0504141 18mm 1480897

ARREST / NOTICE TO APPEAR

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

1 JUVENILE

ADMINISTRATION

OBTS Number

Agency ORI Number: 0501700

Agency Name: Jupiter Police Department

Agency Report Number (N.T.A.'s only): 5 4 18-006240

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 NONE

Multiple Clearance Indicator

Location of Arrest (Including Name of Business): 1111 LOVE ST, JUPITER, FL, 33477

Location of Offense (Business Name, Address): 1111 LOVE ST, JUPITER, FL 33477

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
12/29/2018	21:09	12/29/2018	21:19			

DEFENDANT

Name (Last, First, Middle): FOLEY, JUSTIN TIMOTHY

Alias (Name, DOB, Soc. Sec. #, Etc.): Alias:

Race (W - White, B - Black, I - American Indian, O - Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	08/01/1996	5'10	165	BROWN	BROWN	LIGHT	Medium

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

Marital Status: S

Religion: CATHOLIC

Indication of: Alcohol Influence ☒ Yes ☐ No ☐ Unk. Drug Influence

Local Address (Street, Apt. Number) (City) (State) (Zip): 3 ORCHARD LANE, LYNNFIELD, MA 01940

Phone: (781) 344-5322

Residence Type: 1. City 2. County 3. Florida 4. Out of State: 4

Permanent Address (Street, Apt. Number) (City) (State) (Zip): 3 ORCHARD LANE, LYNNFIELD, MA 01940

Phone: (781) 344-5322

Address Source: MASS DL

Business Address (Name, Street) (City) (State) (Zip): NONE,

Phone:

Occupation: None

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
S79265574 / MA	[redacted]		BOSTON, MA, United	US

CO-DEF

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

JUVENILE

☐ Parent ☐ Other: ☐ Legal Custodian

Name (Last, First, Middle) | Residence Phone

Address (Street, Apt. Number) (City) (State) (Zip) | 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 ☐ defendant and/or ☐ 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.

☐ Yes, by: ☐ No:

School Attended | Grade

Property Crime? ☐ Yes ☒ No | Description of Property | Value of Property

CODE

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

Charge Description	Statute Violation Number	Violation of ORD #	Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
DISORDERLY CONDUCT - DISORDERLY INTOXICATION	856.011			N	/		1	☐ Y ☒ N		OR

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #	Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
TRESPASS AFTER WARNING - PROPERTY	810.09(2)(B)			N	/		1	☐ Y ☒ N		OR

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #	Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
					/			☐ Y ☐ N		

INTAKE

Health / Apparent Physical Condition of Defendant

Any knowledge of the following: ☐ Mental ☐ Escape Risk ☐ Medication ☐ Deformities ☐ Injuries
Explain:

Check which applies: ☐ Released O.R. ☐ Released to Parent/Guardian ☐ T.O.T. County Jail ☐ Posted Bond ☐ South County Mental Health

PROPERTY - Received By | Released By | Released To

Transported By | Date Transported | Time Transported | Other

NOTICE TO APPEAR

☒ INSTRUCTION NO. 1 - Mandatory appearance in court
☐ INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.

Location (Court, Room): North County PALM BEACH GARD

Court Date and Time: 01/30/2019 08:30:00

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 A WARRANT FOR MY ARREST SHALL BE ISSUED.

No Photo Available

Signature of Defendant (or Juvenile and Parent/Custodian) Date Signed

ADMIN

HOLD for Other Agency

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other

Intake Deputy: DS Collins I.D.# 7622 Pouch #

Signature of Arresting Officer: 330/1196

Name of Arresting Officer (Print): SCHNEIDER, RILEY I.D. # 1196

Transporting Officer: SCHNEIDER I.D. # 330 Agency JUP PD

Name Verification (Printed by Arrestee) (PRINT)

Witness here if subject signed with an "X".

PAGE

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SCANNED 2018

DEC 30 AM 12:25

PROBABLE CAUSE AFFIDAVIT

ADMIN

OBTS Number:

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

JUVENILE:

Agency ORI Number	Agency Name	Agency Report Number
FL 0501700	JUPITER POLICE DEPARTMENT	5 | 4 18-006240

Charge Type: Check as many as apply. ☐ 1. Felony ☒ 3. Misdemeanor ☐ 5. Ordinance ☐ 2. Traffic Felony ☐ 4. Traffic Misdemeanor ☐ 6. Other

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
FOLEY, JUSTIN TIMOTHY		W	M	08/01/1996

CHARGES

Charge Description	Charge Description
810.09(2)(B) TRESPASS AFTER WARNING - PROPERTY	856.011 DISORDERLY CONDUCT - DISORDERLY INTOXICAT
Charge Description	Charge Description

VICTIM

Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth
DURKIN, BRAD T	W	M	11/05/1967

Local Address (Street, Apt. Number) (City) (State) (Zip)	Phone	Address Source
501 SEAFARER CIR 501, JUPITER, FL 33477	(561) 889-4270	
Business Address (Name, Street) (City) (State) (Zip)	**Phone**	**Occupation**
BOAT OWNER		OWNER

PROBABLE CAUSE STATEMENT

The undersigned certifies and swears that he/she has just and resonable 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.

