

0519905-20CT15363 NB

ARREST / NOTICE TO APPEAR

TR

2104 JUVENILE

ADMINISTRATIVE	Agency ORI Number 0501700		Agency Name Jupiter Police Department		Agency Report Number (N.T.A.'s only) 5 4 20-004011	
	Charge Type: Check as many <input type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony		Check as many <input type="checkbox"/> 3. Misdemeanor <input checked="" type="checkbox"/> 4. Traffic Misdemeanor		If Weapon Seized Enter Type NONE	
	Location of Arrest (Including Name of Business) 5500 MILITARY TRL, JUPITER, FL 33458		Location of Offense (Business Name, Address) 5500 MILITARY TRL, JUPITER, FL 33458		Multiple Clearance Indicator	
DEFENDANT	Name (Last, First, Middle) DE TOMASSO, NICHOLAS		Alias:		Alias (Name, DOB, Soc. Sec. #, Etc.)	
	Race W - White 1 - American Indian B - Black O - Oriental/Asian W M		Sex M		Date of Birth 12/01/1983	
	Height 5'09		Weight 185		Eye Color BROWN	
JUVENILE	Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) TATTO ARM		Marital Status S		Religion	
	Local Address (Street, Apt. Number) 3500 PORTOFINO CIR 124, PALM BEACH GARDENS, FL 33418		Phone (561) 510-4416		Residence Type: 1. City 3. Florida 2. County 4. Out of State 1	
	Permanent Address (Street, Apt. Number) 3500 PORTOFINO CIR 124, PALM BEACH GARDENS, FL 33418		Phone (561) 510-4416		Address Source SELF	
CHARGE	DL Number, State D352620834410 / FL		Spec. Sec. Number		INS Number	
	Place of Birth (City, State) LONG ISLAND, NY		Citizenship US		Co-Defendant Name (Last, First, Middle)	
	Co-Defendant Name (Last, First, Middle)		Race		Sex	
NOTICE TO APPEAR	Parent <input type="checkbox"/> Other <input type="checkbox"/> Name (Last, First, Middle)		Address (Street, Apt. Number)		City (State) (Zip)	
	Notified by: (Name)		Date		Time	
	Released To: (Name)		Date		Time	
CHARGE	Charge Description DUI - BAC/BRAC OVER .15 -OR- MINOR IN VEHICLE		Statute Violation Number 316.193(4)		Violation of ORD #	
	Drug Activity		Drug Type		Amount / Unit	
	Offense #		Counts		Domestic Violence	
INTELLIGENCE	Health / Apparent Physical Condition of Defendant		Any knowledge of the following: <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		PROPERTY - Received By		Released By	
	Transported By		Date Transported		Time Transported	
ADMIT	<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) North County PALM BEACH GARD		Court Date and Time 01/06/2021 08:30:00	
	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 (or Juvenile and Parent/Custodian) SCANNED					
ADMIT	HOLD for Other Agency		Signature of Arresting Officer LOWE		Name Verification (Printed by) NOV 28 PM 10:58	
	<input type="checkbox"/> Dangerous <input type="checkbox"/> Restored Arrest <input type="checkbox"/> Other		Arresting Officer (Print) LOWE, CHRISTOPHER		L.D. # 1159	
	Intake Deputy Bshetain 7625		Pouch #		Transporting Officer LOWE	
L.D. #		Agency 303 JPD		PAGE 1 OF 1		

7:11

PROBABLE CAUSE AFFIDAVIT

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

1 JUVENILE

OBTS Number	Agency ORI Number FL 0501700		Agency Name JUPITER POLICE DEPARTMENT	Agency Report Number 5 4 20-004011
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Charge Type: Check as many as apply.	<input type="checkbox"/> 1. Felony	<input type="checkbox"/> 3. Misdemeanor	<input type="checkbox"/> 5. Ordinance	Special Notes:
	<input type="checkbox"/> 2. Traffic Felony	<input checked="" type="checkbox"/> 4. Traffic Misdemeanor	<input type="checkbox"/> 6. Other	

Name (Last, First, Middle) DE TOMASSO, NICHOLAS	Alias	Race W	Sex M	Date of Birth 12/01/1983
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Charge Description 316.193(4) DUI - BAC/BRAC OVER .15 -OR- MINOR IN VEHICLE	Charge Description
Charge Description	Charge Description

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	

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.



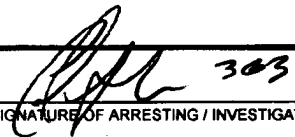
On the 28 day of November, 2020 at 18:12 (Specifically include facts constituting cause for arrest.)

