

2023 CF 1644 AX

ARREST / NOTICE TO APPEAR

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

3

JUVENILE

OBTS Number	Agency ORI Number 0501700		Agency Name Jupiter Police Department		Agency Report Number (N.T.A.'s only) 514 22-002796	
Charge Type: Check as many as apply	<input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony	<input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 4. Traffic Misdemeanor	<input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other	If Weapon Seized Enter Type UNARMED		Multiple Clearance Indicator
Location of Arrest (Including Name of Business) FILED			Location of Offense (Business Name, Address) 196 MILITARY TRL, JUPITER, FL 33458			
Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
Name (Last, First, Middle) FOXWORTHY, BARRY ALLEN			Alias (Name, DOB, Soc. Sec. #, Etc.)			
Race W - White B - Black	1 - American Indian O - Oriental/Asian	Sex M	Date of Birth 10/19/1957	Height 5'06	Weight 180	Eye Color BROWN
Hair Color WHITE		Complexion FAIR		Build Medium		
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)			Marital Status U	Religion OTHER		Indication of: Alcohol Influence Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unk. <input type="checkbox"/> Drug Influence Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Unk. <input type="checkbox"/>
Local Address (Street, Apt. Number) 6265 WINDING BROOKE WAY, DELRAY BEACH, FL 33484		(City)	(State)	(Zip)	Phone (301) 956-3665	
Permanent Address (Street, Apt. Number) 6265 WINDING BROOKE WAY, DELRAY BEACH, FL 33484		(City)	(State)	(Zip)	Phone (301) 956-3665	
Business Address (Name, Street) UNK,		(City)	(State)	(Zip)	Phone	
D/L Number, State F263061573790 / FL		INS Number		Place of Birth (City, State)		Citizenship US
Co-Defendant Name (Last, First, Middle)		Race	Sex	Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 3. Felony <input type="checkbox"/> 5. Juvenile <input type="checkbox"/> 2. At Large <input type="checkbox"/> 4. Misdemeanor
Co-Defendant Name (Last, First, Middle)		Race	Sex	Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 3. Felony <input type="checkbox"/> 5. Juvenile <input type="checkbox"/> 2. At Large <input type="checkbox"/> 4. Misdemeanor
<input type="checkbox"/> Parent <input type="checkbox"/> Other: _____		Name (Last, First, Middle)				Residence Phone
<input type="checkbox"/> Legal Custodian		Address (Street, Apt. Number)				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 child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 355-2526) informed of any change of address.				School Attended		Grade
Property Crime? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Description of Property			Value of Property	
Drug Activity N, N/A P, Possess	S, Sell B, Buy T, Traffic	R, Smuggle D, Deliver E, Use	K, Dispenses/ 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 THEFT - THEFT GRAND OVER \$100,000				Statute Violation Number 812.014(2)(A)		Violation of ORD #
Drug Activity	Drug Type N	Amount / Unit /	Offense #	Counts 1	Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Warrant / Capias Number Bond
Charge Description FORGERY - UTTER/PASS FORGED/COUNTERFEIT INSTRUMENT				Statute Violation Number 831.02		Violation of ORD #
Drug Activity	Drug Type N	Amount / Unit /	Offense #	Counts 11	Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Warrant / Capias Number Bond
Charge Description FRAUD - SWINDLE OBTAIN PROPERTY \$50,000 OR MORE				Statute Violation Number 817.034(4)(A)(1)		Violation of ORD #
Drug Activity	Drug Type N	Amount / Unit /	Offense #	Counts 1	Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Warrant / Capias Number Bond
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	
<input type="checkbox"/> Posted Bond <input type="checkbox"/> South County Mental Health			Date Transported		Time Transported	
Transported By			Date Transported		Time Transported	
<input type="checkbox"/> INSTRUCTION NO. 1 - Mandatory appearance in court			Location (Court, Room)			
<input checked="" type="checkbox"/> INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.			Court Date and Time			
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.						No photo Available
Signature of Defendant (or Juvenile and Parent/Custodian)				Date Signed		
HOLD for Other Agency		Signature of Arresting Officer 1179		Name Verification (Printed by Arrestee)		
<input type="checkbox"/> Dangerous <input type="checkbox"/> Resisted Arrest		Name of Arresting Officer (Print) PALLADINO, MATTHEW		(PRINT)		
<input type="checkbox"/> Suicidal <input type="checkbox"/> Other		I.D. # 1179		PAGE		
Intake Deputy		I.D. #		Pouch #		1 OF 2
Transporting Officer N/A		I.D. #		Agency		Witness here if subject signed with an "X".

