50-2023-CF-001147AMB

ARREST / NOTICE TO APPEAR

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

1 JUVENILE

ADMINISTRATION

OBTS Number

Agency ORI Number: 0500400
Agency Name: Delray Beach Police Department
Agency Report Number (N.T.A.'s only): 40 23-001700

Charge Type — Check as many as apply: [X] 1 Felony [ ] 2 Traffic Felony [X] 3 Misdemeanor [ ] 4 Traffic Misdemeanor [ ] 5 Ordinance [ ] 6 Other
If Weapon Seized — Enter Type: UNARMED
Multiple Clearance Indicator: 2

Location of Arrest (Including Name of Business): 189 NE 2ND AVE, DELRAY BEACH, FL 33444
Location of Offense (Business Name, Address): 189 NE 2ND AVE, DELRAY BEACH, FL 33444

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
02/04/2023	02:52	02/04/2023	03:02			N/A

DEFENDANT

Name (Last, First, Middle): HART, NICOLE XIMENA
Alias (Name, DOB, Soc. Sec. #, Etc.): Alias:

Race (W - White, B - Black, I - American Indian, O - Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	F	12/28/1993	5'03	110	BROWN	BROWN	FAIR	SMAL

Scars, Marks, Tatoos, Unique Physical Features (Location, Type, Description):
Marital Status: S
Religion: NOT INDICA
Indication of Alcohol Influence: [X] Yes [ ] No [ ] Unk
Indication of Drug Influence: [ ] Yes [ ] No [ ] Unk

Local Address (Street, Apt. Number) (City) (State) (Zip): 9124 SW 22ND ST UNIT F, BOCA RATON, FL 33428
Phone: (954) 999-2701
Residence Type (1 City, 2 County, 3 Florida, 4 Out of State): 1

Permanent Address (Street, Apt. Number) (City) (State) (Zip): 9124 SW 22ND ST UNIT F, BOCA RATON, FL 33428
Phone: (954) 999-2701
Address Source: FL/DL

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

D/L Number, State: H630639939680 / FL
Soc. Sec. Number: [redacted]
INS Number:
Place of Birth (City, State): , OT, Peru
Citizenship:

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 [ ] Other [ ] Legal Custodian
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 Department and Released 2 TOT JAC 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 355-2526) informed of any change of address.
[ ] Yes, by [ ] No

School Attended: Grade:
Property Crime? [ ] Yes [X] 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 Disperses/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	Statute Violation Number	Violation of ORD #
RESIST OFFICER WITH VIOLENCE	843.01	

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
	N	/		1	[ ] Y [X] N		

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #
DISORDERLY INTOXICATION	856.011	

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
	N	/		1	[ ] Y [X] N		

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
		/			[ ] Y [ ] N		

INTAKE

Health / Apparent Physical Condition of Defendant:
Any knowledge of the following: [ ] Mental [ ] Escape Risk [ ] Medication [ ] Deformities [ ] Injuries
Explain:

Check which applies: [ ] Released O/R [ ] Released to Parent/Guardian [X] T.O.T. County Jail [ ] Posted Bond [ ] South County Mental Health
PROPERTY - Received By: Released By: Released To:
Transported By: Date Transported: Time Transported: Other:

NOTICE TO APPEAR

[ ] INSTRUCTION NO. 1 - Mandatory appearance in court
[X] 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

ADMIN

HOLD for Other Agency:
[ ] Dangerous [ ] Resisted Arrest [ ] Suicidal [ ] Other
Intake Deputy: I.D. # Pouch #

Signature of Arresting Officer: 1094
Name of Arresting Officer (Print): PIMENTEL, LOISE A I.D. # 1094
Transporting Officer: PIMENTEL I.D. # 1094 Agency DBPD

Name Verification (Printed by Arrestee) (PRINT):
Witness here if subject signed with an "X":

