder/Ardr | | Counts 1 | | Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | | Statute Violation Number 8, 1, 7, 1, 0, 3, 11 | | Warrant / Capias Number Bond | | | |
| 2 CHARGE Simple Battery | | Counts 1 | | Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | | Statute Violation Number 7, 8, 4, 1, 0, 3, 11, 10, 1, 11 | | Warrant / Capias Number Bond | | | |
| 3 CHARGE Trespassing After Warning | | Counts 1 | | Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | | Statute Violation Number 8, 1, 1, 0, 1, 0, 9, 2, 6, 11 | | Warrant / Capias Number Bond | | | |
| 4 CHARGE Resisting without Violence | | Counts 1 | | Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N | | Statute Violation Number 8, 4, 3, 1, 0, 2, 11 | | Warrant / Capias Number Bond | | | |
| NOTICE TO APPEAR <input type="checkbox"/> Instruction No. 1 Mandatory Appearance in Court <input type="checkbox"/> Instruction No. 2 You need not appear in Court but must comply with instructions on Reverse Side. | | Location (Court, Room Number, Address) Criminal Justice Complex 3228 Ginn Club Rd JUN 13 AM 4:02 | | | | | | | | | |
| I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED. | | Court Date and Time Month July Day 21 Year 2020 Time 8:30 P.M. | | Signature of Defendant (or Juvenile and Parent / Custodian) Date Signed | | | | | | | |
| ADMIN. Name: <input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal Intake Deputy Jann EIC | | Signature of Arresting Officer X [Signature] Name of Arresting Officer (Print) T ROBTCHAUD Transporting Officer Kelyc | | I.D. # 0071 PBPD 9265 | | Name Verification (Printed by Agency) (PRINT) JUN 13 2020 | | PAGE OF | | Witness here if subject signed with an "X" | |

Probable Cause Affidavit
Palm Beach Police Department
Agency ORI# FLO 500600

Defendant: Cheryl Hartinger **Police Case: 20-000678**
Race/Sex: B/F
DOB: 05/29/1990
Victim: Isael Prieto (H/M DOB:04/22/1987), Roxana Tejeda (H/F DOB: 06/17/1986)
Charges:
-Trespass after warning pursuant to F.S.S 810.08 (1)
-Disorderly Conduct pursuant to F.S.S 877.03
- Resisting arrest without violence pursuant to F.S.S 843.02
-Simple Battery pursuant to F.S.S 784.03 (1).

On 06/12/2020 at approximately 2323 hours, I was working an off duty detail at 1 South County Road (Breakers Hotel). I was advised by Breakers security that two guests, later identified as Aniko Toth (W/F DOB: 07/12/1985) and Cheryl R Hartinger (B/F DOB: 05/29/1990) were no longer wanted on property due to their disruptive behavior and requested I escort them to the exit.

I advised both Hartinger and Toth that I would be escorting them from the hotel restaurant (HMF) to the exit. Hartinger requested to speak with the manager multiple times and when she was denied she began shouting in the lobby of the hotel. Breakers security then requested for both Toth and Hartinger to be trespassed from the property. While informing both Toth and Hartinger that they were now trespassed from the property and had to leave, Hartinger proceeded to walk away and head back toward HMF.


Hartinger entered HMF and attempted to speak with the manager, Adolfo Cabrera (W/M DOB: 03/26/1969). Cabrera told Hartinger she had to leave, at which time she began yelling at Cabrera. I attempted to escort Hartinger out of the restaurant and she began pulling away from me and spit in the direction of Cabrera. She then lost her balance while I was attempting to escort her from the restaurant and fell down the stairs exiting the restaurant. I assisted Hartinger back to her feet and began attempting to place her in handcuffs. After the right hand was secured she continued pulling away then lunged at and spit on two restaurant guests in the lobby seating area. With the spit landing on guest Isael Prieto (H/M DOB: 04/22/1987) and Roxana Tejeda (H/F DOB: 06/17/1986). Prieto and Tejeda both filled out affidavits of prosecution wishing to prosecute. At that time I forced her to the ground in order to gain compliance. Then, she took both arms and tucked them under her body actively resisting my actions to handcuff her. I then pulled both arms out from under her chest and placed her remaining wrist into handcuffs. After Hartinger was secured in handcuffs I was able to gain compliance and escort her from the building. While

