

0413247

19CP4706
3443ARREST / NOTICE TO APPEAR
Juvenile Referral Report1. Arrest 3. Request For Warrant
2. N.T.A. 4. Request For Capias

1

Juvenile

OBTS Number		Agency ORI Number FLO 5 0 0 0 0 0		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE		Agency Report Number 06 19-071751	
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 0 1			
Location of Arrest (Including Name of Business)		Location of Offense (Including Name of Business)					
Date of Arrest 05/17/2019	Time of Arrest 02:09	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle	
Name (Last, First, Middle) Smith Ivy Susan				Alias (Name, DOB, Soc. Sec. # Etc.)			
Race W - White B - Black O - Oriental/Asian	Sex F	Date of Birth 03/19/1985	Height 5'07	Weight 145	Eye Color Brown	Hair Color Green	Complexion Light
Build Medium							
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) Tat r shld, tat back, tat hip, tat toe				Marital Status Single		Religion Christian	
Local Address (Street, Apt. Number)		City	State	Zip	Phone	Indication of Alcohol Influence Drug Influence ☐ ☐	
Permanent Address (Street, Apt. Number) Same		City	State	Zip	Phone	Residence Type: 1. City 2. County 3. Florida 4. Out of State 2	
Business Address (Street, Apt. Number)		City	State	Zip	Phone	Address Source Occupation	
D/L Number, State S530-417-85-599-1/FL		Social Security Number		INS Number		Place of Birth Syosset, NY	
Citizenship USA							
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		
☐ Parent ☐ Legal Guardian ☐ Other	Name (Last, First, Middle)					Phone	
Address (Street, Apt. No.)		City	State	Zip	Business Phone		
Notified By (Name)		Date	Time		2. TOT HRS/DOYS 3. Incarcerated		
Released To (Name)		Relationship	Date	Time	Grade		
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 561 355-2525) informed of any address change. ☐ Yes, by (Name) ☐ No (Reason)							
Property Crime? ☐ Yes ☒ 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 K. Dispense/ Distribute M. Manufacture/ Produce Cultivate Z. Other Drug Type N. N/A A. Amphetamines B. Barbiturates C. Cocaine E. Heroin H. Hallucinogen M. Marijuana P. Paraphernalia/ Equipment U. Unknown Z. Other							
Charge Description Child Abuse		Counts 1	Domestic Violence ☐ Y ☒ N	Statute Violation Number 827.03(1)(b) 2C B2	Violation or ORD. #		
Drug Activity N	Drug Type N	Amount/Unit N/A	Offense # 19-071751	Warrant/Capias Number	Bond NONE		
Charge Description		Counts	Domestic Violence ☐ Y ☒ N	Statute Violation Number	Violation or ORD. #		
Drug Activity	Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond		
Charge Description		Counts	Domestic Violence ☐ Y ☒ N	Statute Violation Number	Violation or ORD. #		
Drug Activity	Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond		
Charge Description		Counts	Domestic Violence ☐ Y ☒ N	Statute Violation Number	Violation or ORD. #		
Drug Activity	Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond		
Location (Court, Address, Room Number)							
TO BE SET							
Court Date and Time Month Day Year Time AM ☐ PM ☐							
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 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 ☐ Suicidal ☐ Resisted Arrest ☐ Other		Signature of Arresting Officer 12782 Name of Arresting Officer LABRYS ID # 12782		Name Verification (Printed by Arrestee) (PRINT)		Page 1 of 5	
Transporting Officer B. Labrys ID # 12782		Agency 12782		Witness here if subject signed with an "X"			

OBTS Number		PROBABLE CAUSE AFFIDAVIT		1. Arrest 3. Request For Warrant 2. N.T.A 4. Request For Capias		1	Juvenile ☐
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Charge Type: Check as many as apply ☒ 1. Felony ☐ 3. Misdemeanor ☐ 5. Ordinance ☐ 2. Traffic Felony ☐ 4. Traffic Misdemeanor ☐ 6. Other		Special Notes					
Defendant Name (Last, First, Middle) Smith Ivy Susan				Race W	Sex F	Date of Birth 03/19/1985	
Charge Child Abuse				Charge			
Charge				Charge			
Victim Name (Last, First, Middle)				Race	Sex	Date of Birth	
Local Address (Street, Apt. Number) City State Zip Phone				Address Source			
Business Address (Street, Apt. Number) City State Zip Phone				Occupation			
The undersign 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... ☐ committed the below acts in my presence. ☐ was observed by _____ who told _____ that he/she saw the arrested person commit the below acts. ☐ confessed to admitting to the below facts. ☒ was found to have committed the below acts, resulting from (described) investigation. On the <u>17</u> day of <u>May</u> 20 <u>19</u> at <u>7:29</u> ☐ AM ☒ PM							

On the above date and time, I responded to [REDACTED] unincorporated [REDACTED] Palm Beach County, Florida in reference to a domestic disturbance.

