

50-2023-MM-001814 AMB

ARREST / NOTICE TO APPEAR

1. Arrest (No Warrant) 3. Request for Warrant
6. Arrest (Warrant) 4. Request for Capias
2. N.T.A. 5. Juvenile Referral

1

JUVENILE

AD M I N I S T R A T I O N	OBTS Number	Agency ORI Number 0500200		Agency Name Boca Raton Police Department		Agency Report Number (N.T.A.'s only) 3, 2 2023-003089		Charge Type: Check as many ☐ 1. Felony ☐ 2. Traffic Felony ☒ 3. Misdemeanor ☐ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other		If Weapon Seized Enter Type UNARMED		Multiple Clearance Indicator		
D E F E N D A N T	Location of Arrest (Including Name of Business) 5359 BUCKHEAD CIR, BOCA RATON FL 33486, 5359 BUCKHEAD													
	Date of Arrest 03/05/2023		Time of Arrest 04:39		Booking Date 03/05/2023		Booking Time 04:49		Jail Date 03/05/2023		Jail Time 05:27		Location of Vehicle N/A	
	Name (Last, First, Middle) CUETO, ELAINE													
	Alias: Alias (Name, DOB, Soc. Sec. #, Etc.)													
C O D E F	Race W - White B - Black O - Oriental/Asian W		Sex F		Date of Birth 11/16/1977		Height 5'03		Weight 130		Eye Color BROWN		Hair Color BROWN	
	Complexion LIGHT		Build Small		Marital Status M		Religion		Indication of Alcohol Influence Yes ☐ No ☒ Unk. ☐		Indication of Drug Influence Yes ☐ No ☒ Unk. ☐		Residence Type: 1. City 3. Florida 2. County 4. Out of State 1	
	Local Address (Street, Apt. Number) 5359 BUCKHEAD CIR, BOCA RATON, FL 33486		(City)		(State)		(Zip)		Phone (201) 320-7142		Address Source DEF		Occupation	
	Permanent Address (Street, Apt. Number) 5359 BUCKHEAD CIR, BOCA RATON, FL 33486		(City)		(State)		(Zip)		Phone (201) 320-7142		Business Address (Name, Street) 5359 BUCKHEAD CIR, BOCA RATON, FL 33486		(City)	
J U V E N I L E	D/L Number, State C300200779160 / FL		Soc. Sec. Number		D/S Number		Place of Birth (City, State) CUBA		Citizenship OUT OF STATE, FF, US		Co-Defendant Name (Last, First, Middle)		Race	
	Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth		☐ 1. Arrested ☐ 3. Felony ☐ 5. Juvenile ☐ 2. At Large ☐ 4. Misdemeanor		Co-Defendant Name (Last, First, Middle)		Race	
	Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth		☐ 1. Arrested ☐ 3. Felony ☐ 5. Juvenile ☐ 2. At Large ☐ 4. Misdemeanor		Parent ☐ Other: ☐		Name (Last, First, Middle)	
	Parent ☐ Other: ☐		Name (Last, First, Middle)		Residence Phone		Legal Custodian ☐		Address (Street, Apt. Number) 5359 BUCKHEAD CIR, BOCA RATON, FL 33486		(City)		(State)	
C H A R G E	Notified by: (Name)		Date		Time		JUVENILE DISPOSITION 1. Handled/Processed within Department and Released 2. TOT JAC 3. Incarcerated		Released To: (Name)		Relationship		Date	
	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.		School Attended		Grade	
	Property Crime? ☐ Yes ☒ No		Description of Property		Value of Property		Drug Activity S. Sell N. N/A P. Possess		R. Smuggle D. Deliver E. Use		K. Disperse/ Distribute		M. Manufacture/ Produce/ Cultivate	
	Drug Activity S. Sell N. N/A P. Possess		R. Smuggle D. Deliver E. Use		K. Disperse/ Distribute		M. Manufacture/ Produce/ Cultivate		Z. Other		Drug Type N. N/A A. Amphetamine		B. Barbiturate C. Cocaine E. Heroin	
C H A R G E	Charge Description BATTERY - BATTERY (SIMPLE)		Statute Violation Number 784.03(1A1)		Violation of ORD #		Drug Activity		Drug Type		Amount / Unit		Offense #	
	Drug Activity		Drug Type		Amount / Unit		Offense #		Counts		Domestic Violence ☒ Y ☐ N		Warrant / Capias Number	
	Charge Description		Statute Violation Number		Violation of ORD #		Drug Activity		Drug Type		Amount / Unit		Offense #	
	Drug Activity		Drug Type		Amount / Unit		Offense #		Counts		Domestic Violence ☐ Y ☐ N		Warrant / Capias Number	
I N T A K E	Health / Apparent Physical Condition of Defendant CALM		Any knowledge of the following: ☐ Mental ☐ Escape Risk ☐ Medication ☐ Deformities ☐ Injuries		Check which applies: ☐ Released O.R. ☐ Released to Parent/Guardian ☒ T.O.T. County Jail ☐ Posted Bond ☐ South County Mental Health		PROPERTY - Received By HARRISON		Released By PBCJ		Released To OWNER		Transported By RODGERS	
	PROPERTY - Received By HARRISON		Released By PBCJ		Released To OWNER		Transported By RODGERS		Date Transported 03/05/2023		Time Transported 05:35		Other	
	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		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)		Date Signed		No Photo Available	
	Signature of Defendant (or Juvenile and Parent/Custodian)		Date Signed		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 Arresting Officer HARRISON, D. M.		Name Verification (Printed by Arrestee) MAR 5 AM 7:00		Name of Arresting Officer (Print) HARRISON, D. M.		I.D. # 856	
A D M I N	HOLD for Other Agency		Signature of Arresting Officer HARRISON, D. M.		Name Verification (Printed by Arrestee) MAR 5 AM 7:00		Name of Arresting Officer (Print) HARRISON, D. M.		I.D. # 856		Agency BRPD		PAGE 1 OF 1	
	HOLD for Other Agency		Signature of Arresting Officer HARRISON, D. M.		Name Verification (Printed by Arrestee) MAR 5 AM 7:00		Name of Arresting Officer (Print) HARRISON, D. M.		I.D. # 856		Agency BRPD		PAGE 1 OF 1	

