

0393045

18CF5651

P-1979

ARREST / NOTICE TO APPEAR Juvenile Referral Report				1. Arrest 3. Request For Warrant 2. N.T.A. 4. Request For Capias		1	Juvenile	1		
OBTS Number		Agency ORI Number <b>FLO 5 0 0 0 0</b>		Agency Name <b>PALM BEACH COUNTY SHERIFF'S OFFICE</b>		Agency Report Number <b>06</b>		<b>18-077771</b>		
Charge Type: Check as many as apply <input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other		If Weapon Seized Enter Type <b>0</b>		Multiple Clearance Indicator <b>1</b>						
Location of Arrest (Including Name of Business) <b>2200 Sandler RD WAHPE 22460</b>				Location of Offense (Including Name of Business) <b>8778 W Atlantic Ave Delray Beach Fl 33446</b>						
Date of Arrest <b>6-14-18</b>	Time of Arrest <b>1:00</b>	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle				
Name (Last, First, Middle) <b>Marin [redacted] Rojo Emilio R Emilio</b>				Alias (Name, DOB, Soc. Sec. #, Etc.) <b>N/A</b>						
Race W - White 1 - American Indian B - Black O - Oriental/Asian <b>W M</b>	Sex <b>M</b>	Date of Birth <b>08/08/65</b>	Height <b>5'8"</b>	Weight <b>215</b>	Eye Color <b>Brown</b>	Hair Color <b>Surfer</b>	Complexion <b>Med</b>	Build <b>Large</b>		
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) <b>UNK</b>				Marital Status <b>Married</b>	Religion <b>None</b>	Indication of Alcohol Influence Drug Influence Y <input type="checkbox"/> N <input type="checkbox"/> Unk <input type="checkbox"/>				
Local Address (Street, Apt. Number) <b>5385 Cannon Way</b>		City <b>West Palm Beach</b>	State <b>FL</b>	Zip <b>33408</b>	Phone <b>561-449-3693</b>	Residence Type 1. City 3. Florida 4. Out of State <b>2</b>				
Permanent Address (Street, Apt. Number) <b>Same as above</b>		City	State	Zip	Phone	Address Source <b>Defendant</b>				
Business Address (Street, Apt. Number)		City	State	Zip	Phone	Occupation <b>Self employed</b>				
DL Number, State <b>R256-200-65-288-0</b>		Social Security	INS Number		Place of Birth <b>Cuba</b>	Citizenship <b>US</b>				
Co-Defendant Name (Last, First, Middle)				Race	Sex	Date of Birth	<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 3. Felony <input type="checkbox"/> 2. At Large <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile			
Co-Defendant Name (Last, First, Middle)				Race	Sex	Date of Birth	<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 3. Felony <input type="checkbox"/> 2. At Large <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile			
<input type="checkbox"/> Parent <input type="checkbox"/> Legal Guardian <input type="checkbox"/> Other	Name (Last, First, Middle)					Phone				
Address (Street, Apt. No.)		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 <input type="checkbox"/> defendant and/or <input type="checkbox"/> 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 address change <input type="checkbox"/> Yes, by: (Name) <input type="checkbox"/> No: (Reason)					School Attended		Grade			
Property Crime? <input type="checkbox"/> Yes <input type="checkbox"/> No		Description of Property					Value of Property			
Drug Activity N. N/A P. Possess	S. Sell B. Buy T. Traffic	R. Smuggle D. Deliver E. Use	X. Dispense/ Distribute	M. Manufacture/ Produce Cultivate	Z. Other	Drug Type N. N/A A. Amphetamine	B. Barbiturate C. Cocaine E. Heroin	H. Hallucinogen M. Marijuana	P. Paraphernalia/ Equipment	U. Unknown Z. Other
Charge Description <b>"Littering" over 500 pounds and commercial debris</b>		Counts <b>27</b>	Domestic Violence <input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Statute Violation Number <b>403 413 (6)(C)</b>		Violation or ORD. #				
Drug Activity <b>N</b>	Drug Type <b>N</b>	Amount/Unit <b>N/A</b>	Offense # <b>18-077771</b>	Warrant/Capias Number		Bond				
Charge Description		Counts	Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N	Statute Violation Number		Violation or ORD. #				
Drug Activity	Drug Type	Amount/Unit	Offense #	Warrant/Capias Number		Bond				
Charge Description		Counts	Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N	Statute Violation Number		Violation or ORD. #				
Drug Activity	Drug Type	Amount/Unit	Offense #	Warrant/Capias Number		Bond				
Charge Description		Counts	Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N	Statute Violation Number		Violation or ORD. #				
Drug Activity	Drug Type	Amount/Unit	Offense #	Warrant/Capias Number		Bond				
Location (Court, Address, Room Number)										
Court Date and Time Month _____ Day _____ Year _____ Time _____ AM <input type="checkbox"/> PM <input type="checkbox"/>										
I AGREE TO APPEAR AT THE ABOVE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT I SHOULD WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY 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				Signature of Arresting Officer <b>[Signature]</b>			Name Verification (Printed by Arrestee)			
Name <input type="checkbox"/> Dangerous <input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Suicidal <input type="checkbox"/> Other				Name of Arresting Officer <b>Defective Phillip DIMOLA</b>			(PRINT)			
Intake Deputy <b>D. S. Wicks 6015</b>				Transporting Officer I.D.# <b>Phillip DIMOLA 4347</b>			Agency <b>4347</b>			
Witness here if subject signed with an "X"										Page <b>1 of 4</b>

