24 CT6834 SB

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

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

1 Juvenile N

ADMINISTRATION

OBTS Number

Agency ORI Number	Agency Name	Agency Report Number
FL 0500300	BOYNTON BEACH POLICE DEPT.	34-24-005809

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

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
4753 N Congress Ave, Boynton Beach, FL, 33436	4753 N Congress Ave, Boynton Beach, FL, 33436

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
04/13/2024	22:30					Becks Towing

DEFENDANT

Name (Last, First, Middle): EMERSON, SHANE SCOTT

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	09/22/1988	5'9"	145	Hazel	Brown	Fair	Medium

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

Marital Status: Married | Religion: Unk | 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)
2708 SW 23RD CRANBROOK DR, BOYNTON BEACH, FL, 33436	(561)371-1678	1

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

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

DL Number, State	Soc. Sec. Number	INS Number	Place of Birth	Citizenship
E562797883420 / FL	[redacted]		Boynton Beach, FL	YES

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

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
-	-	-	24-005809		1,000

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD#
DUI - Refusal to submit breath test	1	☐Yes ☒No	316.1939 (1)	

Drug Activity	Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond
-	-	-	24-005809		1,000

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

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 MAY Day 13 Year 2024 Time 08:30 ☒ 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

ADMIN

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

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other:

Intake Deputy: DUNN I.D. # 3610 | Pouch # | Transporting Officer: [redacted] I.D. # [redacted] Agency: BBPD | Name of Arresting Officer (Print): ALEXIS I.D. # 1105 | BU# | Witness here is subject Signature/Refusal

FILED
APR 14 2024
CIRCUIT & COUNTY COURTS
(CRIMINAL DIV.)

Page 1 OF 1

S/Set 1159

0441857

#989

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D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 13 **DAY OF** April **2024 AT** 22:17 ☐ **A.M** ☒ **P.M.**

CASE #: 24-005809 **DEFENDANT:** EMERSON, SHANE SCOTT

PERSONAL CONTACT/DRIVING PATTERN/OBSERVATION OF DRIVER:

On the above date, at approximately 22:15 hours, I was patrolling the area of Hypoluxo Rd and Congress Ave, City of Boynton Beach, Palm Beach County, FL, 33436. I was traveling southbound on Congress Ave, approaching Plaza Ln, when I noticed a vehicle (Black pickup truck) traveling west on Plaza Ln struck the curb of the center median of N Congress as it attempted to make a left turn on Congress Ave. The vehicle's left side tire completely mounted the center median of the north and southbound lanes of N Congress Ave before continuing northbound on N Congress Ave towards Hypoluxo Rd.

Based on my observation, I made a U-turn and conducted a traffic stop on the vehicle (Black Ford F-150 bearing FL tag L4JNP) in the parking lot of Meadows Square Plaza located at 4753 N Congress Ave, Boynton Beach, FL.

I approached the driver's side of the vehicle and immediately detected the strong odor of an unknown alcoholic beverage coming from inside the vehicle. I introduced myself and asked the driver, later identified as W/M SHANE SCOTT EMERSON, for his driver's license, registration, and insurance when he gave me a blank stare and started fidgeting with his wallet. Shane's eyes were red and glassy, and he was slow to react as he attempted to remove the card from his wallet. Shane handed me a credit card first and then his driver's license; however, he never provided his registration and insurance card.

I asked Shane if he was OK and asked him about his vehicle striking the curb. At that point, Shane started slurring his words (a thick, slurred speech) and was incoherent as he attempted to explain. Shane stated he was coming from a restaurant/bar called "The Hive," which was located on Hypoluxo and was on his way home. Shane stated that he had been at the bar for over 2 hours, where he met with friends for drinks. When asked how much alcoholic drink he had drank at the bar, he said, "Enough." Shane later said he drank approximately 5 to 6 Bud Light beers and two vodka drinks. Shane kept saying that he knew he shouldn't be driving due to his then-current physical state and said he would leave the vehicle parked. I asked Shane if he had any medical condition why he couldn't drive, and he refused to answer. Later, At the Boynton Beach PD station, Shane stated he had no medical condition and was not taking any medication.

