50-2024-CT-001991 ANB

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

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

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

ADMINISTRATIVE

OBTS Number	Agency ORI Number	Agency Name	Agency Report Number
	FLO 5 0 2 6 0 0	PALM BEACH GARDENS POLICE DEPARTMENT	78 - 78-24000569

Charge Type: Check as many as apply: ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

Weapon Seized / Type: 2 (1. Yes 2. No)

Multiple Clearance Indicator:

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
N MILITARY TRL/GARDEN LAKES DR, PALM BEACH GARDENS, FL, 33410	N MILITARY TRL/KYOTO GARDENS DR, PALM BEACH GARDENS, FL, 33410

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
02/02/2024	21:27					KAUFF'S TOWING AND RECOVERY 4701 EAST AVENUE, WPB, FL 33407

DEFENDANT

Name (Last, First, Middle): ~~JOHN, OLIN, KILLGORE~~ Killgore, John Olin

Alias (Name, DOB, Soc. Sec. #, Etc.)

Race (W - White I - American Indian B - Black 0- Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	07/19/1968	508	190	BRO	BRO	LGT	LRG

Scars, Marks, Tatoos, Unique Physcal Features (Location, Type, Description): NONE

Marital Status: SINGLE | Religion: NONE

Indication of: Alcohol Influence Y ☑ N ☐ Unk. ☐ | Drug Influence Y ☐ N ☐ Unk. ☑

Local Address (Street, Apt. Number) (City) (State) (Zip): 12360 SE INDIAN RIVER DR S, HOBE SOUND, FL 33455

Phone: (772) 349-4872

Residence Type: 1. City 2. County 3. Florida 4. Out of State | 3

Permanent Address (Street, Apt. Number) (City) (State) (Zip)

Phone

Address Source: FL DRIVER'S LICENSE

Business Address (Name, Street) (City) (State) (Zip)

Phone

Occupation: ST LOUIS MO

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
K426474682590 FL	[redacted]		~~REFUSED, MI~~	USA

CO-DEF

Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	
				☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile
				☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile

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 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

CODE

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/Denv. P. Paraphernalia/ Equipment S. Synthetics U. Unknown Z. Other

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
DUI - NORMAL FACULTIES IMPAIRED	1	☐ Y ☒ N	316.193(1)(A)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant I Capias Number	Bond
N	N	N			$1,000

(1)

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐ Y ☐ N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐ Y ☐ N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐ Y ☐ N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

NOTICE TO APPEAR

Location (Court, Room Number, Address)

NORTH COUNTY COURTHOUSE, 3188 PGA BOULEVARD, PALM BEACH GARDENS, FL 33410 - PH: (561) 662-6700

Court Date and Time: Month MARCH Day 6 Year 24 Time 10:00 AM X 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

Signature of Defendant (or Juvenile and Parent /Custodian) — Date Signed: 02/02/2024

ADMIN

HOLD for other Agency Name:

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other:

Intake Deputy I.D.# Pouch #

Signature of Arresting Officer: X [signature] #471

Name of Arresting Officer (Print): OFC. CAMERON CARVER I.D. # 471

Transporting Officer: OFC. C. CARVER ID# 471 Agency PBGPD

Name Verification (Printed by Arrestee) (PRINT)

Witness here if subject signed with an -X"

FILED PBC - GUN CLUB - 12411 ELLISON WILSON

PAGE 1 OF 1

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02675267

1041

D.U.I. PROBABLE CAUSE AFFIDAVIT

On the 2 day of FEBRUARY 2024 at 20:35 ☐ AM ☑ PM

Subject: ~~JOHN, OLIN, KILLGORE~~ Killgore, John Olin Case Number: 78-24000569

Agency: *PALM BEACH GARDENS POLICE DEPARTMENT* Arresting Officer: OFC. CAMERON CARVER 471

PERSONAL CONTACT

DRIVING PATTERN: (Actual Physical Control; Physical Evidence or Statements Putting Defendant Behind Wheel of Vehicle)

Ofc. Morea #517 was traveling southbound in the 11000 block of N Military Trl when he observed a black BMW SUV bearing FL license plate BR21WR traveling south in the far-right lane at a high rate of speed past him. While behind the vehicle he observed the vehicle driving over the white fog line nearly hitting the curb numerous times. He initiated a traffic stop on the vehicle at Kyoto Gardens Dr and N Military Trl and upon so, the vehicle struck the curb with its tires and continued driving south. The vehicle came to a stop just north of Garden Lakes Dr on N Military Trl, and while doing so nearly struck construction cones on the roadway when coming to a stop. Ofc. Morea made contact with the driver and sole occupant of the vehicle and identified him via FL driver`s license as John Killgore.

