#0591590 PCH#3889

23mm 5348 mB

# Arrest Report

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
8535 NORTHLAKE BLVD
WEST PALM BEACH, FL.

| Report Date / Time | Report Number | Case Number/Cad Number | Reporting Officer Name |
|---|---|---|---|
| 7/1/2023 06:22 PM | C-3803AB | FWC23ON0061643 / FWCS23IN0032862 | SPIRITO, GEORGE |

| Originating Agency ORI | Occur Date Time Range | Jurisdiction |
|---|---|---|
| FL0508000 | 07/01/2023 16:54:49 - | |

| OBTS Number | Other Number | Clearance |
|---|---|---|
| | | |

## Location of Occurrence

| County | Location Type | Location Description |
|---|---|---|
| PALM BEACH | OTHER | ICW AND BURT REYNOLDS |

| Street Number | Street | Apt/Lot/Bldg | City | State | Zip Code |
|---|---|---|---|---|---|
| | US1 N | FWC | JUPITER | FL | 33477 |

## Defendant

| First Name | Middle Name | Last Name | Suffix | Race | Sex | Height | Weight | Hair | Eyes |
|---|---|---|---|---|---|---|---|---|---|
| JOHN | A | CHIRICHELLO | J | WHITE | MALE | 6'01" | 245 | BROWN | BROWN |

| MNI # | SSN | Date of Birth | Age | ID Type | Drivers License or other ID | State | OCA / Agency ID |
|---|---|---|---|---|---|---|---|
| | [redacted] | 05/15/1969 | 54 | D | S77186253 | MA | |

| Place of Birth: | SUMMERVILLE MA USA |
|---|---|

Address
* RESIDENCE / 18 GRAFTON ST , WAKEFIELD, MA 01880 /

## Arrest

| Arrest Date/Time | Arrest Location Type | Arrest Location Description |
|---|---|---|
| 7/1/2023 5:07:24 PM | OTHER | ICW JUPITER AND BURY REYNOLDS BOAT RAMP |

| Street Number | Street | Apt/Lot/Bldg | County | City | State | Zip Code |
|---|---|---|---|---|---|---|
| | | | PALM BEACH | JUPITER | FL | |

## Charge :

| Counts | Charge | Bond Amount | |
|---|---|---|---|
| | | | ☐ No Bond |

| Charge Degree | Charge Level |
|---|---|
| | |

| General Offense Code | Arrest Offense Code |
|---|---|
| | |

FILED PBC - GUN CLUB
'23 JUL 2 AM 7:21

| Charge Description |
|---|
| |

| Administrative Code - Description |
|---|
| - |

## Charge : STATE STATUTE

| Counts | Charge | Bond Amount | |
|---|---|---|---|
| 1 | 327.35(1)(a) | $0.00 | ☐ No Bond |

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7/2/23

| Report Date / Time | Report Number | Case Number/Cad Number | Reporting Officer Name |
|---|---|---|---|
| 7/1/2023 06:22 PM | C-3803AB | FWC23ON0061643 / FWCS23IN0032862 | SPIRITO, GEORGE |

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| | | |

| Charge Degree | Charge Level |
|---|---|
| SECOND DEGREE | MISDEMEANOR |
| General Offense Code | Arrest Offense Code |
| | DUI-UNLAW BLD ALCH |

Charge Description
OPERATING A VESSEL WHILE NORMAL FACULTIES IMPAIRED

Administrative Code - Description
-

**Bond Set by Officer**

| Bond Amount | ☐ No Bond |
|---|---|

Bond Type(s)

**Probable Cause**

I. WHAT: BUI
II. WHEN: Saturday July 1,2023
III. WHERE: Palm Beach County ICW and Burt Reynolds boat ramp
IV. WHO: John A. Chirichiello Jr 18 Grafton St Wakefield MA 01880

V. Other information Relating to DUI/BUI
Vessel FL 8197 RA

VI. DETAILS OF DUI/BUI

On July 1, 2023, I Officer Spirito along with Major Bonds, Lt. Hankinson, and Officer Schroer all of the Florida Fish and Wildlife Conservation Commission (FWC) were on marked vessel patrol on the Intracoastal Waterway (ICW) in Jupiter. We conducted a vessel stop of a personal watercraft on the ICW in the area of Burt Reynolds boat ramp on FL 8197 RA to perform a boating safety inspection.

