

BEFORE THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

ARTHUR C. JOHNSON, Ph.D.,
as Superintendent of Schools,

Petitioner,

vs.

Case No. 04/05-X-052


Respondent.

FINAL ORDER

THIS MATTER came to be heard by the School Board of Palm Beach County, Florida, ("School Board") for the purpose of entering a Final Order in the above-styled cause. In consideration of the Recommendation of the Superintendent and the attached exhibits, the School Board makes the following Findings of Fact and Conclusions of Law.


FINDINGS OF FACT

1. Respondent's parent was notified by the Principal of Boca Raton High School that the Respondent was being recommended for expulsion on December 14, 2004. The Recommendation for Expulsion is incorporated by reference and made a part hereof as (Exhibit A).
2. Respondent's parent was notified by the Superintendent of the School District of Palm Beach County, Florida ("School District") on January 12, 2005, via certified and regular mail, that the Respondent would be recommended to the School Board to be expelled from the School District. The Notice of Recommendation for Expulsion is incorporated by reference and made a part hereof as (Exhibit B).
3. Said notice advised Respondent's parent of their right to an administrative hearing to contest the charges contained therein provided they requested a hearing within ten (10) days of receipt of same.
4. No hearing request has been received in the Office of the Chief Academic Officer.

CONCLUSIONS OF LAW

1. The School Board has jurisdiction over the subject matter and the parties hereto.
2. The School Board finds that the Respondent is guilty of the acts alleged by the Superintendent in the letter dated January 12, 2005, to wit:

Possession of other potentially dangerous items (stun gun) while on the campus
of Boca Raton Community High School on December 13, 2004.

ORDERED AND ADJUDGED by the School Board in regular session that the recommendation of the Superintendent be accepted and confirmed.  is hereby expelled from the School District for one calendar year from January 12, 2005. Your son may choose to continue educational services during his expulsion

period at the ACS site. However, if your son is dismissed from that program by ACS, no further educational services will be offered by the District until the expulsion period is ended.

This Order may be appealed within thirty (30) days by filing a notice of appeal with the District Court of Appeal. Except in cases of indigence, the Court will require a filing fee and payment for preparing the record on appeal. For further explanation of the right to appeal, refer to § 120.68, Fla. Stat., and the Florida Rules of Appellate Procedure.

Dated this 16th day of February, 2005.

SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

BY: _____
Thomas Lynch, Chairman

Attest: _____
Arthur C. Johnson, Ph.D., Secretary

(SEAL)

Filed with the Clerk of the School Board this ____ day of _____, 2005.

Alicia Palmer, Clerk

Boca Raton Community High School

1501 Northwest 15 Court, Boca Raton, Florida 33486

Phone: (561) 338-1400 Facsimile: (561) 338-8178

Principal Geoff M^cKee, Ph.D.

December 14, 2004

Certified Mail # 7001 2510 0008 6090 4054, Return Receipt Requested

[REDACTED]

Recommended Expulsion Study for [REDACTED] Student ID [REDACTED]

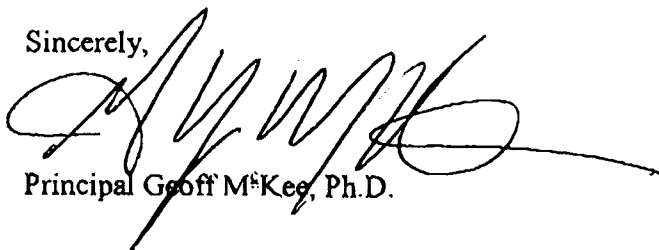
Dear Mr. and Ms. [REDACTED]:

[REDACTED] actions on December 13, 2004 earned him a 10-day suspension as documented by the attached letter. Pursuant to Florida Statute Section 230.23(6)(C), which authorizes the School Board to decide cases recommended for expulsion, I have this date recommended to the Expulsion Screening Committee that the School Board expel [REDACTED] from the Public Schools of Palm Beach County.

My recommendation is based on the substantial evidence available to me supporting the following serious misconduct: On December 13, 2004, [REDACTED] was found to be in possession of a 600,000 volt stun gun while on Boca High's campus. [REDACTED] activated the stun gun in close proximity to other students. [REDACTED] cooperated in affirming that he had the stun gun in his possession, having taken it from a friend's car, and that he activated the stun gun on campus.

Pursuant to Florida Statute Section 230.33(8), the Superintendent may extend the ten 10-day suspension until the date of the School Board Meeting at which time the School Board will act on the expulsion. As of January 12, 2005 [REDACTED] 10-day suspension will conclude and he will be assigned to the Department of Alternative Education.

Sincerely,

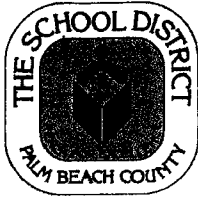


Principal Geoff M^cKee, Ph.D.

EXHIBIT

A

Copy: Ms. Killets, Chief Academic Officer
Ms. Shetler, Area 1 Superintendent
Chief Kelly, School Police Chief
Ms. Thompson, Alternative Education Director



THE SCHOOL DISTRICT OF
PALM BEACH COUNTY, FLORIDA

CHIEF ACADEMIC OFFICE
3300 FOREST HILL BLVD., C-316
WEST PALM BEACH, FL 33406-5813

Ph: 561-649-6888 Fx: 561-649-6837

www.PalmBeachSchool.org

ANN KILLETS
CHIEF ACADEMIC OFFICER

ARTHUR C. JOHNSON, Ph.D.
SUPERINTENDENT OF SCHOOLS

FILE COPY

~~December 20, 2004~~
Jan. 12, 2005


CERTIFIED AND REGULAR MAIL
RETURN RECEIPT REQUESTED



NOTICE OF RECOMMENDATION FOR EXPULSION



Dear Mr. and Mrs. 

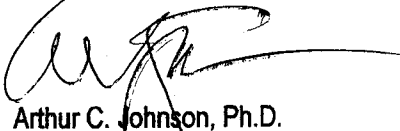
Based upon the recommendation of Geoff McKee, Principal of Boca Raton Community High School, and in accordance with Florida Statute § 1006.07, and Palm Beach County School Board Policy 5.1813, I will request that the School Board of Palm Beach County, Florida, expel your son, , from the Palm Beach County School District. This decision is based upon the following action:

Possession of other potentially dangerous items (stun gun) while on the campus of Boca Raton Community High School on December 13, 2004.

Pursuant to Florida Statute § 120.569, you have the right to an administrative hearing. Your request must be received by the Office of the Chief Academic Officer within ten (10) days of the date of this letter. If you request a hearing, a hearing officer will be appointed pursuant to Florida Statute § 120.81(1)(e). If you do not request a hearing, this recommendation will become final.

Your son may receive educational services at the ACS Transition Program during this expulsion due process. If you have any questions regarding the expulsion due process or the educational services available at the ACS Intensive Site, please contact the Office of the Chief Academic Officer at 561-649-6888.

Sincerely,



Arthur C. Johnson, Ph.D.
Superintendent

cc: Principal, Boca Raton Community High School
South* Area Superintendent
Chief Academic Officer
Director of Alternative Education

EXHIBIT

B

SUMMARY OF INCIDENT

Student Name	[REDACTED]
Student #	[REDACTED]
Violation and Code	FL Statute 790.115(2) Possession of a electric weapon (stun gun) FL Statute 562.111 (1) Possession of alcoholic beverage
School	Boca Raton High School
Principal	Geoff McKee
Area Superintendent	Carol Shetler
Grade	11
Sex	M
Age	17 yr 7 mth
Language	
ESE?	NO
504?	NO
Police Report Charge, if known	
Persons Involved And Witnesses to Testify	[REDACTED]
Additional Information (use additional page, if necessary)	While supervising the parking lot, I heard a stun gun being triggered and observed [REDACTED] and two other students get into a car in the area where I heard the sound. I asked the driver what he had. He told me he had a "taser" and gave the officer with me a stun gun from beside him. Both he and the passenger identified [REDACTED] as the person who had set off the Stun gun.

I have reviewed the above information and recommend this child for expulsion.

