23CF5679

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

☐ Check If Supplement is Attached

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

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

3

Juvenile ☐

OSTS Number

ADMINISTRATIVE

Agency ORI Number	Agency Name	Agency Report Number
FL0 5 0 0 0 0 0	PALM BEACH COUNTY SHERIFF'S OFFICE	0 6 - 23083141 ( )

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: 0 1

Location of Arrest (including Name of Business)

Location of Offense (Business Name, Address): Okeechobee Blvd/ Meridian Rd, WPB, FL 33417, WPB, FL 33407

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle

DEFENDANT

Name (Last, First, Middle): Dinardo, Nicholas, J

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

Race (W - White, B - Black, I - American Indian, O - Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	1/9/1990	6'	200	Brown	Brown	Light	Large

Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)

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)	Mobile Phone	Residence Type: 1. City 2. County 3. Florida 4. Out of State
15910 Hiller St, Wellington, FL 33414				(561) 662-2380	2

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

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

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
D563-630-90-609-0 , FL	[redacted]		NY	USA

CO-DEF

Co-Defendant (Last, First, Middle)	Race	Sex	Date of Birth		
Dinardo, Alexander, F	W	M	03/14/1993	☐ 1. Arrested ☒ 2. At Large	☒ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile
Co-Defendant (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 ( )

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) 355-6311) 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/Deriv.; P. Paraphernalia/ Equipment; S. Synthetic; U. Unknown; Z. Other

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
Burglary (with Battery)	01	☐ Y ☒ N	810.02(1 and 2a)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
N	N		23083141		

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

NOTICE TO APPEAR

Location (Court, Room Number, Address)

Court Date and Time — Month / Day / Year / Time / 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

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

ADMIN

HOLD for other agency

☐ Dangerous ☐ Suicidal ☐ Released Arrest: ☐ Other:

Intake Deputy — I.D. # — Pouch #

Signature of Arresting Officer: x [signature]

Name of Arresting Officer (Print): Det. K. Shults — I.D. #: 30545

Transporting Officer — I.D. # — Agency

Name Verification (Printed by Arrestee) (PRINT)

Witness here if subject signed with an "X"

PAGE 1 OF 1

PBSO #0148 REV. 1/ 22 DISTRIBUTION: COURT COPY STATE ATTORNEY AGENCY AGENCY DEFENDANT (N.T.A.'s ONLY)

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FILED PBC - CLERK CLERK
23 JUL 04 AM 8:14

SCANNED
JUL 04 2023

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

Agency ORI Number	Agency Name	Agency Report Number
FLO 5 0 0 0 0 0	PALM BEACH COUNTY SHERIFF'S OFFICE	06 – 23083141

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

Special Notes:

Defendant's Name (Last, First, Middle)	Race	Sex	Date of Birth
Dinardo, Nickolas J,	W	M	01/09/1990

Charge Description	Charge Description
Burglary (With Battery) F.S.S. 810.02(1 and 2a)	
Charge Description	Charge Description

Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth
Irving, Alaysia	B	F	6/18/1998

Victim's Local Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Address Source
1449 8th St	WPB	FL	33401		DAVID

Victim's Business Address (Name, Street)	(City)	(State)	(Zip)	Phone	Occupation
					UK

The undersigned certifies and swears that I 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.
☐ Confessed to _____ admitting to the below facts.
☐ Was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.
☒ Was found to have committed the below acts, resulting from my (described) investigation.

On the 1 day of July, 2023 at 1145 ☐ A.M. ☐ P.M. (Specifically include facts constituting cause for arrest).

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

NARRATIVE:

On June 27th, 2023, I was contacted by Detective Sergeant J. Newcomb regarding a incident that occurred along Okeechobee Boulevard corridor. I was advised to contact Deputy M. Gitschier for further information about what occurred. Deputy Gitschier informed me that incident between the victim, Alaysia Irving, and the two unknown individuals occurred near the intersection of Okeechobee Boulevard and Meridian Drive, West Palm Beach, Florida 33417. The incident was believed to have been road rage related.

Irving told Deputy Gitschier that she was driving westbound on Okeechobee Boulevard and North Military Trail when the incident began. Irving claimed to have gone around a black transit van after it was driving slowly at this intersection. It was after this that the occupants in the transit van threw something at Irving's vehicle as she continued to travel westbound on Okeechobee Boulevard. As Irving approached the red light at Meridian Drive, the two occupants exited the black Chevy transit van. First, the passenger exited and approached Irving's the passenger side of her vehicle. The male subject began hitting her window with a large metal object until it ultimately broke causing glass to hit Irving. Once the window was broken, the subject then proceeded to reached into Irving's vehicle, taking her purse and her keys. The subject subsequently discarded her purse in the roadway after removing it from the inside of her vehicle and eventually threw her keys towards the median in the roadway. Irving had exited her vehicle in attempts to gather her belongings when the driver of the vehicle exited the vehicle. Irving tried to ask for her keys back from the driver but was unsuccessful so she went to get back into her vehicle. At this time, the driver opened her door, pulled her out and struck her. After this, she ended up in between the two male subjects on the passenger side of the vehicle as both subjects physically struck her. As multiple people began to exit their vehicles and intervene, the two subjects fled the area. Irving attempted to chase the transit van after the physical altercation to obtain its tag information for law enforcement but was subsequently involved in an unrelated motor vehicle accident.