I then asked Shane if he would agree to do the Standardized Field Sobriety exercises (SFST) to dispel the suspicion that he was driving his vehicle while impaired, and he said no. I informed Shane of the Taylor warnings and asked him again to do the SFST, and he declined.

REFUSED SFSTs

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HORIZONTAL GAZE NYSTAGMUS:

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

maximum deviation
☐ Vertical Nystagmus in left eye

maximum deviation
☐ Vertical Nystagmus in right eye

WALK AND TURN:

REFUSED

ONE LEG STAND:
REFUSED

FINGER TO NOSE:
REFUSED

ROMBERG/ALPHABET:
REFUSED

Based on my investigation, Shane was placed under arrest (Handcuffed D/L and checked for spacing) at 22:30 hours for driving under the influence of alcohol. Shane was then transported to the Boynton Beach PD Booking station in my vehicle (905).

I arrived at the BBPD station and conducted a 20-minute observation from 22:47 to 23:07. Once completed, I asked Shane to provide a sample of his breath to determine the alcohol content, and he refused. I read Implied Consent to Shane (on BWC), and he stated that he understood. Shane was asked to provide a breath sample a second time, but he refused. Refusal was called at 23:10 hours. Q/A's were not completed.

SHANE SCOTT EMERSON was charged with DUI according to FSS 316.193.1a. Additionally, records showed Shane had a prior refusal to submit to breath testing on 01/2013. Shane was also charged with Refusal to Submit to a breath test according to FSS 316.1939(1). Beck's towing towed Shane's vehicle.

The following instrument was sworn to before me this 14 day of April 2024

By: Ofc Alexis

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

Signature of Arresting Officer

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TESTING FACILITY TASK REPORT

CASE #: 24-005809 **DEFENDANT:** EMERSON, SHANE SCOTT
Date: 4/13/24 **Video Tape #:**

BREATH TEST RESULTS: REFUSED

1. ___ g/210L Time _____ ☐ a.m. ☐ p.m.
2. ___ g/210L Time _____ ☐ a.m. ☐ p.m.
3. ___ g/210L Time _____ ☐ a.m. ☐ p.m.
4. ___ g/210L Time _____ ☐ a.m. ☐ p.m.

BREATH OPERATOR: OFC VLADIMIR ALEXIS
MAINTENANCE TECHNICIAN: DET. B DRURY

TESTING OFFICER'S OBSERVATIONS

SPEECH: THICK, SLURRED SPEECH
ATTITUDE: NO ATTITUDE
CLOTHING: PURPLE SHIRT, BEIGE SHORTS, WHITE SHOES
MEDICAL CONDITIONS: NONE
MEDICATIONS: NONE
OTHER: RED, GLASSY EYES. STRONG ODOR OF UNKNOWN ALCOHOLIC BEVERAGE

COMMENTS:

REFUSED SFST

20 MIMUTES OBSERVATION CONDUCTED AT BBPD BOOKING AREA. ON BWC

REFUSED BREATH TEST

IMPLIED CONSENT READ.

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CASE #: 24-005809 **DEFENDANT:** EMERSON, SHANE SCOTT

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.