☐ confessed to _____ admitting to the below facts.

☐ was observed by _____ who told _____ that he/she saw the arrested person committ the below acts.

☒ was found to have committed the below acts, resulting from my (described) investigation.

On the 29 day of December, 2018 at 21:09 (Specifically include facts constituting cause for arrest.)

I utilized my body worn camera during the below incident:

On Saturday, 12/19/2018, at approximately 2042 hours, I was dispatched to 1111 Love St, Jupiter, FL 33477 (Castaways) in reference to a disturbance at the end of the dock.

Upon my arrival, I made contact with the detail Officer on scene Ofc Gilbert #407 at the end of the dock. Ofc Gilbert was standing with two intoxicated males identified by their Massachusetts DL`s as Justin T Foley (wm; 08/01/1996) and Devin R Carnevale (wm; 02/18/1997). Ofc Gilbert advised the incident was between Foley and the owner of a vessel located at Castaways Brad C Durkin (wm; 11/05/1967). Durkin`s vessel is located in a paid dock slip where there are numerous signs stating there is to be no trespassing on the vessels located at Castaways. There is a large sign leading from the main restaurant/bar also stating not to trespass on the vessels, which Foley and Carnevale passed by once they entered the dock area. During my investigation I observed the aforementioned signs and also have worked the detail at Castaways and the signs are always in place.

Ofc Gilbert advised Foley did not abide by the signs and walked onto Durkin`s vessel and then a physical altercation ensued between Foley and Durkin. Ofc Gilbert was not present during the actual incident and was notified by Castaways staff and then walked to the dock.

Foley and Carnevale were very intoxicated and I could smell the odor of unknown alcoholic beverage coming from each of them. The smell of alcohol intensified from Foley and Carnevale as they spoke. Foley advised Carnevale stated Durkin`s looked like his own vessel, where they were staying at from Massachusetts. Carnevale`s vessel was at an entirely different dock located in Jupiter. Foley thought Carnevale stated it was his boat and walked on the boat. Foley advised Durkin exited from inside the vessel and

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ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)

12-29-18

DATE

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

SCHNEIDER, RILEY (1196)

NAME OF OFFICER (PLEASE PRINT)

12/29/2018

DATE

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS

SCANNED DEC 30 2018

OBTS Number

PROBABLE CAUSE AFFIDAVIT
SUPPLEMENT

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

1

JUVENILE

ADMIN

Agency ORI Number	Agency Name	Agency Report Number
FL 0501700	JUPITER POLICE DEPARTMENT	5 | 4 | 18-006240

Charge Type: Check as many as apply.
☐ 1. Felony ☐ 2. Traffic Felony ☒ 3. Misdemeanor ☐ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
FOLEY, JUSTIN TIMOTHY		W	M	08/01/1996

PROBABLE CAUSE STATEMENT

put him a choke hold and ended up being pushed in the water by Durkin.

Ofc Baynham #349 obtained a sworn statement from victim Durkin. Durkin advised he was sitting on his couch in his vessel when he heard a loud bang coming from the rear of the vessel. Durkin advised he got up and went outside. When he got outside he observed Foley on the rear of his vessel. Durkin stated he went behind the Foley and put him in a choke hold. While Durkin had Foley in a choke hold he asked who he was and why he was, on his vessel. Durkin advised Foley began to fight back. Durkin stated he attempted to let Foley go. Durkin stated he pushed Foley into the water to get him off the vessel. Durkin wished to press charges against Foley.

Based on above my investigation, I found probable cause that Foley did trespass onto Durkin`s boat after passing multiple no trespass signs. The fact Carnevale`s vessel was in an entirely different location Foley would have no reason to mistake Durkin`s vessel for Carnevale`s. I placed Foley under arrest for trespass after warning and disorderly conduct.

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ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10) 325

12-29-18
DATE

330
SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

SCHNEIDER, RILEY (1196)
NAME OF OFFICER (PLEASE PRINT)

12/29/2018
DATE

SCANNED
DEC 30 2018

COURT STATE ATTORNEY CENTRAL RECORDS JAIL CRIME ANALYSIS P. I. O.

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.	
	☐			
	☐			
	☐			
	☐			
	☐			
Other	☐		Other:	
	☐		Other:	

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REVIEW COMPLETED BY

Booking Number: 2018042810	**Date:** 12/30/2018
	Specialist Name/ID: AM/31562

SCANNED
DEC 30 2018