Upon arrival, I met with the complainant, Ivy Smith, outside of the home. She advised the following: on today's date, she had been arguing with her [REDACTED] about living with her dad. Ivy recently sent [REDACTED] to live with her father but [REDACTED] called her and begged to move back. Ivy agreed but placed restrictions and rules on [REDACTED]. Ivy said that [REDACTED] hasn't been following those rules and told her she needs to leave. They got into an altercation in which Ivy told [REDACTED] that she packed her bags and she needs to get in the car so she can drive her down to her father's house. Ivy said that she grabbed [REDACTED] and attempted to get her out to the car. At that time, [REDACTED] refused to comply and began to kick her legs and flail around. [REDACTED] kicked her [REDACTED] in the face, which Ivy said she believed to be an accident. As they got outside, [REDACTED] was standing next to Ivy's vehicle. Ivy told her not to leave, knowing that [REDACTED] has a history of running away, that she was running into the house to retrieve her belongings and they were leaving. As Ivy went into the house, [REDACTED] took off running eastbound between neighboring houses. Ivy called the police to report [REDACTED] as missing because she's concerned for the repercussions of not calling to report her missing. She expressed that she's extremely frustrated with [REDACTED] and can't deal with her anymore.

At the West Boynton Park skate zone, located at 6000 Northree Blvd, Lake Worth, D/S Vandermeeren-Sanchez located [REDACTED]. I responded to that location and spoke with [REDACTED]. She told me, and later provided a sworn recorded statement saying the following: on today's date, she skipped the first half of school but went there at approximately 12:00 because the wrestling team was having an end of the year party. Afterwards, she called Ivy for a ride home but she refused to pick her up and told her to walk home, which she did. Upon arriving home, Ivy confronted [REDACTED] about skipping school and not holding up her end of the deal in regard to her moving back with Ivy. Ivy told [REDACTED] to pack her belongings that she was taking her home to her father. At that time, [REDACTED] went into her bedroom and laid on the bed. Ivy came into the bedroom and grabbed [REDACTED] by the hair and pulled her down off of the bed. When she pulled her off of the bed, both of them fell to the ground. As Ivy went to get up, she still had a hold of [REDACTED] hair and

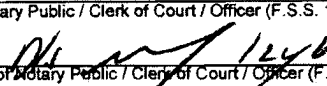
The foregoing instrument was sworn to and affirmed before me this <u>17</u> day of <u>May</u> 20 <u>19</u> , by:	
D/S P. Siegel 12460	LABRYS 12782
Name of Notary Public / Clerk of Court / Officer (F.S.S. 117.00)	Name of Arresting/Investigating Officer
<i>[Signature]</i> 12460	<i>[Signature]</i> 12782
Signature of Notary Public / Clerk of Court / Officer (F.S.S. 117.00)	Signature of Arresting/Investigating Officer
Page 1 of 5	

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Charge Type: ☒ 1. Felony ☐ 3. Misdemeanor ☐ 5. Ordinance ☐ 2. Traffic Felony ☐ 4. Traffic Misdemeanor ☐ 6. Other _____				Special Notes			
Defendant Name (Last, First, Middle) Smith Ivy Susan				Race W	Sex F	Date of Birth 03/19/1985	
Charge Child Abuse				Charge			
Charge				Charge			
Victim Name (Last, First, Middle) [REDACTED]				Race	Sex	Date of Birth	
Local Address (Street, Apt. Number)		City	State	Zip	Phone	Address Source	
Business Address (Street, Apt. Number)		City	State	Zip	Phone	Occupation	
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it caused [REDACTED] head to strike the bed frame of her bed. [REDACTED] said that Ivy then got up and left the bedroom. She then returned immediately with a wooden spoon that she struck [REDACTED] with in the upper part of her left arm just above the elbow. Ivy tried to strike her again but the spoon broke and she wasn't able to hit her with the remaining stick. At that time, Ivy dragged [REDACTED] out of the bedroom by her hair and into the hallway. Once in the hallway, Ivy stopped to allow [REDACTED] to speak with her younger sister, [REDACTED] who was pleading with her to get up and go with their [REDACTED] to the vehicle. Ivy then continued to pull [REDACTED] by her hair across the floor and towards the front door. Once there, Ivy tried to take off [REDACTED] shoes and they began to struggle over one of the shoes. [REDACTED] was able to retrieve her shoe and put it back on. Once the front door opened, [REDACTED] didn't want to rip or get her clothes dirty so she stood up and walked outside. Once by the car, she doesn't remember how the door got opened but she kicked the door to close it which struck Ivy in the head. [REDACTED] was sitting on the ground and her [REDACTED] attempted to pick her up from the ground. At that time, her [REDACTED] was unable to pick her up and she bit her on the left shoulder blade. Ivy stood over [REDACTED] and said, "if you want to run, go for it. I'm just going to call the police." Ivy then walked away towards the house, at that time, [REDACTED] stood off and ran away to the park where she was recovered.