J# 0538713

P# 2007

PROBABLE CAUSE AFFIDAVIT

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

1

JUVENILE

A D M I N I S T R A T I V E	OBT Number		Agency ORI Number FL FLO500200		Agency Name BOCA RATON POLICE DEPARTMENT		Agency Report Number 3 2 2023-003089	
	Charge Type: Check as many as apply. ☐ 1. Felony ☐ 2. Traffic Felony ☒ 3. Misdemeanor ☐ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other		Special Notes:					
D E F E N D E N T	Name (Last, First, Middle) CUETO, ELAINE				Alias		Race W	Sex F
	Date of Birth 11/16/1977							
C H A R G E S	Charge Description 784.03(1A1) BATTERY- BATTERY (SIMPLE)				Charge Description MARSY'S LAW INVOKED			
	Charge Description				Confidential Info Contained			
V I C T I M	Business Address (Name, Street)				(City)	(State)	(Zip)	Phone
								Occupation
P R O B A B L E C A U S E S T A T E M E N T	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 5 day of March, 2023 at 04:39 (Specifically include facts constituting cause for arrest.)							
	On 03/05/2023 at approximately 0405 hours, I responded to _____ in reference to a physical domestic disturbance. Upon arrival, I made contact with the caller, Elaine Cueto, and _____ victim 1. I spoke with Cueto first. According to Cueto, she and _____ victim 1, were out partying with some friends where they got into a verbal argument. When a friend had dropped her off at her residence at the above location, she went inside not realizing that Victim 1 had also entered the residence behind her. She then went upstairs, where Victim 1 then pushed her out of nowhere, so she began hitting him back. She then began pushing him out of the residence until they both got to the doorway. At the doorway, he then threw her out of the house, resulting in two minor cuts of her ankle. I observed the two minor cuts (one on her right ankle and one on her left side foot). I did not observe any other injuries on Cueto's person. I then asked Cueto if she had any video surveillance, and she advised she had Ring camera of the front doorway. I then reviewed the Ring camera video, which showed both her and Victim 1 at the doorway. Victim 1 is seen standing at the doorway with his phone in his left hand and other hand by his side, then Cueto rushes beside him, resulting in her falling onto the ground. Right after falling, Cueto then jumps onto Victim 1, wrapping her hands around his neck and attempting to pull him backward. The video then concludes there. I captured this video on my MVR video camera. I then spoke with Victim 1 separately. According to Victim 1, he and Cueto _____ and have two residences. He and Cueto were out with some friends when they got into a verbal argument. When another friend had dropped both of them off at the above residence, Victim 1 walked inside the residence to go to sleep because he did not have his vehicle there. While walking inside and up the stairs, Cueto then began yelling and physically pushing and hitting Victim 1. Victim 1 had multiple obvious marks and scratches on his face, neck, and chest. I captured photos of these injuries on my MVR							
A D M I N I S T R A T I V E	SWORN AND SUBSCRIBED BEFORE ME VAN CAMP, JEFFERY ALAN NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10) 03/05/2023 DATE				HARRISON, DANIELLE MARIE (856) NAME OF OFFICER (PLEASE PRINT) 03/05/2023 DATE			
					PAGE 1 OF 2			