Principal's Signature

[Handwritten Signature]

OFFENSE-INCIDENT REPORT

Juvenile in Report [] Juvenile Warn/Dismiss [] 1. Original [] 2. Supplement [] 1

ADM. Date of Supplement [] PALM BEACH COUNTY SCHOOL BOARD Agency Report Number 044021

Original Day Reported MON 12/13/2004 Time (mil) 1500 Time Dispatched (mil) Time Arrived (mil) Time Completed (mil)

Incident Type 1. Felony 2. Traffic Felony 3. Misdemeanor 4. Traffic Misdemeanor 5. Ordinance 9. Other Incident: Day From MON 12/13/2004 To MON 12/13/2004 Time (mil) 1500 1830

OFF/INC # 1 WEAPON A-Attempted C-Committed C 790 - 115 NCIC/UCR Code 5200

OFF/INC # 2 WEAPON C 790 - 115 NCIC/UCR Code 5200

Incident Location (Street, Apt. Number) 961 City BOCA RATON Zip 33432 District Grid Area Zone

Business Name/Area Identifier BOCA RATON HS Forced Entry 0. N/A 1. Yes 2. No 3. Abandoned Occupancy 0. N/A 1. Occupied 2. Unoccupied 3. Abandoned

Location Type 01. Residence Single 06. Gas Station 11. Specialty Store 16. Storage 21. Airport 26. Highway/Roadway 99. Other 02. Apartment/Condo 07. Liquor Sales 12. Drug Store/Hospital 17. Gov't/Public Bldg. 22. Bus/Rail Terminal 27. Park/Woodlands/Field 03. Residence-Other 08. Bar/Nightclub 13. Bank/Financial Inst. 18. School/University 23. Construction Site 28. Lake/Waterway 04. Hotel/Motel 09. Supermarket 14. Commercial/Office Bldg. 19. Jail/Prison 24. Other Structure 29. Motor Vehicle 05. Convenience Store 10. Dept/Discount Store 15. Industrial/Mfg. 20. Religious Bldg. 25. Parking Lot/Garage 30. Other Mobile 18

OFF/INC. 03 # Victims 01 # Offenders 02 # Prem. Ent. 00 # Veh. Stolen 00 Type of Weapon 00. N/A 01. Handgun 02. Rifle 03. Shotgun 04. Firearm 05. Knife/Cutting Instrument 06. Blunt Object 07. Hands/Fist/Feet 08. Poison 09. Explosives 10. Fire/Incendiary 11. Threat/Intimidation 12. Simulated Weapon 13. Drugs 88. Unknown 99. Other 99

V/W Code V-Victim P-Proprietor W-Witness Z-Other C-Reporting Person Victim Type 0. N/A 1. Juvenile 2. L.E. Officer 3. Adult 4. Business 5. Government 6. Church 7. Other Race N-N/A W-White B-Black I-American Indian O-Oriental/Asian U-Unknown Sex N-N/A M-Male F-Female U-Unknown Residence Type 0. N/A 1. City 2. County 3. Florida 4. Out-of-State Residence Status 0. N/A 1. Full Year 2. Part Year 3. Non-Resident Extent of Injury 0. None 1. Minor 2. Serious 3. Fatal

Injury Type 00. N/A 01. Gunshot 02. Stabbed 03. Laceration 04. Unconscious 05. Poss. Broken Bones 06. Poss. Internal Injury 07. Loss of Teeth 08. Burns 09. Abrasions/Bruises 99. Other Victim Relationship To Offender 00. N/A 01. Undetermined 02. Stranger 06. Parent 07. Brother/Sister 08. Child 09. Step-Parent 10. Step-Child 11. In-Law 12. Other Family 13. Student 14. Teacher 15. Child of Boy/Girl 16. Boy/Girl Friend 17. Friend 18. Neighbor 19. Sitter/Day Care 20. Employee 21. Employer 22. Landlord/Tenant 23. Acquaintance 99. Other Known

OFF/INC Indicator 1. #1 2. #2 3. Both 3 V # 01 9 V.Type Name (Last, First, Middle or Business) STATE OF FLORIDA Residence Phone

Address (Street, Apt. Number) City WEST PALM BEACH State FL Zip 33406 Business Phone

Other Contact Info. (Time Available, Interpreter, ect.) Synopsis of Involvement

If V/W Code V, W or P Race N Sex N Date of Birth or Age Res. Type Res. Status Extent of Injury Injury Type(s) Relationship Ethnicity Will Victim prefer charge? Yes No

OFF/INC Indicator 1. #1 2. #2 3. Both 1 W # 01 3 V.Type Name (Last, First, Middle or Business) Residence Phone

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

Other Contact Info. (Time Available, Interpreter, ect.) Synopsis of Involvement

If V/W Code V, W or P Race W Sex M Date of Birth or Age 36 Res. Type 1 Res. Status 1 Extent of Injury 00 Injury Type(s) 00 Relationship 00 Ethnicity Will Victim prefer charge? Yes No

OFF/INC Indicator 1. #1 2. #2 3. Both Suspect Code S-Suspect A-Arrestee E-Escapee Z-Other Code # Juvenile Name (Last, First, Middle)

Maiden Name Nickname/Street Name Place of Birth Residence Phone

Last Known Address (Street, Apt. Number) City State Zip Business Phone

Occupation Employer/School Address Social Security Number

Driver's License State/Number Immigration and Naturalization Number Other I.D. Number OBTS Number (Arrested) FCIC/NCIC

Clothing (Describe) Scars/Marks/Tattoos (Location/Describe)

Race Sex Date of Birth or Age Height Weight Eye Color Hair Color Hair Length Hair Style

Complexion Build Facial Hair Teeth Speech/Voice Special Identifiers

SEE ATTACHED NARRATIVE

Person/Unit Notified Time Related Report Number(s)

Officer(s) Reporting PUSKARCIA I.D. Number(s)/Locator Code 905 Unit

Officer Reviewing (If Applicable) I.D. Number Routed To Referred Assigned To By Date JF JW

Case Status CA Clearance Type 1. Arrest 2. Exceptional 3. Unfounded 4. Open Pend. 1 A-Adult J-Juvenile J Date Cleared 12/21/2004 Jail Number OBTS Number 044021 Number Arrested 02

Exception Type 1. Extradition Declined 2. Arrest on Primary Offense Secondary Offense Without Prosecution 3. Death of Offender 4. V/W Refused to Cooperate 5. Prosecution Declined 6. Juvenile Custody Page Page of

PERSON(S) REPORT

Juvenile In Report 1. Original 2. Supplement

PALM BEACH COUNTY SCHOOL BOARD

Agency report Number 044021

Form with sections: ADM, CODES, VICTIM/WITNESS, SUSPECT OR MISSING PERSON, MISSING PERSON/UNAWAY, ADMINISTRATIVE. Includes fields for Date of Supplement, Primary Offense Description, Victim #1 Name, V/W Code, Injury Type, OFF/INC Indicator, Address, and Officer Reporting details.

COMPLAINT / ARREST AFFIDAVIT

PALM BEACH COUNTY SCHOOL BOARD

OBTS Number 044021, Police Case No. 044021, Defendant Name, Local Address, Permanent Address, Business Address, Driver's License No.

Weapon Seized? Yes, Arrest Date 12/13/2004, Arrest Location 961 BOCA RATON HS, Influence of Drugs, Influence of Alcoh., Citizenship US.

Table with columns: W, O, C, DRUG ACTIVITY, S. Sell, R. Smuggle, K. Dispense, M. Manufacture, DRUG TYPE, B. Barbiturate, H. Hallucinogen, P. Paraphernalia, U. Unknown.

Table with columns: CHARGES, Activity, Type, Counts, STATUTE, D.V., VIOLATION OF SECT. Includes rows for WEAPON and BEVERAGE LAW.

The undersigned certifies and swears that he has just and reasonable grounds to believe, and does believe that the above named Defendant On the ... day of ... At ... (Time) ... (Location, include name of business)

committed the following violation of law: Narrative; (Be specific) SEE ATTACHED NARRATIVE

Hold for Other Agency, Agency Verified by, I swear that the above Statement is correct and true to the best of my knowledge and belief, PUSKARCIAK, Officer's Name, Officer's Signature, Department Name, Court ID Number/Loc.Code, HOLD FOR BOND HEARING, Sworn to and subscribed before me, Deputy of the Court or Notary Public, 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 contempt of court and a warrant for my arrest shall be issued.

