0537451 2023MM-391 ASB 2023

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

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

ADMINISTRATION

Agency ORI Number	Agency Name	Agency Report Number
FL0500300	BOYNTON BEACH POLICE DEPT.	34-23-000676

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

If Weapon Seized Enter Type | Multiple Clearance Indicator

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
S Congress Ave & SW 19th Ave, Boynton Beach, FL	2301 S Congress Ave Boynton Beach, FL

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
01/15/2023	0130					

DEFENDANT

Name (Last, First, Middle): Borja, Patricia, Inez — Alias (Name, DOB, Soc. Sec. #, Etc)

W - White I - American Indian B - Black O - Oriental / Asian	Race	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
	W	F	2-4-1990	5'06	120	Brown	Black	Fair	Small

Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) | Marital Status: Single | Religion: Unk | Indication of: Y N Unk. Alcohol Influence ☒ ☐ ☐ Drug Influence ☐ ☐ ☒

Local Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Residence Type (1. City 2. County 3. Florida 4. Out of State)
2301 S CONGRESS AVE 1412, Boynton Beach	Florida,		33431	(954)729-6436	1

Permanent Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Address Source
				( ) -	FL DL

Business Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Occupation
				( ) -	Bartender

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth	Citizenship
B620689905440 FL	[redacted]		Wichita, Kansas	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
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

1. UR 2. OR 3. OR

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 561-355-2526) 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. Barbituate 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#
DUI	1	☐Yes ☒No	316.193.1A	

Drug Activity	Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond
-	-	-	23-000676		

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD#
Resisting without violence	1	☐Yes ☐No	843.02	

Drug Activity	Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond
-	-	-	23-000676		

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD#
Refused to Sign Criminal Citation	1	☐Yes ☒No	318.14.3	

Drug Activity	Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond
-	-	-	23-000676		

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD#
		☐Yes ☐No		

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

NOTICE TO APPEAR

☐ Instruction No. 1 Mandatory Appearance in Court
☐ Instruction No. 2 You need not appear in Court but must Comply with instruction on reverse side.

Location (Court, Room Number, Address): South County Courthouse, 200 West Atlantic Ave, Delray Beach, FL 33444

Court Date and Time: Month February Day 13 Year 2023 Time 8:30 ☒ 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: 1/15/23

ADMIN.

HOLD for other Agency Name: | Signature of Arresting Officer | Name Verification (Printed by Arrestee) (PRINT)

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other: | Name of Arresting Officer (Print): L.Nalerio I.D. #: 982 | BU#

Intake Deputy: G. Howleat Jr. I.D. # | Pouch # | Transporting Officer: L.Nalerio I.D. #: 982 Agency: BBPD | Witness here is subject Signed with an "X"

Page 1 OF 1

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SCANNED JAN 15 2023

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 15th **DAY OF** January **2023 AT** 0130 ☒ **A.M** ☐ **P.M.**

CASE #: 23-000676 **DEFENDANT:** Borja, Patricia, Inez

PERSONAL CONTACT/DRIVING PATTERN/OBSERVATION OF DRIVER:

On 1/15/23 at approximately 0119 hours, I was traveling southbound on S Congress Ave, in the 1500 Block, in my fully marked BBPD police vehicle. Traveling northbound, on the left turning lane, I observed headlights at the intersection of SW 19th Ave. The vehicle was waiting to make a left turn onto SW 19th Ave, from S Congress Ave. As myself and other motorist approached the intersection, the vehicle, turned in left in front of other vehicle, almost causing an accident. I had to slam on my brakes to avoid a collision. Based on the traffic infraction of failing to yield to oncoming traffic, I conducted a traffic stop on the Silver Subaru Crosstrek bearing FL tag 59BATH. The vehicle turned into 2301 S Congress Ave. I then made contact with the driver and sole occupant of the vehicle Patricia Borja. Making contact with Borja, I asked her for her driver license, and registration. Borja handed me her purse and many other documents. I observed that Borja had glassy eyes and slurred speech. Borja kept making irrational statements. I asked Borja where she was coming from and she told me that she was coming from a bar in Delray Beach. Borja then explained that she is a bartender at a bar in Delray Beach. When Borja spoke, I could smell a very strong odor of an unknown alcoholic beverage coming from her mouth area and from within the vehicle. Borja had slurred speech and started to become emotional. I asked Borja if she consumed any alcoholic beverages tonight and she stated that she did not. I then asked Borja to step out of the vehicle, which she first refused. Brief moments later, Borja stepped out of the vehicle. While outside of the vehicle, Borja was swaying and I could still detect the strong odor of an unknown alcoholic beverage coming from her mouth, every time she spoke. The smell intensified the more she spoke. I asked Borja if she consumed any alcoholic beverages, and she then stated that she probably had more than she should of. Borja still had slurred speech and glassy eyes.