ROSEPH A. UZZO, CLERK
PALM BEACH COUNTY
CRIMINAL
2023 FEB 21 PM 2:35

FILED
No photo Available

ARREST / NOTICE TO APPEAR
Additional Charge List

Agency ORI Number 0501700		Agency Name Jupiter Police Department				Agency Report Number (N.T.A.'s only) 5 4 22-002796					
C O R D E	Drug Activity	S. Sell	R. Snuggle	K. Disperses/ Distribute	M. Manufacture/ Produce/ Cultivate	Z. Other	Drug Type	B. Barbiturate	H. Hallucinogen	P. Paraphernalia/ Equipment	U. Unknown
	N. N/A	B. Buy	D. Deliver	E. Use	N. N/A	C. Cocaine	A. Amphetamine	E. Heroin	M. Marijuana	O. Opium/Deriv.	Z. Other
C H A R G E	Charge Description FRAUD - CRIMINAL USE OF PERSONAL ID INFO (\$50,000 or more)						Statute Violation Number 817.568 (2)(c)		Violation of ORD #		
	Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Warrant / Capias Number		Bond		

NOT A CERTIFIED COPY

PROBABLE CAUSE AFFIDAVIT

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

3 JUVENILE

Agency ORI Number: FL 0501700 Agency Name: JUPITER POLICE DEPARTMENT Agency Report Number: 5 | 4 | 22-002796

Name (Last, First, Middle): FOXWORTHY, BARRY ALLEN Race: W Sex: M Date of Birth: 10/19/1957

Charge Description: 817.034(4)(A)(1) FRAUD - SWINDLE OBTAIN PROPERTY \$50,000 812.014(2)(A) THEFT - THEFT GRAND OVER \$100,000

Victim's Name (Last, First, Middle): Window & Door Design Local Address (Street, Apt. Number): 861 Jupiter Park Dr #E, Jupiter, FL 33458

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. On the 3 day of January, 2023 at 08:53

Table with 6 columns: Date, Time, Check, Amount, Branch. Lists fraudulent transactions from 6/17/22 to 7/14/22.

SWORN AND SUBSCRIBED BEFORE ME. HIRSCH, DANIELLE (Notary Public) and PALLADINO, MATTHEW (1179) (Arresting Officer) dated 01/03/2023.

PROBABLE CAUSE AFFIDAVIT
SUPPLEMENT

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

3 JUVENILE

OBTS Number		
Agency ORI Number FL 0501700	Agency Name JUPITER POLICE DEPARTMENT	Agency Report Number 5 4 22-002796
Charge Type: Check as many as apply.	<input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other	Special Notes:

Name (Last, First, Middle) FOXWORTHY, BARRY ALLEN	Alias	Race W	Sex M	Date of Birth 10/19/1957
---	-------	------------------	-----------------	------------------------------------

7/14/22	85636	\$1,734.52
7/14/22	85637	\$1,711.65
7/14/22	85638	\$1,721.65
7/14/22	85639	\$1,611.65
7/14/22	85640	\$1,711.65

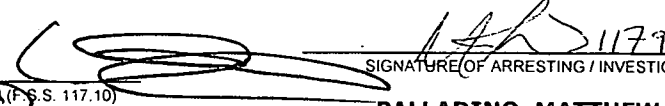
Total: \$121,059.06

Checks 85619-85622 are forgeries, and fraudulently written out to Kersty E. Evenou (2802 Imperial Cir, Delray Beach, FL 33445). The total amount of checks written out to Kersty Evenou and deposited is \$12,426.34. The checks are deposited into two PNC Bank Accounts, PNC [REDACTED]. The account holder for these accounts matches to what is printed on the forged checks, Kersty Evenou.

PNC surveillance for each of these transactions shows the same B/M pulls up to the drive throughs and drive up ATM's. The male deposits the checks into the above two accounts. The male is driving a white Infinity, four door sedan with a sunroof, bearing FL tag: CNAN64. A records check of the license plate shows the vehicle tag has been replaced by AN88FA and registered to Emanuela Belizaire (B/F 11/01/1984) out of Lauderdale Lakes. I conducted a records check for the account holder, which found a FL DL for Kersty E. Evenou (B/M 11/18/1997) with the same Delray address on the checks. The checks are deposited at the same PNC Bank Branches as the below transactions. Investigation is ongoing for identification of the male depositing the checks.

Checks 85623-85640 are forgeries, and fraudulently written out to Barry Foxworthy (6265 Winding Brooke Way, Delray Beach, FL 33484). The total amount of checks written to Barry Foxworthy and deposited into accounts is \$108,632.72. When reviewing PNC surveillance for these transactions, the same older white male with white hair and beard, arrives in each store, and deposits the fraudulent checks into three PNC Bank accounts ending in [REDACTED]. All three of these accounts have the same account holder, Barry A. Foxworthy (W/M 10/19/1957). The same male enters each PNC branch, appears to fill out checks or deposit forms, and passes them through to the PNC Bank Tellers. Bank records show that the money deposited from the checks is shuffled back and forth through these three accounts. The FL DL signature for Barry Foxworthy appears to match all the deposited signatures for checks 85623-85634. The signature card for all three accounts appear to be the same signature as well.

