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ARREST / NOTICE TO APPEAR

- 1. Arrest (No Warrant)
- 2. Arrest (Warrant)
- 3. Request for Warrant
- 4. Request for Capias
- 5. Juvenile Referral

1 JUVENILE

Agency ORI Number: **0500200** Agency Name: **Boca Raton Police Department** MARSY'S LAW INVOLVED
 Charge Type: 1. Felony 3. Misdemeanor 5. Ordinance 6. Other
 Location of Arrest: **2001 N FEDERAL HWY BOCA RATON FL 33431, 2001 N** Location of Offense: **2001 N FEDERAL HWY, BOCA RATON, FL 33431**
 Date of Arrest: **01/24/2023** Time of Arrest: **16:38** Booking Date: **01/24/2023** Booking Time: **16:48** Jail Date: **01/24/2023** Jail Time: **18:40** Location of Vehicle: **LEFT AT SCENE**

Name (Last, First, Middle): **RAXENBERG, BARRY PHILIP** Alias: _____ Alias (Name, DOB, Soc. Sec. #, Etc.): _____
 Race: **W** Sex: **M** Date of Birth: **01/02/1972** Height: **5'06** Weight: **180** Eye Color: **BLUE** Hair Color: **GRAY** Complexion: **LIGHT** Build: **Large**
 Local Address: **401 NE MIZNER BLVD APT PH808, BOCA RATON, FL 33432** Phone: **(561) 213-7799**
 Permanent Address: **401 NE MIZNER BLVD APT PH808, BOCA RATON, FL 33432** Phone: **(561) 213-7799** Address Source: **FL DL**
 Business Address: _____ Phone: _____ Occupation: **Retired**
 D/L Number, State: **R251075720020 / FL** Soc. Sec. Number: _____ INS Number: _____ Place of Birth (City, State): **GLEN COVE, NY** Citizenship: **US**

Co-Defendant Name (Last, First, Middle): _____ Race: _____ Sex: _____ Date of Birth: _____
 Co-Defendant Name (Last, First, Middle): _____ Race: _____ Sex: _____ Date of Birth: _____
 Parent / Other: _____ 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 defendant and/or 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.
 Property Crime? Yes No Description of Property: _____ Value of Property: _____

Drug Activity: S. Sell R. Smuggle K. Disperse/Distribute M. Manufacture/Produce/Cultivate Z. Other N. N/A B. Buy D. Deliver E. Use P. Possess T. Traffic
 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: **SIMPLE BATTERY** Statute Violation Number: **784.03(1a)(1)** Violation of ORD #: _____
 Drug Activity: _____ Drug Type: **N** Amount / Unit: _____ Offense #: _____ Counts: **1** Domestic Violence: Y N Warrant / Capias Number: _____ Bond: _____
 Charge Description: _____ Statute Violation Number: _____ Violation of ORD #: _____
 Drug Activity: _____ Drug Type: _____ Amount / Unit: _____ Offense #: _____ Counts: _____ Domestic Violence: Y N Warrant / Capias Number: _____ Bond: _____
 Charge Description: _____ Statute Violation Number: _____ Violation of ORD #: _____
 Drug Activity: _____ Drug Type: _____ Amount / Unit: _____ Offense #: _____ Counts: _____ Domestic Violence: Y N Warrant / Capias Number: _____ Bond: _____

Health / Apparent Physical Condition of Defendant: **GOOD** Any knowledge of the following: Mental Escape Risk Medication Deformities Injuries Explain: _____
 Check which applies: Released O.R. Released to Parent/Guardian T.O.T. County Jail Posted Bond South County Mental Health
 Transported By: **BAGWELL** Date Transported: **01/24/2023** Time Transported: **18:41** Other: _____
 PROPERTY - Received By: **BAGWELL** Released By: **BAGWELL** Released To: **COUNTY JAIL**

INSTRUCTION NO. 1 - Mandatory appearance in court
 INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.
 Location (Court, Room): **South County 200 W Atlantic Ave Delray Beach, FL 33444**
 Court Date and Time: **02/21/2023 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 COMTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.
 Signature of Defendant (or Juvenile and Parent/Custodian): _____ Date Signed: **1/24/23**
 No Photo Available

HOLD for Other Agency: _____ Signature of Arresting Officer: **874** Name Verification (Printed by Arrestee): _____
 Dangerous Resisted Arrest Suicidal Other
 Name of Arresting Officer (Print): **BAGWELL, K. L.** I.D. #: **874**
 Transporting Officer: **BAGWELL** I.D. #: **874** Agency: **BRPD**
 Witness here if subject signed with an "X": _____ PAGE 1 OF 1

SCANNED JAN 25 2023

PROBABLE CAUSE AFFIDAVIT

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

1

JUVENILE

OBTS Number	Agency ORI Number FL FL0500200		Agency Name BOCA RATON POLICE DEPARTMENT	Agency Report Number 3 2 2023-001152
Charge Type: Check as many as apply. <input 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) RAXENBERG, BARRY PHILIP			Alias	Race W
			Sex M	Date of Birth 01/02/1972
Charge Description 784.03 SIMPLE BATTERY		Charge Description		
Charge Description		Charge Description		

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 24 day of January, 2023 at 18:29 (Specifically include facts constituting cause for arrest.)

