

50-2021-CF 000830-AMB
 J# 0521039
 P# 613

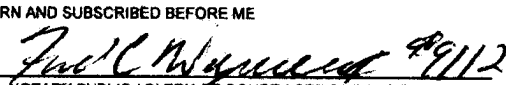

OBTS Number		ARREST / NOTICE TO APPEAR		1. Arrest 3. Request for Warrant		2. N.T.A. 4. Request for Capias		Juvenile	
Agency ORI Number FL0500600		Agency Name PALM BEACH POLICE DEPARTMENT		Agency Report Number 76-21-000,113				1 <input checked="" type="checkbox"/> Juvenile <input checked="" type="checkbox"/> N	
Charge Type: Check as many as apply.		<input checked="" 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/Type <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Multiple Clearance Indicator <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		UK	
Location of Arrest (Including Name of Business) 1 S County Rd, Palm Beach		Location of Offense (Business Name, Address) 1 S County Rd, Palm Beach		Date of Arrest 1-27-21		Time of Arrest 2320		Booking Time	
Name (Last, First, Middle) Kirk, John Patrick		Aliases (Name, DOB, Soc. Sec. #, Etc.)		Race W		Sex M		Date of Birth 10-26-65	
Height 511		Weight 160		Eye Color Brown		Hair Color Bald		Complexion Light	
Build Small		Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) N/A		Marital Status Married		Religion Christian		Indication of: Alcohol Influence <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk. Drug Influence <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk.	
Local Address (Street, Apt. Number) 506 Captains Way		(City) Philadelphia		(State) PA		(Zip) 19146		Phone (610)2200532	
Permanent Address (Street, Apt. Number)		(City)		(State)		(Zip)		Residence Type 1. City 3. Florida 2. County 4. Out of State 4	
Business Address (Street, Apt. Number)		(City)		(State)		(Zip)		Address Source Verbal Occupation Executive	
D/L Number, State 26 S14 502, PA		Soc. Sec. Number		INS Number		Place of Birth (City/State) Newton, New Jersey		Citizenship USA	
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	
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	
<input type="checkbox"/> Parent <input type="checkbox"/> Legal Custodian <input type="checkbox"/> Other		Name (Last) (First) (Middle)		Residence Phone		Address (Street, Apt. Number) (City) (State) (Zip)		Business Phone	
Notified by: (Name) L. NONG		Date		Time		Juvenile Disposition 1. Handled/Processed within Dept. and Released 2. TOT HRS/CYF 3. Incarcerated			
Released To: (Name) J. OR		Relationship		FCIC/NCIC		Date		Time	
The above address was provided by defendant and/or defendant's parents. The child and/or parent was told to keep the Juvenile Court Clerk's Office informed of any change of address: <input type="checkbox"/> Yes, by: (Name) <input type="checkbox"/> No: (Reason)		School Attended		Grade		Property Crime? <input type="checkbox"/> Yes <input type="checkbox"/> No		Description of Property	
Value of Property		Recovery Information 0. N/A 1. Voluntary 2. Located Not Returned 3. Hospitalized 4. HRS Custody 5. Law Enforcement Custody 6. Returned to Parent 7. Deceased 8. Other		Drug Activity S. Sell R. Smuggle K. Dispense/Distribute M. Manufacture/Produce/Cultivate Z. Other N. N/A B. Buy D. Deliver T. Traffic E. Use		Drug Type N. N/A A. Amphetamine B. Barbituate C. Cocaine E. Heroin H. Hallucinogen M. Marijuana O. Opium/Deriv. P. Paraphernalia/Equipment S. Synthetic U. Unknown Z. Other		Charge Description Domestic Battery by Strangulation	
Counts 1		Domestic Violence <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Statute Violation Number 784.041(2)(A)		Violation of ORD #		Warrant/Capias Number 21-000113	
Bond		Charge Description Resisting without Violence		Counts 1		Domestic Violence Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Statute Violation Number 843.02	
Violation of ORD #		Warrant/Capias Number 21-000113		Bond		Charge Description		Counts	
Domestic Violence <input type="checkbox"/> Yes <input type="checkbox"/> No		Statute Violation Number		Violation of ORD #		Drug Activity N/A		Drug Type N/A	
Amount/Unit		Offense #		Warrant/Capias Number		Bond		Charge Description	
N/A		N/A		N/A		N/A		Counts	
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N/A		N							