Upon the stop I encountered the operator of the vessel John Chirichiello and asked for his registration, fire extinguisher and a sound producing device. Chirichiello had some trouble getting what I had asked for and he almost fell off of the boat while retrieving the fire extinguisher. Chirichiello was unable to produce a sound producing device but did produce a vessel registration showing the vessels registration to be expired. After running the vessel, it was confirmed that the vessels registration was expired. During my interaction with Chirichiello, I could see his eyes were glassy with pinpoint pupils and he had distinct clues of impairment as I interacted with him. At this time, I asked Chirichiello to step onto my vessel to perform field sobriety tasks which he agreed to.

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## VII. FIELD SOBRIETY TASKS

FSTS
General Instructions and Pre-talk question-

Chirichiello did not sit at the front edge of his seat as asked and he did not state that he answered no to all pre task questions other than stating that he had ankle and knee issues.

Horizontal Gaze Nystagmus

Chirichiello stated that he was not wearing contact lenses. I had to tell him not to move his head. He had lack of smooth pursuit in both eyes, distinct and sustained nystagmus at maximum deviation in his right eye and onset of nystagmus prior to 45 degrees in his left eye.
Total number of Clues- 4 Clues needed-4

Finger to nose

During the finger to nose Chirichiello was unable to follow instructions, started at the wrong time and moved his head more than 1 inch. He searched and missed his nose by large distances multiple times, he did not use his fingertip multiple times, missed the tip of his nose multiple times, and had to be told to bring his hand down multiple times, even after I told him again to bring it down on his own, he didn't listen.

Total number of clues- 18 Total Clues needed- 9

Palm Pat

During the Palm Pat Chirichiello was unable to follow instructions, rolled his hands, chopped pat and did not increase speed.

Total number of clues- 4 Total Clues needed- 2

Hand Coordination

During the hand coordination Chirichiello was unable to follow instructions, started at the wrong time, did not count during task 2 hand clapping, and had an improper end position in task 4.

Total number of clues- 4 Total Clues needed- 3

## VIII. ARREST AND BOOKING

Based on the failed tasks, my interactions and observations of Chirichiello and my training and experience I

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| | | |

placed Chirichiello under arrest for operating a vessel with normal faculties impaired. It is my belief that due to no odor of an alcoholic beverage emanating from his person, his pinpoint glassy eyes, his inability to focus and his failed tasks that Chirichiello is under the influence of a controlled substance other than alcohol. He was handcuffed and the handcuffs were double locked. He was then transported by vessel to Jonathan's Landing. The vessel was operated from the stop by Chirichiello's girlfriend. Chirichiello was transported in my marked patrol state patrol vehicle from Jonathan's Landing to Palm Beach County Jail at Gun Club.

Chirichiello provided 2 breath samples of 0.00 and 0.00, he was then asked if he would provide a urine sample to which he agreed. When it came time to provide the sample, he stated that he could not even though he had been in my custody for approximately 3 hours and had not used the bathroom in this time. He stated that he couldn't even try. This was taken as a refusal due to the time that had past and the failure to even try. For the next hour that I was with Chirichiello he never asked to provide a urine sample and kept stating "I will just pay the $500".

Chirichiello was charged with the following -

327.35(1)(a) BUI normal faculties impaired
327.35215(1) refusal to submit to blood/breath/urine pursuant to FS327.352
327.50(1)(a) vessel safety gear, no sound producing device.
328.72(13)(a) operate a vessel on state waterers with expired registration.