PAGE 1 OF 1

[ ] COURT [ ] STATE ATTORNEY [ ] AGENCY [ ] CENTRAL RECORDS [ ] JAIL [ ] CRIME ANALYSIS [ ] P. I. O. [ ] DEFENDANT

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PROBABLE CAUSE AFFIDAVIT

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

ADMIN

OBTS Number	Agency ORI Number	Agency Name	Agency Report Number
	FL 0500400	DELRAY BEACH POLICE DEPARTMENT	40 23-001700

Charge Type: Check as many as apply — [X] 1. Felony [X] 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
HART, NICOLE XIMENA		W	F	12/28/1993

CHARGES

Charge Description	Charge Description
856.011 DISORDERLY INTOXICATION	843.01 RESIST OFFICER WITH VIOLENCE
Charge Description	Charge Description

VICTIM

Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth
State Of Florida			

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

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

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

[X] committed the below acts in my presence.

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

[ ] confessed to _____ admitting to the below facts.

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

On the 4 day of February, 2023 at 02:52 (Specifically include facts constituting cause for arrest.)

PROBABLE CAUSE STATEMENT

This incident occurred in the City of Delray Beach, Palm Beach County, FL.

Om 02/04/2023, at approximately 0252 hours, I responded to 189 NE 2nd Ave regarding a possible missing person. Upon arrival, officers made contact with Nicole Hart. Hart immediately stormed towards officers and started screaming obscenities and stating that we were not there to help her. I advised her multiple times to stop yelling in order to be able to get information for the report. Hart walked up about two inches from my face and continued yelling. At this point, I could clearly smell the odor of an unknown alcoholic beverage emanating from her breath and her eyes were glossy. She then told officers to `go fuck yourselves` and then walked away. Hart returned and yelled at officers again. During this interaction, she then received a phone call from her sister - the supposed missing person, and then she left the area again. About 5 minutes later, Hart returned to the area again, stating that she had misplaced her keys. Hart continued yelling and then walked towards Sgt. Leon, took her phone out and shoved it into Sgt. Leon`s face. It should be noted that the phone never touched Sgt. Leon`s face. Sgt. Leon then moved her hand which was holding the phone out from his face and field of view. Hart then swatted Sgt. Leon`s hand and charged at him. Officers then swiftly detained her after a scuffle on the ground. It should be noted that during the detaining process, Hart tensed up, actively pulled away from officers, attempted to kick officers several times, and refused to be placed in handcuffs. The scuffle continued onto the ground and Hart continued to actively resist arrest. Sgt. Leon then pulled his department issued taser, placed it on her abdomen and gave her clear commands to stop resisting and, to place her hands behind her back. Hart eventually started loosening her tensed arms, hands and legs and placed her hands behind her back for proper handcuffing. The handcuffs were double locked and checked for proper spacing. It should also be noted that during this entire encounter, there were several employees in the closed business that where worried for her wellbeing and, her behavior eventually drew a crowd of passersby. Hart also called 911 several times while officers were on scene, and she

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ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

BAKER, STEPHANIE
NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)

02/04/2023
DATE

1094
SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

PIMENTEL, LOISE A (1094)
NAME OF OFFICER (PLEASE PRINT)

02/04/2023
DATE

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

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: FL 0500400	Agency Name: DELRAY BEACH POLICE DEPARTMENT	Agency Report Number: 40 23-001700		
	Charge Type Check as many as apply: [X] 1 Felony [X] 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
	HART, NICOLE XIMENA		W	F	12/28/1993

PROBABLE CAUSE STATEMENT

continued yelling at both officers and dispatchers. Hart was then placed inside my marked patrol vehicle, transported to DBPD THF for processing and later transported to PBCJ.

Based on the above stated facts, Probable Cause exists to charge the defendant, Nicole Hart with one count of Disorderly Intoxication in violation of FSS 856.011 and one count of Resisting With Violence in violation of FSS 843.01 as she did attempt to kick officers.

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ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

BAKER, STEPHANIE
NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)

02/04/2023
DATE

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

PIMENTEL, LOISE A (1094)
NAME OF OFFICER (PLEASE PRINT)

02/04/2023
DATE

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

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: 2023003357	**Date:** 2/5/2023
	Specialist Name/ID: R.Castro/40259