Handwritten circled number 1 and other scribbles.

Vertical stamp: JUN 15 2018 5:33 AM

OBTS Number		PROBABLE CAUSE AFFIDAVIT				1		Juvenile		N	
Agency ORI Number <b>FLO 5 0 0 0 0 0</b>		Agency Name <b>PALM BEACH COUNTY SHERIFF'S OFFICE</b>				Agency Report Number <b>06 - 18-077771</b>					
Charge Type: <input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 5. Ordinance Check as many <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 6. Other as apply.						Special Notes:					
Defendant's Name (Last, First, Middle) <b>Marin Emilio Rojo</b>						Race <b>W</b>		Sex <b>M</b>		Date of Birth <b>08/08/60</b>	
Charge Description <b>Illegal Dumping of commercial Debris "LITTERING"</b>						Charge Description					
Charge Description						Charge Description					
Victim's Name (Last, First, Middle) <b>Aebersold Robert</b>						Race <b>W</b>		Sex <b>M</b>		Date of Birth <b>03/16/45</b>	
Victim's Local Address (Street, Apt. Number) <b>1446 NW 2nd Ave Apt.102</b>			(City) <b>Boca Raton</b>		(State) <b>FL</b>		(Zip) <b>33432</b>		Phone <b>561-212-2343</b>		Address Source <b>Victim</b>
Victim's Business Address (Name, Street) <b>US Landvest Corp</b>			(City)		(State)		(Zip)		Phone		Occupation <b>Self Employed</b>
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law. The Person taken into custody...											
<input type="checkbox"/> committed the below acts in my presence.				<input type="checkbox"/> was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.							
<input checked="" type="checkbox"/> confessed to _____ admitting to the below facts.				<input checked="" type="checkbox"/> was found to have committed the below acts, resulting from my (described) investigation.							
On the <b>24</b> day of <b>May</b> , 2018 at <b>0930</b> <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M. (Specifically include facts constituting cause for arrest).											

## NARRATIVE:

On 05/24/2018 D/S Torres ID# 7875 responded to 8778 Atlantic Avenue within unincorporated Delray Beach, in reference to illegal dumping of construction debris. Upon his arrival he met with complainant Robert Aebersold the representative for US Landvest Corporation who is the owner of the property. D/S Torres located two large separate dumping, locations within the 21 acer property. D/S Torres canvassed the area for witness and suspect information but was met with negative results. Robert stated that he did not give anyone permission to "dump" on the property and is willing to prosecute.

