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ARREST / NOTICE TO APPEAR

ADMI NIST RATI ON	OBTS Number	Agency ORI Number <b>0500800</b>		Agency Name <b>West Palm Beach Police Department</b>		Agency Report Number (N.T.A.'s only) <b>9 - J   2020-0000003</b>		1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias	<b>1</b>	JUVENILE		
DEF END ANT	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		Location of Arrest (Including Name of Business) <b>114 S OLIVE AVE</b>		Location of Offense (Business Name, Address) <b>114 S OLIVE AVE, WEST PALM BEACH, FL 33401</b>		Enter Type <b>NOT APPLICABLE</b>		Multiple Clearance Indicator			
	Date of Arrest <b>01/01/2020</b>	Time of Arrest <b>00:51</b>	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle					
D E F E N D A N T	Name (Last, First, Middle) <b>WESTGARTH, JOSEPH HS</b>		Alias:		Alias (Name, DOB, Soc. Sec. #, Etc.)							
	Race W - White B - Black O - Oriental/Asian	Sex <b>M</b>	Date of Birth <b>01/23/1998</b>	Height <b>5'09</b>	Weight <b>165</b>	Eye Color <b>BROWN</b>	Hair Color <b>BROWN</b>	Complexion <b>LIGHT</b>	Build <b>Medium</b>			
	Local Address (Street, Apt. Number) <b>2 HILLSIDE GATE, HILLSIDE RD, ST. ALBANS, UK AL13Q-N</b>		(City)	(State)	(Zip)	Phone <b>(561) 713-5467</b>	Indication of: Alcohol Influence Drug Influence		Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unk. <input type="checkbox"/>			
	Permanent Address (Street, Apt. Number) <b>2 HILLSIDE GATE, HILLSIDE RD, ST. ALBANS, UK AL13Q-N</b>		(City)	(State)	(Zip)	Phone <b>(561) 713-5467</b>	Residence Type: 1. City 2. County 3. Florida 4. Out of State		<b>4</b>			
Business Address (Name, Street) <b>CLUB IBIS,</b>		(City)	(State)	(Zip)	Phone <b>(561) 713-5467</b>	Address Source <b>UK DL</b>		Occupation <b>Intern</b>				
D/L Number, State <b>WESTG901238JH9DL /</b>		Soc. Sec. Number	INS Number		Place of Birth (City, State) <b>NORTH LONDON,</b>		Citizenship <b>UK</b>					
C O D E D	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					
J U V E N I L E	<input type="checkbox"/> Parent <input type="checkbox"/> Legal Custodian		Name (Last, First, Middle)		Residence Phone							
	Address (Street, Apt. Number)		(City)	(State)	(Zip)	Business Phone						
	Notified by: (Name)		Date	Time	JUVENILE DISPOSITION 1. Handled/Processed within Department and Released 2. TOT JAC 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 parents. The phone 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: <input type="checkbox"/> No		Property Crime? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Description of Property		Value of Property				
C H A R G E	Drug Activity N. N/A P. Possess		S. Sell T. Traffic	R. Snuggle D. Deliver E. Use	K. Disperse/ Distribute	M. Manufacture/ Produce/ Cultivate	Z. Other	Drug Type N. N/A A. Amphetamine	B. Barbiturate C. Cocaine E. Heroin	H. Hallucinogen M. Marijuana O. Opium/Deriv.	P. Paraphernalia/ Equipment S. Synthetic	U. Unknown Z. Other
	Charge Description <b>DISORDERLY INTOXICATION</b>		Statute Violation Number <b>856.011</b>	Violation of ORD #								
C H A R G E	Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond				
	<b>N</b>	<b>N</b>	<b>1</b>	<b>1</b>	<b>1</b>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N						
C H A R G E	Charge Description <b>RESIST/OBSTRUCT OFFICER W/O VIOLENCE</b>		Statute Violation Number <b>843.02</b>	Violation of ORD #								
	Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond				
<b>N</b>	<b>N</b>	<b>1</b>	<b>1</b>	<b>1</b>	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N							
I N T A R K E	Health / Apparent Physical Condition of Defendant		Any knowledge of the following: Explain: <input type="checkbox"/> Mental <input type="checkbox"/> Escape Risk <input type="checkbox"/> Medication <input type="checkbox"/> Deformities <input type="checkbox"/> Injuries									
	Check which applies: <input type="checkbox"/> Released O.R. <input type="checkbox"/> Released to Parent/Guardian <input type="checkbox"/> T.O.T. County Jail <input type="checkbox"/> Posted Bond <input type="checkbox"/> South County Mental Health		PROPERTY - Received By		Released By		Released To					
N O T I C E T O A P P E A R	Transported By		Date Transported	Time Transported	Other							
	<input checked="" 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 Page 2.		Location (Court, Room) <b>Criminal Justice CRIMINAL JUSTICE COMPLEX</b>		Court Date and Time <b>01/28/2020 08:30:00</b>		<b>3228 GUN CLUB ROAD</b>					
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 WILLFULLY 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.		Signature of Defendant (on Juvenile and Parent/Custodian)		Date Signed						No Photo Available		
A D M I N	HOLD for Other Agency		Signature of Arresting Officer <b>[Signature]</b>		Name Verification (Printed by Arrestee)							
	<input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal		<input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Other		Name of Arresting Officer (Print) <b>TESTA, ANTHONY</b>		ID.# <b>02095</b>					
Inmate Deputy <b>Spann 8101</b>		ID.#	Pouch #	Transporting Officer <b>[Signature]</b>		ID.# <b>2151</b>		Agency		PAGE <b>1 OF 1</b>		
<input type="checkbox"/> COURT		<input type="checkbox"/> STATE ATTORNEY		<input type="checkbox"/> AGENCY		<input type="checkbox"/> CENTRAL RECORDS		<input type="checkbox"/> JAIL		<input type="checkbox"/> CRIME ANALYSIS		
<input type="checkbox"/> I.O.		<input type="checkbox"/> DEFENDANT										