On 11/28/20, at 1734hrs, I was dispatched to the area of 5480 Military Trl. (McDonalds at Abacoa Plaza) in reference to a customer passing out while operating a motor vehicle in the drive thru lane. As I arrived at the location, in my fully marked patrol vehicle (#1507), I was flagged down and made contact with the original witness, Jose Goncales (w/m 11/24/1993). Contact with Goncales was made on the north side of McDonalds and within direct sight of the drive thru lane. Goncales advised a white male driver, and sole occupant, of a white Lexus four door appeared drunk and or "high". Goncales then pointed directly at a 2020 Lexus 4-Door (later confirmed to be bearing FL Tag NDFN01) and advised that was the vehicle in question.

I subsequently maintained a constant visual of the Lexus as it departed the McDonalds drive-thru, and turn west through Abacoa plaza. The Lexus then made an immediate left turn, traveling south through the plaza in order to exit onto Donald Ross Road. I positioned my marked patrol vehicle directly behind the Lexus and observed the Lexus travel through the designated stop bar, without stopping until the rear tires were on top of the stop bar, for the stop sign prior to Donald Ross Road (South East Exit of Abacoa Plaza, nearest McDonalds). At this time, I continued directly behind the vehicle as it turned westbound Donald Ross Road. Once on Donald Ross Road, I advised NorthComm of the vehicles License Plate and then my intentions of conducting a traffic stop due to the observed infraction. While I was behind the Lexus, the vehicle made an abrupt right turn, re-entering Abacoa Plaza. I subsequently activated my overhead emergency lights and initiated a traffic stop, at which time the vehicle stopped in a parking lane (note: middle of a travel lane, not a designated parking spot).

Once stopped, I exited my marked patrol vehicle and proceeded to make contact with the driver and sole occupant of the vehicle. The driver (W/M, Pink Shirt, Blue Jeans, Black Hair, Black beard) identified himself to be Nicholas De Tomasso (w/m 12/01/1983), via his state of Florida issued Driver's License. Upon making contact with De Tomasso, I

SWORN AND SUBSCRIBED BEFORE ME. NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S. 117.10) <u>11/28/20</u> DATE	 JOSHUA BELL MY COMMISSION #GG346008 EXPIRES: JUN 18, 2023 Bonded through 1st State Insurance	 SIGNATURE OF ARRESTING / INVESTIGATING OFFICER LOWE, CHRISTOPHER (1159) NAME OF OFFICER (PLEASE PRINT) <u>11/28/2020</u> DATE	SCANNED NOV 29 2020	PAGE 1 OF 2
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OBTS Number Agency ORI Number FL 0501700	PROBABLE CAUSE AFFIDAVIT SUPPLEMENT	1. Arrest 2. N.T.A.	3. Request for Warrant 4. Request for Capias	1	JUVENILE	
Agency Name JUPITER POLICE DEPARTMENT	Agency Report Number 5 4 20-004011					
Charge Type: Check as many as apply. <input type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 3. Misdemeanor <input checked="" type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other			Special Notes:			
Name (Last, First, Middle) DE TOMASSO, NICHOLAS		Alias	Race W	Sex M	Date of Birth 12/01/1983	
<p>immediately detected an odor (which I recognized through training and experience) of an unknown alcoholic beverage, which intensified as he spoke and glassy eyes. I advised De Tomasso of his traffic infraction, and reason for the traffic stop, then requested his License, Registration and Insurance. As De Tomasso attempted to retrieve the requested items, he movements appeared slow and deliberate. De Tomasso was unable to retrieve requested items without repeat instruction and at one point held his registration, stating he had already provided it to me. De Tomasso was asked to step out of the vehicle, and upon doing so appeared to be off balance. De Tomasso, utilized his vehicle to prop himself and swayed while I spoke with him about his travels. When asked if he had drank alcohol prior to the traffic stop, De Tomasso responded by saying he does not drink. De Tomasso further explained he cannot drink due to his medication he takes, which he identified to be Zoloft (note: as De Tomasso spoke it was with heavily slurred speech). When asked about medical conditions, De Tomasso advised he takes medication for anxiety and depression.</p> <p>De Tomasso was then asked if he would participate in Standardized Field Sobriety Tasks, which he agreed to. See D.U.I. Probable Cause Affidavit for results</p> <p>As a result of my investigation, probable cause exists to charge Nicholas De Tomasso contrary to F.S.S. 316.193(4), as he did drive or was in actual physical control of a vehicle, and during the course of driving a vehicle while under the influence of alcoholic beverages, or chemical substances as set forth in Florida Statute 877.111, or a controlled substance as set forth in Chapter 893 or any combination thereof, was accompanied in the vehicle by a person under the age of 18 years or did have a blood alcohol level of .15 or more grams of alcohol per 100 milliliters of blood or breath alcohol level of .15 or more grams of alcohol per 210 liters of breath.</p> <p>During the observation period, at Palm Beach County Jail BAT center, De Tomasso repeatedly stated "I'm gonna kill myself tonight if I'm arrested for DUI", "Tell my parents I love them", "I dont want to live anymore", and "just shoot me in the head." Due to these statements I have indicated "suicidal" on the rough arrest paperwork.</p>						
A D M I N I S T R A T I V E	SWORN AND SUBSCRIBED BEFORE ME  NOTARY PUBLIC / CLERK OF COURT / OFFICER (PLEASE PRINT) 11/28/20 DATE		 JOSHUA BELL MY COMMISSION #GG346908 EXPIRES: JUN 18, 2023 Bonded through 1st State Insurance	 SIGNATURE OF ARRESTING / INVESTIGATING OFFICER LOWE, CHRISTOPHER (1159) NAME OF OFFICER (PLEASE PRINT) 11/28/2020 DATE		PAGE 2 OF 2