COMPLAINT / ARREST AFFIDAVIT

PALM BEACH COUNTY SCHOOL BOARD

OBTS Number 044021A, Police Case No. 044021, Defendant's Name, Local Address, Permanent Address, Business Address, Driver's License No.

Weapon Seized? Yes, Arrest Date 12/13/2004, Arrest Location 961 BOCA RATON HS, Influence of Drugs, Influence of Alcohol, Citizenship US, Resid. Type Florida, County Out of State.

Table with columns: CODE, DRUG ACTIVITY, S. Sell, B. Buy, T. Traffic, R. Smuggle, D. Deliver, E. Use, K. Dispense/Distribute, Z. Other, M. Manufacture/Produce/Cultivate, DRUG TYPE, B. Barbiturate, C. Cocaine, E. Heroin, H. Hallucinogen, M. Marijuana, O. Opium/Derv., P. Paraphernalia/Equipment, S. Synthetic, U. Unknown, Z. Other.

Table with columns: CHARGES, Activity, Type, Counts, STATUTE, D.V., AC, CAPIAS, BW, FW, PW, CIT, VIOLATION OF SECT. Row 1: WEAPON, N, N, 01, 790.115, 2, 1.

The undersigned certifies and swears that he has just and reasonable grounds to believe, and does believe that the above named Defendant On the _____ day of _____ At _____ (Time) _____ (Location, include name of business)

committed the following violation of law: Narrative; (Be specific) SEE ATTACHED NARRATIVE

Hold for Other Agency, Agency Verified by, I swear that the above Statement is correct and true to the best of my knowledge and belief. PUSKARCIC, Officer's Name, Officer's Signature, Department Name, Court ID Number/Loc.Code, Sworn to and subscribed before me, undersigned authority, day of, Deputy of the Court or Notary Public, Signature of Defendant / Juvenile and Parent or Guardian.

PROPERTY REPORT

1. Original
2. Supplement **1**

PALM BEACH COUNTY SCHOOL BOARD

Agency Report Number
044021

Date of Supplement		
Original Date Reported 12/13/2004	Primary Offense Description WEAPON	Victim #1 Name STATE OF FLORIDA

Person code V-Victim S-Suspect	P-Proprietor A-Arrestee Z-Other	Status Code 1. Stolen 2. Recovered	3. Stolen and Recovered 4. Recovered for Other Jurisdiction	5. Lost 6. Found 7. Safekeeping	8. Evidence/Seized 9. Other	Damage Code 0. N/A 1. Arson	2. Criminal Mischief 3. During other Offense 9. Other	
Property Type A. Auto Accessory/Parts F. Food/Liquor/Consumable K. Clothing/Fur P. Art/Collection U. Currency/Negotiable Z. Miscellaneous B. Bicycle G. Gun L. Livestock Q. Computer Equipment V. Credit Card/Non-Negotiable C. Camera/Photo Equipment H. Household Appliance/Goods M. Musical Instrument R. Radio/Stereo W. Boat Motor D. Drug I. Plant/Citrus N. Construction Machinery S. Sports Equipment X. Structure E. Equipment/Tool J. Jewelry/Precious Metal O. Office Equipment T. TV/Video/VCR Y. Farm Equipment								
Person Code #	Item #	Status	Damage	Property Type	Quantity	Name	Brand	Model Name/Number
V	01	8		Z	1	WEAPON		
Serial Number		Owner Applied Number		Description (Size, Color, Caliber, Barrel Length, Etc.)				
				ONE BLACK WITH BLUE FACE "BLACK COBRA MODEL J-911" STUN GUN				
Value				Value Recovered		Date Recovered		FCIC/NCIC
\$				\$ 50		12/13/2004		

Person Code #	Item #	Status	Damage	Property Type	Quantity	Name	Brand	Model Name/Number
V	01	02	8	F		ALCOHOL		
Serial Number		Owner Applied Number		Description (Size, Color, Caliber, Barrel Length, Etc.)				
				18 1.2 OUNCE BOTTLES BUD LIGHT BEER ONE BOTTLE RASPBERRY BACARDI RUM				
Value				Value Recovered		Date Recovered		FCIC/NCIC
\$				\$ 60		12/13/2004		

Person Code #	Item #	Status	Damage	Property Type	Quantity	Name	Brand	Model Name/Number
Serial Number		Owner Applied Number		Description (Size, Color, Caliber, Barrel Length, Etc.)				
Value				Value Recovered		Date Recovered		FCIC/NCIC
\$				\$				

Person Code #	Item #	Status	Damage	Property Type	Quantity	Name	Brand	Model Name/Number
Serial Number		Owner Applied Number		Description (Size, Color, Caliber, Barrel Length, Etc.)				
Value				Value Recovered		Date Recovered		FCIC/NCIC
\$				\$				

Person Code #	Item #	Status	Damage	Property Type	Quantity	Name	Brand	Model Name/Number
Serial Number		Owner Applied Number		Description (Size, Color, Caliber, Barrel Length, Etc.)				
Value				Value Recovered		Date Recovered		FCIC/NCIC
\$				\$				

Person Code #	Item #	Status	Damage	Property Type	Quantity	Name	Brand	Model Name/Number
Serial Number		Owner Applied Number		Description (Size, Color, Caliber, Barrel Length, Etc.)				
Value				Value Recovered		Date Recovered		FCIC/NCIC
\$				\$				

Property Stolen	Change in Property Stolen Value
\$	\$
Property Recovered	Change in Property Recovered Value
\$ 110	\$

Activity	Type	Description	Quantity	Unit	Estimated Street Value
					\$
					\$
					\$

SEE ATTACHED NARRATIVE

Officer(s) Reporting PUSKARCIK	ID. Number(s)/Locator Code 905	Unit	Date
Officer Reviewing (if applicable)	ID. Number	Routed To	Referred To
			Assigned To JF
			By JW
			Date
			Page Page
			of

NARRATIVE CONTINUATION

FLO 504200

PALM BEACH COUNTY SCHOOL DISTRICT POLICE

Case: 04-4021
Investigator: D. PUSKARCIK 905
Reported Date: 12/13/04 - 15:00 Hours

On December 13, 2004 two Boca Raton Community High School students were found to be in possession of a stun gun, with one of them also in possession of alcoholic beverages.

On December 13, 2004 at about 1500 hrs this officer, Dennis Puskarcik along with assistant principal, Mr. Robert Berthiaume were patrolling the student parking lot of Boca Raton High School when I observed a student, later identified as [REDACTED] holding a stun gun and zapping it in the direction of a unknown student. When [REDACTED] spotted Mr. Berthiaume and myself he entered a black acura occupied with two other Boca Raton High School students. We then stopped the vehicle in the student parking lot where I spoke with the driver identified as [REDACTED] and asked him for the stun gun which he handed over to me. I asked who's it was and [REDACTED] stated it was his. I then advised [REDACTED] to shut off the vehicle and step out. Mr. Berthiaume then told [REDACTED] to open the hatchback and in plain view was a case of Bud Light Beer. Also found in the hatchback were an open bottle of bacardi rum and a sealed bottle of vodka. Mr. Berthiaume took the two passengers, [REDACTED] and [REDACTED] to his office where both subjects gave written statements to Officer A. Golden. I took [REDACTED] to the school police office where he was read his rights, which [REDACTED] stated he understood and signed. [REDACTED] then wrote a voluntary statement indicating that he showed the stun gun to a friend when [REDACTED] asked to see it. [REDACTED] then exited the car and was playing around with the stun gun when we saw him. [REDACTED] also admitted to possession of the alcohol, which was photographed and destroyed. The stun gun was marked and placed in the evidence locker at police headquarters. The other student, [REDACTED] was never in possession of the stun gun or alcohol so after giving a voluntary statement he was released without any charges.

[REDACTED] and [REDACTED] did unlawfully, willfully and knowingly possess a electric weapon (stun gun) on the property of Boca Raton Community High School, contrary to Florida Statute 790.115(2). [REDACTED] also unlawfully and knowingly, being a person under 21 years of age, possess an alcoholic beverage, contrary to Florida Statute 562.111(1).

