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

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

HESS, KATHRYN ,LEIGH

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 - 24-000399

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 N/A

Multiple Clearance Indicator: N

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
2555 PGA BLVD #441, PBG, FL, 33410	2555 PGA BLVD #441, PBG, FL, 33410

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
01/23/2024	19:04					

DEFENDANT

Name (Last, First, Middle): HESS KATHRYN LEIGH — Alias (Name, DOB, Soc. Sec. #, Etc.)

Race (W - White I - American Indian B - Black O- Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	F	08/18/1988	508	260	GREEN	BROWN	LIGHT	MEDIUM

Scars, Marks, Tatoos, Unique Physcal Features (Location, Type, Description):

Marital Status: Married — Religion: OTHER — Indication of: Alcohol Influence Y ☑ N ☐ Unk. ☐; Drug Influence Y ☐ N ☐ Unk. ☑

Local Address (Street, Apt. Number) (City) (State) (Zip)	Phone	Residence Type: 1. City 2. County 3. Florida 4. Out of State
2555 PGA BLVD #441, PBG, FL, 33410	(561) 531-9735	1

Permanent Address (Street, Apt. Number) (City) (State) (Zip)	Phone	Address Source
2555 PGA BLVD #441, PBG, FL, 33410		VERBAL

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

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
H200512887981 FL	[redacted]		GALESBURG, IL	US

CO-DEF

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 Custodian ☐ Other: Name (Last) (First) (Middle) — Residence Phone

Address (Street, Apt. Number) (City) (State) (Zip) — Business Phone

DOMESTIC VICTIM NOTIFICATION

Notified by: (Name) — Date — Time — Juvenile Disposition: 1. Released / Informed Charges Pending Detention Hearing 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 561-355-8511) 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 D. Deliver E. Use R. Smuggle 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

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
BATTERY (TOUCH OR STRIKE) DOMESTIC VIOLENCE	1	☒ Y ☐ N	784.03(1)(A)(1)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
N	N		24000399		NONE

CHARGE

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

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

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

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

FILED PBC - GUN CLUB
'24 JAN 24 AM 6:41

NOTICE TO APPEAR

Location (Court, Room Number, Address)

Court Date and Time: Month Day Year Time 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

01/23/2024

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

ADMIN

HOLD for Other Agency Name: NONE

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other

Intake Deputy I.D. # Police #

Signature of Arresting Officer: X

Name of Arresting Officer (Print): ALSHAIER — I.D. #: 572

Transcribing Officer: ALSHAIER — ID #: 572 — Agency: PBGPD

Name Verification (Printed by Arrestee) (PRINT)

SCANNED JAN 24 2024

Witness here if subject signed with an -X"

PAGE 1 OF 1

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PROBABLE CAUSE AFFIDAVIT

ADMIN

OBTS Number:

1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias: **1**

JUVENILE:

Agency ORI Number	Agency Name	Agency Report Number
FL FL0502600	Palm Beach Gardens Police Department	7 | 8 | 24-000399

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

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
HESS, KATHRYN LEIGH		W	F	08/18/1988

CHARGES

Charge Description	Charge Description
784.03(1)(A)(1) BATTERY-SIMPLE (TOUCH OR STRIKE)	
Charge Description	Charge Description

VICTIM

Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth
SWINK, KEVIN BOYCE	W	M	02/03/1991

Local Address (Street, Apt. Number) (City) (State) (Zip)	Phone	Address Source
2555 PGA BLVD 441, PALM BEACH GARDENS, FL 33410	(561) 386-9636	
Business Address (Name, Street) (City) (State) (Zip)	**Phone**	**Occupation**
UNEMPLOYED		

PROBABLE CAUSE STATEMENT

The undersigned certifies and swears that he/she has just and resonable 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.

☐ confessed to _____ admitting to the below facts.

☐ was observed by _____ who told _____ that he/she saw the arrested person committ the below acts.

☒ was found to have committed the below acts, resulting from my (described) investigation.

On the 23 day of January, 2024 at 18:59 (Specifically include facts constituting cause for arrest.)

On January 23rd, 2024, at approximately 1900 hours, I was dispatched to 2555 PGA Blvd Lot# 441, in reference to an active domestic disturbance involving a knife. The caller, Kathryn HESS, stated that her husband, Kevin SWINK, had threatened her with a knife, pulled her hair, and she locked herself inside a bathroom. While enroute, SWINK also dialed 911 stating that he had not done anything, his wife was intoxicated, and his wife has made false allegations in the past.

Upon arrival, I observed HESS standing on the enclosed porch of the unit smoking a cigarette. I ordered her away from the residence to other Officers. I commanded SWINK exited the residence and he complied without incident. He was detained pending further investigation.

