

50-2023-MM-000792AMB

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Marsy's Law CVI FL Const. Art. 1 § 16(b)

ARREST/NOTICE TO APPEAR
Juvenile Referral Report1. Arrest
2. N.T.A.
3. Request for Warrant
4. Request for Capias

1 Juvenile N

ADMINISTRATIVE	OBTS Number		Agency ORI Number FLO 500000				Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE				Agency Report Number 06- 23-030599			
	Charge Type: Check as many as apply.		1. Felony ☐		3. Misdemeanor ☒		5. Ordinance ☐		Weapon Seized / Type 2 1. Yes 2. No		Multiple Clearance Indicator 01			
	Location of Arrest (Including Name of Business) 1 Greenway Village N Unit 108		Royal Palm Beach, FL 33411		Location of Offense (Business Name, Address) 1 Greenway Village N Unit 108		Royal Palm Beach, FL 33411							
	Date of Arrest 01/28/23	Time of Arrest 1923	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle N/A							
DEFENDANT	Name (Last, First, Middle) Fonseca, David, James													
	Alias (Name, DOB, Soc. Sec. #, Etc.)													
	Race W - White I - American Indian B - Black O - Oriental/Asian	Sex M	Date of Birth 12/27/1985	Height 5'10	Weight 140	Eye Color BROWN	Hair Color BLACK	Complexion FAIR	Build SMALL					
	Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) Saint Tattoo on back and on entire upper and lower body					Marital Status Married	Religion Catholic	Indication of: Alcohol Influence Drug Influence ☐ ☐ ☐						
	Local Address (Street, Apt. Number) 1 Greenway Vlg N Unit 108		(City) Royal Palm Beach, FL 33411	(State)	(Zip)	Phone (561) 420-4167		Residence Type: 1. City 2. County 3. Florida 4. Out of State 1						
	Permanent Address (Street, Apt. Number)		(City)	(State)	(Zip)	Phone		Address Source FL DL						
	Business Address (Name, Street)		(City)	(State)	(Zip)	Phone		Occupation Self Employed						
	D/L Number, State F522170854670, FL		Soc. Sec. Number		INS Number		Place of Birth (City, State) Staten Island, NY		Citizenship Yes					
	Co-Defendant Name (Last, First, Middle)		Race	Sex	Date of Birth		☐ 1. Arrested ☐ 2. At Large		☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile					
	Co-Defendant Name (Last, First, Middle)		Race	Sex	Date of Birth		☐ 1. Arrested ☐ 2. At Large		☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile					
JUVENILE	☐ Parent ☐ Legal ☐ Other:													
	Address (Street, Apt. Number) (City) (State) (Zip) Business Phone													
	Notified by: (Name) Date Time Juvenile Disposition 1. Handled/processed within Dept. and Released. 2. TOT HRS / DYS 3. Incarcerated													
	Released To: (Name) Relationship Date Time													
	The above address provided by ☐ defendant and / or ☐ defendant's parents The child and / or parent was told to keep the Juvenile Court Clerk (Phone 355-2526) informed of any change of address. ☐ Yes, by: (Name) ☐ No. (Reason)													
	School Attended Grade													
	Property Crime? ☐ Yes ☐ 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. Dispense/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. Synthetics, U. Unknown, Z. Other													
	Charge Description Battery (Simple)		Counts 1	Domestic Violence ☐ Y ☒ N	Statute Violation Number 784.03(1a1)		Violation of ORD #							
	Drug Activity N	Drug Type N	Amount / Unit	Offense # 23-030599	Warrant / Capias Number		Bond OK							
Charge Description		Counts	Domestic Violence ☐ Y ☒ N	Statute Violation Number		Violation of ORD #								
Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number		Bond								
Charge Description		Counts	Domestic Violence ☐ Y ☒ N	Statute Violation Number		Violation of ORD #								
Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number		Bond								
Charge Description		Counts	Domestic Violence ☐ Y ☒ N	Statute Violation Number		Violation of ORD #								
Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number		Bond								
NOTICE TO APPEAR	Location (Court, Room Number, Address) GUN CLUB													
	Court Date and Time Month 2 Day 21 Year 23 Time 830 AM ☒ PM ☐													
	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.													
	01/28/23													
ADMIN	Signature of Defendant (or Juvenile and Parent /Custodian)													
	Date Signed													
	HOLD for other Agency Name: NO DETAINER		Signature of Arresting Officer 36183				Name Verification (Printed by Arresting Officer) JAN 28 PM 9:47							
	☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other:		Arresting Officer (Print) D. Maccarone				I.D. # 36183		(PRINT)					
If Take Deputy S/S MARK 36801		Pouch #		Transporting Officer D. Maccarone		ID # 36183		Agency PBSO		PAGE 1 OF 1				