Both students' were released to the custody of their guardian pending further action of the Palm Beach County Juvenile Court.

School Principal, Geoff McKee advised he would like the state attorney's office to review this case for prosecution.

Based on the above investigation, I do believe that probable cause does exist for the charge of a weapon on school grounds. I am requesting a capias be issued for the arrest of [REDACTED] and [REDACTED] under Florida State Statute 790.115, did unlawfully, willfully and knowingly possess a electric weapon (stun gun) on the property of Boca Raton Community High School,

THE SCHOOL DISTRICT OF PALM BEACH COUNTY
SCHOOL POLICE DEPARTMENT

Miranda Rights

Case No:	04-4021
Date:	12-13-04
Time:	1500

I am required to warn you before you make any statement that you have the following constitutional rights...

1. You have the right to remain silent and not answer any questions.
2. Any statement you make must be freely and voluntarily given.
3. You have the right to the presence and representation of a lawyer of your choice before you make any statement and during any questioning.
4. If you cannot afford an attorney, you are entitled to the presence and representation of a court appointed lawyer before you make any statement and during any questioning.
5. If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.
6. I can make no threats or promises to induce you to make a statement. This must be of your own free will.
7. Any statement can and will be used against you in a court of law.

I have been advised of my Miranda Rights and I understand them.

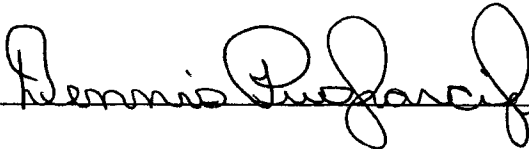
Me han avisado de mis derechos Miranda y los entiendo.

Yo te ban m eksplikasyon sou dwa Miranda mwen genyen, epi mwen konprann yo.

SIGNATURE
FIRMA
SIYATI

DATE
FECHA
DAT

Police Officer:
Policia:
Ofisye Polis:



I.D. No: 905
Nº de Identidad:
Nimewo Idantite:

Location:
Lugar de entrevista:
Kote konvèsasyon an te fet:

Witness:
Testigo:
Temwen:

Witness:
Testigo:
Temwen:

THE SCHOOL DISTRICT OF PALM BEACH COUNTY
SCHOOL POLICE DEPARTMENT

Miranda Rights

Case No.	04-4021
Date	12-13-04
Time	1815

I am required to warn you before you make any statement that you have the following constitutional rights...

- BM 1. You have the right to remain silent and not answer any questions.
- BM 2. Any statement you make must be freely and voluntarily given.
- BM 3. You have the right to the presence and representation of a lawyer of your choice before you make any statement and during any questioning.
- BM 4. If you cannot afford an attorney, you are entitled to the presence and representation of a court appointed lawyer before you make any statement and during any questioning.
- BM 5. If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.
- BM 6. I can make no threats or promises to induce you to make a statement. This must be of your own free will.
- BM 7. Any statement can and will be used against you in a court of law.

I have been advised of my Miranda Rights and I understand them.
Me han avisado de mis derechos Miranda y los entiendo.
Yo te ban m eksplikasyon sou dwa Miranda mwen genyen, epi mwen konprann yo.

SIGNATURE
FIRMA
SIYATI

DATE
FECHA
DAT

Police Officer _____ I.D. No. 905
Policia _____
Ofisye Polis _____
Nº de Identidad
Nimewo Idantite

Location _____
Lugar de entrevista
Kote konvèsasyon an te fet

Witness _____
Testigo
Temwen

Witness _____
Testigo
Temwen



THE SCHOOL DISTRICT OF PALM BEACH COUNTY
SCHOOL POLICE DEPARTMENT

Sworn/Affirmed Statement

Case No.	04-4021
Date	12-14-04
Time	1330

WITNESS VICTIM SUSPECT OTHER

NAME OF PERSON MAKING STATEMENT (full name) ROBERT BERTHAUME	BIRTH DATE [REDACTED]	HOME TELEPHONE NUMBER (561) 338-1502	WORK TELEPHONE NUMBER (561) 338-1502
ADDRESS (street address, city, state, zip code) 1501 NW 15 th Ct., Boca Raton, FL 33487			

I voluntarily furnish this sworn/affirmed statement to: Officer D. PUSKARCIAK ID 905

VICTIM ONLY (Parent of Juvenile) :

I am requesting criminal charges. Yes No I further understand that I will be required to appear in court if subpoenaed.

SIGNATURE OF VICTIM (PARENT OF JUVENILE) DATE

STATEMENT

While supervising the parking lot I heard a stun gun being set off near [REDACTED] and his car. I stopped him and asked him what he had. He said he had a "taser". During a search of the car we found a partial case of beer, a bottle of rum and a bottle of vodka. He also gave us a stun gun. [REDACTED] and [REDACTED] (passenger) identified [REDACTED] (passenger) as the individual who had been setting off the stun gun.

R. Berthiaume 12-14-04
SIGNATURE, PERSON MAKING STATEMENT (sign every page) DATE

WITNESS SIGNATURE (sign every page) DATE

WITNESS SIGNATURE (sign every page) DATE

Sworn to and subscribed this 14 day of December, 2004.

NOTARY PUBLIC, STATE OF FLORIDA

Dennis Puskarciak 905
LAW ENFORCEMENT OFFICER ID NO.



THE SCHOOL DISTRICT OF PALM BEACH COUNTY
SCHOOL POLICE DEPARTMENT

Sworn/Affirmed Statement

Case No. 04-4021
Date 12-13-04
Time 1500

WITNESS VICTIM SUSPECT OTHER

NAME OF PERSON MAKING STATEMENT (if name)	BIRTH DATE	HOME TELEPHONE NUMBER	WORK TELEPHONE NUMBER
[REDACTED]	[REDACTED]	[REDACTED]	() -
ADDRESS (street address, city, state, zip code)			
[REDACTED]			

I voluntarily furnish this sworn/affirmed statement to: Officer _____ ID _____

VICTIM ONLY (Parent of Juvenile) :

I am requesting criminal charges. Yes No I further understand that I will be required to appear in court if subpoenaed.

SIGNATURE OF VICTIM (PARENT OF JUVENILE) DATE

STATEMENT

[REDACTED]

- we got to the car they started playing with the tazor, [REDACTED] was playing with it with people. (Pretending to shock them) Then Mr. Berthraume got us. During dismissal when we were leaving.

[REDACTED] 12-13-04
SIGNATURE, PERSON MAKING STATEMENT (sign every page) DATE

[REDACTED] 12-13-04
WITNESS SIGNATURE (sign every page) DATE

WITNESS SIGNATURE (sign every page) DATE

Sworn to and subscribed this 13 day of December 20 04.

Dennis P. [Signature] 905
LAW ENFORCEMENT OFFICER ID NO.

NOTARY PUBLIC, STATE OF FLORIDA



THE SCHOOL DISTRICT OF PALM BEACH COUNTY
SCHOOL POLICE DEPARTMENT

Sworn/Affirmed Statement

Case No.	04-4021
Date	12-13-04
Time	1500

WITNESS
 VICTIM
 SUSPECT
 OTHER

NAME OF PERSON MAKING STATEMENT #1	BIRTH DATE	HOME TELEPHONE NUMBER	WORK TELEPHONE NUMBER
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
ADDRESS (street address, city, state, zip code)			
[REDACTED]			

I voluntarily furnish this sworn/affirmed statement to: Officer PUSKARCIAK ID 905

VICTIM ONLY (Parent of Juvenile):

I am requesting criminal charges. Yes No I further understand that I will be required to appear in court if subpoenaed.

SIGNATURE OF VICTIM (PARENT OF JUVENILE)

DATE

STATEMENT

I was taking [REDACTED] home
I show the stun gun to a friend and
[REDACTED] ~~show~~ ask for it and got out of
the car and started to play with it
and the cop saw him and we got
in the car and got stop. The cops open
my trunk and saw the alcohol

[REDACTED SIGNATURE] 12/13/04
SIGNATURE, PERSON MAKING STATEMENT (sign every page) DATE

WITNESS SIGNATURE (sign every page) DATE WITNESS SIGNATURE (sign every page) DATE

Sworn to and subscribed this 13 day of Dec, 2004.

