

RE: CASE # 2015-004037

JUVENILE – JACOB BERNSTEIN

**AFFIDAVIT OF CANDICE BERNSTEIN**

(STATE OF FLORIDA)

(COUNTY OF PALM BEACH)

BEFORE ME, the undersigned authority, personally appeared Candice Bernstein, who was duly Sworn, deposes and says:

1. My name is Candice Bernstein. I am over 18 years of age, sui juris, and have personal Knowledge of the facts and matters contained herein.
2. I am the mother and natural guardian of my son, Jacob Bernstein.
3. I received a call on March 20, 2015 at approximately 10:30pm from a police officer that I needed to pick up my son Jacob from the Marshall home in Woodfield Country Club in Boca Raton.
4. When I arrived there was man screaming and shouting and very upset in the driveway of the home and many children scattering from a home. I was afraid and confused at what I was arriving to and quickly made contact with an officer that informed me everything was ok and not to worry, the man was the owner of the home and he was very upset.
5. He continued to tell me the circumstances that led to him calling me. That there had been a house party that had gotten out of control and that hundreds of kids had been there. He told me my son Jacob was there and walked out of the front door after the police had arrived and instructed everyone to go.
6. The officer informed me Jake had a red cup in his hand and when he asked Jacob what was in the cup, Jake had said “nothing” and the police officer gestured to show me how Jake turned and tilted the cup over to show the officer there was nothing in the cup. The officer stated he thought Jake was being smart with him. The officer told me “Your son had an answer for everything” and took it that Jake was not being respectful.
7. I informed the officer how sorry I was and disappointed and that our family has great respect for police officers as my husband was in a horrible car accident at 19 years old and his life was saved by police officers who were first on the scene. I explained this behavior did not sound like Jacob who is a very responsible and respectful young man, student and athlete. Jacob has never been in any trouble at school or elsewhere. He is a starting varsity athlete as a sophomore and works very hard to maintain his good grades, sports, and training.

8. I asked what the problem was and the officer said that there were hundreds of kids in the house and signs of drinking and marijuana and our son had a red cup that he thought might have had alcohol in it. We offered to have our son breathalyzed as we wanted to know too and he said there was no need. He also mentioned that Jacob had also offered to do a breathalyzer the officer told Jacob it was not necessary.
9. The police officer explained to me that this was a good lesson for Jacob to learn and the importance of having respect for police officers and others. The police officer told me that he would have let Jacob go if he had a different attitude.
10. He also mentioned that Jacob was incredibly apologetic, scared and tearful after he realized the officer was taking this very seriously.
11. The police officer asked for my license and came back with a piece of paper with a phone number for a woman that would call and explain the situation and Jacob would most likely be assigned community service hours at worst.
12. That night after we got home, my husband and I had a very long talk with Jacob. He was very upset and did not understand what had happened and why the officer was upset with him. We looked at the ticket and were shocked to learn that the police officer had written a ticket for possession of alcohol when there was nothing in his possession and he had never mentioned that to either me or my husband.
13. We asked Jacob again and told him the police officer stated on the ticket he was in possession of alcohol. Jacob stated he did not have any alcohol or drink any alcohol and told the officer when asked what was in his cup that nothing was and showed him by tilting it over to show him nothing was in it. Jacob said the officer asked him again after taking the cup and he told him he was only drinking Sprite.
14. According to Jacob he started looking for his phone in his clothes to call us and the police officer then became very upset with him and thought he was reaching for something in his pockets, Jacob said he was very scared when he then handcuffed him.
15. The officer asked Jacob if he had his license and Jake told him it was in his wallet phone case that had been placed on the car.
16. The officer stated he was calling his parents and Jacob gave them our number.
17. Jacob had had a varsity game that night at Spanish River that ended about 9:30p.m., he is a Sophomore Varsity Player and after the game he went home, ate and showered when he got a call from a girl that he had just ended a long term relationship with to come to this house because she wanted to talk to him.
18. Jacob said he arrived to the house where the party was at about 10:00pm and was very tired, sore and drained from his game. Their conversation became very emotional and trying for Jacob and he wanted to go home. Jacob explained he was tired and now upset over being there in the first place when he would have rather just stayed home.
19. Jacob thought the officer may have thought his being upset about his girlfriend was disrespect and he apologized to the officer for any misunderstanding where he may have appeared in any way non cooperative.
20. Approximately a week later, I received a call from Jennifer Shulman with the juvenile program for the Boca Raton Police Department. She explained the first offender program and the basic

requirements that for one year Jacob would be on a probation type program and needed to call in weekly and check in that he was staying out of trouble as well as community service or other various consequences decided by his peers. I became a little confused as I was under the impression that Jacob was not in trouble and that it was only to teach him a lesson for what the officer thought was a lack of respect.