On 01/24/2023, at approximately 1554 hours, I responded to 2001 N Federal Hwy (Cannoli Kitchen) in reference to a fight in progress.

Upon arrival, officers were on the scene, and the two subjects were separated. I spoke with Officer Vick, who advised that he would stand by with one of the subjects until after I went inside Cannoli Kitchen to speak with the other party and the witnesses.

I spoke with V1, who advised he arrived at Cannoli Kitchen to purchase food at approximately 1550 hours. I conducted a sworn recorded statement with V1 and asked him about the incident. V1 advised he was waiting in line in the front of the restaurant when another, later identified as Barry Raxenberg, approached him. V1 advised that Raxenberg was telling him that he was in the state of Florida and that he did not need to wear a face mask. V1 advised Raxenberg that he was wearing a mask because his family members recently had COVID, and he does not want to get it as well. Raxenberg advised that V1 took a step towards him and got in his personal space. V1 explained that he was in fear that Raxenberg was going to punch him, so he pushed him away in self-defense. V1 then stated that Raxenberg placed his hands on him and took him to the ground.

I spoke with two of the employees who witnessed the incident and separated the subjects. W/M, W1 advised that he was getting a drink out of the refrigerator next to the subjects when the fight ensued. He advised that he pulled the subjects apart. W1 stated that he did not see who put hands on the other first, but he advised that Raxenberg was the person who started the verbal altercation.

The other employee who witnessed the incident was W/M W2. W2 advised that Raxenberg was the primary aggressor in the situation, and he was not acting normally when he was inside the restaurant. W2 advised that he was in the kitchen when he saw the two subjects begin to fight. He advised that he went to the other side of the counter and

ADMINISTRATIVE	SWORN AND SUBSCRIBED BEFORE ME	SIGNATURE OF ARRESTING / INVESTIGATING OFFICER
	VAN CAMP, JEFFERY ALAN	<i>[Signature]</i> 874
	NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)	MARSHY'S LAW INVOKED
	<u>01/24/2023</u> DATE	RAGWELL, KIRBY LYNN (874) NAME OF OFFICER (PLEASE PRINT)
	<u>01/24/2023</u> DATE	PAGE 1 OF 2

PROBABLE CAUSE AFFIDAVIT
SUPPLEMENT

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

1

JUVENILE

A D M I N	OBTs Number		Agency ORI Number FL FLO500200		Agency Name BOCA RATON POLICE DEPARTMENT		Agency Report Number 3 2 2023-001152	
	Charge Type: Check as many as apply.		Special Notes					
		<input 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				

D E F	Name (Last, First, Middle) RAXENBERG, BARRY PHILIP			Alias		Race W	Sex M	Date of Birth 01/02/1972
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separated the two subjects.

I watched the video of the incident and was able to see that Raxenberg was the primary aggressor in the incident. The owner of Cannoli Kitchen, W/M Costas Maltezos, met with officers to retrieve the video. He advised that he was not on the scene when the incident took place.

I spoke with W/M Barry Raxenberg outside of Cannoli Kitchen. I read Raxenberg his Constitutional rights via my agency-issued Miranda warnings card. Raxenberg advised he wanted to refrain from speaking with me about the incident.

I placed Raxenberg under arrest for violating F.S.S. 784.03 (1a) Simple Battery. TOT PBCJ. Video of the incident was retrieved and placed into evidence.

A D M I N I S T R A T I V E	SWORN AND SUBSCRIBED BEFORE ME		MARSY'S LAW INVESTIGATING OFFICER	
	VAN CAMP, JEFFERY ALAN		BAGWELL, KIRBY LYNN (874)	
	NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)		NAME OF OFFICER (PLEASE PRINT)	
	01/24/2023		01/24/2023	
DATE		DATE		



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

REVIEW COMPLETED BY

Booking Number: 2023002320	Date: 1/25/2023
	Specialist Name/ID: R.Castro/40259

SCANNED
JAN 25 2023