On scene at the park, PBCFR was requested in reference to the injuries to [REDACTED] PBCFR Rescue #48 responded under run #19053244. As they were reviewing [REDACTED] injuries, I noted the injuries. [REDACTED] had a red welt on her upper left arm consistent in shape with being struck with a spoon. Additionally, she had a bruise near her left shoulder blade where she said she was bitten by her [REDACTED]. Also, I noted that she had a welt on her forehead where she said that she hit her head on the bed. She also had a redness behind her right ear. Upon the initial approach of one of the firefighters, he reached towards [REDACTED] head/scalp to assess her. As he touched her head, she lowered her head and winced in pain. She stated that her head was tender after her [REDACTED] pulled her by her hair. The paramedics transported [REDACTED] to Delray Medical Center. Once there, they notified hospital staff that they were able to feel several bumps on [REDACTED] head. Hospital staff conducted an assessment and said that [REDACTED] is okay medically other than the previously mentioned injuries.

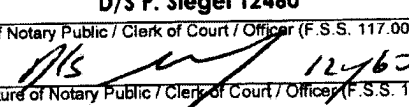
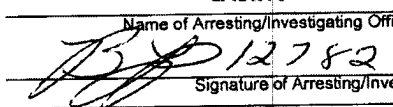
I responded back to the house and spoke with [REDACTED]. Ivy's [REDACTED] and [REDACTED] half-sister. [REDACTED] said the following in reference to the events being reported on today's date:

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Charge Type: ☒ 1. Felony ☐ 3. Misdemeanor ☐ 5. Ordinance ☐ 2. Traffic Felony ☐ 4. Traffic Misdemeanor ☐ 6. Other _____		Special Notes					
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Charge Child Abuse				Charge			
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Victim Name (Last, First, Middle)				Race	Sex	Date of Birth	
Local Address (Street, Apt. Number) City State Zip Phone Address Source							
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Upon returning from school, [REDACTED] was greeted by Ivy as she walked in the door and told that they needed to talk. Ivy said that she returned to her bedroom at this point because she knew what that meant. In her room, she could hear Ivy and [REDACTED] arguing and yelling at one another. At one point, [REDACTED] became aggravated and went into the bathroom. After that, she went into her bedroom. Ivy went into [REDACTED] bedroom and called [REDACTED] in to grab some items from her. [REDACTED] was sitting in a rolling chair at a desk in her bedroom. Ivy walked up to the chair and grabbed it from the top and back and pulled it back dumping [REDACTED] on the floor. At that time, Ivy grabbed [REDACTED] by the hair. [REDACTED] then jerked her head in a manner seeming to attempt to free her [REDACTED] grasp of her hair. When she jerked her head, she hit it on the bed frame. At that time, Ivy leaned over and screamed into [REDACTED] ear "at the top of her lungs" saying get up. [REDACTED] didn't move and sat still. Ivy then grabbed a fistful of [REDACTED] hair from the back, [REDACTED] said she specifically saw Ivy with a fist behind [REDACTED] head with hair in it. She then used her other hand to grab under one of [REDACTED] legs and dragged/carried her towards the bedroom door. At this time, [REDACTED] used one of her legs to kick the door closed. [REDACTED] said that Ivy changed her grip and grabbed both of [REDACTED] ankles and re-opened the bedroom door. Ivy then continued to drag/carry [REDACTED] into the hallway. As she was dragging her, [REDACTED] head was hitting the wall. [REDACTED] said that she didn't know if [REDACTED] was doing this herself or if it was due to the way that Ivy was dragging her. Once they got into the hallway, Ivy stopped and allowed [REDACTED] to try to convince [REDACTED] to comply and just get in the car. Once that didn't work, Ivy and [REDACTED] were struggling with one another because [REDACTED] began to resist. [REDACTED] said that the two began to struggle and near the door, Ivy was attempting to remove [REDACTED] shoes. She said her [REDACTED] screamed for her to come take the shoes but she refused. At that time, she said that her [REDACTED] bit [REDACTED] on the back. [REDACTED] said that she walked over and pushed her [REDACTED] head back so that she wouldn't bite her [REDACTED] again. Once they got out of the doorway, Ivy elbowed [REDACTED] in the stomach at which point [REDACTED] lost her breath and began to wheeze. Ivy continued to drag [REDACTED] to the area next to the car where [REDACTED] agrees with the story the way that it was told by [REDACTED].