COURT

STATE ATTORNEY

CENTRAL RECORDS

JAIL

CRIME ANALYSIS

P. I. O.

OBTS Number		PROBABLE CAUSE AFFIDAVIT SUPPLEMENT		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Copies		1		JUVENILE	
A D M I N I S T R A T I V E	Agency ORI Number FL FL0500200		Agency Name BOCA RATON POLICE DEPARTMENT		Agency Report Number 3-2-2023-003089						
	Charge Type: Check as many as apply.		☐ 1. Felony ☐ 2. Traffic Felony		☒ 3. Misdemeanor ☐ 4. Traffic Misdemeanor		☐ 5. Ordinance ☐ 6. Other		Special Notes: FLORIDA'S LAW INVOKED		
	Name (Last, First, Middle) CUETO, ELAINE		Alias Confidential Info Contained		Race W		Sex F		Date of Birth 11/16/1977		
body camera. There was also a large tear in the back of his shirt. Victim 1 denied ever putting hands on Cueto. According to Victim 1, when he and Cueto were at the doorway, she had tried to punch him, which resulted in her lunging forward and falling onto the ground as seen in the Ring video. Based on both parties' statements, physical injuries that are consistent with the victim's statements, and independent video surveillance, I developed probable cause to arrest Elaine Cueto for simple battery (domestic) pursuant to F.S.S. 784.03(1)(a)(1).											
NOT A CERTIFIED COPY											
A D M I N I S T R A T I V E	SWORN AND SUBSCRIBED BEFORE ME										
	VAN CAMP, JEFFERY ALAN NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)										
	03/05/2023 DATE										
SIGNATURE OF ARRESTING / INVESTIGATING OFFICER HARRISON, DANIELLE MARIE (856) NAME OF OFFICER (PLEASE PRINT)											
03/05/2023 DATE											
PAGE 2 OF 2											

COURT

STATE ATTORNEY

CENTRAL RECORDS

JAIL

CRIME ANALYSIS

P. I. O.

VICTIM NOTIFICATION FORM

This form must be completed when one of the following crime(s) has been committed:

- Homicide (Ch. 782)
- Sexual Offense (Ch. 794)
- Attempted Murder
- Attempted Sexual Offense
- Stalking (F.S. 784.048)
- Domestic Violence - (This includes any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking or any criminal offense resulting in physical injury or death of one family member or household member by another, who is or was residing in the same single dwelling.)

Upon completion, this form must accompany the booking paperwork.

If applying for a warrant, attach this form to the filing packet.

1. Incident Report#: 2023-003089 Agency: BRPD
Offense: Simple Battery
Suspect/Offender: Custo, Elaine
D.O.B. 11/16/77 Race: W Sex: F

2. Warrant#(s): _____

3.a. _____

b. Victim's next of kin, friend or neighbor: _____
Address: _____
City: _____ State: _____ Zip: _____
Home#: _____ Work#: _____ Other: _____

NOTE: PURSUANT TO F.S. 119.07, THE CONTENTS OF THIS FORM MAY BE SUBJECT TO CONFIDENTIALITY.

Victim/Relation Notification Waiver and Confidential Information Request.

(check applicable boxes)

- ☐ Waiver: I choose not to be notified when the arrestee is released from custody.
- ☒ Confidential: Pursuant to F.S.119.07 (3)(S)1, I request that the address and telephone number on this form be kept confidential (applicable only to sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery, or domestic violence cases).
Other confidentiality provisions of Florida State Statutes may also be applicable

Signature of person waiving notification: _____

Printed name of person waiving notification: _____

Officer's Name: _____ I.D.# _____ Date: _____
White/Corrections or State Attorney (Warrant Application) Yellow/Warrants Section Pink/Central Records

SUSPECT/OFFENDER: _____

(FOR WARRANTS USE ONLY)

COURT CASE/WARRANT#: _____



Boca Raton

POLICE SERVICES DEPARTMENT

100 NW 2ND AVENUE • BOCA RATON, FL 33432-3795

PHONE: (561) 338-1234

www.BocaPolice.com

@BocaPolice



Victims' Right to Confidentiality Form

Marsy's Law (effective January 8, 2019), FL Constitution, Article 1, §16(b)

BRPD Case Number: 2023-003089

Defendant's Name(s): Cueto, Elaine

Florida Constitution, Article 1, Section 16(b)(5): Every victim is entitled to the following right, beginning at the time of his or her victimization: "The right to prevent disclosure of information or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information of the victim."

I, [REDACTED], as the victim, hereby invoke my right to prevent disclosure of information or records that could be used to locate or harass the victim or the victim's family, or which could disclose confidential or privileged information of the victim.

I HAVE READ AND UNDERSTOOD THE ABOVE PARAGRAPH. I HAVE BEEN INFORMED OF MY RIGHT TO NOT HAVE MY PERSONAL INFORMATION BECOME A MATTER OF PUBLIC RECORD.

Victim Signature: [REDACTED] Date: 3/5/23

(If the victim is under age 18, a parent or guardian's signature should be obtained)

Parent/Guardian Name: _____ Date: _____

Parent/Guardian Signature: _____

Witness (print/signature): [Signature]

I.D. # 445 (Law Enforcement Officer informing victim)

2023 MAR -6 AM 5:53
JOSEPH J. ARIZO, CLERK
PALM BEACH COUNTY, FL
GUN CLUB

FILED





**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: 2023006009

Date: 3/6/2023

Specialist Name/ID: Pinkneya/7796