ARREST / NOTICE TO APPEAR

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

JUVENILE

ADMINISTRATION

OBTS Number:

Agency ORI Number: 0502000

Agency Name: Lantana Police Department

Agency Report Number (N.T.A.'s only): 6 | 4 | 18-002235

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/not Applicable

Multiple Clearance Indicator: N

Location of Arrest (Including Name of Business):

Location of Offense (Business Name, Address): 601 WHITNEY AVE 1, LANTANA, FL 33462

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle

DEFENDANT

Name (Last, First, Middle): DE MARTINE, TODD ROBERT

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	04/29/1972	6'00	225	BROWN	BLACK	MEDIUM	

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

Marital Status: S

Religion:

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

Local Address (Street, Apt. Number) (City) (State) (Zip): 316 VANDERBILT DRIVE, LAKE WORTH, FL 33460

Phone: (561) 324-6063

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

Permanent Address (Street, Apt. Number) (City) (State) (Zip): 316 VANDERBILT DRIVE, LAKE WORTH, FL 33460

Phone: (561) 324-6063

Address Source:

Business Address (Name, Street) (City) (State) (Zip): NUSTAR, 601 WHITNEY AVE

Phone: (561) 444-2662

Occupation: Accounting

D/L Number, State: D563816721490 / FL

Soc. Sec. Number: [redacted]

INS Number:

Place of Birth (City, State):

Citizenship: US

CO-DEFENDANT

Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	Status
				☐ 1. Arrested ☐ 2. At Large ☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile
				☐ 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: GRAND THEFT $300 - $5K

Statute Violation Number: 812.014(2)(C)(1)

Violation of ORD #:

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
n	N	0 /		1	☐ Y ☒ N		

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		

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. ☐ Posted Bond ☐ Released to Parent/Guardian ☐ South County Mental Health ☐ T.O.T. County Jail

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):

Court Date and Time:

No Photo Available

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.

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

ADMIN

HOLD for Other Agency:

☐ Dangerous ☐ Suicidal ☐ Resisted Arrest ☐ Other

Signature of Arresting Officer:

Name of Arresting Officer (Print): DIPOLITO, THOMAS A I.D. #: 827

Name Verification (Printed by Arrestee) (PRINT)

Intake Deputy I.D. # Pouch # Transporting Officer I.D. # Agency

Witness here if subject signed with an "X".

PAGE 1 OF 1

☒ COURT ☐ STATE ATTORNEY ☐ AGENCY ☐ CENTRAL RECORDS ☐ JAIL ☐ CRIME ANALYSIS ☐ P.I.O. ☐ DEFENDANT

OBTS Number	PROBABLE CAUSE AFFIDAVIT	1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias	3	JUVENILE

ADMIN

Agency ORI Number	Agency Name	Agency Report Number
FL 0502000	LANTANA POLICE DEPARTMENT	6 | 4 | 18-002235

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
DE MARTINE, TODD ROBERT		W	M	04/29/1972

CHARGES

Charge Description	Charge Description
812.014(2)(C)(1) GRAND THEFT $300 - $5K	
Charge Description	Charge Description

VICTIM

Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth
NUSTAR BUILDING MATERIALS LLC,			

Local Address (Street, Apt. Number) (City) (State) (Zip)	Phone	Address Source
601 WHITNEY AVE 2, LANTANA, FL 33462		
Business Address (Name, Street) (City) (State) (Zip)	**Phone**	**Occupation**
	(561) 444-2662	

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 24 day of December, 2018 at 09:06 (Specifically include facts constituting cause for arrest.)