OBSERVATION OF DRIVER:

Killgore was seated in the driver's seat with the vehicle on. Driver had flush face; bloodshot and glassy eyes; and had the strong odor of an unknown alcoholic beverage coming from his mouth, as well as a masking odor from gum. At times he would have a slur, but was otherwise clear, direct, deliberate speech. When he began to talk quickly, he no longer had measured responses. Upon exiting the vehicle, was swaying and continued to sway while standing. Killgore was calm and cooperative at first, but during the interaction he became argumentative and cocky.

DRIVER STATEMENTS:

Stated he was out golfing, arriving there for T time at 12:00pm and left around 8pm. Claimed to have had only 3 Michelob Ultra beers, stopping at 3pm. Stated he ate chicken salad. Admitted to driving "recklessly" at high rate of speed, due to going out on a date with a female he's been texting. Explained he had three knee surgeries, first was at 19 years old, second was 12 years ago and third was 8 years ago, but stated he is athletic and does not walk with assistance.

ODORS: Strong odor of unknown alcoholic beverage.

GENERAL OBSERVATIONS

SPEECH: At times slurred and mumbled, articulate and deliberate, measured.

ATTITUDE: Argumentative, Calm, Compliant, Cocky, Belligerent, Sarcastic, Talkative, Playing dumb

CLOTHING: Gray vest, light green polo, white shorts, black shoes

MEDICAL/OTHER: 3 knee surgeries; anti-depressant (not within 72 hours); trazadone last night at bedtime.

STATE OF FLORIDA
COUNTY OF PALM BEACH

#471
SIGNATURE OF ATTESTING OFFICER

The forgoing instrument was sworn to or affirmed and subscribed before me this 2 day of February 2024 by OFC. CAMERON CARVER 471 who is ☑ personally known to me or ☐ produced _____.

Notary Public, Clerk of Court, Officer (FSS 117.10)

MADELIN GONZALEZ
Notary Public
State of Florida
Comm# HH225716
Expires 2/7/2026

STAMP

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D.U.I. PROBABLE CAUSE AFFIDAVIT Cont.

Subject: ~~JOHN, OLIN, KILLGORE~~ Killgore, John Olin ee Case Number: 78-24000569

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

LEFT EYE	*RIGHT EYE*
☑ Lack of Smooth Pursuit	☑ Lack of Smooth Pursuit
☑ Distinct & Sust. Nystag. at Max. Deviation	☑ Distinct & Sust. Nystag. at Max. Deviation
☐ Onset of Nystagmus Prior to 45 Degrees	☐ Onset of Nystagmus Prior to 45 Degrees

Other Observations:

VGN not present; moved head throughout task.

Walk and Turn

-Unable to maintain balance during instruction phase.
-Started prior to being told.
-Stopped during task.
-Missed heel-to-toe.
-Stepped off the line.
-Used arms for balance.
Refer to Probable Cause Affidavit for further details.

One Leg Stand

-Swayed.
-Used arms for balance.
Refer to Probable Cause Affidavit for further details.

Rhomberg

-Swayed.
-Did not keep eyes closed.
-Properly Recited: A-B-C-D-E-F-G-H-I-J-K-L-M-N-O-P-Q-R-S-T-U-V-W-X-Y-Z

Finger to Nose

L: Pad/Tip
R: Pad/Below
L: Pad/Side
R: Side/Tip
R: Pad/Tip
L: Pad/Tip

BREATH RESULTS: 1) NSP @ 22:55 2) VNM @ 23:01 3) REF @ 23:10 4) _____ @ _____

STATE OF FLORIDA
COUNTY OF PALM BEACH

#471
SIGNATURE OF ATTESTING OFFICER

The forgoing instrument was sworn to or affirmed and subscribed before me this 2 day of February 20 24 by OFC CAMERON CARVER 471 who is ☑ personally known to me or ☐ produced _____.

Notary Public, Clerk of Court, Officer (FSS 117.10)

MADELIN GONZALEZ
Notary Public
State of Florida
Comm# HH225716
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STAMP

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78-24000569

DUI WITNESS LIST

Arresting Officer: OFC. CAMERON CARVER 471 Email: ccarver@pbgfl.com
Agency Address: 10500 N Military Trail, Palm Beach Gardens, FL 33410 Phone: (561) 799-4445
Can Testify To: Facts of Case

Backup Officers: OFC. D. MOREA #517 / OFC. N WESENICK #554
Agency Address: 10500 N Military Trail, Palm Beach Gardens, FL 33410 Phone: (561) 799-4445
Can Testify To: TRAFFIC STOP / SCENE SAFETY

Crash Investigator: _____ Email: _____
Agency Address: _____ Phone: _____

Breathalyzer Technician: GONZALEZ ID: #40577 Agency: PBSO

DRE: _____ ID# _____ Agency Case #: _____
Agency Address: _____ Phone: _____ Email: _____

