



TEQUESTA POLICE DEPARTMENT
357 TEQUESTA DR. TEQUESTA FL, 33469

REPORT NUMBER
TPD92ARR900797

WARRANT AFFIDAVIT

18-11757

Report Date / Time 09/18/2018 07:46 AM	Agency Case/Offense Number TPD18OFF000239	OCA Number	Ongoing Agency Case Number	OBTS Number	Offender Based Transaction System	Jail Booking Number	Other Number TPD18CAD005568
---	--	------------	----------------------------	-------------	-----------------------------------	---------------------	--------------------------------

LOCATION OF OCCURRENCE

County PALM BEACH	Address 187 TEQUESTA DR, TEQUESTA, FL 33469	
Range of Occurrence Date/Time 08/29/2018 05:12 PM to 08/29/2018 05:12 PM	Latitude	Longitude

PERSON: SUSPECT

First Name BRANDON	Middle Name THOMAS	Last Name ODAY	Suffix	Date of Birth 10/30/1974	Age 43	Race W	Sex M	Height 602	Weight	Hair	Eyes
Master Name Index Number	Place of Birth	Nation	SSN	Driver's License or Other ID O300078743900	State FL	Class or Type					
Address 815 UNIVERSITY BLVD APT 205	City JUPITER	County PALM BEACH	State FL	Zip Code 33458	Phone						

CHARGES

Counts 1	Charge Number 817.60.1	Charge LARC	Charge Degree FIRST DEGREE	Charge Level MISDEMEANOR	General Offense Code PRINCIPAL	<input type="checkbox"/> Hate Crime	<input type="checkbox"/> Domestic Violence	Bond Amount \$0.00
OF CREDIT CARD								

Counts 3	Charge Number 817.60.7	Charge FRAUD-ILLEG USE CREDIT CARDS	Charge Degree FIRST DEGREE	Charge Level MISDEMEANOR	General Offense Code PRINCIPAL	<input type="checkbox"/> Hate Crime	<input type="checkbox"/> Domestic Violence	Bond Amount \$0.00
SIGN ANOTHERS								

Counts 1	Charge Number 817.61	Charge FRAUD-ILLEG USE CREDIT CARDS	Charge Degree THIRD DEGREE	Charge Level FELONY	General Offense Code PRINCIPAL	<input type="checkbox"/> Hate Crime	<input type="checkbox"/> Domestic Violence	Bond Amount \$0.00
USE MORE 2 TIME 6 MS OBT GDS MNEY 100 DOL MORE								

PROBABLE CAUSE

On Wednesday, August 29, 2018, I (Detective Waychowsky #1198) responded to Tiramisu Italian Restaurant located at 187 Tequesta Dr in Tequesta, reference the use of a stolen credit card.

Upon arrival, I met with Tiramisu owner, Luca Cadau. Cadau stated he had a customer named Eileen Myers call earlier that day stating she was a patron the night prior (8/28/18) and left her American Express card at the restaurant. Cadau checked the restaurant for any lost cards and did not find Myers card. Cadau stated sometimes the cards are left in the waiter's check/tip folder. Myers called Cadau back and stated there were three fraudulent charges on her card on Thursday, 8/29/18. Cadau contacted Brandon O'Day, who was Myers' waiter on 8/28, and asked him about the missing card. O'Day told Cadau he took the card and made the purchases.

I contacted Myers the same day and she met me at the Tequesta Police Station. Myers stated she ate at Tiramisu on Wednesday 8/28/18 and used her American Express credit card (last 4 digits of card are [REDACTED]) to pay the bill. Myers realized her card was missing on the Thursday, 8/29/18 morning. She contacted Luca Cadau and informed him of her missing card. She stated Cadau did not find it in the lost and found, but he was going to call her waiter Brandon O'Day and see if he mistakenly has it. Myers stated she checked her statement and it showed three charges on her account made on 8/29/18. The charges were from Walgreens (3063 Northlake Blvd, Palm Beach Gardens, FL 33403) for \$15.49, CVS (4500 Donald Ross Rd, Palm Beach Gardens, FL 33418) for \$92.64, and Aldi (220 N Congress Ave, Lake Park, FL 33403) for \$286.73. Myers stated she was contacted later by Cadau, he stated the waiter, Brandon O'Day, admitted to taking and using the card. Myers e-mailed me a copy of her American Express statement showing the three charges. Myers completed a sworn witness affidavit.

I contacted Brondon O'Day, using the cell phone number(954-648-8856) provided to me by Luca Cadau. O'Day agreed to come in to the Tequesta Police Station on Tuesday, 9/3/2018, for an interview.

Later the same day, Luca Cadau contacted me and stated his restaurant had a review left on "YELP" made by a 'Julie', who stated she had a credit card stolen and fraudulently used after eating at Tiramisu. Cadau checked the restaurant's records and it came back to a Julie Auslander. Cadau printed the receipts for both Auslander and Myers and both receipts show Brandon O'Day as their waiter.