OBTS Number		PROBABLE CAUSE AFFIDAVIT		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		1	Juvenile	N
ADMIN	Agency ORI Number FLO 500000		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE		Agency Report Number 06- 23-030599					
	Charge Type: Check as many as apply.		☐ 1. Felony ☐ 2. Traffic Felony ☒ 3. Misdemeanor ☐ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other		Special Notes:					
DEF	Name (Last, First, Middle) Fonseca David		Alias James		Race W		Sex M		Date of Birth 12/27/1985	
	Charges Battery (Simple)		784.03(1a1)							
VICTIM	Victim's Name (Last, First, Middle) Zemanski Ryan		Zachary		Race W		Sex M		Date of Birth 03/18/1985	
	Local Address (Street, Apt. Number) 2 Greenway Vlg N Unit 201		(City) Royal Palm Beach, FL 33411		(State) (zip)		Phone		Address Source FL DL	
	Business Address (Name, Street) (City)		(State) (zip)		Phone		Occupation N/A			
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 _____ ☐ confessed to _____ that he/she saw the arrested person commit the below acts. ☒ admitting to the below facts. ☒ was found to have committed the below acts, resulting from my (described) investigation. On the <u>28</u> day of <u>January</u>, 20<u>23</u> at <u>1804</u> ☐ A.M. ☒ P.M. (Specifically include facts constituting cause for arrest.)										
☒ Marsy's Law CVI FL Const. Art. 1 § 16(b) I responded to 2 Greenway Village in reference to a Battery that just occurred. Upon my arrival, I observed a large crowd of people/homeowners outside. I then observed a male, later identified as Ryan Zemanski, who was bleed from his mouth and nose area. Zemanski appeared to be intoxicated and was receiving medical attention from Palm Beach County Fire Rescue. I then made my way toward the other party involved, who was later identified as, David Fonseca. Fonseca appeared upset but was cooperative. Fonseca did not have any injuries. Fonseca was read his Miranda Warnings from a pre-printed card, which was provided by the Palm Beach County Sheriff's Office, which he verbally stated he understood each right. Post Miranda, Fonseca stated that Zemanski has been habitually causing issues at his residence and with his family. Fonseca stated Zemanski was extremely intoxicated and walked his dog near his patio. Zemanski then began yelling at Fonseca in reference to picking up dog feces. Fonseca then yelled back at Zemanski to keep walking, at which time Zemanski began calling Fonseca a "Fucking Nigger" and other derogatory names. As Zemanski continued calling Fonseca derogatory names, Fonseca exited his patio and approached Zemanski. Zemanski and Fonseca began verbally arguing with each other. Zemanski began walking back to his unit and Fonseca continued to follow him while yelling at Zemanski. Fonseca began telling Zemanski to "hit" him, at which time Zemanski "flinched" toward Fonseca as if he was going to physically hit Fonseca, but never did. Fonseca then punched Zemanski in the stomach and in the head/face multiple times. Both parties fell to the ground and Fonseca hit Zemanski a multiple times until both parties were separated. According to Fonseca, Zemanski also hit him back during the altercation. I then spoke with Zemanski, who confirmed the above altercation. Zemanski stated he did call Fonseca the derogatory names, but never touched Fonseca. Based on the above facts of this investigation, probable cause exists to arrest David Fonseca with Simple Battery Pursuant to F.S.S. 784.03(1a1).										
ADMINISTRATIVE	STATE OF FLORIDA COUNTY OF PALM BEACH D. Maccarone (ID #) 36183 (Signature of Arresting/Investigative Officer)									
	The foregoing instrument was sworn to or affirmed and subscribed before me this <u>28</u> day of <u>January</u>, 20<u>23</u> by <u>D. Maccarone</u> 36183 (Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced <u>KNOWN</u> PBSO ID									
	Notary Public, Clerk of Court, Officer (F.S.S. 117.10) <u>38873</u>									



**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	☐	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	☐	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	☐	119.071(4)(c)	Undercover personnel.	
	☐	119.071(2)(f)	Confidential informants (CIs).	
	☐	119.071(2)(e)	Confession.	
Public Info. Exemptions	☐	985.04(1)	Juvenile offender records.	
	☐	119.071(h)(i)	Assets of a crime victim.	
	☐	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	☐	394.4615(7)	Mental health information.	
	☐	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)	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	☐	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	☐	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	☐	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	☐			
	☐			
	☐			
	☐			
	☐			
Other	☐		Other:	
	☐		Other:	

REVIEW COMPLETED BY

Booking Number: 2023002756	Date: 1/29/2023
	Specialist Name/ID: M. Took #8557