On 05/29/2018 this case was assigned to Bomb and Arson Detective Philip DiMola ID# 4347 and Environmental Detective Jeffrey Freeman ID# 18329. On this date we responded to the above location, upon arrival we located approximately 27 separate dumping piles consisting of crushed concrete, crushed tile, rebar, large sections of flooring, copper plumbing, a floor drain and a sink. Within one of the piles Det. DiMola located a work order from 1988 from Coral Steel & Supply Co. On the back side of the work order it showed "Mizner C.C".

At this time contact was made with a Mizner Country Club staff member over the phone it was learned that there was major construction going on to the pool and clubhouse area.

We relocated to Mizner Country Club which is located 2.1 miles from where the illegal dumping occurred. Upon arrival we meet with Rich Anderson the Forman for Porter Construction who is handling the demolition and reconstruction of the pool and cluhouse. We took Rich to where the illegal dumping occurred where he was able to identify several pieces of tile that were around the fountain at Mizner. Rich stated that the tile from around the fountain was a one of a kind tile which was created for the country club. He was also able to identify tile that was from the bathroom and

## NARRATIVE CONTINUATION

blue tile from the tile line from the swimming pool. Rich was also able to identify a floor drain which came from the kitchen area. The large yellow columns were also identified by Rich to be from the Mizner property. There was large amounts of epoxy flooring located within the piles which Rich identified as the flooring from the kitchen area.

Rich stated that Miami Wrecking Co was contracted to conduct the demolition and removal of the debris from the pool, kitchen and bathrooms. Rich stated that Danny Okeriil was the site manager from Miami Wrecking Co.

On this same day contact was made with Danny via phone (954-270-5291). Danny stated he contracted two companies, Quality Transport and Allied Trucking to remove the debris. Quality Transport used semi-trucks with large trailers which can haul approximately 30 yards a load. Allied trucking used standard dump trucks which haul 18 yards. Danny told us that the piles were consistent with the small trucks which belonged to Allied Trucking.

Danny from Miami Wrecking Co stated he is conducting an internal investigation which will involve the drivers and the dump tickets to compare the loads of debris picked up to the number of loads delivered to the concrete recycling center. At this time we are waiting for Danny's results of his internal investigation.

On 6/5/18 Danny made contact with us saying that he believes he has a suspect and a witness. Danny said one of his drivers Roberto Estevez 786-443-3574 who works for Quality Trucking witness a red Ford dump truck exiting this location and he said he made contact with this driver. Danny also said that the person he suspects name is Emilio Marin who works for Allied Trucking. Danny said that both witness and suspect speak Spanish only.

On 6/5/18 with the help of Bomb and Arson Detective Luciano Kovalski ID# 9089 who speaks Spanish made contact with Roberto Estevez Via phone 786-443-3574. After Detective Kovalski identified himself and advised him that he was investigating an illegal dumping and told him the location Roberto stated that he remembers that day. Roberto stated that when he picks up his one load of concrete and drives to the recycling facility and makes it back to Mizner Country Club this guy had already picked up 3 loads. Roberto stated that he saw this truck exiting the wooded area by Atlantic Ave east of Lyons Rd. Roberto stated that he stopped and spoke with this guy and asked him can he drop his load here as well, Roberto stated that this guy said no its private property owned by his friend and if he goes on this property he can get in trouble. Det. Kovalski asked to describe this person, Roberto stated that he was an Hispanic male and his truck was a red Ford and worked for Allied. Det. Kovalski asked if we do a photo lineup would he be able to identify him, Roberto stated he believes so.

On 6/5/18 we went to Allied Trucking of Palm Beach LLC located at 2701 Vista Parkway West Palm Beach. Upon our arrival we met with the Staff, after identifying ourselves we advised them what we were investigating. The Staff assisted us with whatever we needed and provided us with the driver who worked hauling the construction debris from Mizner Country Club. The Staff knows the driver and the truck he drives. The Staff said the drivers name is Emilio Rojo Marin DOB 8/8/65 and he drives a red Ford dump truck #1081. The Staff provided me with his pickup and drop off tickets which is the way the drivers get paid. I was informed that the drivers to get paid don't need to have drop off tickets just pickup tickets.

