

0514014

20CF454 MB

ARREST / NOTICE TO APPEAR

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

1 JUVENILE

Agency ORI Number: **0500200** Agency Name: **Boca Raton Police Department** Agency Report Number (N.T.A.'s only): **3, 2 | 2020-00049**

Charge Type: 1. Felony 3. Misdemeanor 5. Ordinance
 2. Traffic Felony 4. Traffic Misdemeanor 6. Other

If Weapon Seized: Enter Type: **None/not Applicable** Multiple Clearance Indicator:

Location of Arrest (Including Name of Business): **BRPD** Location of Offense (Business Name, Address): **2300 W YAMATO RD, BOCA RATON, FL 33496**

Date of Arrest: **01/14/2020** Time of Arrest: **15:07** Booking Date: **01/14/2020** Booking Time: **1507** Jail Date: Jail Time: Location of Vehicle:

Name (Last, First, Middle): **ACOSTA, ESTEFANY DE LOS ANGELES** Alias: Alias (Name, DOB, Soc. Sec. #, Etc.):

Race: **W - White** Sex: **F** Date of Birth: **01/25/1995** Height: **5'02** Weight: **190** Eye Color: **Brown** Hair Color: **Brown** Complexion: **light** Build: **HM**

Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description): Marital Status: Religion: Indication of Alcohol Influence: Yes No Unk. Drug Influence: Yes No Unk.

Local Address (Street, Apt. Number) (City) (State) (Zip) Phone: **6649 SOMERSET DR 202, BOCA RATON, FL 33433 (561) 853-5840**

Permanent Address (Street, Apt. Number) (City) (State) (Zip) Phone: **6649 SOMERSET DR 202, BOCA RATON, FL 33433 (561) 853-5840** Address Source: **Dependant**

Business Address (Name, Street) (City) (State) (Zip) Phone: **EARLY LEARNING ACADEMY, Teacher** Occupation: **Teacher**

DL Number, State: **A223204955250 / FL** Soc. Sec. Number: [Redacted] INS Number: [Redacted] Place of Birth (City, State): **Venezuela** Citizenship: **YZ**

Co-Defendant Name (Last, First, Middle) Race Sex Date of Birth 1. Arrested 3. Felony 5. Juvenile
 2. At Large 4. Misdemeanor

Co-Defendant Name (Last, First, Middle) Race Sex Date of Birth 1. Arrested 3. Felony 5. Juvenile
 2. At Large 4. Misdemeanor

Parent Other: Name (Last, First, Middle) Residence Phone
 Legal Custodian 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.

School Attended: Grade: Property Crime? Yes No Description of Property: Value of Property:

Drug Activity: S. Sell N. N/A P. Possess R. Smuggle D. Deliver E. Use K. Disperse/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/Derv. P. Paraphernalia/Equipment S. Synthetic U. Unknown Z. Other

Charge Description: **CHILD ABUSE** Statute Violation Number: **827.03(1B)** Violation of ORD #: **JA JA**

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
	N				<input type="checkbox"/> Y <input checked="" type="checkbox"/> N		

Charge Description: Statute Violation Number: Violation of ORD #

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
					<input type="checkbox"/> Y <input type="checkbox"/> N		

Charge Description: Statute Violation Number: Violation of ORD #

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
					<input type="checkbox"/> Y <input type="checkbox"/> N		

Health: Apparent Physical Condition of Defendant: Any knowledge of the following: Mental Escape Risk Medication Deformities Injuries

Check which applies: Released O.R. Released to Parent/Guardian T.O.T. County Jail PROPERTY - Received By Released By Released

Transported By: Date Transported: Time Transported: Other: **JAN 14 PM 5:25**

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): **South County 200 W Atlantic Ave Delray Beach, FL 33444**

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 CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.

Signature of Defendant (or Juvenile and Parent/Custodian): Date Signed: **AN 5:15**

HOLD for Other Agency: Signature of Arresting Officer: **HANLEY, S. D.** Name Verification (Printed by Arrestee): (PRINT)

Intake Department: **836** Pouch #: **836** Transporting Officer: **836** I.D. #: **611** Agency: **836**

Witness here if subject signed with an "X" PAGE 1 OF 1

PROBABLE CAUSE AFFIDAVIT

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

1 JUVENILE

A D M I N	OBTs Number		Agency ORI Number FL 0500200		Agency Name BOCA RATON POLICE DEPARTMENT		Agency Report Number 3 2 2020-000449	
	Charge Type Check as many as apply		Special Notes:					
<input checked="" type="checkbox"/> 1. Felony		<input type="checkbox"/> 3. Misdemeanor		<input type="checkbox"/> 5. Ordinance				
<input type="checkbox"/> 2. Traffic Felony		<input type="checkbox"/> 4. Traffic Misdemeanor		<input type="checkbox"/> 6. Other				