**Jail Booking Facility**

| Booking Date/Time | Booking County | Booking Facility | Booking Facility Phone |
|---|---|---|---|
| 7/1/2023 08:27 PM | PALM BEACH | MAIN DETENTION CENTER | (561) 996-1699 |

| Booking Facility Location | Booking Number |
|---|---|
| 3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406-3001 | |

| Booking Comments |
|---|
| |

**Court**

| Court County | Court Location |
|---|---|
| PALM BEACH | 205 NORTH DIXIE HIGHWAY WEST PALM BEACH, FLORIDA 33401 |

| Court | Court Phone | Court Appearance Date / Time | Court Fine |
|---|---|---|---|
| PALM BEACH COUNTY COURT | | 08/03/2023 08:30AM | |

| Comments |
|---|
| |

| Officer Name / Rank / ID # | Involvement On Report / Reporting Role | Officer Agency Org/Unit |
|---|---|---|
| SPIRITO, GEORGE OFFICER WP366 | REPORTING OFFICER | FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION FWCS\SO REGION A\PALM BEACH |

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| OBTS Number | Other Number | Clearance |
|---|---|---|
| | | |

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s), of law, on the below date(s) and time(s), as listed in the probable cause associated with this report:

**Reporting Officer**

| Officer Name | Office Rank | Officer ID No |
|---|---|---|
| SPIRITO, GEORGE | OFFICER | WP366 |

Officer Agency

FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION

Officer Signature

Sworn and subscribed before me, the undersigned authority

This the 1st day of July, 2023

DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT

by SL N845

○ No Bill / Petition ○ Issue Warrant ○ Prosecution Approved

Signature of Assistant State Attorney Date

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# TESTING FACILITY TASK REPORT

AGENCY: FWC - BUI

SUBJECT: Chirichiello, John A. Jr.

CASE NUMBER: 23-084612

DATE: Jul 1, 2023

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 18:39

ENDING TIME: 18:55

BREATH TESTS RESULTS: 1) .000 TIME 18:43 A.M.☐ P.M.☒ 2) .000 TIME 18:46 A.M.☐ P.M.☒

3) N/A TIME ——— A.M.☐ P.M.☐ 4) N/A TIME ——— A.M.☐ P.M.☐

BREATH OPERATOR: R . Ragin # 16877

MAINTENANCE TECHNICAN: Jason Karlecke #6467

**TESTING OFFICER'S OBSERVATIONS**

SPEECH: Thick

ATTITUDE: Calm, cooperative, fidgety

CLOTHING: Black shorts, black tank top, black flip-flops

MEDICAL CONDITIONS: None

MEDICATIONS: None

**OTHER:**

Eyes red

---

**COMMENTS:**

Arrived at center A/O started 20 minute observation period at 18:14 hrs.

Subject agreed to take test.

Tech read breath test results.
Subject stated he understood test results.

A/O requested to provide urine at18:49 hrs..

A/O read I/C.
Subject stated he understood I/C and agreed to provide urine.

A/O read rights.
Subject stated he understood rights.

A/O conducted Q&A.
Subject answer Q&A.

REFUSED

Urine Refused @ 19:20

---

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**FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION**
**DIVISION OF LAW ENFORCEMENT**

# IMPLIED CONSENT WARNING FOR BREATH (BUI)

DEFENDANT'S NAME: John Chicchello CASE NO: FWC230N00616 43

I am now requesting that you submit to a lawful test of your ~~BREATH~~ Urine for the purpose of determining its alcohol content.

Will you take the test? YES ☒ NO ☐

**NOTE:** *READ THE BELOW ONLY IF THE ANSWER TO THE ABOVE IS "NO." If the answer to the above is "YES," move to and complete the signatures section of this document.*

If you refuse to submit to the test I have requested of you, it will result in a civil penalty of $500. Additionally, if you refuse to submit to the test I have requested of you and you have previously been fined for refusal to submit to a lawful test of your breath, urine, or blood you will be committing a misdemeanor, in addition to any other penalties which can be imposed by law. Refusal to submit to the test I have requested is admissible into evidence in any criminal proceeding.

**In ADDITION to the above, read this statement ONLY if the person is under the age of 21:**

Furthermore, if you refuse to submit to this test, you will be required to complete 50 hours of community service and your privilege to operate a vessel will be suspended until the community service is performed.