Irving described the driver of the transit van to Deputy Gitschier as a Hispanic male approximately 5 foot 11 inches and having a medium build. He had brown hair and it was styled up with gel. Irving advised the driver also had facial hair on the sides of his face but not a beard. Irving described the passenger of the van as a Hispanic male to be shorter, approximately 5 foot 5 inches with short or medium black hair that appeared to be also styled with gel. She believed the passenger was wearing a dark colored company shirt and was uncertain about what the driver was wearing. Irving confirmed they were driving was black transit van that had a company logo on the side of "5four", specifically that the four was spelled out and the five was numerical. Deputy Gitschier also advised there were a number of witness's to this incident that called into PBSO to report

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JUL 04 2023

NARRATIVE CONTINUATION

what they saw. Deputy Gitschier obtained a sworn recorded statement from Irving captured on his BWC. It should be noted that when Deputy Gitschier made contact with Irving, she was crying and appeared distraught. He noticed that her hair out of place and as if she was just in a physical altercation.

Deputy J. Velix met with a witness, Paul Sandino, who was in the immediate are of the incident. Sandino, who operates a hot dog stand on the side of Okeechobee Boulevard near 5737 Okeechobee Boulevard, West Palm Beach, Florida 33417. Sandino said he observed two vehicles stopped on the roadway of Okeechobee Boulevard and then witnessed the transit van throw something at Irving's vehicle prior to the vehicles getting to the intersection of Meridian and Okeechobee Boulevard. After this, Sandino proceed to towards the intersection on foot at which time he heard a "smash" and observed glass on the ground. Sandino did not see the physical altercation between Irving and the two subjects but did witness one subject throw an unknown object. Sandino he attempted to stand in front of the transit van that was attempting to flee however, he believed they were going to run him over so he moved out of the way. Sandino advised both vehicles fled the area after one another. Sandino also took pictures of the transit van as well as Irving's purse in the roadway. Sandino described the driver of the transit van to be a white male and was unsure what he passenger looked like. Deputy Velix's interview with Sandino was also captured on his BWC. After reviewing the photos Sandino took of the transvit van clearly depicted the logo "5Four" on the side as well as Florida tag # "QBXN0A".

On the date of the incident, I immediately responded to the intersection of Meridian Rd and Okeechobee Blvd in attempts to obtain video surveillance. At the Mobile gas station located at 5850 Okeechobee Blvd, I collected video surveillance which captured the incident from a distance. At approximately 1110 hours, you can see a black sedan (Irving's vehicle) approach the intersection in traffic. Behind Irving's vehicle is the a black transit van. It appears that an occupant exit the passenger side of transit van and approach Irving's vehicle followed by the driver doing the same. However, due to the distance you are unable to clearly see the altercation that occurred.

I also contacted Sharon Engram, a witness to the altercation. Sharon sent me a video taken during the altercation between Irving and the two subjects. The video clearly showed Irving at her passenger side of her vehicle, with the two male subjects. At this time, Irving's black purse was already laying in the roadway. The subject seen wearing a black long sleeve appeared to be inside of Irving's vehicle as she stood behind him. The subject in a white long sleeve was picking up the black purse from the roadway and approaching Irving and the other male. The one in the black is seen tossing something over the roof of the vehicle as Irving attempts to stop him. The subject in the white shirt strikes Irving in the face with the black bag still in his hand. In the video, you can clearly see Irving's head moving as a result of being struck in the face. The subject in the white shirt drops the black bag and Irving turns her attention towards him at which time he begins to back up towards the transit van. The subject in the black shirt follows to the transit van at which time both subjects get into the vehicle and drives off. Irving's enters into her vehicle and is seen taking off behind them.

I later met with Sharon Engram, the witness who filmed the video of the altercation. Engram explained that she observed the two vehicles parked along Okeechobee Boulevard. Once at Meridian Road, Engram said she watched two males approach Irving's vehicle. One subject went to the passenger side window and breaking the window. She said while this happened the other male opened up Irving's driver's side door, struck her and physically pulled her out of the vehicle. Engram said this was when she called 911 and eventually began to video the altercation. Engram said she saw one male inside Irving's vehicle and saw him take her purse. She said she also saw him take something else from inside the vehicle but was unsure of what it was. Engram said the both vehicles took off and she was not able to keep up. A sworn statement was obtained from Engram which was captured on my BWC.