D E F E N D E R S	Name (Last, First, Middle) ACOSTA, ESTEFANY DE LOS ANGELES				Alias		Race W	Sex F	Date of Birth 01/25/1995
	Charge Description 827.03(16) CHILD ABUSE				Charge Description				
Charge Description				Charge Description					

V I C T I M	Victim's Name (Last, First, Middle)				Race W		Sex M	Date of Birth 08/03/2016
	[Redacted]				Address Source		Occupation STUDENT	

The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law.

The Person taken into custody . . .

committed the below acts in my presence. was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.

confessed to _____ admitting to the below facts. was found to have committed the below acts, resulting from my (described) investigation.

On the **14** day of **January**, **2020** at **15:07** (Specifically include facts constituting cause for arrest.)

On 01/13/20 I was assigned this alleged child abuse case for follow-up investigation. I reviewed the initial incident report submitted by B.R.P.D. Officer Felix.

On 01/11/20 B.R.P.D. and DCF CPI Torres responded to [Redacted] in the City of [Redacted] in reference to DCF intake #2020-010692-01. The following allegation was received regarding w/m/j [Redacted] (D.O.B. 08/03/16). "The teacher sat on [Redacted] right leg when he was misbehaving. As a result, [Redacted] sustained a non-displaced fracture of the proximal tibial shaft. [Redacted] currently has a splint on his leg. He has urinated on himself, can't eat, and can't stand due to the pain of the injury. Initially, there was an alternative story provided, that [Redacted] had kicked a chair. However, per the pediatric doctor and orthopedist, the injury is only compatible with the story that the teacher sat on his leg."

According to [Redacted], she dropped her son [Redacted] off at The Early Learning Academy, located at 2300 West Yamato Road in Boca Raton, on 01/10/20 at approximately 0715 hours. [Redacted] was walking normal and did not complain of any injuries. At approximately 1046 hours, she received a voicemail from the school stating that [Redacted] had sustained an injury on his leg from kicking a metal chair. She had listened to the voicemail a few hours after she received it.

According to [Redacted], [Redacted] father, he received a call from the school on 01/10/20 at approximately 1100 hours. He was told that [Redacted] had received an injury to his leg, from kicking a metal chair. He was told that [Redacted] had a bump on his shin. Based on the information that was provided to him, he did not think it was an emergency at the time and he did not go to pick [Redacted] up from school.

[Redacted] picked [Redacted] up at approximately 1545 hours. She observed

A D M I N I S T R A T I V E	SWORN AND SUBSCRIBED BEFORE ME*		SIGNATURE OF ARRESTING / INVESTIGATING OFFICER	
	 SHIFFLETT, KELLY P NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10) 01/14/2020 DATE		 HANLEY, SCOTT D (611) NAME OF OFFICER (PLEASE PRINT) 01/14/2020 DATE	
				PAGE 1 OF 4

PROBABLE CAUSE AFFIDAVIT
SUPPLEMENT

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OBTS Number	Agency ORI Number FL 0500200		Agency Name BOCA RATON POLICE DEPARTMENT	Agency Report Number 3 2 2020-000449
Charge Type Check as many as apply.	<input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony	<input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 4. Traffic Misdemeanor	<input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other	Special Notes

Name (Last, First, Middle) ACOSTA, ESTEFANY DE LOS ANGELES	Alias	Race W	Sex F	Date of Birth 01/25/1995
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her son sitting down and he appeared to be in a lot of pain. He was shivering, had urinated on himself and had not eaten. [REDACTED] told her that he received the injury because his teacher, Estefany Acosta sat on his leg because he was misbehaving.

Later that evening, [REDACTED] was still complaining of pain and he could not walk or stand, so [REDACTED] took [REDACTED] to West Boca Medical Center, where Dr. Jay Rosenberg was the attending physician. The diagnostic radiology report revealed a linear non-displaced fracture proximal third tibial shaft of the right leg.

On 01/13/20 at approximately 0945 hours, DCF CPI Torres and I met with Jeneille Como, the owner of The Early Learning Academy. She was cooperative and provided the following information.