PROBABLE CAUSE AFFIDAVIT

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias

1

JUVENILE

A D M I N I S T R A T I V E	OBTS Number		Agency ORI Number FL 0500600		Agency Name PALM BEACH POLICE DEPARTMENT		Agency Report Number 7 6 21-000113		
	Charge Type: Check as many as apply: <input checked="" 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		Special Notes:		
D E F E N D A N T	Name (Last, First, Middle) KIRK, JOHN PATRICK						Race W	Sex M	Date of Birth 10/26/1965
	Charge Description 784.041(2)(A) DOMESTIC BATTERY BY STRANGULATION				Charge Description 843.02 RESIST/OBSTRUCT OFFICER W/O VIOLENCE				
V I C T I M	Victim's Name (Last, First, Middle) State Of Florida						Race	Sex	Date of Birth
	Local Address (Street, Apt. Number)		(City)	(State)	(Zip)	Phone	Address Source		
	Business Address (Name, Street)		(City)	(State)	(Zip)	Phone	Occupation		
P R O B A B L E C A U S E S T A T E M E N T	The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law. The Person taken into custody... <input type="checkbox"/> committed the below acts in my presence. <input type="checkbox"/> was observed by _____ who told _____ that he/she saw the arrested person commit the below acts. <input type="checkbox"/> confessed to _____ admitting to the below facts. <input checked="" type="checkbox"/> was found to have committed the below acts, resulting from my (described) investigation. On the <u>27</u> day of <u>January</u> , <u>2021</u> at <u>23:20</u> (Specifically include facts constituting cause for arrest.)								
	On January 27, 2021 at 2320 hours, I arrested and charged John Patrick Kirk (W/M DOB 10/26/1965) with Domestic Battery by Strangulation pursuant to F.S.S 784.041(2) (A) and Resisting without Violence pursuant to F.S.S 843.02. The details are as follows;								
	On January 27, 2021 at approximately 2247 hours, Officer DaSilva, who was working a special detail assignment at the Breakers Hotel located at 1 S County Rd, asked for a back-up unit regarding a possible disturbance. Upon my arrival, Breakers Hotel security stated that there was a white male, later identified as John Kirk Patrick (W/M DOB 10/26/1965), wearing dark clothing running on the south golf course who may have choked a female. Upon canvassing the area, we observed a male (J. Kirk) wearing khaki pants and a black button down shirt running eastbound, away from us on the golf course. As Officer DaSilva and I identified ourselves as police officers, and told J. Kirk to stop and put his hands up several times. J. Kirk failed to follow our commands, and kept running eastbound but eventually came to a stop and was detained.								
	The female that was observed being choked by J. Kirk by several witnesses and security footage was identified as J. Kirk's wife, Ty Dinh Kirk (W/F DOB 11/20/1978). In a written sworn statement, Ty Kirk stated that "my husband, John and I were having a conversation. It got slightly heated. He held on to my shoulder, I shrugged him away".								
	I was able to briefly review the Breakers security video footage where it is seen that a bald male wearing a black top and kahki pants, matching J. Kirk's description standing next to a white female, wearing a white dress (Ty Kirk). In the video, J. Kirk's then grabs Ty Kirk by the neck, and Ty Kirk is observed trying to get away.								
	One of the valet employees, Sebastian Santana (W/M DOB 08/18/2001) witnessed the altercation. Santana gave a written sworn witness statement that J. Kirk, seemed intoxicated and approached Ty Kirk while she was on the phone. Santana stated that J.								
	SWORN AND SUBSCRIBED BEFORE ME								
	 NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)				 SIGNATURE OF ARRESTING / INVESTIGATING OFFICER				
	<u>1/27/21</u> DATE				<u>AGAOLU, YASEMIN K (1100067)</u> NAME OF OFFICER (PLEASE PRINT)				
					<u>01/27/2021</u> DATE				
PAGE 1 OF 2									