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

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PALM BEACH GARDENS POLICE DEPARTMENT
DUI TESTING FACILITY INFORMATION SHEET

PBSO Case #: 24-031032 PBSO Zone: 3-13

Agency Case #: 78-24000569 Crash Case #: _____

Incident Information:

Time of Stop/Crash: 20:35 Date of Incident: 02/02/2024 Day: FRIDAY

Location of Incident: N MILITARY TRL/KYOTO GARDENS DR, PALM BEACH GARDENS, FL, 33410

Arrest Information:

Time of Arrest: 21:27 Date of Arrest: 02/02/2024 Day: FRIDAY

Location of Arrest: N MILITARY TRL/GARDEN LAKES DR, PALM BEACH GARDENS, FL, 33410

Subject's Name: (L) Kilgore ~~JOHN~~, (F) John ~~OLIN~~, (M) Olin ~~KILLGORE~~

DOB: 07/19/1968 Race: W Sex: M Height: 508 Weight: 190 Hair BRO Eye BRO

Address: 12360 SE INDIAN RIVER DR S, HOBE SOUND, FL 33455 Phone: (772) 349-4872

Arresting Officer's Name: OFC. CAMERON CARVER ID#: 471

Agency: PBGPD Division: TRAFFIC UNIT ☐ Marcy's Law CVI FL. Const. Art. 1 § 16(b)

Breath Results

1) NSP at 22:55 hrs.
2) VNM at 23:01 hrs.
3) REF at 23:10 hrs.
4) _____ at _____ hrs.

---BAT Use---

BAT Notified: YES
Arrival Time at BAT: 22:18
Subject Arrest Time: 21:27

REFUSED

Breath Test Operator: GONZALEZ #40577
PBSO

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TESTING FACILITY TASK REPORT

AGENCY: PBG

SUBJECT: KILLGORE, JOHN O

CASE NUMBER: 24-031032

DATE: Feb 2, 2024

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 22:47

ENDING TIME: 23:09

BREATH TESTS RESULTS: 1) NSP TIME 22:55 A.M.☐ P.M.☒ 2) VNM TIME 23:01 A.M.☐ P.M.☒

3) R TIME 23:10 A.M.☐ P.M.☒ 4) N/A TIME N/A A.M.☐ P.M.☐

BREATH OPERATOR: M. GONZALEZ #40577

MAINTENANCE TECHNICAN: J. KARLECKE# 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: CALM, TALKATIVE

CLOTHING: BEIGE SHORTS, LIGHT BLUE SHIRT, GREY VEST, BLACK SNEAKERS

MEDICAL CONDITIONS: SADNESS, DISTRESS

MEDICATIONS: NONE

REFUSED

OTHER:

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COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 22:18 HRS.

SUBJECT: AGREE TO TAKE TEST.

SUBJECT: WOULD NOT STOP TALKING TO THE OFFICER DURING THE FIRST THREE MINUTE CYCLE, DID NOT PROVIDE BREATH SAMPLE.

A/O: READ I/C TWO TIMES
SUBJECT: AGREED AGAIN TO TAKE TEST,

SUBJECT: CAME UP TO BLOW, WOULD NOT FOLLOW THE TECHNICIAN INSTRUCTIONS AND WOULD NOT PROVIDE AN ADEQUATE SAMPLE.

SUBJECT: WAS CALLED UP TO PROVIDE BREATH SAMPLE AND AGAIN WOULD NOT FOLLOW INSTRUCTIONS.
A/O: CALLED REFUSAL
A/O: READ RIGHTS
A/O: NO Q & A

REFUSED

SUBJECT: ~~JOHN, OLIN, KILLGORE~~ Killgore, John Olin

CASE NUMBER: 78-24000569

IMPLIED CONSENT FOR DUI IN A MOTOR VEHICLE

NOTE: READ ONLY THE PARAGRAPH APPLICABLE TO THE TYPE OF TEST YOU ARE REQUESTING.

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

OR

I am now requesting that you submit to a lawful test of your ***URINE*** for the purpose of determining the presence of chemical or controlled substances.

NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST.

I am OFC. CAMERON CARVER 471 of the ***PALM BEACH GARDENS POLICE DEPARTMENT***

If you refuse to take the test I have requested of you, your driving privilege will be suspended for a period of one (1) year for a FIRST REFUSAL, or eighteen (18) months if your driving privilege has been PREVIOUSLY SUSPENDED, or if you have been PREVIOUSLY FINED under s. 327.35215, for refusing to submit to a lawful test of your breath, urine, or blood. Additionally, if you refuse to take the test I have requested of you, and your driving privilege has been previously suspended, or if you have been previously fined under s. 327.35215, for a 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.