NOTARY PUBLIC, STATE OF FLORIDA

Dennis Pusarcia
LAW ENFORCEMENT OFFICER ID NO.



THE SCHOOL DISTRICT OF PALM BEACH COUNTY
SCHOOL POLICE DEPARTMENT

Sworn/Affirmed Statement

Case No.	04-4021
Date	12-13-04
Time	1500

WITNESS
 VICTIM
 SUSPECT
 OTHER

NAME OF PERSON MAKING STATEMENT (full name)	BIRTH DATE	HOME TELEPHONE NUMBER	WORK TELEPHONE NUMBER
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
ADDRESS (street address, city, state, zip code)			
[REDACTED]			

I voluntarily furnish this sworn/affirmed statement to: Officer _____ ID _____

VICTIM ONLY (Parent of Juvenile) :

I am requesting criminal charges. Yes No I further understand that I will be required to appear in court if subpoenaed.

SIGNATURE OF VICTIM (PARENT OF JUVENILE) DATE

STATEMENT

All three of us were getting in the car, and the laser gun was in the back seat. [REDACTED] asked me to hand it to him to put it in the trunk. So I picked it up and slid it over the car to [REDACTED]. He picked it up and put it in the trunk. Then officer golden saw it, and came towards the vehicle. And asked us to park the car.

SIGNATURE, PERSON MAKING STATEMENT (sign every page) DATE

[Signature]
WITNESS SIGNATURE (sign every page) DATE

WITNESS SIGNATURE (sign every page) DATE

Sworn to and subscribed this 13 day of December, 2004.

NOTARY PUBLIC, STATE OF FLORIDA *[Signature]* 905
LAW ENFORCEMENT OFFICER ID NO.



THE SCHOOL DISTRICT OF PALM BEACH COUNTY
SCHOOL POLICE

Case No.
04-4021

Property Receipt

Date 12/13/04	Time 1300	School No. 0961	Type Case Possession of a weapon on school property 790.115	Bin No:
<input type="checkbox"/> Property of Deceased <input type="checkbox"/> Found Property <input type="checkbox"/> Stolen/Recovered <input checked="" type="checkbox"/> Trial <input type="checkbox"/> Laboratory <input type="checkbox"/> Destroy				
Release After Processing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		To Whom		
Address Where Property Impounded Boca Raton Community High School 1501 N.W. 15th Ct. Boca Raton, Fl. 33432				
NAME		ADDRESS		TELEPHONE
Discovered By Officer D. Puskarcik		1501 N.W. 15th Ct. Boca Raton, Florida 33432		(561) 338 - 1547
[REDACTED]		[REDACTED]		[REDACTED]
Victim state of florida				() -
Suspect(s) Include DOB [REDACTED]		[REDACTED]		[REDACTED] 6

ITEM NO.	QUANTITY	VALUE	DESCRIPTION
1	1	\$50.00	black cobra stun gun model J-911
2	1	\$15.00	a fifth of smirnoff watermelon twist vodka
3	1	\$25.00	1.75 liter bacardi raspberry rum
4	18	\$20.00	18 bottles 12 ounce bottles of bud light beer
/			

I hereby acknowledge that the above list represents all property taken from my possession and that I have received a copy of this receipt. [REDACTED] <small>SIGNATURE</small>	I hereby acknowledge that the above list represents all property impounded by me in the official performance of duty as an investigator. <small>SIGNATURE</small>	
RECEIVED BY	REASON	DATE & TIME
Final Disposition	Authority	Date & Time



ARREST / NOTICE TO APPEAR
Juvenile Referral Report

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

OBTS Number	Agency ORI Number FLO 5 0 4 2 0 0		Agency Name PALM BEACH COUNTY SCHOOL DISTRICT POLICE		Agency Report Number 9 9 - 0 4 - 4 0 2 1
Change 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	Weapon Seized/Type <input checked="" type="checkbox"/> 1. Yes <input type="checkbox"/> 2. No	Multiple Clearance Indicator
Location of Arrest (Including Name of Business)			Location of Offense (Business Name, Address) Boca Raton High School 1501 NW 15th ct. Boca Raton, FL 33432		
Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time
Location of Vehicle					

Name (Last, First, Middle)		Alias (Name, DOB, Social Security #, Etc.)			
Race W - White B - Black	I - American Indian O - Oriental/Asian	Sex W M	Date of Birth	Height 5-6	Weight 145
Eye Color BRO	Hair Color BLK	Complexion DRK	Build MED		
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)			Marital Status S	Religion	Indication of: Unk. <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Alcohol Influence <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
Local Address (Street, Apt. Number)		(City)	(State)	(Zip)	Phone
Permanent Address (Street, Apt. Number)		(City)	(State)	(Zip)	Phone
Business Address (Name, Street)		(City)	(State)	(Zip)	Phone
D/L Number, State		Social Security Number	INS Number	Place of Birth	Citizenship USA

Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	<input checked="" type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large	<input checked="" 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 checked="" type="checkbox"/> Legal Custodian <input type="checkbox"/> Other	Name (Last)	(First)	(Middle)	Residence Phone
Address (Street, Apt. Number)				(City)
				(State) (Zip)
Notified by: (Name)		Date	Time	Juvenile Disposition
		12-13-04	1530	1. Handled/Processed within 2. TOT HRS/CYF Dept. and Released 3. Incarcerated
Released To: (Name)		Relationship	Date	Time
		sister/guardian	12-13-04	1600
The above address was provided by <input checked="" 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. <input checked="" type="checkbox"/> Yes, by: (Name) Officer D. Puskarcik <input type="checkbox"/> No: (Reason)			School Attended	Grade
			Boca Raton High School	11
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. 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 O. Opium/Deriv.	P. Paraphernalia/ Equipment S. Synthetic	U. Unknown Z. Other
Charge Description Possession of a weapon on school property 790.115						Counts 1	<input checked="" type="checkbox"/> FSS <input type="checkbox"/> ORD	Statute Violation Number	Violation of ORD #	
Drug Activity N	Drug Type N	Amount / Unit	Offense #	Warrant / Capias Number		Bond				
Charge Description						Counts	<input type="checkbox"/> FSS <input type="checkbox"/> ORD	Statute Violation Number	Violation of ORD #	
Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number		Bond				
Charge Description						Counts	<input type="checkbox"/> FSS <input type="checkbox"/> ORD	Statute Violation Number	Violation of ORD #	
Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number		Bond				
Charge Description						Counts	<input type="checkbox"/> FSS <input type="checkbox"/> ORD	Statute Violation Number	Violation of ORD #	
Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number		Bond				

<input type="checkbox"/> Mandatory Appearance in Court	Location (Court, Room Number, Address)	
	Month	Day
	Year	Time <input type="checkbox"/> A.M. <input type="checkbox"/>
I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNED 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 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:	Signature of Arresting Officer <i>Dennis Puskarcik</i>	Name Verification (Printed by Arrested) (PRINT)
<input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal	Name of Arresting Officer (Print) Dennis Puskarcik 905	Witness here if subject signed with an "X"
<input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Other:	ID #	PAGE
Intake Deputy	Transporting Officer	Agency
ID #	ID #	OF

PROBABLE CAUSE AFFIDAVIT

1. Arrest 3. Request for Warrant 84 Juvenile X
2. N.T.A. 4. Request for Capias

OBTs Number
Agency ORI Number FLO 5 0 4 2 0 0 Agency Name PALM BEACH COUNTY SCHOOL DISTRICT POLICE Agency Report Number 9 9 - 0 4 - 4 0 2 1
Change Type: 1. Felony (checked), 2. Traffic Felony, 3. Misdemeanor, 4. Traffic Misdemeanor, 5. Ordinance, 6. Other
Special Notes

Name (Last, First, Middle) Alias Race W Sex W Date of Birth

Charge Description: Possession of a weapon on school grounds 790.115

Victim's Name (Last, First, Middle) State of Florida Race Sex Date of Birth
Local Address (Street, Apt Number) (City) (State) (Zip) Phone (561) 338 - 1400 Address Source
Business Address (Name, Street) (City) (State) (Zip) Phone (561) 338 - 1400 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 possession of weapon on school grounds admitting to the below facts. was found to have committed the below acts, resulting from my (described) investigation.
On the 13 day of December 20 04 at 3:00 A.M. P.M. (Specifically include facts constituting cause for arrest.)

