

0465156/3041

Rapid 10-7  
ARREST / NOTICE TO APPEAR

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

Agency ORI Number <b>0500400</b>	Agency Name <b>Delray Beach Police Department</b>	Agency Report Number (N.T.A.'s only) <b>4 0 18-001625</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>Hands/fist/feet/teeth</b>	Multiple Clearance Indicator <b>1</b>
Location of Arrest (Including Name of Business) <b>2170 W ATLANTIC AVE</b>		Location of Offense (Business Name, Address) <b>2170 W ATLANTIC AVE, DELRAY BEACH, FL 33445</b>
Date of Arrest <b>02/01/2018</b>	Time of Arrest <b>17:28</b>	Booking Date <b>02/01/2018</b>
Booking Time <b>17:44</b>	Jail Date <b>// ::</b>	Jail Time <b>// ::</b>
Location of Vehicle <b>2170 W ATLANTIC AVE, DELRAY BEACH, FL 33445</b>		

Name (Last, First, Middle) <b>RUTKOWSKI, JOSEPH D</b>		Alias: <b>Alias (Name, DOB, Soc. Sec. #, Etc.)</b>	
Race W - White B - Black <b>W</b>	Sex M - Male F - Female <b>M</b>	Date of Birth <b>05/26/1993</b>	Build <b>MEDIUM</b>
Height <b>5'08</b>	Weight <b>160</b>	Eye Color <b>BROWN</b>	Hair Color <b>BLACK</b>
Complexion <b>LIGHT</b>	Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)	Marital Status <b>S</b>	Religion <b>OTHER</b>
Local Address (Street, Apt. Number) <b>923 SE 4TH AVE, DELRAY BEACH, FL 33483</b>	(City) <b>DELRAY BEACH</b>	(State) <b>FL</b>	(Zip) <b>33483</b>
Phone <b>(845) 709-7103</b>	Residence Type: 1. City 2. County 3. Florida 4. Out of State <b>1</b>	Address Source <b>VERBAL</b>	
Permanent Address (Street, Apt. Number) <b>923 SE 4TH AVE, DELRAY BEACH, FL 33483</b>	(City) <b>DELRAY BEACH</b>	(State) <b>FL</b>	(Zip) <b>33483</b>
Phone <b>(845) 709-7103</b>	Business Address (Name, Street) <b>MCDONALDS,</b>	(City) <b>DELRAY BEACH</b>	(State) <b>FL</b>
(Zip) <b>33483</b>	Phone <b>(561) 279-0498</b>	Occupation <b>Cashier</b>	D/L Number, State <b>R322484931860 / FL</b>
Soc. Sec. Number <b>[REDACTED]</b>	INS Number <b>[REDACTED]</b>	Place of Birth (City, State) <b>NEW YORK, NY</b>	Citizenship <b>US</b>

Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large	<input type="checkbox"/> 3. Felony <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"/> 2. At Large	<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor	<input type="checkbox"/> 5. Juvenile
<input type="checkbox"/> Parent <input type="checkbox"/> Legal Custodian	Name (Last, First, Middle)					Residence Phone
Address (Street, Apt. Number)						Business Phone
Notified by: (Name)			Date	Time	JUVENILE DISPOSITION 1. Handled/Processed within Department and Released 2. TOT JAC 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 355-2526) informed of any change of address.				School Attended <b>FEB 1 PM 7:58</b>	Grade	
<input type="checkbox"/> Yes, by: <input type="checkbox"/> No:		Property Crime? <input type="checkbox"/> Yes <input checked="" 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	K. Disperses/ Distribute	M. Manufacture/ Produce/ Cultivate	Z. Other	Drug Type N. N/A A. Amphetamine	B. Barbiturate C. Cocaine E. Heroin	H. Hallucinogen M. Marijuana O. Opium/Deriv.	P. Paraphernalia/ Equipment S. Synthetic	U. Unknown Z. Other		
Charge Description <b>SIMPLE BATTERY(TOUCH OR STRIKE)</b>						Statute Violation Number <b>784.03(1A1)</b>	Violation of ORD #					
Drug Activity	Drug Type <b>N</b>	Amount / Unit <b>/</b>	Offense # <b>18-001625</b>	Counts <b>1</b>	Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Warrant / Capias Number	Bond					
Charge Description						Statute Violation Number	Violation of ORD #					
Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N	Warrant / Capias Number	Bond					
Charge Description						Statute Violation Number	Violation of ORD #					
Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence <input type="checkbox"/> Y <input type="checkbox"/> N	Warrant / Capias Number	Bond					
Health / Apparent Physical Condition of Defendant						Any knowledge of the following: <input type="checkbox"/> Mental <input type="checkbox"/> Escape Risk <input type="checkbox"/> Medication <input type="checkbox"/> Deformities <input type="checkbox"/> Injuries Explain:						
Check which applies: <input type="checkbox"/> Released O.R. <input type="checkbox"/> Posted Bond						<input type="checkbox"/> Released to Parent/Guardian <input type="checkbox"/> South County Mental Health		<input checked="" type="checkbox"/> T.O.T. County Jail		PROPERTY - Received By	Released By	Released To
Transported By						Date Transported <b>// ::</b>	Time Transported	Other				