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 28 DAY OF November 2020, AT 1812 AM PM

SUBJECT: Nicholas De Tomasso CASE NUMBER: 20-004011

AGENCY: JUPITER POLICE DEPARTMENT ARRESTING OFFICER: Ofc. Christopher Lowe

PERSONAL CONTACT

DRIVING PATTERN: ACTUAL PHYSICAL CONTROL (PHYSICAL EVIDENCE OR STATEMENTS PUTTING DEF. BEHIND WHEEL OF VEHICLE)
2020 Lexus uX (FL Tag NDFN01) failed to stop at designated stop sign, upon exiting Abacoa plaza from the south east exit (nearest McDonalds), onto eastbound Donald Ross Road. As my marked patrol vehicle approached the Lexus from the rear, the Lexus abruptly made a right hand turn re-entering Abacoa plaza (southwest entrance). Upon activating overhead emergency lights on marked patrol vehicle, Lexus entered a parking lane on the west side of the plaza, nearest Starbucks) and parked in the middle of the parking lane. Contact made with the driver (W/M, Black Hair/Beard, Pink Shirt, Jean Pants), and sole occupant, identified via his FL DL to be Nicholas De Tomasso (w/m 12/01/1983).

OBSERVATION OF DRIVER:

Driver spoke with slurred speech, glassy eyes. Unable to follow instruction without repeating request multiple times. Slow and deliberate movements. Odor of unknown alcoholic beverage emanating from his person, which intensified as he spoke.

DRIVER'S STATEMENTS:

Driver stated he did not consume any alcohol and does not drink. Driver then stated he takes prescription Zolof. Driver stated he last had an alcoholic beverage on Thanksgiving (two days prior).

ODORS:

Strong odor of unknown alcoholic beverage emanating from his person, which intensified as he spoke.

GENERAL OBSERVATIONS

SPEECH: Slurred

ATTITUDE: Co-operative

CLOTHING: Normal

MEDICAL/OTHER: Anxiety/Depression

STATE OF FLORIDA
COUNTY OF PALM BEACH

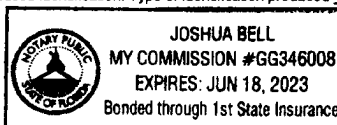
(Signature of Arresting Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 28th day of November 2020 by Ofc. Christopher Lowe

(Print name of Arresting Investigative Officer, who is personally known to me and/or produced identification. Type of identification produced)

Personally Known

Notary Public, Clerk of Court, Officer (F.S.S. 117.10)



SUBJECT: Nicholas De Tomasso

CASE NUMBER 20-004011

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:



LT EYE-LACK OF SMOOTH PURSUIT



RT EYE-LACK OF SMOOTH PURSUIT



LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION



RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION



LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES



RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Other Observations:

WALK & TURN

- Began before instructed.
- Missed heel to toe.
- Stepped off Line

ONE LEG STAND:

- Swaying
- Put foot down

FINGER TO NOSE:

- Missed Finger to nose.

