

23 MM-2362 MB
1204

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

JK# 0528476

☐ Check if Supplement is Attached

OBTS Number		ARREST / NOTICE TO APPEAR Juvenile Referral Report		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		1		Juvenile	
Agency ORI Number FLO: 5 0 0 0 0 0		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE		Agency Report Number 0 6 - 23050232							
Charge Type: Check as many as apply: ☐ 1. Felony ☐ 2. Traffic Felony		☒ 3. Misdemeanor ☐ 4. Traffic Misdemeanor		☐ 5. Ordinance ☐ 6. Other		If Weapon Seized Enter Type		Multiple Clearance indicator			
Location of Arrest (including Name of Business) 10 S OCEAN BLVD				Location of Offense (Business Name, Address) LAKE WORTH, FL 33460 10 S OCEAN BLVD				LAKE WORTH, FL 33460			
Date of Arrest 03/25/23		Time of Arrest 1607		Booking Date		Booking Time		Jail Date		Jail Time	
								Location of Vehicle N/A			
Name (Last, First, Middle) LEITH DAVID				Alias (Name, DOB, Soc. Sec. #, Etc.)							
Race W - White B - Black		Sex M		Date of Birth 07/18/1981		Height 5-08		Weight 210		Eye Color BRO	
I - American Indian O - Oriental/Asian		W						Hair Color BRO		Complexion MED	
Build LARGE											
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) MULTIPLE TATTOOS				Marital Status Divorced		Religion NONE		Indication of: Alcohol Influence Drug Influence		Y N Unk ☐ ☐ ☐	
Local Address (Street, Apt. Number) 5610 UPLAND WAY				(City) WEST PALM BEACH FL 33417		(State) FL		(Zip) 33417		Mobile Phone 540-850-6042	
Permanent Address (Street, Apt. Number)				(City)		(State)		(Zip)		Residence Type: 1. City 2. County 3. Florida 4. Out of State	
Business Address (Name, Street)				(City)		(State)		(Zip)		Address Source FL ID	
D/L Number, State L300163812580, FL				Soc. Sec. Number		INS Number		Place of Birth (City, State) VA		Citizenship USA	
Co-Defendant (Last, First, Middle)				Race		Sex		Date of Birth		☐ 1. Arrested ☐ 2. At Large	
Co-Defendant (Last, First, Middle)				Race		Sex		Date of Birth		☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile	
☐ Parent ☐ Legal Custodian ☐ 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 Dept. and Released.		2. TOT HRS/DYS 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 (561) 355-6511) 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/ Process/ 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 Resist w/o Violence		Counts 2		Domestic Violence ☐ Y ☒ N		Statute Violation Number 843.02	
Drug Activity N				Drug Type N		Amount / Unit		Offense # 23050232		Warrant / Capias Number	
Bond				Charge Description Trespassing		Counts 1		Domestic Violence ☐ Y ☒ N		Statute Violation Number 810.09(2b)	
Drug Activity N				Drug Type N		Amount / Unit		Offense # 23050232		Warrant / Capias Number	
Bond				Charge Description		Counts		Domestic Violence ☐ Y ☒ N		Statute Violation Number	
Drug Activity				Drug Type		Amount / Unit		Offense #		Warrant / Capias Number	
Bond				Charge Description		Counts		Domestic Violence ☐ Y ☒ N		Statute Violation Number	
Drug Activity				Drug Type		Amount / Unit		Offense #		Warrant / Capias Number	
Bond				Charge Description		Counts		Domestic Violence ☐ Y ☒ N		Statute Violation Number	
Drug Activity				Drug Type		Amount / Unit		Offense #		Warrant / Capias Number	
Bond				Location (Court, Room Number, Address) Criminal Justice Complex - 3228 Gun Club Road, West Palm Beach FL 33406		Court Date and Time Month APRIL Day 25 Year 2023 Time 0830 A.M. ☐ P.M. ☒		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 03/25/23 Signature of Defendant (or Juvenile and Parent/Custodian) Date Signed			
I consent to receive text reminders of court date(s) and times for this case by automated technology to the mobile number identified above. I understand that standard text message rates may apply, and that I may revoke this consent via the text message system if I choose.				Signature		Signature		Name Verification (Printed by Arrestee) (PRINT)		PAGE 1 OF 1	
HOLD for other agency ☐ Dangerous ☐ Suicidal ☐ Resisted Arrest ☐ Other				Signature of Arresting Officer X		Name of Arresting Officer (Print) D/S N. KOBITKA		I.D. # 37078		Agency PBSO	
Intake Officer I.D. # Pouch #				Transporting Officer D/S KOBITKA		I.D. # 37078		Agency PBSO		Witness here if subject was not with you MAR 26 2023	