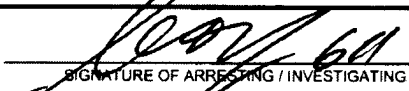
Como was off on Friday (01/10/20). She received a call from her Director Maria Sattler, who informed her that 3-year-old student, [REDACTED] was injured in the classroom. H/f Estefany De Los Angeles Acosta (D.O.B. 01/25/95) was the only teacher in the classroom with the students at the time [REDACTED] was injured.

Initially, Acosta reported that [REDACTED] was misbehaving and received the injury to his right leg because he kicked a metal chair. This information was then relayed to [REDACTED] parents, by The Early Learning Academy staff. When the school administrative staff confronted Acosta with the fact that the classroom was under video surveillance, she got nervous and changed her story. Acosta claimed that [REDACTED] could have been injured when she accidentally fell on him.

Acosta had been employed by The Early Learning Academy since November of 2019. Due to repeated tardiness and her untruthfulness regarding the injury to [REDACTED] she was terminated on 01/10/20.

Como had come into work and viewed the video surveillance on 01/12/20. She contacted DCF herself after viewing the video, because she was concerned with the manner in which Acosta had picked up [REDACTED] and carried him around the classroom. She advised that it was not the way her staff is taught to pick up children. She provided a copy of the classroom video surveillance from 01/10/20 that was placed into evidence. DCF CPI Torres, Como and I viewed the video surveillance together. It should be noted that there was no audio on the video surveillance. I made the following observations:

On 01/10/20 at approximately 1032 hours the students entered the classroom. Como explained that the students had been on the playground when it started to rain and they had to come inside early. A male student, identified by Como as [REDACTED] was the first student to enter the classroom. He was upset that they had to come inside early. He immediately walked to the far corner of the classroom and sat on the carpet

SWORN AND SUBSCRIBED BEFORE ME  SHIFFLETT, KELLY D NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10) 01/14/2020 DATE	 SIGNATURE OF ARRESTING / INVESTIGATING OFFICER HANLEY, SCOTT D (611) NAME OF OFFICER (PLEASE PRINT) 01/14/2020 DATE	PAGE 2 OF 4
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	Charge Type: Check as many as apply <input checked="" type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony		<input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 4. Traffic Misdemeanor		<input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other	

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by himself. The remaining students and the teacher, identified by Como as Estefany Acosta, entered the classroom and sat on the carpet in the far corner of the room, as well. [REDACTED] then stood up as all the other students were seated. It appeared Acosta was verbally instructing [REDACTED] to sit down. [REDACTED] was non-compliant.

At approximately 1034 hours, Acosta goes over to [REDACTED] and physically escorts him to a seated position on the carpet. Acosta moved back to her initial location on the carpet and [REDACTED] immediately stood back up. Based upon his body language and movements, it appeared [REDACTED] was very upset and continued to be non-compliant. Acosta reported to staff that [REDACTED] had spit on the carpet. She is seen pointing towards the counter and it appears she instructed him to get a paper towel to clean his spit off the carpet. [REDACTED] was non-compliant.

At approximately 1036 hours, Acosta stood up and moved toward [REDACTED] [REDACTED] attempted to quickly sit down. Acosta grabbed [REDACTED] by the upper left bicep with her right hand and lifted him off the ground. She swung him away from the wall and onto the center of the carpet. While she was standing behind him, she grabbed his upper right bicep with her right hand and his left wrist with her left hand. She then lifted him up and carried him across the room to the sink. She retrieved what appeared to be multiple paper towels. She then lifted [REDACTED] back up by both arms and carried him back to the carpet. It should be noted that there was one chair in the room and at no time does [REDACTED] leg strike that chair.

At approximately 1037 hours, Acosta puts [REDACTED] down on the carpet. She is bent down over [REDACTED], who appears to be face down. Her left knee is bent at a 90-degree angle and elevated. Her right knee is bent at a 90-degree angle and is resting on the carpet. It appeared that her right knee landed on top of [REDACTED] right leg, as she was initially kneeling on the carpet.

At approximately 1038 hours, Acosta sits back down on the carpet. [REDACTED] is seated in front of her holding his lower right leg. Acosta appears to lean over and be attentive to [REDACTED] injury. At approximately 1039 hours, administrative staff member, identified by Como as Sheila Baumann, entered the classroom. She approached the carpet area where Acosta and the children were seated. They have a brief conversation, and are both seen motioning to the metal chair close by, presumably this is when Acosta mentioned that [REDACTED] kicked the chair. Acosta then picked [REDACTED] up and placed him on a padded table in the classroom. It should be noted that [REDACTED] was standing and moving on his right leg, until Acosta is seen standing over him on the carpet. After she moves, he is immediately seen holding his leg and does not stand or put weight on the leg.

