0445094 1582

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

OBTS Number

1. Arrest 3. Request For Warrant 2. N.T.A. 4. Request For Capias [1] Juvenile [ ]

Agency ORI Number	Agency Name	Agency Report Number
FLO 5 0 0 0 0 0	PALM BEACH COUNTY SHERRIF'S OFFICE	06 16124749

Charge Type: Check as many as apply — [ ] 1. Felony [X] 3. Misdemeanor [ ] 5. Ordinance [ ] 2. Traffic Felony [ ] 4. Traffic Misdemeanor [ ] 6. Other ____ | If Weapon Seized — Enter Type ____ | Multiple Clearance Indicator: 1

Location of Arrest (Including Name of Business)	Location of Offense (Including Name of Business)
2625 Saginaw Avenue WPB, Fl, 33409	2625 Saginaw Avenue WPB, FL, 33409

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
Sep 8, 2016	2208					

Name (Last, First, Middle)			Alias (Name, DOB, Soc. Sec. #, Etc.)
Fajardo	Luis	Dario	

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	12/17/1966	5'10"	205	Brown	Brown	Medium	Medium

Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)	Marital Status	Religion	Indication of:	Y	N	Unk
None	Single	None	Alcohol Influence	[ ]	[ ]	[ ]
			Drug Influence	[ ]	[ ]	[ ]

Local Address (Street, Apt. Number)	City	State	Zip	Phone	Residence Type: 1. City 2. County 3. Florida 4. Out of State
2625 Saginaw Avenue	WPB	FL	33409	(561) 542-9953	2

Permanent Address (Street, Apt. Number)	City	State	Zip	Phone	Address Source
					Defendant

Business Address (Street, Apt. Number)	City	State	Zip	Phone	Occupation
					Construction

D/L Number, State	Social Security Number	INS Number	Place of Birth	Citizenship
F-263-524-66-457-0, FL	[redacted]		Cuba	U.S.

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	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 [ ] defendant and/or [ ] 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 [ ] Yes, by: (Name) [ ] No: (Reason)

School Attended | Grade

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. Amphetamine, B. Barbiturate, C. Cocaine, E. Heroin, H. Hallucinogen, M. Marijuana, P. Paraphernalia/Equipment, U. Unknown, Z. Other

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation or ORD. #	Drug Activity	Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond
Battery- Dating Violence	1	[X] Y [ ] N	784.03(1A1)		N	N	N/a	16124749		None
		[ ] Y [ ] N								
		[ ] Y [ ] N								
		[ ] Y [ ] N								
		[ ] Y [ ] N								

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 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 [ ] Resisted Arrest [ ] Suicidal [ ] Other ____

Intake Deputy ____ ID # ____ Pouch # ____

Signature of Arresting Officer: B D Stefano #19468

Name of Arresting Officer: D/S B. DISTEFANO ID # 19468

Transcribing Officer ____ ID # ____ Agency ____

Transcribing Officer: D/S B. DISTEFANO 19468 PBSO

Name Verification (Printed by Arrestee) (PRINT) ____

Witness here if subject signed with an X ____

Page 1 of 1

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SCANNED SEP 09 2016

OBTS Number

PROBABLE CAUSE AFFIDAVIT

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

1 Juvenile ☐

Agency ORI Number	Agency Name	Agency Report Number
FLO 5 0 0 0 0 0	PALM BEACH COUNTY SHERRIF'S OFFICE	06 16124749

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)	Race	Sex	Date of Birth
Fajardo Luis Dario	W	M	12/17/1966

Charge	Charge
Battery- Dating Violence	
Charge	Charge

Victim Name (Last, First, Middle)	Race	Sex	Date of Birth
Herrera Maria Cristina	W	F	06/19/1964

Local Address (Street, Apt. Number)	City	State	Zip	Phone	Address Source
2625 Saginaw Avenue	WPB	FL	33409	(561) 713-0830	Victim

Business Address (Street, Apt. Number)	City	State	Zip	Phone	Occupation
					Unknown

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 8th day of September 20 16 at 2058 hrs ☐ AM ☒ PM