I made contact with Auslander (201-321-0140), and she stated she had her credit card # stolen after eating at Tiramisu, and there were approximately \$500 in total charges at stores like Walgreens and Walmart. Auslander is currently out of town in California. I emailed her a statement with instructions and am waiting for her to email me her witness affidavit and her bank statement showing the fraudulent charges and locations of the purchases..

On Saturday, August 1, 2018, I went to the Walgreens (Northlake Blvd, Palm Beach Gardens, FL) to obtain a purchase receipt and surveillance video of Myers's stolen American express being used. I met with Walgreens manager, John Lynn. Lynn gave me a copy of the sales receipt of a purchase made with an American Express card ending in # [REDACTED]. The purchase was made by a W/M at 11:32 AM on 8/29/18. The receipt shows the purchase of two items totaling \$15.49. The W/M leaves the store and drives off in an SUV. Lynn made a copy of the surveillance video for evidence. Both items will be submitted into evidence.

I contacted the CVS and Aldi in an attempt to retrieve the receipts and surveillance from the stores. I was told by both stores to come on Tuesday 9/4/2018 to speak to the managers and obtain surveillance and receipts.

On Tuesday, September 4, 2018, I went to the CVS, located at 4500 Donald Ross Rd and met with Loss Prevention Officer Michael Clay. Clay made me a surveillance video which shows the W/M enter the store wearing a white polo shirt, blue hat, shorts, and brown slip on shoes at 12:43PM on 8/29. The male is on video at 12:49PM making the purchase in the amount of 92.64, using the American Express credit card ending in [REDACTED]. Clay also made me a copy of

SEARCHED
 INDEXED
 SERIALIZED
 FILED
 SEP 11 2018
 PALM BEACH COUNTY
 CLERK OF COURT
 CRIMINAL DIVISION

the store transaction receipt. The video and the receipt are submitted into evidence.

That same day I went to the ALDI, located at 220 N Congress Ave. The store manager printed out an itemized copy of the receipt made with the American Express credit card ending in [REDACTED]. The purchase was made at 11:59AM and in the amount of \$286.73. I viewed the Surveillance video of the transaction and I had to take still photos of the surveillance video (the ALDI surveillance system cannot record at this time). I took photos of the same individual who was making the purchases at CVS and Walgreens. The surveillance system at ALDI is approximately 15 minutes behind in the internal clock in the system. The W/M enters the store at 11:20AM and the purchase was made and logged by the receipt at 11:59 AM, and the surveillance shows the purchase being made at 11:43AM and he leaves the store at 11:48 AM. The photos are transferred to a disk and submitted into evidence with a copy of the purchase receipt.

The W/M left the Walgreens at 11:32AM, actual time and entered the ALDI at 11:35AM, actual time. The stores are approximately .9 miles apart. The W/M is wearing the same clothing in all three stores where he made the fraudulent purchases.

On Wednesday, September 5, 2018, I met with Luca Cadau at Tiramisu and showed him a still photo of the surveillance from the fraudulent purchase at Aldi. Cadau stated that the suspect was his former employee Brandon O'Day. Cadau completed a sworn witness affidavit. Cadau and I attempted to contact O'Day and he has not returned our calls. He did not show up to the Tequesta Police Station as he stated he would over the phone.

Based on the evidence listed, along with the witness statements, I believe probable cause exists to charge Brandon O'Day with theft of a credit card per F.S.S. 817.60.1, signing of a another's credit card with intent per F.S.S. 817.60.7, and fraudulent use a credit car per F.S.S. 817.61.

Before me personally appeared the above named law enforcement officer with the TEQUESTA POLICE DEPARTMENT, and who being duly sworn, states the Defendant BRANDON ODAY did commit the acts stated in this Probable Cause Affidavit. Based upon this sworn statement of facts, I find probable cause that the defendant did commit the crimes listed in the Charges Section of this affidavit. Therefore, I hereby command the immediate arrest of Defendant BRANDON ODAY and order them brought before the courts to be dealt with according to the law.

So ordered on _____ by Judge _____

BOND SET BY JUDGE

Bond Amount \$ _____

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named person, committed violation(s), of law, on the above date(s) and time(s), as listed in charges section above and described in the probable cause statement.

ID Number	Rank	Name
1198	DETECTIVE	D.WAYCHOWSKY
Officer Agency TEQUESTA POLICE DEPARTMENT		


Officer Signature

Subscribed and sworn to (or affirmed) before me this 18 day of Sept A.D., 2018 by Waychowsky who is personally known to me or

has produced _____ as identification.

 #1134 Notary Public LEO CO Commission No: _____ My Commission Expires: _____

NOT A CERTIFIED COPY