COURT

STATE ATTORNEY

CENTRAL RECORDS

JAIL

CRIME ANALYSIS

P. I. O.

PROBABLE CAUSE AFFIDAVIT
SUPPLEMENT

1. Arrest 3. Request for Warrant
2. N.T.A. 4. Request for Copies

1 JUVENILE

OBTS Number	Agency ORI Number FL 0500600		Agency Name PALM BEACH POLICE DEPARTMENT	Agency Report Number 7 6 21-000113
Charge Type: Check as many as apply. <input checked="" type="checkbox"/> 1. Felony <input checked="" type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 6. Other				Special Notes:

Name (Last, First, Middle) KIRK, JOHN PATRICK	Alias	Race W	Sex M	Date of Birth 10/26/1965
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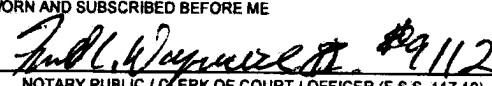

Kirk and Ty Kirk talked for a little then J. Kirk started choking Ty Kirk by the neck.

The other valet employee and witness, Colton Takis (W/M DOB 08/10/199) also witnessed the choking. Takis gave a sworn witness statement stating "he suddenly grabbed her by the back of the throat while pulling her down, following with his right hand to the front of the throat, choking and shaking her around". Takis and Santana then approached J. Kirk telling him "sir, sir you need to stop". Takis stated that J. Kirk then let her go and said "that's my wife, leave me alone".

A show up was conducted with witnesses Santana, and Takis, where they positively identified J. Kirk as the male they observed choking the female.

Based on the above facts, I find probable cause to arrest and charge John Patrick Kirk (W/M DOB 10/26/1965) with Domestic Battery by Strangulation pursuant to F.S.S 784.041(2) (A) and Resisting without Violence pursuant to F.S.S 843.02.

NOT A CERTIFIED COPY

ADMINISTRATIVE	SWORN AND SUBSCRIBED BEFORE ME	SIGNATURE OF ARRESTING / INVESTIGATING OFFICER
	 NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)	 AGAOGU, YASEMIN K (1100067) NAME OF OFFICER (PLEASE PRINT)
	1/27/21 DATE	01/27/2021 DATE

VICTIM NOTIFICATION FORM

This form must be completed when one of the following crime(s) has been committed:

- Homicide (Ch. 782)
- Attempted Murder
- Stalking (F.S. 784.048)
- Domestic Violence - (This includes any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking or any criminal offense resulting in physical injury or death of one family member or household member by another, who is or was residing in the same single dwelling.
- Sexual Offense (Ch. 794)
- Attempted Sexual Offense
- Dating Violence

Upon completion, this form must accompany the booking paperwork.
If applying for a warrant, attach this form to the filing packet.

1. Incident Report #: 21-000113 Agency: PBPD
Offense: Domestic Battery by Strangulation
Suspect/Offender: John Patrick Kirk
D.O.B. 10-26-1965 Race: W Sex: M

2. Warrant #(s): _____

3.a. Victim's name: Ty Dinh Kirk D.O.B. 11-20-78 Race: W Sex: F
Address: 506 Captains Way
City: Philadelphia State: PA Zip: 19146
Home #: ~~610-273-5283~~ 215 680 0059 Work #: _____ Other: _____

b. Victim's next of kin, friend or neighbor: N/A
Address: _____
City: _____ State: _____ Zip: _____
Home #: _____ Work #: _____ Other: _____

NOTE: PURSUANT TO F.S. 119.07, THE CONTENTS OF THIS FORM MAY BE SUBJECT TO CONFIDENTIALITY.

Victim/Relation Notification Waiver and Confidential Information Request.

(check applicable boxes)

- Waiver:** I choose not to be notified when the arrestee is released from custody.
- Confidential:** I request the information on this form be kept confidential (applicable only to sexual battery, stalking, child abuse, harassment or domestic violence cases).

Signature of person waiving notification: _____

Printed name of person waiving notification: Ty Kirk

Deputy's Name: Ofc. Agaglu I.D. # 0067 Date: 1-27-21

SUSPECT/OFFENDER

(FOR WARRANTS USE ONLY)

COURT CASE/WARRANT #:



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: 2021002296	Date: 1/28/2021
	Specialist Name/ID: J. Beck/9007