Como provided a copy of an Accident/Injury Report Form dated 1/10/20 for [REDACTED]. The form indicated that his right leg was injured. It says that the injury

A D M I N I S T R A T I V E	SWORN AND SUBSCRIBED BEFORE ME <i>Sgt K Shifflett</i> SHIFFLETT, KELLY D NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)		<i>[Signature]</i> SIGNATURE OF ARRESTING / INVESTIGATING OFFICER HANLEY, SCOTT D (611) NAME OF OFFICER (PLEASE PRINT)	
	01/14/2020 DATE		01/14/2020 DATE	

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	Charge Type: Check as many as apply		Special Notes:		Race W		Sex F	

D E F	Name (Last, First, Middle) ACOSTA, ESTEFANY DE LOS ANGELES				Alias		Date of Birth 01/25/1995	

occurred when [REDACTED] was wiping the rug and Miss Estefany knelt down to help him and her leg pressed down on his leg." The first aid treatment provided was ice applied. The injury report was signed by Estefany Acosta.

On 01/14/20 I contacted Estefany Acosta telephonically. She voluntarily agreed to come to the Boca Raton Police Department. On 01/14/20 Det. Alvarez and I conducted a video recorded interview with Estefany Acosta at the Boca Raton Police Department. Acosta was read her Constitutional Warnings in Spanish and English prior to the interview. A copy of the interview and both Constitutional Warnings were placed into evidence. She was cooperative and the following is a brief synopsis of the information Acosta provided.

Acosta has been employed at the Early Learning Academy since November of 2019. She is a teacher for the early 3-year-old class. On 01/10/20 she was teaching a class with student [REDACTED]. [REDACTED] was upset when she got to work. After they entered the classroom, she confirmed that he was non-compliant and misbehaving. She initially attempted to gain his compliance to classroom rules verbally. She even took out her cellular phone and threatened to take a video of him and send to his mother.

[REDACTED] continued to misbehave and was spitting on the carpet and himself. Acosta instructed him to go and get paper towels to clean up himself and the carpet. He again refused. Acosta admitted that she picked him up by the arms in a manner consistent with what was captured on video and carried him to the counter. She retrieved paper towels and then picked [REDACTED] up again by the arms, consistent with what was on video and carried him back to the carpet. She placed [REDACTED] face down on the carpet, where he refused to clean up the spit. She had him positioned on the carpet between her legs because she wanted him to see how she was cleaning, for future reference.

Acosta admitted that the manner in which she picked up [REDACTED] was inappropriate, dangerous and could have led to him being seriously injured. Acosta denied knowing how [REDACTED] leg was injured. I pointed out to Acosta that he was standing up in defiance to her wanting him to sit down and was not in any pain or distress at that time, until after she is seen over top of him after she placed him face down on the carpet between her legs, while she was kneeling over wiping the carpet with paper towels. He then immediately sits up and is seen holding his lower right leg. She continually denied causing the leg injury. Additionally, she denied telling Early Learning Academy staff that he had received the injury because he kicked a chair.

Based upon the above information and investigation, probable cause exists to charge Estefany De Los Angeles Acosta (D.O.B. 01/25/95) with child abuse contrary to F.S.S. 827.03 (1) (b).

SWORN AND SUBSCRIBED BEFORE ME
Kelly D Shifflett
SHIFFLETT, KELLY D
NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)
01/14/2020
DATE

Scott D Hanley
SIGNATURE OF ARRESTING / INVESTIGATING OFFICER
HANLEY, SCOTT D (611)
NAME OF OFFICER (PLEASE PRINT)
01/14/2020
DATE



Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	<input type="checkbox"/>	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	<input type="checkbox"/>	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	<input type="checkbox"/>	119.071(4)(c)	Undercover personnel.	
	<input type="checkbox"/>	119.071(2)(f)	Confidential informants (CIs).	
	<input type="checkbox"/>	119.071(2)(e)	Confession.	
Public Info. Exemptions	<input type="checkbox"/>	985.04(1)	Juvenile offender records.	
	<input type="checkbox"/>	119.071(h)(i)	Assets of a crime victim.	
	<input type="checkbox"/>	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	<input type="checkbox"/>	394.4615(7)	Mental health information.	
	<input type="checkbox"/>	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)	<input checked="" type="checkbox"/>	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	<input type="checkbox"/>	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	<input type="checkbox"/>	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	<input type="checkbox"/>	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2020001596	Date: 1/14/2020
	Specialist Name/ID: J. Beck/9007