After further investigation, the transit van was confirmed to be registered to 5FourDetailing LLC as well as Nickolas Dinardo of Wellington, Florida. On June 28th, 2023, Detective L. Schilling responded to the listed business address for 5Four Detailing in Wellington, Florida. He met with the leasing office who informed him that 5Four Detailing often operates out of the window tinting business at this location. Detective Schilling made contact with another business owner in the area of the tint shop, Jeff Brandt, who was shown the video taken

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Case Number	Defendant's Name (Last, First, Middle)
06 – 23083141	Dinardo, Nickolas J,

NARRATIVE CONTINUATION

by Engram. Brandt stated that appeared to be "Nick and Alex". Brandt said he has known them for years and that they are "good guys". With this information, Detective Schilling responded to Nickolas Dinardo and Alexander Dinardo's listed address. In the driveway at this address, Detective Schilling observed the black transit van parked in the driveway. Contact was not made with Alexander or Nickolas at this time, nor was it attempted. Later in the day, Detective Schilling received a call that Alexander and Nickolas were at the PBSO District 8 location in Wellington, Florida, asking why Detectives were looking for them. Detective Schilling and I then responded to District 8 to speak with Nickolas and Alexander.

Alexander and Nickolas were invited inside to speak with me to which they agreed. I advised them both they were free to leave and did not have to speak with me. They understood this however, told me that they were on Okeechobee when another driver cut them off and their vehicle was struck. They said they tried to wave down the driver but she "went crazy" and threw a glass bottle at the van. They said the vehicle pulled over and waited for them to "escalate it further". Then they were at the red light and were "very mad". Based on Alexander and Nickolas's explanation of the altercation, I then separated them and read them their Miranda Warnings to question them further. While speaking with Alexander, he confirmed the incident occurred between Military Trail and Meridian Road. He advised that the female clipped the front of the van and threw a glass bottle at the window and knocked the mirror off. He said at the red light, they were seeing red and when they light turned green they left the area and "lost her". Alexander explained that Jeff told them about the video to which he said, "it's probably going to look terrible. Two guys on one lady". Alexander admitted to being the passenger in the transit van and explained that he reached into her vehicle and took Irving's keys and threw them so she couldn't chase them. Alexander said he threw his water bottle at Irving's window, specifically a Yeti jug. He said his bottle went into the vehicle and that's why he was reaching into her vehicle to look for it. Alexander said that no one physically struck anyone and he specifically denied striking Irving. Alexander said they did not call law enforcement because they chalked it up to a road rage incident. He also said they did not take any photos of the damage to the transit van.

Upon speaking with Nickolas, he also stated that Irving struck their transit van causing the "bumper to hang off". Nickolas said Irving kept driving at which time they continued behind her until they caught up to her and exchanged words. Nickolas explained as they continued to drive Irving threw a glass bottle at the transit van causing it to be dented on the A pillar when Irving stopped in the roadway. Nickolas said Irivng then "went crazy" but it was "wrong what we did". Nickolas denied pulling Irving out of the vehicle or ever physically striking her. Upon showing Nickolas the video of the incident, his explanation was that he took the purse from her that she was using to hit Alexander contrary to the video showing him pick the purse up and then strike Irving in the face.

On June 29th, 2023, I met with Irene Hitchcock, an additional 911 caller and witness to the altercation. Hitchcock told me that on June 27th, 2023 she witnessed two men approach both sides of Irving's vehicle. She said one broke the window of the vehicle and the other opened up the drivers side door. Hitchcock said she observed a male put his hands on Irving. Hitchcock was unsure which male was the driver or passenger of the other vehicle. She said once people began to help, Irving was able to escape. Hitchcock described the vehicle the two males got out of to be a dark colored company van. A sworn audio statement was obtained from Hitchcock.

Also, on June 29th, 2023, I met with Irving for additional questions about the incident. Irving confirmed that when she went around the transit van she did not strike the other vehicle. At the next light, they threw something at her vehicle so she also threw something back. Irving disclosed that she threw a drink cup at the transit van. When she came to a stop in the roadway, she didn't exit her vehicle. She said she saw the transit van also stopped so she continued on to the red light. At this red light was when the physical altercation began. Irving confirmed that during the physical altercation she was physically battered by an elbow striking her chest and being hit in the face.

Based on the Irving's account of the incident, the statements and video provided by witness's as well as both Alexander and Nickolas statements, I find there is probable cause to charge Nickolas Dinardo with Burglary

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Case Number	Defendant's Name (Last, First, Middle)
06 – 23083141	Dinardo, Nickolas J,

NARRATIVE CONTINUATION

with a battery F.S.S. 810.02(1 and 2a) and Alexander Dinardo with Burglarly to an Occupied Conveyance (Unarmed) F.S.S.810.02(1 and 3) and Criminal Mischief F.S.S.806.13(1ab2).

State of Florida, County of Palm Beach. The foregoing instrument was sworn to or affirmed and subscribed before me:

Det D Sullivan	
Signature of Notary Public / Clerk of Court / Officer (F.S.S 117.10)	Signature of Arresting / Investigating Officer
Det. D. Sullivan #24745	Det. K. Shults #30545
Name of Notary Public / Clerk of Court / Officer (F.S.S 117.10)	Name of Arresting / Investigating Officer (Please Print)
6/29/2023	6/29/2023
Date	Date

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