I then conducted a sworn recorded interview with Ivy. Post Miranda, she said the following: Ivy skipped school on today's date which she witnessed via her in-home camera and she confirmed by checking [REDACTED] Instagram page. Upon returning home, she confronted [REDACTED] about the rules of the house and her skipping school. [REDACTED] then went into her bedroom and sat at her desk doing make up. Ivy had told [REDACTED] to pack her bags or she was going to pack them for her. Ivy then packed the bags and went back into the room to tell [REDACTED] to get ready to leave. She told [REDACTED] that she would give her 5 more minutes

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		Page 3 of 5	

OBTS Number		PROBABLE CAUSE AFFIDAVIT		1. Arrest 3. Request For Warrant 2. N.T.A. 4. Request For Capias		1	Juvenile ☐
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Charge Child Abuse				Charge			
Charge				Charge			
Victim Name (Last, First, Middle) [REDACTED]				Race	Sex	Date of Birth	
Local Address (Street, Apt. Number)		City	State	Zip	Phone	Address Source	
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to finish her make up. After 5 minutes, she returned to the room and pulled the chair back that [REDACTED] was sitting in. She said that [REDACTED] then dropped herself out of the chair on purpose. She then began to push [REDACTED] towards the door in an effort to get her out of the house. She confirmed that she did go to the kitchen and retrieve a wooden spoon which she returned to the bedroom with and struck [REDACTED] on the side of the thigh. As she was pushing her in the living room area, [REDACTED] was resisting and kicked her in the face. At that time, Ivy admitted that she did bite [REDACTED] on the back to get her to stop. She further said that she was attempting to take [REDACTED] shoes off because they seemed to be giving her traction to resist her efforts to remove her from the home. She said that once they exited the front door, [REDACTED] was sitting on the floor and Ivy slipped causing her elbow to drive down into [REDACTED] stomach. She was then able to get [REDACTED] near the vehicle but as she stepped away to retrieve her belongings, [REDACTED] ran away as previously stated.

Although she didn't mention it, I asked Ivy why she pulled [REDACTED] by the hair. She said that she did so to remove her from the home that she doesn't belong. She was also unable to explain the mark on [REDACTED] upper arm consistent with being struck with the spoon. I asked her how she came to bite [REDACTED] on the back if she kicked her in the face and she said that after being kicked in the face, she fell forward onto [REDACTED] back and bit her.

Due to the inconsistent statement from Ivy, mixed with the physical evidence and statements by [REDACTED] and [REDACTED], I find probable cause exists to charge Ivy with Child Abuse contrary to F.S.S. 827.03(1)(b) because she did intentionally inflict physical or mental injury upon [REDACTED], a child by biting her on the back and dragging her by her hair.

The spoon used to strike [REDACTED] was uploaded into evidence and pictures were taken of [REDACTED] and the home which were also uploaded into evidence and the DART system. [REDACTED] was provided with a victim right's pamphlet and case information sheet. A level 2 domestic violence notification was made as well as an immediate response from DCF. DCF responded and provided custody of [REDACTED] to the maternal grandparents who arrived on scene.

Ivy was taken into custody by being handcuffed behind her back. Once applied, the handcuffs were

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for proper fit and double locked. My in-car video camera was recording and I transported Ivy to the Palm Beach County Jail where I transferred custody of her over to the corrections deputies.

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	Page 5 of 5



**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.	1,2,3,4,5,6,7
	☐			
	☐			
	☐			
	☐			
Other	☐		Other:	
	☐		Other:	

REVIEW COMPLETED BY

Booking Number: 2019016389	Date: 5/18/2019
	Specialist Name/ID: Joan Dunn/34073