PROBABLE CAUSE STATEMENT

On September 18th 2018 around 15:17hrs, Ofc Esposito (895) met with Bethany Ferguson (01/26/1975) at 601 Whitney Ave (Nustar Building Supplies), in regards to a delayed theft. Ms. Ferguson is employed with Nustar which is a company who sells building supplies, to construction companies. Ms. Ferguson works in the accounting department which handles accounts receivables, billing, etc… Ms. Ferguson advised the following transpired:

She worked with a subject named Todd De Martine (04/29/1972) whom has been employed there for some time. De Martine was recently fired because he is suspected in using a customer`s credit card to purchase airline flights (LPD # 18-002059). After De Martine`s departure from the company, her boss, Donald Schlueter (10/27/1970), found a discrepancy in a money deposit he handled on August 16th 2018. On that date Ms. Ferguson gave De Martine $3,600 in US Currency to deposit into the companies Bank Of America account. De Martine instead took two customers checks that Ms. Ferguson was unaware about, and deposited them into the account along with some cash from $3,600 so the deposit slip would look like he actually deposited the correct amount. De Martine in turn pocketed the cash. Ms. Ferguson completed a sworn affidavit and provided Ofc Esposito with deposit paperwork, bank statements, Nustar drawer receipts, and the customer`s checks in question.

I was able to review the documentation provided to me by Ms. Ferguson pertaining to this case. Ms. Ferguson showed me the original Bank of America deposit slip she supplied De Martine on August 16th 2018. It shows Nustars information on the top, and $3600 filled into the Currency and total area of the slip. Ms. Ferguson then provided me with two checks that were deposited into the Nustar Bank of America account on August 16th 2018. Both checks were also deposited at the Bank of America located at Boynton Plaza BC. One check was from Stucco Equipment LLC for $2,294.25 with a date of August 9th 2018. The other check was from NLJ Builders INC for $1,047.65 with a date of August 10th 2018.

ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

GIBSON, BRIAN C
NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)

12/24/2018
DATE

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

DIPOLITO, THOMAS A (827)
NAME OF OFFICER (PLEASE PRINT)

12/24/2018
DATE

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

OBTS Number	PROBABLE CAUSE AFFIDAVIT SUPPLEMENT	1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias	3	JUVENILE

Agency ORI Number	Agency Name	Agency Report Number
FL 0502000	LANTANA POLICE DEPARTMENT	6 4 18-002235

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Special Notes:

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
DE MARTINE, TODD ROBERT		W	M	04/29/1972

PROBABLE CAUSE STATEMENT

Ms. Ferguson then provided a "Cash In" deposit receipt she received from Bank of America which shows on August 16th 2018, $258.10 in cash was deposited into the Nustar account. Ms. Ferguson also had a deposit slip she received from Bank of America that shows $258.10 in Currency, a check from "Stucco" for $2,294.25, a check from "NLJ" for $1,047.65, and $3,600 in the total section written on it. Ms. Ferguson also supplied me with the cash drawer report from 08/08/2018 through 08/15/2018 showing that Nustar was very well capable of having more than $3,600 in cash in the drawer. Mr. Schlueter and Ms. Ferguson both advised the checks noted above were not given to De Martine for deposit, and he apparently took those checks without knowledge of either. Those checks were not documented as well with Nustar as being received.

In conclusion, it is apparent that De Marine took the $3,600 in cash given to him which was supposed to be deposited, and instead deposited the two noted checks which totaled $3,341.90. De Martine then deposited $258.10 in cash so the deposit receipt would indicate $3,600.00. De Martine then stole the $3,341.90 in cash left over.

On December 20th 2018 I met with Ms. Ferguson and Mr. Schlueter at the Lantana Police Department. Ms. Ferguson and Mr. Schlueter both completed consent to search forms and allowed me to conduct forensic downloads on their cellphones. I then isolated text messages from De Martine on both phones and observed communication between them. Most of the messages were De Martine indicating that he was sorry for what he did, and that he was going to pay back Mr. Schlueter the money he stole. De Martine talked about taking a cash advance from his credit card however he never paid back De Martine, and dodged meetings with Mr. Schlueter that he had set up. Mr. Schlueter also completed a sworn affidavit advising he wanted to pursue criminal charges on De Martine.

Based on the above noted I feel there is sufficient probable cause to charge De Martine with Grand Theft $300 - $5,000 pursuant to FSS 812.014(2)(c)(1).

ADMINISTRATIVE

SWORN AND SUBSCRIBED BEFORE ME

GIBSON, BRIAN C
NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)

12/24/2018
DATE

SIGNATURE OF ARRESTING / INVESTIGATING OFFICER

DIPOLITO, THOMAS A (827)
NAME OF OFFICER (PLEASE PRINT)

12/24/2018
DATE

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