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1607

Rough Arrest Only

ARREST / NOTICE TO APPEAR Juvenile Referral Report

OBTS Number _____

Agency ORI Number: **FL0500600** Agency Name: **PALM BEACH POLICE DEPARTMENT** Agency Report Number: **78-18-001111**

Charge Type: 1. Felony 2. Traffic Felony 3. Misdemeanor 4. Traffic Misdemeanor 5. Ordinance 6. Other

Weapon Seized/Type: Yes No Multiple Clearance Indicator: **U, K**

Location of Arrest (Including Name of Business): **(Sales Fifth Ave) 172 Worth Ave, Palm Beach, FL 33490** Location of Offense (Business Name, Address): **(Sales Fifth Ave) 172 Worth Ave, Palm Beach, FL 33490**

Date of Arrest: **08/17/2018** Time of Arrest: **1755** Booking Data: _____ Booking Time: _____ Jail Date: _____ Jail Time: _____ Location of Vehicle: _____

Name (Last, First, Middle): **Guerra, Barbara, Martinez** Alias (Name, DOB, Soc. Sec. #, Etc.): _____

Race: **W** Sex: **F** Date of Birth: **02/07/1988** Height: **505** Weight: **120** Eye Color: **BRO** Hair Color: **BRO** Complexion: **FAIR** Build: **MED**

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

Local Address (Street, Apt. Number): **13615 SW 23RD** (City): **Miami** (State): **Florida** (Zip): **33175** Phone: _____

Permanent Address (Street, Apt. Number): _____ (City): _____ (State): **Florida** (Zip): _____ Phone: _____

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

DL Number, State: **ME3900000000000** Florida Soc. Sec. Number: _____ INS Number: _____ Place of Birth: **CUBA** Citizenship: **US**

Co-Defendant Name (Last, First, Middle): **FERNANDEZ, LIZETTE, YAQUELIN** Race: **W** Sex: **F** Date of Birth: **04/07/1987**

Co-Defendant Name (Last, First, Middle): _____ Race: _____ Sex: _____ Date of Birth: _____

Parent: _____ Name (Last): _____ (First): _____ (Middle): _____ Residence Phone: _____

Legal Custodian: _____ Business Phone: _____

Other: _____

Address (Street, Apt. Number): _____ (City): _____ (State): _____ (Zip): _____

Notified by (Name): _____ Date: _____ Time: _____ Juvenile Disposition: **1. Handed/Processed within Dept. and Released** **2. TOT HRSCYF** **3. Incarcerated**

Released To: (Name): _____ Relationship: _____ FCIC/NCIC: _____ 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 informed of any change of address.

Yes, by: (Name) _____ No: (Reason) _____

Recovery Information: **0. N/A** **1. Voluntary** **2. Located Not Returned** **3. Hospitalized** **4. HRS Custody** **5. Law Enforcement Custody** **6. Returned to Parent** **7. Deceased** **8. Other**

Drug Activity: **N/A** S. Sell R. Smuggle K. Dispense/Distribute M. Manufacture/Prepare/Cultivate Z. Other

Drug Type: **N/A** A. Amphetamines B. Barbiturates C. Cocaine E. Heroin H. Hallucinogens M. Marijuana O. Opium/Opium P. Paraphernalia/Equipment Q. Synthetic U. Unknown

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
Organized Scheme to Defraud	1	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	\$17.034(4)(a)3	00
Grand Theft	1	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	\$12.014(2)(C)(1)	00
Obtaining Goods By Use Of False Credit Card	1	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	\$17.481(1)(a)	00
Unlawful Use of a Two-way Communications Device	1	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	\$24.215	00

Instruction No. 1: Mandatory Appearance in Court

Instruction No. 2: You need not appear in Court but must comply with instructions on reverse side.

Location (Court, Room Number, Address): _____

Court Date and Time: _____

I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO PROVIDE THE OFFENSE CHARGED OR TO PAY THE FINE DESCRIBED. I UNDERSTAND THAT SHOULD I 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: _____

HOLD for other Agency Name: _____

Dangerous: Repeated Arrest: Other: _____

Name of Arresting Officer (Print): **J. Lampasi** I.D. #: **0129**

Transcribing Officer: **J. Lampasi** I.D. #: **0029** Agency: _____

Name Verification (Printed by Arrestee): _____

Witness here if subject signed with an "X": _____

PAGE: **1** OF **1**

LAMPASI 0029

SCANNED
AUG 18 2018

Probable Cause Affidavit
Palm Beach Police Department
Agency ORI# FLO 500600

Defendant: BARBARA MARTINEZ GUERRA
Race/Sex: H/F
Victim: SAKS FIFTH AVE

Police Case: 18-001111
D.O.B.: 02/07/1980

Charges:	One Count:	Organized Scheme to Defraud	817.034(4)(a)3
	One Count:	Grand Theft	812.014 (2)(C)(1)
	One Count:	Obtaining Goods By Use Of False Credit Card	817.481 (3)(b)
	One Count:	Unlawful Use of a Two-way Communications Device	934.215
	One Count:	Principal in first degree	777.011