On the above date and time, I was dispatched to 2625 Saginaw Avenue, located in the unincorporated city of West Palm Beach, Fl. in reference to an armed domestic disturbance. According to PBSO communications, the complainant, Ana Nieto Herrera, was calling to report that her mother, Maria Herrera, and her mother's boyfriend, Luis Fajardo, were in a physical altercation and Fajardo had struck her mother with a frying pan. Upon arrival at the scene, I made contact with the victim, Maria Herrera and her daughter, who translated her mother's report of the incident in Spanish on a taped sworn statement. According to Herrera, the two parties have been in an intimate dating relationship for about 12 years and live together at the address. On this evening, Herrera cooked dinner for Fajardo in the kitchen and during their dinner, the two parties started to verbally argue over their current financial situation and the couple's bills. Herrera claimed Fajardo grew angry and started cussing at her, calling her a "slut" and "whore". Herrera stated Fajardo then approached her aggressively and she proceeded to move away from Fajardo until her back was up against a white pantry in the kitchen. According to Herrera, Fajardo grabbed her left arm, and slammed her against the pantry, and then Fajardo snatched a frying pan from the kitchen. Herrera stated Fajardo swung the frying pan at her, and she tried to defend herself by placing her left arm up to protect her face. The frying pan struck Herrera on her lower forearm toward the elbow, leaving a visible red scratch. The frying pan then glanced off Herrera's arm and struck her in the lower left ribcage area. I observed notable swelling and the early signs of bruising to Herrera's left side. According to Herrera, Fajardo then shoved her head backward, which then smacked against the white pantry also. DART photos were taken of Herrera and uploaded to the DV website. During an examination of the scene, I discovered the frying pan laying on the ground near the kitchen. Herrera appeared highly emotional and afraid, crying impulsively at times, and stated she was in fear for her personal safety around Fajardo. I then read Fajardo his Miranda rights from a standard PBSO Miranda card. Fajardo acknowledged he understood his rights and waived them on record to complete a sworn taped statement. According to Fajardo, Herrera was drinking and this was the cause of the argument. Fajardo claimed Herrera was verbally aggressive and she tried to leave the house. Fajardo first advised he had physically restrained her by grabbing her arms but during the taped statement claimed he had not touched her at any time. Fajardo's statements were inconsistent and he would not give definitive answers to my questions, replying "not really". Considering the above facts of my investigation, I established probable cause that Luis Fajardo did commit a violation of F.S.S. 784.03(1A1) (Battery- Dating Violence) as he did actually and intentionally touch or strike Maria Herrera against her will and did cause bodily harm to Maria Herrera.

The foregoing instrument was sworn to and affirmed before me this 8th day of September 20 16, by:

D/S B. DISTEFANO 19468
Name of Arresting/Investigating Officer

D/S E. George 9657
Name of Notary Public / Clerk of Court / Officer (F.S.S. 117.00)

Signature of Notary Public / Clerk of Court / Officer (F.S.S. 117.00)

B. Distefano #19468
Signature of Arresting/Investigating Officer

Page ___ of ___

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Palm Beach County Sheriff's Office

DOMESTIC VIOLENCE/DATING VIOLENCE SUPPLEMENTAL PROBABLE CAUSE FORM

(Submit this form with the original Probable Cause Affidavit)

Defendant: Fajardo Luis Dario DOB: 12/17/1966 Case #: 16124749

Victim: Herrera Maria Cristina DOB: 06/19/1964 Race: W Sex: F

Relationship between Victim and Defendant: Dating- Boyfriend and Girlfried

Photographs: Scene ☐Yes ☑No Victim ☑Yes ☐No Defendant ☐Yes ☑No

911 Call: ☑Yes ☐No Caller: Ana Nieto Herrera

Weapon Used: ☑Yes ☐No Type: Frying pan

Witness: ☐Yes ☑No Name:

Victim Pregnant: ☐Yes ☑No If yes, _____Weeks _____Months

Injuries: ☑Yes ☐No Description: Red scratch to arm, bruising to ribcage

Medical Treatment: ☐Yes ☑No

At Scene: ☐Yes ☑No Paramedics:

At Hospital: ☐Yes ☑No Hospital: Physician:

Are children living in the home? ☐Yes ☑No DCF Notified? ☐Yes ☑No

Name: DOB

Name: DOB

Name: DOB

Injunction: ☐Yes ☑No Case #:

No Contact Order: ☐Yes ☑No Case #:

Alcohol or Drugs: ☐Yes ☐No ☑Unknown

Prior history of Domestic/Dating Violence ☐Yes ☑No

Defendant's statements ☑Yes ☐No If yes, ☐written ☑recorded ☐oral

First words Defendant said when you responded to scene:

Vicitm's statements ☑Yes ☐No If yes, ☐written ☑recorded ☐oral

First words Victim said when you responded to scene:

Did the Victim contact anyone other than the police within an hour of the incident regarding the incident?

☐Yes ☑No If yes, name: phone

Observations of Victim (Physical & Emotional):

☑Upset ☑Crying ☑Fearful ☑Hysterical ☑Afraid ☐Calm ☐Nervous

☑Complained of pain ☐Other

Victim contact information:

Local Address: 2625 Saginaw Avenue

WPB FL 33409

Phone: Home: (561) 713-0830 Work: Cell:

Employer:

Name of Relative: Phone:

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SCANNED SEP 09 2016