HESS and SWINK are currently married and live together as a family in this home. She said that she was listening to music which reminded her of her deceased brother when SWINK got upset. She alleged that he became aggressive, and she retreated to be by herself in her bedroom. HESS explained she closed the door and soon after, SWINK entered the room and charged towards her as she laid on the bed. She claimed he grabbed her by her hair and dragged her out of the bed, causing her to hit her head on the ground. SWINK allegedly then left her, returned to the room a short time later and produced a small folding knife. HESS said SWINK held the knife in his right hand and held her down while bringing the knife close to her neck. After, HESS moved to a bathroom inside the house and called 911. After not locking the door, HESS opened the door after SWINK tried the door handle and she ceased telephone contact with 911 call takers. During our encounter, I noticed a faint, redness to the right side of HESS` face; however, it was not readily apparent what could have caused it. HESS described SWINK as being heavily intoxicated, but she denied drinking herself. It should be noted I could detect the odor of an alcoholic beverage emanating from HESS` breath at conversational distance.

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ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

BUNTIN, RANDY A
NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)

01/23/2024
DATE

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

ALSHAIER, ELIAS (572)
NAME OF OFFICER (PLEASE PRINT)

01/23/2024
DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

SCANNED
JAN 24 2024

ADMIN

OBTS Number	PROBABLE CAUSE AFFIDAVIT SUPPLEMENT	1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias	1	JUVENILE

Agency ORI Number	Agency Name	Agency Report Number
FL FL0502600	Palm Beach Gardens Police Department	7 | 8 | 24-000399

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)	Alias	Race	Sex	Date of Birth
HESS, KATHRYN LEIGH		W	F	08/18/1988

PROBABLE CAUSE STATEMENT

SWINK was read Miranda Warnings via prepared text to which he understood and waived. SWINK said he was smoking a cigarette on his porch when HESS started playing her music. He did not want to be around her, as she approached him outside and became aggressive. He said he tried moving inside the residence, and was walking up the porch stairs when HESS, who he said was intoxicated, moved towards him, and used both of her hands to push him on his back shoulders, causing him to fall. SWINK claimed he rolled into the doorway, stood up, and went to separate himself inside his bedroom. Shortly after, HESS was said to have entered the same room and began aggressively confronting SWINK, as she was moving in his personal space. Wanting to create distance, SWINK said he used both of his hands to push HESS on her shoulders and away from him. He claims she did not fall over, did not sustain injury, and that she began telling him that she was going to make false allegations to Law Enforcement about their encounter. Further, SWINK denied ever pulling a knife on HESS, pulling her hair, or causing the redness to her face. It should be noted I could smell the odor of an alcoholic beverage on SWINK's breath too.

It is important to note Officers were not able to locate the alleged weapon that HESS described.

Both parties refused Fire-Rescue. Based on the results of my investigation, both parties provided conflicting statements about the events this evening. They each proclaimed a Battery against their person resulting from the initial actions of the opposing party. I could not substantiate claims of an Aggravated Assault occurring against HESS. Both parties were placed under arrest for the offense of Battery- Touch or Strike- Domestic Violence and delivered to the PBSO Main Jail for further processing.

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ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

BUNTIN, RANDY A
NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)

01/23/2024
DATE

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

ALSHAIER, ELIAS (572)
NAME OF OFFICER (PLEASE PRINT)

01/23/2024
DATE

SCANNED

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS JAN 25 2024 P. I. O.

VICTIM NOTIFICATION FORM

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

- **Homicide** (Ch. 782)
- **Attempted Murder**
- **Stalking** (F.S. 784.048)
- **Sexual Offense** (Ch. 794)
- **Attempted Sexual Offense**
- **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 #: 24-000399 Agency: PBGD
   Offense: BATTERY (TOUCH OR STRIKE) DOMESTIC VIOLENCE
   Suspect/Offender: HESS, KATHRYN, LEIGH
   D.O.B. 08/18/1988 Race: W Sex: F

2. Warrant #(s): _____

3.a. Victim's name: SWINK, KEVIN, BOYCE D.O.B. 2/3/91 Race: W Sex: M
   Address: 2555 PGA BLVD # 441
   City: PALM BEACH GARDENS State: FL Zip: 33410
   Home #: 561-386-9636 Work #: _____ Other: _____

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:** **I request the information on this form be kept confidential (applicable only to sexual battery, stalking, child abuse, harassment or domestic violence cases).**

Signature of person waiving notification: _____

Printed name of person waiving notification: _____

Deputy's Name: HLSHAIER I.D.# 572 Date: 1/23/24

White/Corrections or State Attorney (Warrant Application) **Yellow/Warrants Section** **Pink/Central Records**

PRSO #0029A REV. 4/99

SUSPECT/OFFENDER: _____ (FOR WARRANTS USE ONLY) COURT CASE/WARRANT#: _____

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SCANNED
JAN 24 2024

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	3
	☐	(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: 2024002139	**Date:** 1/24/2024
	Specialist Name/ID#: MTooks #8557

SCANNED
JAN 24 2024