		PROBABLE CAUSE AFFIDAVIT		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		1		Juvenile	
ADMIN	OBTS Number			Agency ORI Number FLO 500000		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE		Agency Report Number 06- 23050232			
	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) LEITH		Alias DAVID		Race W		Sex M		Date of Birth 07/18/1981		
CHARGES	Resist w/o Violence		843.02		Trespassing		810.09(2b)				
VICTIM	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				
PROBABLE CAUSE STATEMENT	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 <u>25TH</u> day of <u>MARCH</u> 20 <u>23</u> at <u>1607</u> ☐ A.M. ☒ P.M. (Specifically include facts constituting cause for arrest.)										
	☐ Marsy's Law CVI FL. Const. Art.1 § 16(b)										
	On 3/25/2023 at approximately 1506 hours, I, along with other Deputies responded to 10 S Ocean Blvd (Lake Worth Beach oceanfront) in the City of Lake Worth Beach, for a disturbance on the sand. PBSO dispatch advised callers stated a white male was possibly intoxicated, yelling racial slurs, and attempting to fight other beachgoers.										
	Sgt. L. Tembeckjian #7741, D/S T. Romin #37529 and I arrived on the scene and began looking for the individual. We were directed towards a shirtless white male, later identified as David Leith by his FL ID card, who was standing in the water, not talking, and refusing to walk toward Deputies.										
	We were informed by the lifeguard, Gary Heiland, that Leith was instructed to leave and refused prior to Deputies' arrived. D/S Romin and I attempted to speak with Leith and he swam into the ocean away from us.										
	D/S Romin and I stood by in the lifeguard tower, keeping an eye on Leith as he swam in the water. Approximately 20 minutes later, Leith exited the water and began walking south on the shore. We were able to make contact with Leith who was immediately agitated with Deputies. Leith was not making sense and refused to comply with Deputies requests to sit down.										
	While speaking with Leith on the shoreline, he became fixated on not being able to view my eyes due to my sunglasses. Leith had a blank stare, an aggressive stance, and made a slight motion forward toward my position. At that time, D/S Romin and each grabbed an arm and attempted to take Leith into custody.										
	Leith was assisted to the ground (sand) where he tensed up and refused to allow his right arm to go behind his back. I was eventually able to get his right arm behind his back at which time D/S Romin was able to secure Leith in handcuffs.										
	Leith was nonverbal after being taken into custody and could not advise if he was injured or needed medical attention. A small amount of blood was observed on his right bicep and therefore EMS was requested.										
ADMINISTRATIVE	Due to the above refusal to leave the beach when instructed, refusal to walk to Deputy Romin when initially instructed, and for his passive resistance when being placed into restraints, I find probable cause for Leith's arrest for Trespassing FSS 810.09 (2b) and resisting law enforcement without violence FSS 843.02.										
	STATE OF FLORIDA COUNTY OF PALM BEACH D/S N. KOBITKA (ID #) 37078 (Signature of Arresting/Investigative Officer)										
	The foregoing instrument was sworn to or affirmed and subscribed before me this <u>25</u> day of <u>MARCH</u> 20 <u>23</u> by <u>D/S N. KOBITKA 37078</u> (Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced <u>KNOWN</u> <u>D/S A. PAGAN #21428</u> <u>D/S A. Pagan 21428</u> Notary Public, Clerk of Court, Officer (F.S.S. 117.10)										



**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: 2023007912	Date: 3/26/2023
	Specialist Name/ID: M. Tooks #8557

SCANNED
MAR 26 2023