ROMBERG ALPHABET:

- Completed properly

BREATH TEST RESULTS: .177

.188

STATE OF FLORIDA
COUNTY OF PALM BEACH

[Signature]
(Signature of Arresting/Investigative Officer)

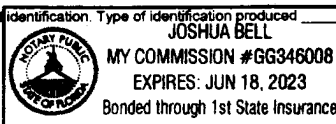
28/11/20

The foregoing instrument was sworn to or affirmed and subscribed before me this 28th day of November 2020 by Ofc. Christopher Lowe

(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced

Personally Known

[Signature]
Notary Public, Clerk of Court, Officer (F.S.S 117.10)





PALM BEACH COUNTY SHERIFF'S OFFICE
DUI TESTING FACILITY
INFORMATION SHEET

PBSO CASE # 20-131392 PBSO ZONE 3-15

AGENCY CASE # 20-004011 CRASH CASE # _____

TIME OF STOP/CRASH 1742 DATE 11/28/20 DAY Saturday

SUBJECT'S NAME Nicholas De Tomasso RACE W SEX M

HGT 5'09" WGT 185 DOB 12/01/1993

LOCATION 5500 Military Trl, Jupiter, FL 33458

ARRESTING OFFICER'S NAME & ID Off. Lowe 368 AGENCY Jupiter PD

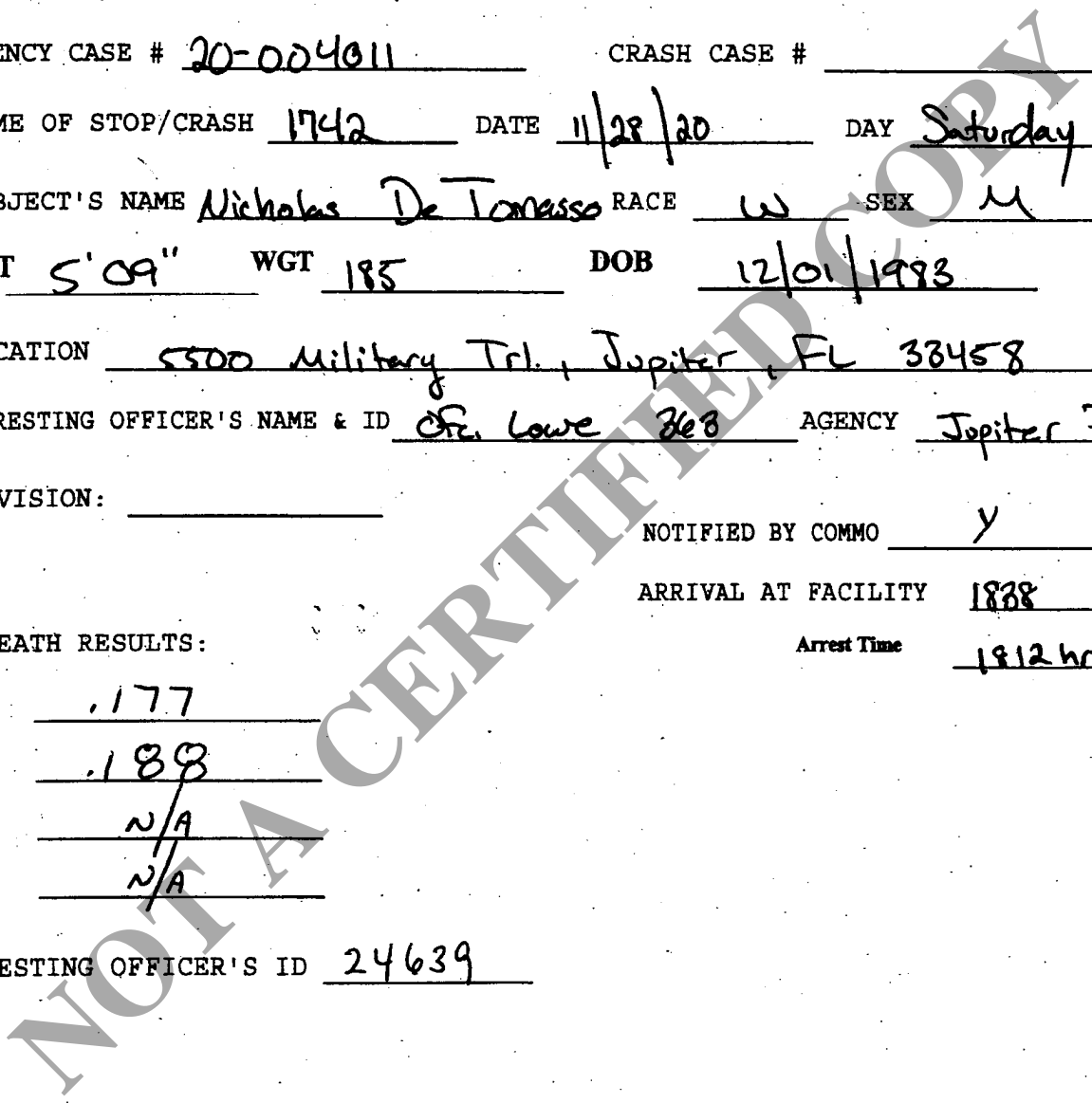
DIVISION: _____ NOTIFIED BY COMMO Y

ARRIVAL AT FACILITY 1838

BREATH RESULTS: Arrest Time 1812 hrs

- 1. .177
- 2. .188
- 3. N/A
- 4. N/A

TESTING OFFICER'S ID 24639



TESTING FACILITY TASK REPORT

AGENCY: JPD

SUBJECT: DE TOMASSO, NICHOLAS

CASE NUMBER: 20-131392

DATE: Nov 28, 2020

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 19:03

ENDING TIME: 19:19

BREATH TESTS RESULTS: 1) .177 TIME 19:10 A.M. P.M. 2) .188 TIME 19:14 A.M. P.M.
3) N/A TIME N/A A.M. P.M. 4) N/A TIME N/A A.M. P.M.

BREATH OPERATOR: P.POUND #24639

MAINTENANCE TECHNICIAN: J. KARLECKE# 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: CRYING, UPSET, TALKATIVE

CLOTHING: BLUE JEANS, PINK SHIRT, BLACK SNEAKERS

MEDICAL CONDITIONS: DEPRESSION

MEDICATIONS: ZOLOFT

OTHER:

EYES: GLASSY AND BLOODSHOT

ODOR OF AN UNKNOWN ALCOHOLIC BEVERAGE ON BREATH.

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 18:38 HRS.

SUBJECT: AGREED TO TAKE TEST

A/O: READ RIGHTS

SUBJECT: STATED HE UNDERSTOOD RIGHTS

TECH: READ TEST RESULTS

SUBJECT: STATED HE UNDERSTOOD TEST RESULTS

A/O: ATTEMPTED Q&A

SUBJECT: REFUSED QUESTIONS

FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT

Instrument Type: Intoxilyzer 8000
Instrument Registered To: PALM BEACH CO SO
Instrument Serial Number: 80-006029 Software: 8100.27
Date of Test: 11/28/2020

Date of Last Agency Inspection: 11/13/2020

Observation Period Began: 18:38

Subject's Name: NICHOLAS DE TOMASSO

DOB: 12/01/1983 Sex: M