Checks 85635-85640 are written out to Barry Foxworthy, but it appears that the B/M suspect is depositing them at a drive through at the Oakland Park Branch. This shows that the males are working together in some way as well as utilizing the same PNC Branches for depositing these fraudulent checks. The signatures on these checks do not appear to be the same as the other checks deposited by Foxworthy. There was no provided video found for check 85627, but listed as occurring at the Cooper City PNC Branch. An

SWORN AND SUBSCRIBED BEFORE ME	
HIRSCH, DANIELLE NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)	 SIGNATURE OF ARRESTING / INVESTIGATING OFFICER
01/03/2023 DATE	PALLADINO, MATTHEW (1179) NAME OF OFFICER (PLEASE PRINT)
	01/03/2023 DATE

PROBABLE CAUSE AFFIDAVIT
SUPPLEMENT

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

3

JUVENILE

OBTS Number	Agency ORI Number FL 0501700		Agency Name JUPITER POLICE DEPARTMENT		Agency Report Number 5 4 22-002796
Charge Type: Check as many as apply.					Special Notes:
<input checked="" type="checkbox"/> 1. Felony	<input type="checkbox"/> 2. Traffic Felony	<input type="checkbox"/> 3. Misdemeanor	<input type="checkbox"/> 4. Traffic Misdemeanor	<input type="checkbox"/> 5. Ordinance	<input type="checkbox"/> 6. Other

Name (Last, First, Middle) FOXWORTHY, BARRY ALLEN	Alias	Race W	Sex M	Date of Birth 10/19/1957
---	-------	------------------	-----------------	------------------------------------

inquiry has been made with PNC Bank refrence PNC Bank File 2022-S0028353.

The monthly statements for the three accounts provided the following information:

Account [REDACTED]: During May 2022- June 2022 the starting balance was \$190.61. The ending balance was \$1,205.46. During June 2022- July 2022 the starting balance was \$1,205.46. The ending balance was \$0.00.

Account [REDACTED] During June 2022- July 2022 the starting balance was \$0.00. The ending balance on July 22, 2022 was \$0.00.


Account [REDACTED]: During June 2022 the starting balance was \$0.00. The ending balance in July 2022 was \$0.00.

Between May 2022 and August 2022 the above \$108,632.72 worth of fraudulent checks were deposited into the above accounts and the funds were transferred between them. The funds ultimately leave the accounts in several manners.

On December 28, 2022 at approximately 0915 hours, I attempted contact at 6265 Winding Brooke Way, Delray Beach, FL 33484. A records check shows that Barry A. Foxworthy (W/M 10/19/1957) has this as his listed address. There is also a blue Audi utility registered to Foxworthy bearing FL tag: KCZT47. While approaching the residence I observed a dark Audi Utility bearing FL tag: KCZT47 in the driveway of 6265 Winding Brooke Way. I attempted several knocks at the front door, as well as ringing the doorbell buttons multiple times, which yielded negative results for any answer. I did not observe any movement from the front door area.

While outside the residence I attempted a phone call to the listed phone number for Foxworthy (301-956-3665). An apparent male voice answered the phone and I provided the male with my name, department, and employee number. I advised the male that I was conducting an investigation and wished to speak with Barry Foxworthy. The male stated that he was Barry Foxworthy and confirmed he still lives at 6265 Winding Brooke Way. I advised Foxworthy that I was outside and wished to speak with him. Foxworthy advised that he has been out of state for a few months. I asked Foxworthy when he would be back in town at which time he stated he has no idea when he will be home or back in the state. Foxworthy did not ask me any questions during the phone call.

While I was on the phone, Detective Zesut made contact with the neighbor at 6279 Winding Brooke Way. The neighbor was later identified as Valentine Morgenstein (W/M 10/03/41). I provided Detective Zesut with a still photograph from PNC surveillance depicting the suspect in this case. Morgenstein looked at the photograph and advised Detective Zesut that the male in the still photograph was 1000% the same male that rents and lives next door. I further spoke with Morgenstein who provided a sworn statement via BWC.