On December 13, 2004 two Boca Raton Community High School students were found to be in possession of a stun gun, with one of them also in possession of alcoholic beverages.
On December 13, 2004 at about 1500 hrs this officer, Dennis Puskarcik along with assistant principal, Mr. Robert Berthiaume were patrolling the student parking lot of Boca Raton High School when I observed a student, later identified as _____ holding a stun gun and zapping it in the direction of a unknown student. When _____ spotted myself and Mr. Berthiaume he entered a black acura occupied with two other Boca Raton High School students. We then stopped the vehicle in the student parking lot where I spoke with the driver identified as _____ and asked him for the stun gun which he handed over to me. I asked who's it was and _____ stated it was his. I then advised _____ to shut off the vehicle and step out. Mr. Berthiaume then told _____ to open the hatchback and in plain view was a case of Bud Light Beer. Also found in the hatchback were a open bottle of bacardi rum and a sealed bottle of vodka. Mr. Berthiaume took the two passengers, _____ and _____ to his office where both subjects gave written statement to Officer A. Golden. I took _____ to the school police office where he was read his rights which _____ stated he understood and signed. _____ then wrote a voluntary statement indicating that he showed the stun gun to a friend when _____ asked to see it. _____ then exited the car and was playing around with the stun gun when we saw him. _____ also admitted to possession of the alcohol which was photographed and destroyed. The stun gun was marked and placed in the evidence locker at police headquarters. The other student, _____ was never in possession of the stun gun or alcohol so after giving a voluntary statement he was released without any charges.
_____ and _____ did unlawfully, willfully and knowingly possess a electric weapon (stun gun) on the property of Boca Raton Community High School, contrary to Florida Statute 790.115(2). _____ also unlawfully and knowingly, being a person under 21 years of age, possess an alcoholic beverage, contrary to Florida Statute 562.111(1).

SWORN AND SUBSCRIBED BEFORE ME
Signature of Dennis Puskarcik
SIGNATURE OF ARRESTING / INVESTIGATING OFFICER
Dennis Puskarcik 905
NAME OF OFFICER (PLEASE PRINT)
December 13, 2004
DATE
NOTARY PUBLIC / CLERK OF COURT / POLICE OFFICER (F.S.S. 117.10)
212
DATE 12-13-04
PAGE 1 OF 1



THE SCHOOL DISTRICT OF PALM BEACH COUNTY
SCHOOL POLICE DEPARTMENT
Felony Filing Packet

SECTION 1: Filing Receipt

Case number 04-4021

Agency Palm Beach County School Police

Arrest date 12-13-04

Received with reference to **DEFENDANT**

[REDACTED]

DOB [REDACTED]

Last Name _____ *First Name* _____ *MI* _____

The following in the above style case (check)

- 1. Police Reports
- 2. Witness Lists
- 3. Evidence List
- 4. Probable Cause
- 5. Rough Arrest
- 6. Criminal History
- 7. written statements _____
- 8. _____
- 9. _____
- 10. _____

Charged by Officer with

possession of weapon on school grounds

possession of alcoholic beverage (under 21 yoa)

Charges filed by Assistant State Attorney _____

Officer's Name Dennis Puskarcik

ID number 905

This _____ day of _____,

By _____
ASSISTANT STATE ATTORNEY

SECTION 2: State Attorney's Office Filing Information

DEFENDANT [REDACTED]

AIKIA _____

Co-Defendants (if any) [REDACTED]

Victim related/acquainted with defendant? Yes No N/A

Arrest date 12-13-04 Agency case number 04-4021

Arresting/lead officer: Dennis Puskarcik ID number: 905

Agency PALM BEACH COUNTY SCHOOL POLICE Phone Number (561) 434 - 8300

Current shift hours 11:00 AM to 9:00 PM Days off Saturday and Sunday

Leave/shift change information _____

Was arrest made for, or in conjunction with another agency and if so, what agency?

No _____ Phone no. () -

Sentencing recommendations _____

Additional comments (if any) _____

Filing documents attached

- 1. Rough Arrest
- 2. P.C. Affidavit (sworn original)
- 3. Sworn Statement of Material Witnesses
- 4. Witness/Evidence List
- 5. Offense Reports (all)
- 6. Accident Reports (all)
- 7. Witness Statements (all)
- 8. FCIC/NCIC Criminal History

Other attachments Include

- 9. _____
- 10. _____
- 11. _____

Please note requirements of sworn statement(s) of material witnesses required by supreme court for filing (rule 3.140(9) Rcrp)

SECTION 3: Defendant/Evidence List

Defendant [REDACTED] Circuit Court case # _____

Arresting/lead officer Dennis Puskarcik ID number 905

Filing Officer (if different from arresting) Dennis Puskarcik

A. Names, addresses and phone number of all persons who may have information which may be relevant to the offense charged or any defense thereto, are provided beginning on page 6.

B. Are there any victim/witness statements available? Yes No

Written Taped Oral (Check only if statement was written down when person said it)

Copy of transcript provided? Yes No

C. Written, recorded, and/or oral statements of defendant (use additional pages if necessary).

1. Person to whom made Dennis Puskarcik

Date of statement 12 / 13 / 2004 Written Taped Oral

If oral, what did he/she say?

2. Person to whom made _____

Date of statement / / Written Taped Oral

If oral, what did he/she say?

SECTION 3: Defendant/Evidence List continued

D. Written, recorded, and/or oral statements of co-defendant (use additional pages if necessary).

1. Person to whom made Mr. Berthiaume

Date of statement 12 / 13 / 2004 Written Taped Oral

If oral, what did he/she say?

2. Person to whom made Mr. Lockhart

Date of statement 12 / 13 / 2004 Written Taped Oral

If oral, what did he/she say?

- E. Grand Jury Testimony Yes No
- F. Confidential Information Yes No
- G. Electronic Surveillance Yes No
- H. Search and/or Seizure Yes No
- I. Reports of Experts Yes No

Name of expert _____

Nature of testimony _____

J. Papers or objects belonging to or obtained from defendant.

ITEMS	CUSTODIAN	CHAIN OF CUSTODY
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

SECTION 3: Defendant/Evidence List continued

K. Other evidence

ITEMS	CUSTODIAN	CHAIN OF CUSTODY
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

L. Anything showing the defendant may not be guilty

Source _____

Describe information _____

M. Information or evidence to be supplied later

Item _____

Date will be furnished. _____

Why not supplied at filing _____

NOTE: It is the responsibility of the officer filing the case to insure the forgoing list is completed and correct.

SIGNATURE OF FILING OFFICER

12-13-04
DATE (MM/DD/YYYY)

SECTION 4: Victim/Witness List

Victim State of Florida D.O.B. _____

Address (W) 1501 N.W. 15th Ct. Boca Raton, Florida 33432
Street/Apt. Number City State Zip Code

(H) 1501 N.W. 15th Ct. Boca Raton, Florida 33432
Street/Apt. Number City State Zip Code

Work phone number (561) 338 - 1400 Home phone number () -

If no phone, then name, address and phone number of person who may be contacted to accept message:

Name _____ Phone number () -

Address _____
Street/Apt. Number City State Zip Code

Can testify to

Arresting officer Dennis Puskarcik ID number 905

Department Palm Beach County School Police

Address 3330 Forest Hill Boulevard, B-127 West Palm Beach FL 33406
Street/Apt. Number City State Zip Code

Phone number (561) 434 - 8300

Can testify to
defendant' was seen in possession of stun gun defendant admitted that the stun gun was his and the
alcohol was found in the trunk of his vehicle

Name Robert Berthiaume D.O.B.