On 08/17/ 2018, Palm Beach Police Officers responded to Saks Fifth Ave. reference reports of fraud, located at 172 Worth Avenue. The facts of this investigation are as follows:

On 08/17/2018, at approximately 1600 hours, two female subjects later identified as H/F Lizzette Yaquelin Fernandez DOB: 04/07/1987 and H/F Barbara Martinez Guerra DOB: 10/05/1996, entered the Saks Fifth Avenue retail store, located at 172 Worth Avenue. Fernandez was also accompanied by her [REDACTED] Fernandez was wearing an all-white outfit with sneakers, carrying a copper colored hand bag and pushing a baby stroller. Guerra was wearing an all-black outfit with sneakers, carrying a Saks Fifth Avenue bag, and a black handbag. Upon entering the retail store, both subjects approached a sales counter and were greeted by sales associate, W/F Emily Weingarten. Fernandez told Weingarten that she ordered some shoes over the phone earlier that day and she was there to pay for them. Weingarten advised earlier that day, she received a phone call from a female requesting a hold on a particular pair of Louboutin Shoes, Item# 400971951989 525/041, valued at \$745.00.

After verifying Fernandez was the person who requested shoes, Weingarten walked both subjects to the rear sales counter where the shoes were being stored. Fernandez then advised she would pay for the shoes with a store credit of \$1000.00, and produced a Saks Fifth Avenue store card# [REDACTED]. Weingarten attempted to complete the sale of the shoes, but was continuously interrupted by Guerra asking questions about handbags, which Weingarten felt was a distraction technique. Guerra then produced a white Givenchy handbag from the Saks Fifth Avenue bag she carried into the store and asked to exchange the bag. Weingarten asked Guerra to wait until she completed the current transaction. Weingarten completed the sale, transaction# 04155, for the purchase of a pair of Louboutin Shoes, Item# 400971951989 525/041, and totaling \$797.15.

Shortly after completing the sale, Guerra told Weingarten she changed her mind about exchanging the handbag and requested to order another handbag for pickup. Due to the continued distraction by Guerra, Weingarten stated the subjects began to resemble two unidentified female suspects from a check fraud bulletin and contacted Saks Fifth Avenue Asset Protection for assistance. Asset Protection Supervisor, Fabian Coy responded to the sales counter and contacted the Palm Beach Police Department.

The foregoing instrument was sworn to or affirmed
Before me this 17th day of August, 2018
By, Det. J. Hanning #9120,
Who is personally known to me

Sgt. W. J. 8887
Signature of Police Officer (F.S.S.117.10)

State of Florida
County of Palm Beach

Det. J. Hanning #9120
Signature/Arresting Officer

SCANNED
AUG 18 2018

Probable Cause Affidavit
Palm Beach Police Department
Agency ORI# FLO 500600

Upon my arrival, I interviewed Fabian Coy and confirmed, Saks Fifth Avenue store card# [REDACTED] was issued on 08/13/2018, at the Miami Dade Saks Store #00701985. According to Saks Fifth Avenue transaction# 19850, two handbags valued at \$980.12 were credited to a Saks Fifth Avenue store card# [REDACTED]. A previous transaction# 94057 receipt from Brickell Saks Store #00189405 confirmed the purchase of these handbags, in addition to (5) other items totaling \$6185.67. Transaction# 94057 also confirmed that all items were paid for utilizing a certified check #44911, Account [REDACTED]. According to Asset Protection Supervisor, Fabian Coy, this check was reported as fraudulent by Saks Fifth Avenue. Asset Protection Supervisor, Fabian Coy provided images of seven checks reported to be fraudulent under this case for reference in the investigation.

On 08/17/2018, at approximately 1730 hours, contact was established with W/M Russell Aaron DOB: 04/04/1966, owner of all checks issued under SunTrust Account # [REDACTED]. According to sworn statements provided by Aaron, at no point did he authorize Fernandez or Guerra to use or possess his personal identification information, or his SunTrust Account # [REDACTED]. Information obtained from Asset Protection Supervisor, Fabian Coy, confirmed seven checks issued under Aaron's SunTrust Account # [REDACTED] were utilized at several Saks Fifth Avenue locations throughout south florida, totaling a loss of \$ 33,483.51.