SWORN AND SUBSCRIBED BEFORE ME	SIGNATURE OF ARRESTING / INVESTIGATING OFFICER 	
HIRSCH, DANIELLE NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)	PALLADINO, MATTHEW (1179) NAME OF OFFICER (PLEASE PRINT)	
01/03/2023 DATE	01/03/2023 DATE	

PROBABLE CAUSE AFFIDAVIT
SUPPLEMENT

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

3 JUVENILE

OBTS Number	Agency ORI Number FL 0501700		Agency Name JUPITER POLICE DEPARTMENT	Agency Report Number 5 4 22-002796
Charge Type: Check as many as apply. <input checked="" type="checkbox"/> 1. Felony <input 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) FOXWORTHY, BARRY ALLEN	Alias	Race W	Sex M	Date of Birth 10/19/1957
---	-------	------------------	-----------------	------------------------------------

Morgenstein advised that the male in the still photograph rents next door, pointing at 6265 Winding Brooke Way. Morgenstein advised he has seen the male many times out front and in the backyard. Morgenstein advised he could not remember the males name. Morgenstein has not seen him in a couple of months. The BWC was later uploaded to evidence.com. The still photograph is entered into evidence.com under "Familiarization Photo 1".

It should be noted that B. Foxworthy contacted me on 12/29/2022 via phone and advised he would be back in town mid January 2023. He declined to speak further over the phone and stated he should only speak in person.

The PNC subpoena results and videos were uploaded into evidence.com. All BWC videos were uploaded to evidence.com.

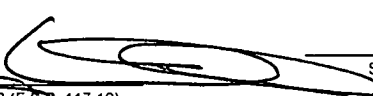
Pursuant to the above investigation:

Barry A. Foxworthy (10/19/1957) did engage in a scheme to defraud constituting a systematic, ongoing course of conduct with intent to defraud one or more persons, or with intent to obtain property from one or more persons by false or fraudulent pretenses, representations, or promises or willful misrepresentations of a future act and did obtain property from one or more of such persons, - aggregate value of \$50,000 or more, Florida Statute 817.034 (4) (a)1. (1 DEG FEL) (LEVEL 7).

Barry A. Foxworthy (10/19/1957) did knowingly obtain or use, or endeavor to obtain or use \$108,632.72 of a value of \$100,000.00 or more, which was the property of *(Window & Door Design), or any other person not the defendant(s), with the intent to permanently or temporarily deprive *(Window & Door Design) or any other person not the defendant(s) of the property or benefit therefrom or to appropriate the property to the use of *(Barry Foxworthy) or to the use of any person not entitled thereto, contrary to Florida Statute 812.014(1) and (2) (a). - property of a value of \$100,000.00 or more. (1 DEG FEL) (LEVEL 7)

Barry A. Foxworthy (10/19/1957) did willfully and without authorization fraudulently use, or possess with the intent to fraudulently use, personal identification information concerning *(Window & Door Design) without first obtaining *(Window & Door Design)'s consent, \$50,000 or more or fraudulently used the personal identification information of 20 or more individuals, but fewer than 30 individuals, without their consent, contrary to Florida Statute 817.568(2) (c). (1 DEG FEL) (LEVEL 7)

NOTE: If amount is more than \$100,000 or the number of victims is 30 or more - 10 yr. min mand.

SWORN AND SUBSCRIBED BEFORE ME	
HIRSCH, DANIELLE NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)	 SIGNATURE OF ARRESTING / INVESTIGATING OFFICER
01/03/2023 DATE	PALLADINO, MATTHEW (1179) NAME OF OFFICER (PLEASE PRINT)
	01/03/2023 DATE

PROBABLE CAUSE AFFIDAVIT
SUPPLEMENT

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

3 JUVENILE

OBTS Number	Agency ORI Number FL 0501700		Agency Name JUPITER POLICE DEPARTMENT	Agency Report Number 5 4 22-002796
Charge Type: Check as many as apply. <input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other				Special Notes:

Name (Last, First, Middle) FOXWORTHY, BARRY ALLEN	Alias	Race W	Sex M	Date of Birth 10/19/1957
---	-------	------------------	-----------------	------------------------------------


Barry A. Foxworthy (10/19/1957) did utter and publish as true to *(PNC Bank), a false, forged, or altered checks which was an order for money, in the amount of \$*(89,940.79) drawn on the *(PNC Bank), bearing numbers *(85623, 85624, 85625, 85626, 85628, 85629, 85630, 85631, 85631, 85632, and 85634), account number * [REDACTED] knowing the same to have been false, forged, or altered with the intent to injure or defraud any person, contrary to Florida Statute 831.02. (3 DEG FEL) (LEVEL 2).

NOT A CERTIFIED COPY

P
R
O
B
A
B
L
E

C
A
U
S
E

S
T
A
T
E
M
E
N
T

SWORN AND SUBSCRIBED BEFORE ME HIRSCH, DANIELLE NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10) 01/03/2023 DATE	 SIGNATURE OF ARRESTING / INVESTIGATING OFFICER PALLADINO, MATTHEW (1179) NAME OF OFFICER (PLEASE PRINT) 01/03/2023 DATE	PAGE 5 OF 5
--	---	------------------------------