Where you operating a motor vehicle at the time of the stop/Accident? _____
Where were you going? _____
What Street or Highway were you on? _____
What was you direction of travel? _____
Where did you start from? _____
What time did you start? _____
What time is it now? _____
What is today's date? _____
What day of the week is it? _____
What City and County 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 have you been drinking? _____
How much? _____
With whom? _____
When did you have your first drink? _____
When did you have your last drink? _____
Can you feel the effects of the alcohol? _____
Are you under the influence? _____
Have you consumed any alcohol since the stop/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? _____
Where 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 you eyes that are not corrected by glasses? _____
Do you take insulin? _____ If so, when was your last injection? _____
Have you ever gad a driver's license in any other state? _____
Where? _____
Interviewer: _____

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CASE #: 24-005809 **DEFENDANT:** EMERSON, SHANE SCOTT

Arresting Officer: V. Alexis
Address: 2100 HIGH RIDGE ROAD, BOYNTON BEACH, FL 33426
Phone Numbers: Home: _____ **Work:** (561) 742-6100

Name: _____
Address: _____
Phone Numbers: Home: _____ **Work:** _____
Can testify to: _____

Name: _____
Address: _____
Phone Numbers: Home: _____ **Work:** _____
Can testify to: _____

Name: _____
Address: _____
Phone Numbers: Home: _____ **Work:** _____
Can testify to: _____

Name: _____
Address: _____
Phone Numbers: Home: _____ **Work:** _____
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Can testify to: _____

Name: _____
Address: _____
Phone Numbers: Home: _____ **Work:** _____
Can testify to: _____

Name: _____
Address: _____
Phone Numbers: Home: _____ **Work:** _____
Can testify to: _____

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SUBJECT: _____ CASE NUMBER: 24-005809

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 detecting 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)_____

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)_____

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

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FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT

Instrument Type: Intoxilyzer 8000
Instrument Registered To: BOYNTON BEACH PD
Instrument Serial Number: 80-001190 Software: 8100.27
Date of Test: 04/13/2024

Date of Last Agency Inspection: 03/29/2024
Observation Period Began: 22:47
Subject's Name: SHANE S EMERSON DOB: 09/22/1988 Sex: M

The subject was observed for at least twenty-minutes prior to the administration of the breath test to ensure that the subject did not take anything orally and did not regurgitate.

Results:

Test	g/210L	Time
Diagnostics Check	OK	23:19
Air Blank	0.000	23:19
Control Test	0.083	23:19
Air Blank	0.000	23:20
Subject Sample #1	REF*	23:20
Air Blank	0.000	23:21
Control Test	0.082	23:21
Air Blank	0.000	23:21
Diagnostics Check	OK	23:21

*Subject Test Refused

Cylinder Lot: 402357111
Exp: 02/10/2025

State of Florida, County of Palm Beach.

Personally appeared before me the undersigned authority, who (✓) is personally known to me or (__) produced _____ as identification, and who after being placed under oath, states:

I VLADIMIR ALEXIS, hold a valid Breath Test Operator permit issued by the Florida Department of Law Enforcement, I administered the above breath test to the subject named above in accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: _____ Date: 4/13/2024
Signature

Sworn to (or affirmed) before me this 13 day of April, 2024

#906 SGT. J. VARGAS
Signature of Notary Public-State of Florida Printed Name of Notary Public-State of Florida

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., this completed form is admissible without further authentication and is presumptive proof of the results herein. To be used in accordance with Section 316.1934(5), F.S., and in administrative proceedings pursuant to 322.2615, F.S.

FDLE/ATP FORM 38 - MARCH 2004, Ref. 11D-8.007

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STATE OF FLORIDA
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH TEST

I, Officer VLADIMIR ALEXIS (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 THIRTEENTH day of April, 2024, at 11:29 PM

DRIVER (Type or Print) SHANE (FIRST) SCOTT (MIDDLE OR MAIDEN) EMERSON (LAST),

DL # E562797883420, state of FL, was placed under lawful arrest for the offense of DUI by Officer VLADIMIR ALEXIS (Name of Arresting Officer) and issued Citation # AHPWA4E.

That on or about the THIRTEENTH day of April, 2024, at 11:10 PM 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.)

The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title Sergeant

Date 04/19/24

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.

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this _____ day of _____, 20____, by _____ who is personally known to me or who has produced _____ as identification.

Notary Public _____

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

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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: 2024010029	**Date:** 4/14/2024
	Specialist Name/ID#: C. Daniels/ 30347