PROBABLE CAUSE AFFIDAVIT

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

1 JUVENILE

OBTS Number	Agency ORI Number <b>FL 0500800</b>		Agency Name <b>WEST PALM BEACH POLICE</b>	Agency Report Number <b>9 4 2020-000003</b>
Charge Type: Check as many as apply.		Special Notes:		
<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

Name (Last, First, Middle) <b>WESTGARTH, JOSEPH HS</b>	Race <b>W</b>	Sex <b>M</b>	Date of Birth <b>01/28/1998</b>
Charge Description <b>856.011 DISORDERLY INTOXICATION</b>	Charge Description <b>843.02 RESIST/OBSTRUCT OFFICER W/O VIOLENCE</b>		

Victim's Name (Last, First, Middle) <b>CHARBONNEAU, WILLIAM</b>	Race <b>W</b>	Sex <b>M</b>	Date of Birth <b>11/08/1973</b>
Local Address (Street, Apt. Number) <b>2200 45TH ST, WEST PALM BEACH, FL 33401</b>	Phone	Address Source	
Business Address (Name, Street) <b>WPBFR</b>	Phone	Occupation <b>MEDIC LT.</b>	

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 ...  
 committed the below acts in my presence.  was observed by \_\_\_\_\_ who told \_\_\_\_\_ that he/she saw the arrested person commit the below acts.  
 confessed to \_\_\_\_\_ admitting to the below facts.  was found to have committed the below acts, resulting from my (described) investigation.  
 On the 1 day of January, 2020 at 00:51 (Specifically include facts constituting cause for arrest.)

On Wednesday, January 1, 2020 at approximately 0021 hours, while working in an Off-duty uniformed capacity I and Ofc. Parton was dispatched to 114 S Olive Ave (Banko Cantina) in reference to a patron with facial injuries.