Do you understand what I have just read to you? YES ☒ NO ☐
Do you still refuse to submit to this test? YES ☐ NO ☒

## SIGNATURES

Date read: 7/1/23 Time read: 18:49 Location read: Palm Beach Jail Guardhouse

OFFICER'S NAME (printed): Gregg Sarto

OFFICER'S SIGNATURE: [signature]

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# FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION
## DIVISION OF LAW ENFORCEMENT

### OPERATOR APPRAISAL & INTERVIEW

DEFENDANT'S NAME: John Chirichello CASE NO. FWC 23 ON 006 1643

1. You have the right to remain silent.
2. Anything you say can and will be used against you in a court of law.
3. You have the right to talk to a lawyer and have him present with you while you are being questioned.
4. If you cannot afford to hire a lawyer, one will be appointed to represent you before any questioning, if you wish.
5. If you consent to answer questions now, without a lawyer present, you will still have the right to stop answering at anytime.

1. Do you understand each of these rights? ☑ YES ☐ NO
2. With these rights in mind, do you wish to talk to us now? ☑ YES ☐ NO

Defendant's Signature: _____

| | | |
|---|---|---|
| Were you operating a vehicle/vessel? Jet Ski | | Where were you going? up + down ICW |
| Was the vehicle/vessel in good condition? If No, → Yes | | What is wrong with it? |
| What road/waterway were you on? Intercostal | | Where were you coming from? Dock on ICW |
| What time did you leave there? 3 ish | | Without looking at a watch or clock, what time is it now? 6pm Actual Time: 6:52 |
| What is today's date? 7/1/23 Actual Date: 7/1/23 | | What day of the week is it? Sat Actual Day: Sat |
| When did you last eat? last night today → | What did you eat? watermelon wings burger Can remember tasty bites | Where did you last eat? Tasty Bites |
| What have you been drinking? Pelegrino Water | How much have you been drinking? 3 bottles | Where have you been drinking? |
| Who were you drinking with and were they drinking? | | What time did you start drinking? |
| What time did you stop drinking? | Do you feel the effects of alcohol (or drugs)? | Do you feel that you are impaired? |
| Were you involved in an accident today? No | When did you last sleep? 945 | How much sleep did you get? 530 |
| Are you currently under the care of a doctor or dentist? For what? No | | |
| Have you used any type of drugs recently, prescription, non-prescription or otherwise? No | | |
| If so, what kind of drug did you take? What was your last dose and when? No | | |
| Do you think you should have been operating a vehicle/vessel? absolutely | If yes, Why? nothing wrong with me | |

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Interviewing Officer's Signature

George Smith
Interviewing Officer's Name (Printed)

**PALM BEACH COUNTY SHERIFF'S OFFICE**
**DUI TESTING FACILITY**
**INFORMATION SHEET**

PBSO CASE # 23-084612 PBSO ZONE 3-11

AGENCY CASE # FWC23ON00601643 CRASH CASE #

TIME OF STOP/CRASH 16:54 DATE 7/1/23 DAY Saturday

SUBJECT'S NAME Chirichello (LAST) John (FIRST) A (MID) RACE W SEX M

HGT 6'01 WGT 245 DOB 5/15/69

LOCATION 1(W) on Jupiter Burt Reynolds Boat Ramp

ARRESTING OFFICER'S NAME & ID Spinito P364 AGENCY FWC

DIVISION: LE

NOTIFIED BY COMMO Walk in

ARRIVAL AT FACILITY 18:14

ARREST TIME 17:07

BREATH RESULTS:

1) .000
2) .000
3) Urine
4)

TESTING OFFICER'S ID 16877 PBSO VIDEOTAPE # N/A

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# FLORIDA DEPARTMENT OF LAW ENFORCEMENT
## ALCOHOL TESTING PROGRAM
### BREATH ALCOHOL TEST AFFIDAVIT

Instrument Type: Intoxilyzer 8000
Instrument Registered To: PALM BEACH CO SO
Instrument Serial Number: 80-006477 Software: 8100.27
Date of Test: 07/01/2023

Date of Last Agency Inspection: 06/23/2023
Observation Period Began: 18:14
Subject's Name: JOHN A CHIRICHELLO DOB: 05/15/1969 Sex: M

The subject was observed for at least twenty-minutes prior to the administration of the breath test to ensure that the subject did not take anything orally and did not regurgitate.