On 08/17/2018, both subjects were taken into custody and searched incident to arrest. While searching Fernandez's coppered color handbag, the following Saks Fifth Avenue Transaction receipts were located:

- (1) Transaction Receipt #94057 (Fraudulent Check Deposit): \$6185.67
- (2) Transaction Receipt #19850 (Purchase of Hand Bags): \$980.12
- (3) Transaction Receipt #04155 (Purchase of Shoes): \$797.15

Guerra's black handbag was also searched and found to contain the following Saks Fifth Avenue Transaction receipts:

- (1) Transaction Receipt #36917 (Fraudulent Check Deposit): \$609.87
- (2) Transaction Receipt #89874 (Fraudulent Check Deposit): \$1819.00
- (3) Transaction Receipt #95285 (Fraudulent Check Deposit): \$5201.27

On 08/17/2018, I conducted an audio-recorded interview of Fernandez. Prior to interviewing Fernandez, I advised her of her Miranda Rights from a pre-printed card. During a post Miranda statement, Fernandez advised she contacted the Palm Beach Saks Fifth Avenue with her personal cellular phone and ordered the Louboutin Shoes. Fernandez further stated she had the shoes placed on hold because they were rare and hard to find. I then asked Fernandez where she obtained the Saks Fifth Avenue store card to purchase the shoes. Fernandez refused to answer any further questions and invoked her rights to remain silent.

On 08/17/2018, I attempted an audio-recorded interview of Guerra, who immediately asked for her attorney.

The foregoing instrument was sworn to or affirmed
Before me this 17th day of August, 2018
By, Det. J. Hanning #9120,
Who is personally known to me

Sgt Welf 8287
Signature of Police Officer (F.S.S.117.10)

State of Florida
County of Palm Beach

Det. Hanning #9120
Signature/Arresting Officer

SCANNED
AUG 18 2018

Probable Cause Affidavit
Palm Beach Police Department
Agency ORI# FLO 500600

Based on the above facts, this affiant believes probable cause exists to charge H/F BARBARA MARTINEZ GUERRA D.O.B.: 02/07/1980, with one count of Organized Scheme to Defraud, pursuant to F.S.S. 817.034(4)(a)3, because (GUERRA) did engage in a scheme to defraud constituting a systematic, ongoing course of conduct with intent to defraud one or more persons, or with intent to obtain property from one or more persons by false or fraudulent pretenses, representations, or promises or willful misrepresentations of a future act and did obtain property valued under \$20,000 from one or more of such persons; one count of Grand Theft, pursuant to F.S.S. 817.034(4)(a)2, because (GUERRA) did knowingly obtain or use, or endeavor to obtain or use Saks Store Cards of a value of \$300.00 or more, which was the property of (SAKS FIFTH AVE), or any other person not the defendant(s), with the intent to permanently or temporarily deprive (SAKS FIFTH AVE) or any other person not the defendant(s) of the property or benefit there from or to appropriate the property to the use of (GUERRA); one count of Obtaining Goods by use of False Card, pursuant to F.S.S. 817.481 (3)(b), because (GUERRA) did knowingly purchase or attempt to purchase any goods, property or service, by the use of any false, fictitious, or counterfeit, credit number, or other credit device, or by the use of any credit card, credit number, or other credit device of another without the authority of the person to whom such card, number or device was issued, or by the use of any credit card, credit number, or other credit device in any case where such card, number or device has been revoked and notice of revocation has been given to the person to whom issued, and the value of the property, goods or services obtained or which were sought to be obtained was \$300 or more; one count of Unlawful Use of a Two-way Communications Device, pursuant to F.S.S. 934.215, because (GUERRA) did use a two-way communications device, including, but not limited to, a portable two-way wireless communications device, to facilitate or further the commission of (Organized Scheme to Defraud), a felony offense, contrary to Florida Statute 934.215; and one count of Principal in first degree, pursuant to F.S.S. 777.011.

NOT A CERTIFIED COPY

The foregoing instrument was sworn to or affirmed
Before me this 17th day of August, 2018
By, Det. J. Hanning #9120,
Who is personally known to me

Sgt Wally 8887
Signature of Police Officer (F.S.S.117.10)

State of Florida
County of Palm Beach

Det. J. Hanning #9120
Signature/Arresting Officer

SCANNED
AUG 18 2018



Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
I/E Exemptions	<input type="checkbox"/>	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	<input type="checkbox"/>	943.053, 943.0525	NCIC/FCIC/FBI and In-state FDLE/DOC.	
	<input type="checkbox"/>	119.071(4)(c)	Undercover personnel.	
	<input type="checkbox"/>	119.071(2)(f)	Confidential informants (CIs).	
	<input type="checkbox"/>	119.071(2)(e)	Confession.	
Public Info. Exemptions	<input type="checkbox"/>	985.04(1)	Juvenile offender records.	
	<input type="checkbox"/>	119.071(h)(i)	Assets of a crime victim.	
	<input type="checkbox"/>	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	<input type="checkbox"/>	394.4615(7)	Mental health information.	
	<input type="checkbox"/>	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)	<input checked="" type="checkbox"/>	(iii) 119.0714(1)(i)-(j), 2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	<input type="checkbox"/>	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	<input type="checkbox"/>	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	<input type="checkbox"/>	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2018027529	Date: August 18, 2018
	Specialist Name/ID: L. Rosales, 4489

SCANNED
AUG 18 2018