When looking at Emilio's tickets of his pickup and drop off history from the Mizner Country Club, he had worked at this job site from 4/25/18 to 5/24/18. Emilio's ticket history shows he had picked up 74

## NARRATIVE CONTINUATION

loads of concrete from Mizner Country Club 14 loads went to the All Star recycling plant which is located at 1657 Wallis Rd West Palm Beach and no documentation to were the other 60 loads went. When I utilized Google Map the best route Emilio would have taken would have been the Florida Turnpike, the millage would have been 18.7 miles and without traffic it would take him approximately 23 minutes each way. On 5/22/18 Emilio picked up 10 loads of debris, When talking to the Demolition Contractor Danny Olkeriil with Miami Wrecking he said that there is no way anyone can get that many loads done. Daniel said that they start loading at 7AM and usually stop at 2pm because the truckers won't be able to make it to the recycling in time. Daniel said his guys can do 5 loads possibly 6 if they push it.

On 6/6/18 I Det. DiMola went to All Star Recycling located at 6619 Wallis Rd West Palm Beach and made contact with the Staff. At this time after introducing myself I advised them what I was Investigating and they said they would assist me with whatever I need. All Star gave me copies of Emilio Marin dump tickets which shows Marin dumping history of the Mizner job to their recycling facility. From 4/25/18 to 5/24/18 Marin properly disposed of 19 truckloads of concrete leaving 55 loads of concrete unaccounted for.

On 6/7/18 I Det. DiMola and Det. Kovalski made contact with Emilio Rojo Marin Via phone 561-449-3693. Marin who speaks very little English spoke with Det. Kovalski who speaks fluent Spanish and was asked if we can meet in reference to a case we were investigating, Marin said that would be fine and to meet with him at the gas station at Blue heron Blvd. and Interstate 95 in Riviera Beach.

Upon our arrival we met with Marin who was standing next to his Red Ford dump truck with the wording on the door Emilio Rojo Trucking/Allied 1081. At this time both Det. Kovalski and I introduced ourselves and we asked him does he have any idea why we were here, Marin said illegal dumping. At this time before we get further into this case on recorder Marin was read his Miranda rights in Spanish and stated that he understood them. We asked Marin from 4/25/18 to 5/24/18 he had picked up 74 loads of concrete from Mizner Country Club and only 19 of them made it to All Star recycling plant where are the remaining 55 loads. Marin at first said he had taken them to the recycling plant I advised him that every time he goes into All Star they document and create a ticket. I advised Marin that I was investigating an illegal dumping which occurred on West Atlantic Ave East of Lyons Rd in Delray Beach 2.1 miles from Mizner Country Club. Marin stated no west of Lyons Rd. I said to Marin maybe I was wrong would you like to show me where you dumped, Marin stated he would. At this time Marin secured his truck and we drove to Delray Beach in my unmarked SUV.

Upon the arrival to the area while driving on W. Atlantic Ave we were approaching Lyons Rd, Marin said continue west and pointed to an empty lot which was located at 9295 W. Atlantic Ave Delray Beach. The sign posted said Future Home "Animal Hospital Palm Beach Pet Resort & Spa". At this time I exited my vehicle and walked over to the front end loader operator who identified himself as Michael Edwards. When asking Edwards was there any illegal dumping at this location, Edwards said yes, several weeks ago some unknown person(s) had dumped many loads of concrete and that I needed to make contact with the owner who he believes has photos of the dumping. Edwards provided me with the owners name Justin Angel 561-699-5939.

When I got back into the truck we went back on recorder and Marin was asked how many loads were dumped at this location, Marin stated "MUCHO". When asking more than 10 he said yes more than 20 he said yes. Marin stated that he continued to dump at this location for about 3 days until someone closed the gate then he stopped. At this time we drove over to the original dump site East of Lyons Rd on W. Atlantic Ave and showed him that dump site, Marin stated on recorder no this wasn't me. I advised that there is approximately 27 loads here and approximately 30 loads at the Animal Hospital

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that would account for the unaccounted 55 loads you didn't properly dispose of. I also brought to Marin attention this is where the other trucker seen you going in and coming out and even spoke with you asking if it was ok for him to drop his load here and you told him know that this was your friends property and that he would get in trouble if he dumps here that only he has permission. Emilio at this time was driven back to his truck and was advised that in the near future he will be arrested and charged with illegal dumping of commercial debris "littering".