Results:

| Test | g/210L | Time |
|---|---|---|
| Diagnostics Check | OK | 18:42 |
| Air Blank | 0.000 | 18:42 |
| Control Test | 0.079 | 18:42 |
| Air Blank | 0.000 | 18:43 |
| Subject Sample #1 | 0.000 | 18:43 |
| Air Blank | 0.000 | 18:44 |
| Air Blank | 0.000 | 18:46 |
| Subject Sample #2 | 0.000 | 18:46 |
| Air Blank | 0.000 | 18:47 |
| Control Test | 0.079 | 18:47 |
| Air Blank | 0.000 | 18:48 |
| Diagnostics Check | OK | 18:48 |

Cylinder Lot: 15922080A3
Exp: 08/05/2024

State of Florida, County of Palm Beach,

Personally appeared before me the undersigned authority, who (✓) is personally known to me or (__) produced _____ as identification, and who after being placed under oath, states:

I RENEE M RAGIN, hold a valid Breath Test Operator permit issued by the Florida Department of Law Enforcement, I administered the above breath test to the subject named above in accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: _____ Date: 07/01/23
Signature

Sworn to (or affirmed) before me this 01 day of July, 2023

_____ Ofc. G. Spirito #P366
Signature of Notary Public-State of Florida Printed Name of Notary Public-State of Florida

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., this completed form is admissible without further authentication and is presumptive proof of the results herein. To be used in accordance with Section 316.1934(5), F.S., and in administrative proceedings pursuant to 322.2615, F.S.

*FDLE/ATP FORM 38 - MARCH 2004, Ref. 11D-8.007*

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**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: | |

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**REVIEW COMPLETED BY**

| | |
|---|---|
| **Booking Number:** 2023017157 | **Date:** 7/2/2023 |
| | **Specialist Name/ID:** Chantel Daniels/30347 |

# RECEIPT FOR PRISONER'S PERSONAL PROPERTY
# PALM BEACH COUNTY

**JAIL**

Jacket # 0541590 Cell # _____ Pouch # 3889

**ARRESTING AGENCY**

Arrest Agency FWC Arrest Date 07/21/23 Arrest Time 1701 hrs Tamper-Proof Bag # _____

Print Prisoner's [illegible] Jr. (LAST NAME) Talon (FIRST NAME) N (MI)

Prisoner's 5/15/1969 (DATE OF BIRTH) _____ (SOCIAL SECURITY NUMBER) MALE ☑ FEMALE ☐ WHITE ☐ BLACK ☐ HISPANIC ☐ OTHER ☐

| 1's | 5's | 10's | 20's | 50's | 100's | Other | U.S. Bills Total | U.S. Coins Total | Check/M.O. Total |
|---|---|---|---|---|---|---|---|---|---|
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | $ 0 | $ 0 | $ 0 |

Total Amount of Money in Writing: Zero

Total Amount of Money Numerical: $ 0

| DESCRIPTION OF PERSONAL PROPERTY | BAG 1 OF 0 - BULK PROPERTY - BAG 2 OF 0 | |
|---|---|---|
| 1. Massachusetts River License | 1. [illegible] | 1. |
| 2. Florida Vessel Registration | 2. | 2. |
| 3. [illegible] | 3. | 3. |
| 4. | 4. | 4. |
| 5. | 5. | 5. |
| 6. | 6. | 6. |
| 7. | 7. | 7. |
| 8. | PRISONER IS WEARING | |
| 9. | 1. Black sleeveless shirt | |
| 10. | 2. Black shorts | |
| 11. | 3. Black Flip Flops | |

By my signature, I acknowledge that the above described property is all the property, other than that held as evidence, in my possession at the time of my arrest.