I then asked Borja if she would submit to Standardized field sobriety exercises, which she first stated yes. Borja then became uncooperative and started to talk over me and kept on interrupting me. I asked her again if she would participate and she then stated that she would not, and refused. I advised Borja of her Taylor warning which she understood. I then asked Borja one more time if she would submit to SFST's and she refused, once again. Borja was still uncooperative and still disrupted me several times. I then advised Borja that she was under arrest for DUI (F.S.S 316.193A) and went to place handcuffs on her wrist. At which point, Borja tensed up and pulled away from officers. It took several attempts to place the handcuffs on her wrist due to her resistance. Borja pulled away and tensed up in attempts to resist arrest. Borja was also placed under arrest for Resisting Arrest without violence (F.S.S 843.02). Borja was transported to the PBCJ BAT by Ofc. Hickman. At the BAT facility, I arrived at 0200 hours, and started my 20 minute observation. After the 20 minute observation, I asked Borja if she would provide breath samples, which she refused. I advised Borja of implied consent, which she stated that she understood. Borja refused once again to provide a breath sample. Refusal time was 0227. I advised Borja of her Miranda Rights; which she understood. Borja refused to participate in Questions and Answers. Borja refused to sign my criminal citation and was also charged with Refusal to Sign Criminal Citation (F.S.S 318.14.3). Borja was TOT to PBCJ. Borja's vehicle was parked secured by building 17 in Whalers Cove.

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SCANNED
JAN 15 2023

HORIZONTAL GAZE NYSTAGMUS:

- ☐ Left eye does not follow smoothly
- ☐ Left eye prior to 45 degrees
- ☐ Distinct jerking in left eye at maximum deviation
- ☐ Vertical Nystagmus in left eye
- ☐ Right eye does not follow smoothly
- ☐ Right eye prior to 45 degrees
- ☐ Distinct jerking in right eye at maximum deviation
- ☐ Vertical Nystagmus in right eye

WALK AND TURN:

ONE LEG STAND:

FINGER TO NOSE:

ROMBERG/ALPHABET:

The following instrument was sworn to before me this 15 day of January 2023

By: L.Nalerio

Notary/Police Officer (F.S.S. 117.10)

982

Signature of Arresting Officer

JOSHUA BELL
MY COMMISSION #GG346008
EXPIRES: JUN 18, 2023
Bonded through 1st State Insurance

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SCANNED
JAN 15 2023

STATE OF FLORIDA
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH TEST

I, LUIS NALERIO (Person reading Implied Consent Warning), a duly certified Law Enforcement Officer or Correctional Officer, am a member of Boynton Beach Police Department (Name of enforcement agency), and I do swear or affirm that on or about the FIFTEENTH day of January, 2023, at 1:48 AM

DRIVER (Type or Print) PATRICIA (FIRST) INEZ (MIDDLE OR MAIDEN) BORJA (LAST),

DL # B620689905440, state of FL, was placed under lawful arrest for the offense of DUI by LUIS NALERIO (Name of Arresting Officer) and issued Citation # AE158SE.

That on or about the FIFTEENTH day of January, 2023, at 2:27 AM 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.

Signature of Law Enforcement Officer or Corrctional Officer

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

JOSHUA BELL
MY COMMISSION #GG346008
EXPIRES: JUN 18, 2023
Bonded through 1st State Insurance

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 15th day of January, 2023, by OFC. Nalerio who is personally known to me or who has produced LEG 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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SCANNED
JAN 15 2023

****EFFECTIVE OCTOBER 1, 2021****

TESTING FACILITY TASK REPORT

AGENCY: BBPD

SUBJECT: BORJA, PATRICIA INEZ

CASE NUMBER: 23-025968

DATE: Jan 15, 2023

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 0225

ENDING TIME: 0228

BREATH TESTS RESULTS: 1) R TIME 0227 A.M.☒ P.M.☐ 2) XX TIME XX A.M.☐ P.M.☐

3) XX TIME XX A.M.☐ P.M.☐ 4) XX TIME XX A.M.☐ P.M.☐

REFUSED

BREATH OPERATOR: JOSHUA J BELL #8656

MAINTENANCE TECHNICAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: TALKATIVE, COOPERATIVE

CLOTHING: BLACK LONG SLEEVE SHIRT, BLUE JEANS, BLACK BOOTS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES: BLOODSHOT, GLASSY

COMMENTS:

A/O ARRIVED AT DUI TESTING FACILITY AND BEGAN THE 20 MINUTE OBSERVATION AT 0200 HOURS

SUBJECT STATED SHE WOULD NOT TAKE BREATH TEST

A/O READ I.C
SUBJECT STATED SHE UNDERSTOOD I.C
SUBJECT AGAIN STATED SHE WOULD NOT TAKE BREATH TEST, SUBJECT ALSO STATED SHE DID NOT NEED A LICENSE SHE'LL RIDE HER BIKE

REFUSAL TIME 0227 HOURS

A/O READ RIGHTS
SUBJECT STATED SHE UNDERSTOOD HER RIGHTS

SUBJECT DECLINED TO ANSWER Q AND A

REFUSED

SCANNED
JAN 15 2023

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

PBSO CASE # 23-025968 PBSO ZONE 6-32

AGENCY CASE # 23-000676 CRASH CASE #

TIME OF STOP/CRASH 0119 DATE 1/15/23 DAY Sunday

SUBJECT'S NAME Borja, Patricia, Inez RACE W SEX F

HGT 5'7 WGT 120 DOB 2-4-1990

LOCATION 2300 S Congress Ave, Boynton Beach, FL 33426

ARRESTING OFFICER'S NAME & ID Nalerio 982 AGENCY BBPD

DIVISION: Patrol

NOTIFIED BY COMMO

ARRIVAL AT FACILITY 0200

BREATH RESULTS: Arrest Time 0130

1.
2. REFUSED
3.
4.

TESTING OFFICER'S ID 8656

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SCANNED
JAN 15 2023

SUBJECT: Borja, Patricia Inez CASE NUMBER: _____

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 _____ of the _____

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 if 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 COMMERCIAL 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 REFUSAL, 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

SUBJECTS SIGNATURE: (X) Read on camera

CONSTITUTIONAL WARNINGS

I AM REQUIRED TO WARN YOU BEFORE YOU MAKE ANY STATEMENTS 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.

SUSPECT'S SIGNATURE: (X) Read on camera

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SCANNED
JAN 15 2023

WHITE: STATE ATTY. YELLOW: DHSMV PINK: CENTRAL RECORDS GOLD: DAL

SUBJECT: Roja, Patricia Inez CASE NUMBER: _____

QUESTIONS AND ANSWERS

I AM NOW GOING TO ASK YOU SOME QUESTIONS. WITH THESE RIGHTS IN MIND, YOU MAY ANSWER SOME OF, ALL OF, OR NONE OF THE FOLLOWING QUESTIONS AS YOU LIKE.

WERE YOU OPERATING A MOTOR VEHICLE AT THE TIME OF THE STOP/ACCIDENT? _____

WHERE WERE YOU GOING? _____

WHAT STREET OR HIGHWAY WERE YOU ON? _____

DIRECTION OF TRAVEL? _____ WHERE DID YOU START? _____

WHAT TIME DID YOU START? _____ WHAT TIME IS IT NOW? _____

WHAT IS TODAY'S DATE? _____ WHAT DAY OF THE WEEK IS IT? _____

WHAT COUNTY AND CITY ARE YOU IN NOW? _____

WHEN DID YOU LAST EAT? _____ WHAT DID YOU EAT? _____

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? _____

HOW MUCH DO YOU WEIGH? _____ HAVE YOU BEEN DRINKING? _____ WHAT? _____

HOW MUCH? _____ WHERE? _____ WITH WHOM? _____

WHEN DID YOU HAVE YOUR FIRST DRINK? _____ AND YOUR LAST DRINK? _____

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? _____

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? _____ ARE YOU UNDER THE INFLUENCE? _____

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? _____ HOW MUCH? _____

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? _____ WHEN DID YOU LAST WORK? _____

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? _____ WHAT? _____

ARE YOU SICK OR INJURED? _____ WHAT'S WRONG? _____

DO YOU LIMP? _____ DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? _____

WERE YOU IN AN ACCIDENT TODAY? _____

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? _____ WHEN? _____

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? _____ WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? _____ WHAT? _____ WHEN? _____

DO YOU HAVE:
- EPILEPSY? _____
- GLASS EYE? _____
- FALSE TEETH? _____
- EAR INFECTION? _____
- INNER EAR TROUBLE? _____
- DIABETES? _____

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? _____

DO YOU TAKE INSULIN? _____ IF SO, WHEN WAS YOUR LAST INJECTION? _____

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? _____ WHERE? _____

INTERVIEWER: C/C. L. Valerio #962

SCANNED
JAN 15 2023

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WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL

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: 2023001354	**Date:** 1/15/2023
	Specialist Name/ID: M. Tooks #8557

SCANNED
JAN 15 2023