On this date I made contact with the victim the property owner of the Animal Hospital Justin Angel, after introducing myself I advised him that I was investigating illegal dumping in the area and asked him had anyone dumped on his property, Angel said yes. Angel advised me that he hasn't gotten the bill yet but it's over \$20,000 to remove all of the debris that was dumped without permission. When asking Angel to describe what type of debris it was, Angel said it was concrete. When asking Angel does he have an idea how many loads there were, he stated a lot. When asking did the trucking company that hauled it away give him a bill with the loads and weight, Angel stated not yet but he will get it and provide it to me. Angel did say that he believes it had taken fifteen 30 yard trucks to remove the debris. When asking Angel did he take any photos of the dumping, Angel stated that he did and will provide that as well. When asking Angel does he wish to prosecute, he stated he will.

On 6/13/18 myself and Det. Kovalski went to UGas Station located at 10100 NW 89th Ave Medley FL and met with witness Roberto Estevez to conduct a photo lineup. Upon our arrival we made contact with Roberto after introducing ourselves with Roberto on recorder Det. Kovalski conducted the photo lineup. Roberto stated that he had seen this guy once and on that day the guy was wearing sunglasses and sitting in the truck Roberto stated with this lineup he can't be confident on which one. Roberto stated that the guy he had spoken with had nice salt pepper moused hair. This concluded the photo lineup. Roberto was shown a photo of Emilio's truck without hesitation stated that this was the truck. Roberto was also shown a Google Map of the area of W Atlantic Ave, Roberto taken us on the screen right to the spot where the dumping occurred and where he had spoken to the Emilio.

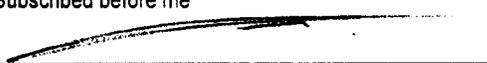
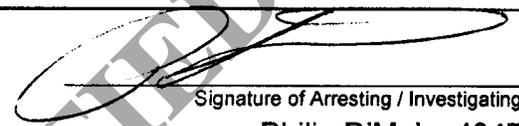
Roberto also brought to my attention that after he spoke to this guy who he assumed was illegally dumping brought it to his boss's attention. When asking who was his boss he stated Danny Olkeriil. This concluded our interview with Roberto.

## NARRATIVE CONTINUATION

On this date I contacted Danny Via phone and asked him about that day. Danny stated that he was approached by Roberto and was told what was going on, Danny stated that he went down to check it out and saw the loads and identified the debris being from Mizner. Danny stated that he approached the drivers and told them that he better not catch or hear that his loads are being dumped illegal. Danny stated that he new something was going on with Emilio because he was the only 18 yard truck running because everyone else quit because it wasn't proffitable do to the long haul.

The photo lineup was created by the PBSO Anylist, the Anylist used Emilio 2009 inmate photo which made it very difficult for Roberto to identify this person.

I find probable cause for felony illegal dumping of commercial debris "Littering" Exceeding over 500 pounds in weight or 100 cubic feet in volume or in any quantity for commercial purposes FSS 403.413 (6)(C).

Sworn and Subscribed before me	
	
Signature Notary Public / Clerk of Court / Officer (F.S.S 117.10)	Signature of Arresting / Investigating Officer
<b>Luciano Kovalski 9089</b>	<b>Philip DiMola 4347</b>
Name of Notary Public / Clerk of Court / Officer (F.S.S 117.10)	Name of Officer (Please Print)
<b>6/14/18</b>	<b>6/14/18</b>
Date	Date

NOT A CERTIFIED COPY



**Palm Beach County Sheriff's Office – Arrests Only**

	X	Florida State Statute	Description	Page Number(s)
L/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.	4
	<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"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

**REVIEW COMPLETED BY**

Booking Number: 2018019855	Date: 06/15/18
	Specialist Name/ID: Stewart/5660