[signature] (SIGNATURE OF PRISONER) George Spratt (PRINT NAME OF OFFICIAL TAKING PROPERTY) P366 (ID #) [signature] (SIGNATURE)

**TRANSPORT**

## CHAIN OF CUSTODY

I certify the above inventory is correct and I have received all items listed above.

| Name | ID Number | Agency | Date |
|---|---|---|---|
| 1. [illegible] | [illegible] | [illegible] | 7/21 |
| 2. | | | |
| 3. | | | |

**INTAKE**

Shower/Uniform Issuance. D/S Print Name and ID #:

| Items retained by inmate | | Additional property/clothing placed into Property | |
|---|---|---|---|
| | | | |
| | | | |
| | | | |

**RELEASE**

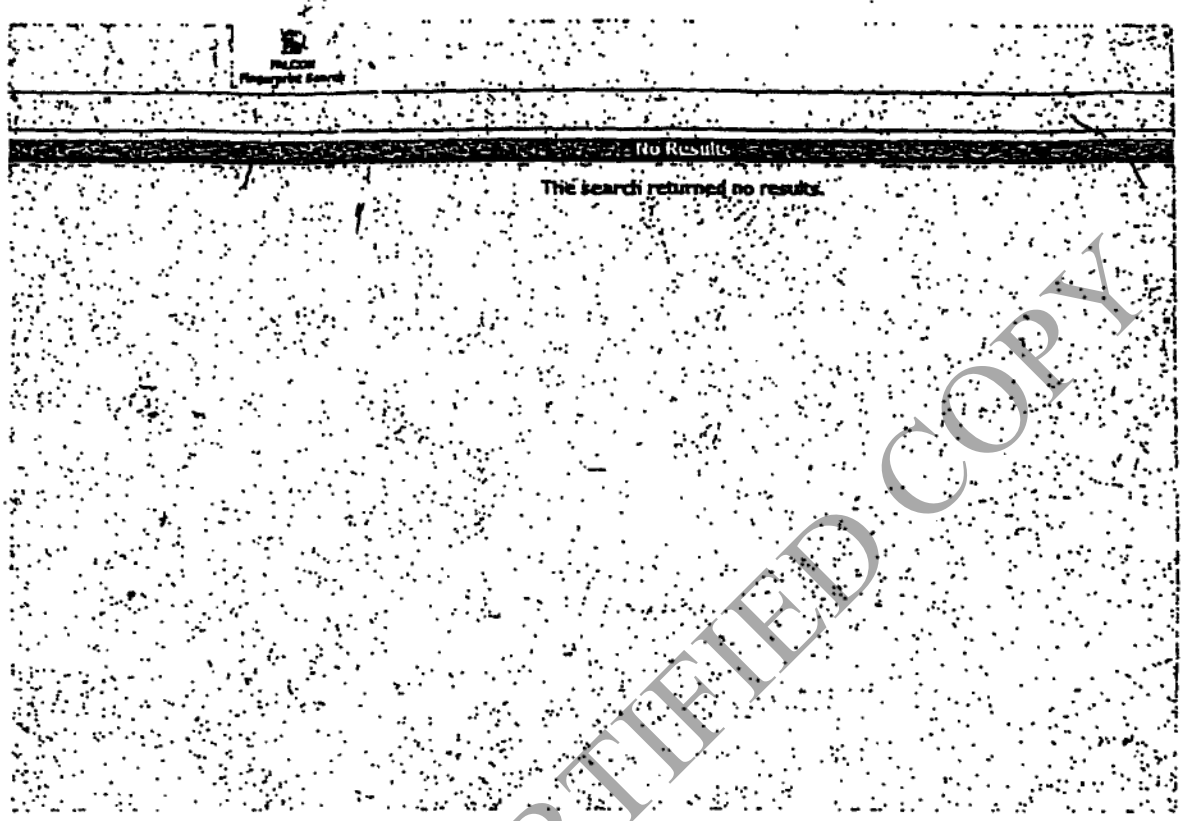
By my signature, I acknowledge receipt of all my listed property and money in the amount of:

Check Total $ _____ Cash Total $ _____

_____ (SIGNATURE OF PRISONER) _____ (SIGNATURE/ID # OF WITNESS) _____ (DATE)

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CANARY - PBSO PROPERTY GREEN - TRANSPORTING OFFICER PINK - ARRESTING OFFICER/AGENCY WHITE- INMATE




# NO SEARCH RESULTS

NAME: Chirichello, John

JACKET: 0541590

DATE: 7-1-23

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