21. Jennifer then explained that Jacob was charged with possession of alcohol by a minor and this was the standard for the first offender program. I was shocked and really became confused and explained to her that there must be some kind of misunderstanding or mistake. I told her that it was explained to me that Jacob had an empty red cup in his hand but I was never informed by the officer he was being charged with possession as the officer had stated there was nothing in the cup himself. I thought the ticket was a warning up to that time and that the juvenile officer would give him some community service when she called for his being what the officer said was disrespectful. She suggested I go to the station and get a copy of the police report.
22. The next day I picked up the report and after reading it, it became clear that there must have been a misunderstanding in how the report reads. The officer told me and showed me how Jacob showed him the cup was empty. The officer that evening made no mention of Jacob "dumping out" a cup in front of him or any mention of alcohol in the cup. The officer's primary concern expressed to be was Jacob's attitude that evening.
23. I spoke with Jacob again as we went through the police report and addressed the comment regarding "Bud Light" beer in the cup. Jacob told me he did not say "Bud Light" he told him he was drinking a Sprite as he told us the night of the incident.
24. At that point it became clear that there may have been a simple misunderstanding that took place that led to the police officer arresting Jacob and Jacob's resulting confusion at was going on and resulting fidgety behavior that followed. When the officer put him in handcuffs and he could not understand why he became very afraid.
25. I believe this incident was a simple mistake during a semi-chaotic event with hundreds of kids. I agree the first offender program is an amazing opportunity for someone to accept responsibility for breaking a law and a great way to learn by paying a consequence. I would be the first person to enroll Jacob in this program and grateful for the opportunity if I believe he had broken a law and it was explained to me that he had broken a law that evening. I have a hard time explaining to Jake to falsely state to possession of alcohol, when he was not in possession of alcohol and did not drink any alcohol.
26. Jacob has never lied to me and has no reason to start lying to me now, especially with the opportunity to have this incident removed from his record through the program offered. The fact that Jacob was upset over other matters and let that emotion display itself as disrespectfulness to a police officer is not acceptable and something we do not take lightly in our home. The fact that he was at a home party where the police needed to be called is something else we take very seriously and have discussed at length with Jacob all the problems associated with that kind of environment.
27. We were surprised at seeing the incident report that no other arrests were made that evening as the officer claims to have seen over one hundred people doing drugs and alcohol.

28. Jacob has never in his life been in any trouble at home, at school or on any sports teams he plays and he is a top athlete in two sports in school, takes his body very seriously, is a vegetarian and has very little time for any social life outside of school, sports, and travel teams. He is focused on his future and works hard to get good grades and his teachers all find him to be a lovable person as do his family and friends.

29. I think the best way to resolve this issue is to have Jacob explain the situation and the misunderstanding that took place that night to a Judge or Jury and have the opportunity to explain his side as to what led to the events that evening. We have to agree with Jacob's decision to tell the truth and not falsely admit to something he did not do and so I support Jacob's decision after being advised about what can happen if he is found guilty despite whether he did it or not when there is the other option.

30. I thank you for your time, efforts and consideration in this matter regarding my son, Jacob Bernstein.

FURTHER AFFIANT SAYETH NAUGHT.



CANDICE BERNSTEIN

Subscribed and sworn to before this 7 day of May, 2015, by CANDICE BERNSTEIN,  
[ ] who is personally known to me or W who has produced A FL DRIVER LICENSE as  
Identification, and who did take an oath.

  
NOTARY PUBLIC

My Commission Expires:



Lance A. Chaney  
Notary Public  
State of Florida  
My Commission Expires 04/06/2018  
Commission No. FF 110089