The foregoing instrument was sworn to or affirmed
Before me this 12th day of June, 2020
By, Ofc. T. Robichaud,
Who is personally known to me



Signature of Police Officer (F.S.S.117.10)

State of Florida
County of Palm Beach



Signature/Arresting Officer

SCANNED
JUN 13 2020

Date: 6/12/2020

escorting Hartinger to my patrol vehicle she requested to stop and adjust her shoes, at which time she bent down and moved her handcuffs from behind her back to the front of her body. Once at my patrol vehicle I then repositions her handcuffed behind her back and advised her that they must remain behind her back. Once in the back of my patrol vehicle she again moved her handcuffs from behind her back and to the front of her body, advising she had a shoulder issue. I removed the handcuffs for a third time and then placed her into two sets of handcuffs allowing for less strain on the shoulder.

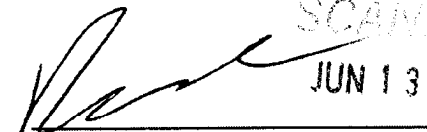
Based on the facts above, at 23²/₃ hours, I found probable cause to arrest and charge Cheryl R Hartinger (B/F DOB: 05/29/1990) with Trespass after warning pursuant to F.S.S 810.08(1),^{EP} Disorderly Conduct pursuant to F.S.S 877.03 , Resisting arrest without violence pursuant to F.S.S 843.02 , and Simple Battery pursuant to F.S.S 784.03 (1)(a)^{EP}

NOT A CERTIFIED COPY

The foregoing instrument was sworn to or affirmed
Before me this 12th day of June, 2020
By, Ofc. T. Robichaud,
Who is personally known to me


Signature of Police Officer (F.S.S.117.10)

State of Florida
County of Palm Beach


Signature/Arresting Officer

SCANNED
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Date: 6/12/2020



**PALM BEACH COUNTY
SHERIFF'S OFFICE**
Florida State Statute Exemption Sheet

Palm Beach County Sheriff's Office – Arrests Only

| | X | Florida State Statute | Description | Page Number(s) |
|---|-------------------------------------|---|--|----------------|
| L/E Exemptions | <input type="checkbox"/> | 119.071(2)(d) | Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations. | |
| | <input type="checkbox"/> | 943.053, 943.0525 | NCIC/FCIC/FBI and in-state FDLE/DOC. | |
| | <input type="checkbox"/> | 119.071(4)(c) | Undercover personnel. | |
| | <input type="checkbox"/> | 119.071(2)(f) | Confidential informants (CIs). | |
| | <input type="checkbox"/> | 119.071(2)(e) | Confession. | |
| Public Info. Exemptions | <input type="checkbox"/> | 985.04(1) | Juvenile offender records. | |
| | <input type="checkbox"/> | 119.071(h)(i) | Assets of a crime victim. | |
| | <input type="checkbox"/> | 395.3025(7)(a), 456.057(7)(a) | Medical information. | |
| | <input type="checkbox"/> | 394.4615(7) | Mental health information. | |
| | <input type="checkbox"/> | 119.071(4)(d)(2)(a) | Home address, telephone, Social Security number, date of birth, or photos of active/former LE personnel, spouses, and children. | |
| Florida Rules of Judicial Administration 2.420 (Rule of 23) | <input checked="" type="checkbox"/> | (iii) 119.0714(1)(i)-(j), (2)(a)-(e) | Social Security, bank account, charge, debit, and credit card numbers. | 2 |
| | <input type="checkbox"/> | (viii) 394.4615(7) | Clinical records under the Baker Act. | |
| | <input type="checkbox"/> | (xii) 741.30(3)(b) | The victim's address in a domestic violence action on petitioner's request. | |
| | <input type="checkbox"/> | (xiii) 119.071(2)(h), 119.0714(1)(h) | Protected information regarding victims of child abuse or sexual offenses. | |
| | <input type="checkbox"/> | | | |
| | <input type="checkbox"/> | | | |
| | <input type="checkbox"/> | | | |
| | <input type="checkbox"/> | | | |
| Other | <input type="checkbox"/> | | Other: | |
| | <input type="checkbox"/> | | Other: | |

REVIEW COMPLETED BY

| | |
|----------------------------|----------------------------------|
| Booking Number: 2020014748 | Date: 6/13/2020 |
| | Specialist Name/ID: Gammage/5660 |

SCANNED
JUN 13 2020