Address (W) 1501 N.W. 15th Ct. Boca Raton, Florida 33432
Street/Apt. Number City State Zip Code

(H) 1501 N.W. 15th Ct. Boca Raton, Florida 33432
Street/Apt. Number City State Zip Code

Work phone number (561) 338 - 1400 Home phone number (561) 338 - 1400

Can testify to
was present when stun gun was confiscated

**NOTE: Civilian witness- give home and business address and phone numbers.
Officer - give business address and work phone only.**

SECTION 4: Victim/Witness List continued

Name Officer Adam Golden D.O.B. _____

Address (W) 1501 N.W. 15th Ct. Boca Raton, Florida 33432
Street/Apt. Number City State Zip Code

(H) 1501 N.W. 15th Ct. Boca Raton, Florida 33432
Street/Apt. Number City State Zip Code

Work phone number (561) 338 - 1400 Home phone number () -

Can testify to
took statement from defendant [REDACTED] and witness [REDACTED]

Name [REDACTED] D.O.B. [REDACTED]

Address (W) Boca Raton High School 1501 N.W. 15th Ct. Boca Raton, Florida 33432 (STUDENT)
Street/Apt. Number City State Zip Code

(H) [REDACTED]
Street/Apt. Number City State Zip Code

Work phone number (561) 338 - 1400 Home phone number ([REDACTED]) [REDACTED] - [REDACTED]

Can testify to
that the weapon is owned by defendant [REDACTED]

Name _____ D.O.B. _____

Address (W) _____
Street/Apt. Number City State Zip Code

(H) _____
Street/Apt. Number City State Zip Code

Work phone number () - Home phone number () -

Can testify to

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

1. Arrest 3. Request for Warrant 4. Request for Capias Juvenile

OBTS Number	Agency ORI Number FLO 5 0 4 2 0 0		Agency Name PALM BEACH COUNTY SCHOOL DISTRICT POLICE		Agency Report Number 99 - 04 - 4021	
Change 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		Weapon Seized/Type <input checked="" type="checkbox"/> 1. Yes <input type="checkbox"/> 2. No
Location of Arrest (Including Name of Business)				Location of Offense (Business Name, Address) Boca Raton High School 1501 NW 15 Ct. Boca Raton, Fl. 33432		
Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle

Name (Last, First, Middle)		Alias (Name, DOB, Social Security #, Etc.)						
Race W - White B - Black	Sex W M	Date of Birth	Height 5-6	Weight 180	Eye Color BLK	Hair Color BRO	Complexion MED	Build MED
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) pierced tongue				Marital Status S	Religion	Indication of: Unk. <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Alcohol Influence <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>		
Local Address (Street, Apt. Number)		(City)	(State)	(Zip)	Phone	Residence Type: 1. City 3. Florida 2. County 4. Out of State 1		
Permanent Address (Street, Apt. Number)		(City)	(State)	(Zip)	Phone	Address Source school records		
Business Address (Name, Street)		(City)	(State)	(Zip)	Phone	Occupation chef		
D/L Number, State		Social Security Number		INS Number	Place of Birth Venezuela		Citizenship USA	

Co-Defendant Name (Last, First, Middle)	Race W	Sex M	Date of Birth	<input checked="" type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large	<input checked="" 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 checked="" type="checkbox"/> Parent <input type="checkbox"/> Legal Custodian <input type="checkbox"/> Other	Name (Last)	(First)	(Middle)	Residence Phone
Address (Street, Apt. Number)				(City) (State) (Zip)
Business Address (Street, Apt. Number)				(City) (State) (Zip)

Notified by: (Name) Officer D. Puskarcik	Date 12-13-04	Time 1530	Juvenile Disposition 1. Handled/Processed within Dept. and Released 2. TOT HRS/CYF 3. Incarcerated		1
Relationship mother			Date	Time	1615
The above address was provided by <input checked="" 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. <input checked="" type="checkbox"/> Yes, by: (Name) Officer D. Puskarcik <input type="checkbox"/> No: (Reason)			School Attended Boca Raton High School		Grade 11
Property Crime? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Description of Property		Value of Property		

Drug Activity S. Sell N. N/A P. Possess	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 O. Opium/Deriv.	P. Paraphernalia/ Equipment S. Synthetic	U. Unknown Z. Other
Charge Description Possession of a weapon on school property 790.115					Counts 1	<input checked="" type="checkbox"/> FSS <input type="checkbox"/> ORD	Statute Violation Number 5 6 2 - 1 1 1 (1)		
Drug Activity N	Drug Type N	Amount / Unit	Offense #		Warrant / Capias Number		Bond		
Charge Description Possession of an alcoholic beverage (under 21 yo)					Counts 1	<input checked="" type="checkbox"/> FSS <input type="checkbox"/> ORD	Statute Violation Number 5 6 2 - 1 1 1 (1)		
Drug Activity N	Drug Type N	Amount / Unit	Offense #		Warrant / Capias Number		Bond		
Charge Description					Counts	<input type="checkbox"/> FSS <input type="checkbox"/> ORD	Statute Violation Number		
Drug Activity	Drug Type	Amount / Unit	Offense #		Warrant / Capias Number		Bond		
Charge Description					Counts	<input type="checkbox"/> FSS <input type="checkbox"/> ORD	Statute Violation Number		
Drug Activity	Drug Type	Amount / Unit	Offense #		Warrant / Capias Number		Bond		

<input type="checkbox"/> Mandatory Appearance in Court	Location (Court, Room Number, Address)				
Month	Day	Year	Time	<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.	
I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNED 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 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:	Signature of Arresting Officer <i>Dennis Puskarcik</i>	Name Verification (Printed by Arrested) (PRINT)
<input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal	Name of Arresting Officer (Print) Dennis Puskarcik 905	Witness here if subject signed with an "X"
<input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Other:	ID #	PAGE
Intake Deputy ID #	Transporting Officer ID #	Agency
		OF

PROBABLE CAUSE AFFIDAVIT

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

Agency ORI Number: FLO 5 0 4 2 0 0
Agency Name: PALM BEACH COUNTY SCHOOL DISTRICT POLICE
Agency Report Number: 9 9 - 0 4 - 4 0 2 1
Change Type: 1. Felony (checked), 2. Traffic Felony, 3. Misdemeanor (checked), 4. Traffic Misdemeanor, 5. Ordinance, 6. Other

Name (Last, First, Middle): [Redacted] Alias: [Redacted] Race: W Sex: M Date of Birth: [Redacted]

Charge Description: Possession of a weapon on school property 790.115
Charge Description: Possession of a alcoholic beverage (under 21 yoa) 562.111

Victim's Name (Last, First, Middle): State of Florida
Local Address (Street, Apt. Number): 1501 N.W. 15th Ct. Boca Raton, Florida 33432
Business Address (Name, Street): Boca Raton High School

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...
[X] committed the below acts in my presence. [] was observed by [] who told [] that he/she saw the arrested person commit the below acts.
[X] confessed to Possession of a weapon on school grounds admitting to the below facts. [] was found to have committed the below acts, resulting from my (described) investigation.
On the 13 day of December 20 04 at 3:00 [] A.M. [X] P.M. (Specifically include facts constituting cause for arrest)

On December 13, 2004 two Boca Raton Community High School students were found to be in possession of a stun gun, with one of them also in possession of alcoholic beverages.
On December 13, 2004 at about 1500 hrs this officer, Dennis Puskarcik along with assistant principal, Mr. Robert Berthiaume were patrolling the student parking lot of Boca Raton High School when I observed a student, later identified as [Redacted] holding a stun gun and zapping it in the direction of a unknown student. When [Redacted] spotted myself and Mr. Berthiaume he entered a black acura occupied with two other Boca Raton High School students. We then stopped the vehicle in the student parking lot where I spoke with the driver identified as [Redacted] and asked him for the stun gun which he handed over to me. I asked who's it was and [Redacted] stated it was his. I then advised [Redacted] to shut off the vehicle and step out. Mr. Berthiaume then told [Redacted] to open the hatchback and in plain view was a case of Bud Light Beer. Also found in the hatchback were a open bottle of bacardi rum and a sealed bottle of vodka. Mr. Berthiaume took the two passengers, [Redacted] and [Redacted] to his office where both subjects gave written statement to Officer A. Golden: I took [Redacted] to the school police office where he was read his rights which [Redacted] stated he understood and signed. [Redacted] then wrote a voluntary statement indicating that he showed the stun gun to a friend when [Redacted] asked to see it. [Redacted] then exited the car and was playing around with the stun gun when we saw him. [Redacted] also admitted to possession of the alcohol which was photographed and destroyed. The stun gun was marked and placed in the evidence locker at police headquarters. The other student, [Redacted] was never in possession of the stun gun or alcohol so after giving a voluntary statement he was released without any charges.
[Redacted] and [Redacted] did unlawfully, willfully and knowingly possess a electric weapon (stun gun) on the property of Boca Raton Community High School, contrary to Florida Statute 790.115(2). [Redacted] also unlawfully and knowingly, being a person under 21 years of age, possess an alcoholic beverage, contrary to Florida Statute 562.111(1).