The subject was observed for at least twenty-minutes prior to the administration of the breath test to ensure that the subject did not take anything orally and did not regurgitate.

Results:

Test	g/21CL	Time
Diagnostics Check	OK	19:06
Air Blank	0.000	19:07
Control Test	0.081	19:07
Air Blank	0.000	19:08
Subject Sample #1	0.177	19:10
Air Blank	0.000	19:11
Air Blank	0.000	19:13
Subject Sample #2	0.188	19:14
Air Blank	0.000	19:15
Control Test	0.077	19:16
Air Blank	0.000	19:16
Diagnostics Check	OK	19:16

Cylinder Lot: 14020080A1
Exp: 07/05/2022

State of Florida, County of Palm Beach,

Personally appeared before me the undersigned authority, who () is personally known to me or () produced _____ as identification, and who after being placed under oath, states:

I PARIS D POUND, hold a valid Breath Test Operator permit issued by the Florida Department of Law Enforcement, I administered the above breath test to the subject named above in accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: _____

Signature

Date: 11/28/20

Sworn to (or affirmed) before me this 28th day of November, 2020

Signature of Notary Public-State of Florida

Printed Name of Notary Public-State of Florida

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., this completed form is admissible without further authentication and is presumptive proof of the results herein. To be used in accordance with Section 316.1934(5), F.S., and in administrative proceedings pursuant to 322.2615, F.S.

WITNESS LIST

CASE NUMBER: 20-004011

ARRESTING OFFICER: Ofc. Christopher Lowe

ADDRESS: 196 Military Trl., Jupiter FL 33458

PHONE NUMBERS (HOME): 561-746-6201 (Ext. 2110) (WORK) _____

CAN TESTIFY TO: Facts of the case

NAME: Jose C. Goncales

ADDRESS: 5480 Military Trl., Jupiter, FL 33458

PHONE NUMBERS (HOME) 561-870-8099 (WORK) _____

CAN TESTIFY TO: Witness Statement

NAME: Ofc. Daniel Bigtree

ADDRESS 196 Military Trl., Jupiter FL 33458

PHONE NUMBERS (HOME) 561-746-6201 (WORK) _____

CAN TESTIFY TO: Back-up on scene

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

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PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NOT A CERTIFIED COPY



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"/>			
	<input type="checkbox"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2020027899	Date: 11/29/2020
	Specialist Name/ID: T Howard/7185