<input checked="" type="checkbox"/> INSTRUCTION NO. 1 - Mandatory appearance in court	Location (Court, Room) <b>South County 200 W Atlantic Ave Delray Beach, FL 33483</b>
<input type="checkbox"/> INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.	Court Date and Time
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 COMTEMPT OF COURT AND AN ARREST 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) <b>[REDACTED]</b>
<input type="checkbox"/> Dangerous <input checked="" type="checkbox"/> Suicide	Name of Arresting Officer (Print) <b>LEBLANC-MORINIERE,</b>	(PRINT)
<input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Other	I.D. # <b>1086</b>	
Intake Deputy <b>[Signature]</b>	Transporting Officer <b>WINDSOR</b>	Agency <b>DBPD</b>
I.D. # <b>1080</b>	I.D. # <b>1029</b>	Agency <b>DBPD</b>
Witness here if subject signed with an "X".		

PROBABLE CAUSE AFFIDAVIT

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

1 JUVENILE

OBTS Number	Agency ORI Number <b>FL 0500400</b>		Agency Name <b>DELRAY BEACH POLICE DEPARTMENT</b>	Agency Report Number <b>4 0 18-001625</b>
Charge Type: Check as many as apply. <input type="checkbox"/> 1. Felony <input checked="" type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 6. Other				Special Notes:

Name (Last, First, Middle) <b>RUTKOWSKI, JOSEPH D</b>	Alias	Race <b>W</b>	Sex <b>M</b>	Date of Birth <b>05/26/1993</b>
--	-------	------------------	-----------------	------------------------------------

Charge Description <b>784.03(1A1) SIMPLE BATTERY(TOUCH OR STRIKE)</b>	Charge Description
Charge Description	Charge Description

Victim's Name (Last, First, Middle) <b>HERZBRUN, RODDY HARLAN</b>	Race <b>W</b>	Sex <b>M</b>	Date of Birth <b>06/16/1953</b>
Local Address (Street, Apt. Number) <b>863 FLANDERS R, DELRAY BEACH, FL 33484</b>	(City)	(State)	(Zip)
Business Address (Name, Street)	(City)	(State)	(Zip)
Phone <b>(561) 414-8719</b>	Address Source		
Phone	Occupation		

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 . . .  
 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 my (described) investigation.  
 On the 1 day of February, 2018 at 18:22 (Specifically include facts constituting cause for arrest.)

On 02/01/2018 I responded to Central House located at 2170 W Atlantic Ave, in reference to an assault. Upon arrival I made contact with Bruce Fontaine who advised that the victim Roddy Herzbrun was struck multiple times in the back of the head by another individual later identified as Joseph Rutkowski. Fontaine stated that Herzbrun who is 64 years old stood up to say a prayer at the end of their AA meeting. Rutkowski stood up from his chair and ran over to Herzbrun and began striking him in the back of the head. Herzbrun fell on top of a table and Rutkowski continued to strike him in the back of his head. Fontaine advised that he ran over and tackled Rutkowski to the ground, until officers arrived. Rutkowski was placed in handcuffs with his hands behind his back, and placed inside my parked patrol vehicle. While inside my vehicle Rutkowski spontaneously uttered multiple times "to bad he`s not dead" and "I know he`s a pedophile".

Ofc. Siegel followed DBFD to the hospital to make contact with Herzbrun and obtain a victim statement. Ofc. Siegel advised that while he attempted to get a statement from Herzbrun, Herzbrun that he didn`t remember the incident and only remembered waking up in the back of the ambulance. Herzbrun sustained a laceration to the back of his head as well as a concussion.

He was later transported to the Delray Beach Police Department for processing and then transported to the Palm Beach County Jail.

Based on the above stated facts probable cause exists to charge Joseph Rutkowski with Simple Battery, pursuant to 784.03(1A1)

SWORN AND SUBSCRIBED BEFORE ME  <b>PACHECO, ADAN</b> NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10) <b>02/01/2018</b> DATE	SIGNATURE OF ARRESTING / INVESTIGATING OFFICER  <b>LEBLANC-MORINIERE, ARIELLE (1086)</b> NAME OF OFFICER (PLEASE PRINT) <b>02/01/2018</b> DATE	PAGE <b>1 OF 1</b>
---	---	-----------------------