Do you understand what I have just read to you? YES <or> NO Do you still refuse to submit to this test? YES <or> NO

NOTE: IF THE SUBJECT POSSESSES A COMMERICIAL DRIVER'S LICENSE (CDL), READ THE FOLLOWING,

If you are a Commercial Driver License (CDL) holder or were driving a Commercial Motor vehicle (CMV), your refusal to submit to testing will result in the loss of your commercial driving privilege for a period of one year from today. If this is your SECOND REFSUAL, you will be permanently disqualified from holding a CDL or operating a CMV.

Do you understand what I have just read to you? YES <or> NO Do you still refuse to submit to this test? YES <or> NO

SUBJECT'S SIGNATURE: *Read on Camera*

CONSTITUTIONAL WARNINGS

I AM REQUIRED TO WARN YOU BEFORE YOU MAKE ANY SATEMENTS THAT YOU HAVE THE FOLLOWING RIGHTS:

1. You have the right to remain silent and not answer any questions.
2. Any statement must be freely and voluntarily given.
3. You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.
4. If you cannot afford a lawyer, you are entitled to the presence of a court appointed lawyer before you make any statements and during any questioning.
5. If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.
6. I can make no threats or promises to induce you to make a statement. This must be of your own free will.
7. Any statement can and will be used against you in a court of law.

SUBJECT'S SIGNATURE: *Read on Camera*

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78-24000569

STATE OF FLORIDA
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH TEST

I, OFC. CAMERON CARVER, a duly certified Law Enforcement or Correctional Officer, am a
(Name of Officer reading Implied Consent Warning)

member of PALM BEACH GARDENS POLICE DEPARTMENT, and I do swear
(Name of Law Enforcement Agency)

or affirm that on or about the 2 day of FEBRUARY, 20 24, at 21:27 ☑P.M. ☐A.M.

DRIVER John ~~OLIN~~ olin ~~KILLGORE~~ hillgore ~~JOHN~~,
FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL # K426474682590, state of FL, was placed under lawful arrest for

the offense of DUI - NORMAL FACULTIES IMPAIRED by OFC. CAMERON CARVER and
(Name of Arresting Officer)

issued citation # AINOA6E.

That on or about the 2 day of FEBRUARY, 20 24, at 23:10 ☑P.M. ☐A.M.

in PALM BEACH County,

I requested that the driver submit to a **BREATH** test for the purpose of determining its alcohol content. I informed the driver that the refusal to submit to such test would result in the suspension of his or her driving privilege for a period of one (1) year for a first refusal, or for a period of eighteen (18) months if his or her driving privilege had been previously suspended, or if he or she had been previously fined under s. 327.35215, F.S., for refusing to submit to a breath, urine, or blood test. I also informed the driver that he or she commits a misdemeanor by refusing to submit to a lawful test as requested above if his or her driving privilege has been previously suspended, or if he or she has been previously fined under s. 327.35215, F.S., for refusal to submit to a lawful test of his or her breath, urine, or blood. Nonetheless, the driver refused to submit to the test requested.

#471
Signature of Law Enforcement Officer or Correctional Officer

THE AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO (s. 117.10, F.S.)

MADELIN GONZALEZ
Notary Public
State of Florida
Comm# HH225716
Expires 2/7/2026

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 2 day of February, 20 24, by OFC. CAMERON CARVER, who is personally known to me or who has produced _____ as identification.

Notary Public

The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title _____

Date _____

Note: Mail or hand deliver to the designated Bureau of Administrative Reviews office, Department of Highway Safety and Motor Vehicles, with the driver's license, the appropriate copy of the UTC, and the probable cause affidavit.

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Palm Beach County Sheriff's Office

Florida State Statute Exemption Sheet

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	☐	119.071(4)(c)	Undercover personnel	
	☐	119.071(2)(e)	Confession	
Public Info. Exemptions	☐	FL Const. Art. I, s. 16(b)(5)	Marsy's Law – victim information shall be redacted. The term "victim" also includes the victim's lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim. The term "victim" does not include the accused (ref. page 99 of the CRTM for additional information)	
	☐	119.071(2)(j)	Home/employment telephone number, home/employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery or domestic violence	
	☐	119.0712(2)	Personal information contained in a motor vehicle record	
	☐	316.650(11)	Driver information contained in a uniform traffic citation	
	☐	119.071(4)(d)2.a.	Home addresses, telephone numbers, dates of birth, and photographs of active/former LE personnel, spouses, and children	
Florida Rules of Judicial Administration 2.420	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers	2
	☐	(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	☐			
	☐			
	☐			
	☐			

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REVIEW COMPLETED BY

Booking Number: 2024003122	**Date:** 2/3/2024
	Specialist Name/ID#: C. Daniels/ 30347