SWORN AND SUBSCRIBED BEFORE ME
[Redacted] 212
NOTARY PUBLIC / CLERK OF COURT / POLICE OFFICER (F.S.S. 117.10)
DATE: 12-13-04
Dennis Puskarcik 905
SIGNATURE OF ARRESTING / INVESTIGATING OFFICER
NAME OF OFFICER (PLEASE PRINT)
December 13, 2004
DATE
PAGE 1 OF 1



THE SCHOOL DISTRICT OF PALM BEACH COUNTY
SCHOOL POLICE DEPARTMENT
Felony Filing Packet

SECTION 1: Filing Receipt

Case number 04-4021

Agency Palm Beach County School Police

Arrest date 12-13-04

Received with reference to DEFENDANT

Last Name First Name MI DOB

The following in the above style case (check)

- 1. Police Reports (checked)
2. Witness Lists (checked)
3. Evidence List (checked)
4. Probable Cause (checked)
5. Rough Arrest (checked)
6. Criminal History (unchecked)
7. written statements (checked)
8. (unchecked)
9. (unchecked)
10. (unchecked)

Charged by Officer with

possession of weapon on school grounds
possession of alcoholic beverage (under 21 yoa)

Charges filed by Assistant State Attorney

Officer's Name Dennis Puskarcik ID number 905

This day of

By ASSISTANT STATE ATTORNEY

SECTION 2: State Attorney's Office Filing Information

DEFENDANT [REDACTED]

AIKIA _____

Co-Defendants (if any) [REDACTED]

Victim related/acquainted with defendant? Yes No N/A

Arrest date 12-13-04 Agency case number 04-4021

Arresting/lead officer: Dennis Puskarcik ID number: 905

Agency PALM BEACH COUNTY SCHOOL POLICE Phone Number (561) 434 - 8300

Current shift hours 11:00 AM to 9:00 PM Days off Saturday and Sunday

Leave/shift change information _____

Was arrest made for, or in conjunction with another agency and if so, what agency?

No Phone no. () -

Sentencing recommendations _____

Additional comments (if any) _____

Filing documents attached

- 1. Rough Arrest
- 2. P.C. Affidavit (sworn original)
- 3. Sworn Statement of Material Witnesses
- 4. Witness/Evidence List
- 5. Offense Reports (all)
- 6. Accident Reports (all)
- 7. Witness Statements (all)
- 8. FCIC/NCIC Criminal History

Other attachments Include

- 9. _____
- 10. _____
- 11. _____

Please note requirements of sworn statement(s) of material witnesses required by supreme court for filing (rule 3.140(9) Rcrp)

SECTION 3: Defendant/Evidence List

Defendant [REDACTED] Circuit Court case # _____

Arresting/lead officer Dennis Puskarcik ID number 905

Filing Officer (if different from arresting) Dennis Puskarcik

A. Names, addresses and phone number of all persons who may have information which may be relevant to the offense charged or any defense thereto, are provided beginning on page 6.

B. Are there any victim/witness statements available? Yes No

Written Taped Oral (Check only if statement was written down when person said it)

Copy of transcript provided? Yes No

C. Written, recorded, and/or oral statements of defendant (use additional pages if necessary).

1. Person to whom made Dennis Puskarcik

Date of statement 12 / 13 / 2004 Written Taped Oral

If oral, what did he/she say?

2. Person to whom made _____

Date of statement / / Written Taped Oral

If oral, what did he/she say?

SECTION 3: Defendant/Evidence List continued

D. Written, recorded, and/or oral statements of co-defendant *(use additional pages if necessary)*.

1. Person to whom made Mr. Berthiaume

Date of statement 12 / 13 / 2004 Written Taped Oral

If oral, what did he/she say?

2. Person to whom made Mr. Lockhart

Date of statement 12 / 13 / 2004 Written Taped Oral

If oral, what did he/she say?

- E. Grand Jury Testimony Yes No
- F. Confidential Information Yes No
- G. Electronic Surveillance Yes No
- H. Search and/or Seizure Yes No
- I. Reports of Experts Yes No

Name of expert _____

Nature of testimony _____

J. Papers or objects belonging to or obtained from defendant.

ITEMS	CUSTODIAN	CHAIN OF CUSTODY
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

SECTION 3: Defendant/Evidence List continued

K. Other evidence

ITEMS	CUSTODIAN	CHAIN OF CUSTODY
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		

L. Anything showing the defendant may not be guilty

Source _____

Describe information

M. Information or evidence to be supplied later

Item _____

Date will be furnished. _____

Why not supplied at filing

NOTE: It is the responsibility of the officer filing the case to insure the forgoing list is completed and correct.


SIGNATURE OF FILING OFFICER

12-13-04
DATE (MM/DD/YYYY)

SECTION 4: Victim/Witness List

Victim State of Florida D.O.B. _____

Address (W) 1501 N.W. 15th Ct. Boca Raton, Florida 33432
Street/Apt. Number City State Zip Code

(H) 1501 N.W. 15th Ct. Boca Raton, Florida 33432
Street/Apt. Number City State Zip Code

Work phone number (561) 338 - 1400 Home phone number () -

If no phone, then name, address and phone number of person who may be contacted to accept message:

Name _____ Phone number () -

Address _____
Street/Apt. Number City State Zip Code

Can testify to

Arresting officer Dennis Puskarcik ID number 905

Department Palm Beach County School Police

Address 3330 Forest Hill Boulevard, B-127 West Palm Beach FL 33406
Street/Apt. Number City State Zip Code

Phone number (561) 434 - 8300

Can testify to

defendant' [REDACTED] was seen in possession of stun gun defendant [REDACTED] admitted that the stun gun was his and the alcohol was found in the trunk of his vehicle

Name Robert Berthiaume D.O.B. [REDACTED]

Address (W) 1501 N.W. 15th Ct. Boca Raton, Florida 33432
Street/Apt. Number City State Zip Code

(H) 1501 N.W. 15th Ct. Boca Raton, Florida 33432
Street/Apt. Number City State Zip Code

Work phone number (561) 338 - 1400 Home phone number (561) 338 - 1400

Can testify to

was present when stun gun was confiscated

**NOTE: Civilian witness- give home and business address and phone numbers.
Officer - give business address and work phone only.**

SECTION 4: Victim/Witness List continued

Name Officer Adam Golden D.O.B. _____

Address (W) 1501 N.W. 15th Ct. Boca Raton, Florida 33432
Street/Apt. Number City State Zip Code

(H) 1501 N.W. 15th Ct. Boca Raton, Florida 33432
Street/Apt. Number City State Zip Code

Work phone number (561) 338 - 1400 Home phone number () -

Can testify to
took statement from defendant [REDACTED] and witness [REDACTED]

Name [REDACTED] D.O.B. [REDACTED]

Address (W) Boca Raton High School 1501 N.W. 15th Ct. Boca Raton, Florida 33432 (STUDENT)
Street/Apt. Number City State Zip Code

(H) [REDACTED]
Street/Apt. Number City State Zip Code

Work phone number [REDACTED] Home phone number ([REDACTED]) [REDACTED] - [REDACTED]

Can testify to
[REDACTED] was in possession of the stun gun and was zapping it at other students

Name _____ D.O.B. _____

Address (W) _____
Street/Apt. Number City State Zip Code

(H) _____
Street/Apt. Number City State Zip Code

Work phone number () - Home phone number () -

Can testify to