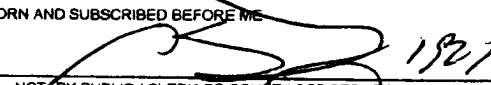
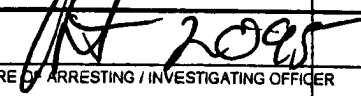
Upon arrival, we met with Banko Cantina staff who escorted the defendant, Joseph Westgarth (W/M 01/23/ 98) out of the establishment. Westgarth appeared extremely intoxicated and had blood on his face and hands. Westgarth was being extremely belligerent and had to be restrained for safety of officers, patrons and medics. Westgarth stated that he was punched in the face by Bank Cantina staff

WPBFR 1 (Run# 20-003) arrived with Lt. William Charbonneau (W/M 11/8/73). Medics continuously attempted to asses Westgarth, but Westgarth continued to pull away from medics and continue to be loud and belligerent.

While Lt. Charbonneau was attempting to talk to and help Westgarth to the gurney, Westgarth struck Lt. Charbonneau with a closed fist. Westgarth's closed fist contacted Lt. Charbonneau's right-side lip. I witnessed this and immediately grabbed Westgarth and escorted him to the ground. I handcuffed Westgarth behind his back, the handcuffs double locked and checked for proper fit per policy.

Westgarth was taken to Good Samaritan Hospital for evaluation. While at the hospital, I attempted to photograph Westgarth's injuries, but he continued to pull away from me and put his hands up refusing to have a picture take. I took photos of this as well as had my BWC active.

I met with Lt. Charbonneau who gave a taped sworn statement that He was dispatched to Banko Cantina for Westgarth's injuries. While attempting to assess Westgarth and get him to a gurney for transport, Westgarth swung at him with a closed fist, striking him in

SWORN AND SUBSCRIBED BEFORE ME	SIGNATURE OF ARRESTING / INVESTIGATING OFFICER
 NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)	
DATE <u>01/01/20</u>	NAME OF OFFICER (PLEASE PRINT) <b>TESTA, ANTHONY (02095)</b>
	DATE <b>01/01/2020</b>

PROBABLE CAUSE AFFIDAVIT  
SUPPLEMENT

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

1

JUVENILE

OBTS Number	Agency ORI Number <b>FL 0500800</b>		Agency Name <b>WEST PALM BEACH POLICE</b>	Agency Report Number <b>9   4   2020-000003</b>
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Charge Type: Check as many as apply.	<input type="checkbox"/> 1. Felony	<input checked="" type="checkbox"/> 3. Misdemeanor	<input type="checkbox"/> 5. Ordinance	Special Notes:
	<input type="checkbox"/> 2. Traffic Felony	<input type="checkbox"/> 4. Traffic Misdemeanor	<input type="checkbox"/> 6. Other	

Name (Last, First, Middle) <b>WESTGARTH, JOSEPH HS</b>	Sex <b>M</b>	Race <b>W</b>	Date of Birth <b>01/28/1998</b>
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the right side of the face in the lip.

Lt. Charbonneau notified me via phone that he thought about the situation and wishes to not have a charge of Battery on medical personnel per F.S.S. 784.07. Due to Westgarth's intoxication in a public place and belligerence as well as pulling away from officers and medics, there is probable cause for one count of Disorderly Intoxication per F.S.S. 856.011 as well as one count of Resist/obstruct officer without violence per F.S.S. 843.02.

Lt. Charbonneau signed a WPBPD refusal to prosecute form. Westgarth eventually allowed photos to be taken of his injury. Westgarth was medically cleared and transported to PBCJ without incident. My BWC was active and all photos were uploaded to evidence.com

PROBABLE  
CAUSE  
STATEMENT

NOT A CERTIFIED COPY

SWORN AND SUBSCRIBED BEFORE ME	SIGNATURE OF ARRESTING / INVESTIGATING OFFICER
	
NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)	<b>TESTA, ANTHONY (02095)</b>
DATE <b>01/01/2020</b>	NAME OF OFFICER (PLEASE PRINT)
	<b>01/01/2020</b>
	DATE
	PAGE <b>2 OF 2</b>