




PROBABLE CAUSE AFFIDAVIT

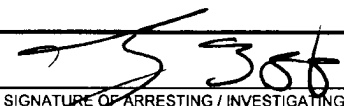
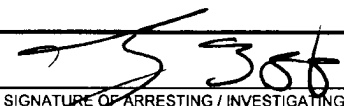
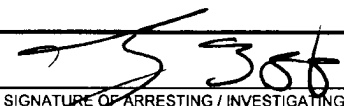
1. Arrest  
2. N.T.A.  
3. Request for Warrant  
4. Request for Capias

1

JUVENILE

A D M I N	OBTS Number		Agency ORI Number <b>FL 0501700</b>		Agency Name <b>JUPITER POLICE DEPARTMENT</b>		Agency Report Number <b>5   4   21-000239</b>		
	Charge Type: Check as many as apply		Special Notes:						
D E F	Name (Last, First, Middle) <b>VAN TONDER, DANIEL JACOBUS</b>						Race <b>W</b>	Sex <b>M</b>	Date of Birth <b>04/04/1989</b>
	Charge Description <b>316.193(3)(C)(1) DUI - DAMAGE TO PERSON/PROPERTY</b>		Charge Description						Charge Description
V I C T I M	Victim's Name (Last, First, Middle) <b>State Of Florida</b>						Race	Sex	Date of Birth
	Local Address (Street, Apt. Number)		(City)	(State)	(Zip)	Phone		Address Source	
	Business Address (Name, Street)		(City)	(State)	(Zip)	Phone		Occupation	
P R O B A B L E C A U S E	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... <input type="checkbox"/> committed the below acts in my presence. <input type="checkbox"/> was observed by _____ who told _____ that he/she saw the arrested person commit the below acts. <input type="checkbox"/> confessed to _____ admitting to the below facts. <input checked="" type="checkbox"/> was found to have committed the below acts, resulting from my (described) investigation.								
	On the <u>21</u> day of <u>January</u> , <u>2021</u> at <u>22:48</u> (Specifically include facts constituting cause for arrest.)  On 1/21/2021 at approximately 2248 hrs, I responded to the area of S Central Boulevard and W Frederick Small Road, Jupiter, FL, in reference to a report of a crash with possible injuries. Prior to my arrival, both PFC Flesch and Officer Noble arrived on scene. Upon my arrival, I observed a grey Hyundai Sante Fe, bearing FL tag JHG-Y35, at final rest after it had apparently crashed head first into a tree in the center grassy median of the roundabout. I observed a male subject now identified Daniel Van Tonder (DEFENDANT), seated just west of the vehicle, sitting on the curb. He was wearing a white dress shirt and khaki pants with brown dress shoes. His white dress shirt was covered in blood. Van Tonder had a cut to his lower right lip and red marks on his cheeks that appeared to be from being struck by an airbag. The vehicle's engine compartment was still smoking and had multiple air bags deployed. I did not observe anyone else on foot in the area or on the scene. The vehicle is registered to Van Tonder. Upon making contact with Van Tonder I observed numerous indicators of possible impairment. He had a strong odor of unknown alcoholic beverage emitting from his person which intensified as he spoke. He had red, glassy bloodshot eyes. He spoke with slurred speech and a South African accent. For details of the crash investigation, please refer to my long form crash report. It was determined that the vehicle needed to be towed from the scene. Prior to the vehicle being towed an inventory was conducted of the vehicle. I observed standing outside the vehicle, in plain view, a wine glass with a yellow liquid residue consistent with wine in the bottom. In the driver's door handle was an opened, still cold to the touch and fully drank White Claw seltzer. After I discovered the open containers Van Tonder aggressively began to yell at me from the other side of the vehicle that he was upset about me retrieving the open containers from his car. He had to be sternly instructed to walk away from the vehicle and sit on the curb, as an investigation was being conducted. At this point I advised Van Tonder that my crash investigation was now over and I would be conducting a criminal DUI investigation. I read him his Miranda								
A D M I N I S T R A T I V E	SWORN AND SUBSCRIBED BEFORE ME								
	_____ <b>RALEIGH, ELIZABETH</b> NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10) <u>01/22/2021</u> DATE				_____ SIGNATURE OF ARRESTING / INVESTIGATING OFFICER <b>MCGILICUDDY, STEVEN (1216)</b> NAME OF OFFICER (PLEASE PRINT) <u>01/22/2021</u> DATE				
								PAGE <b>1 OF 3</b>	

OBTS Number A D M I N D E F P R O B A B L E C A U S E S T A T E M E N T	<b>PROBABLE CAUSE AFFIDAVIT SUPPLEMENT</b>	1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias	<b>1</b>	JUVENILE	
Agency ORI Number <b>FL 0501700</b>		Agency Name <b>JUPITER POLICE DEPARTMENT</b>		Agency Report Number <b>5   4   21-000239</b>	
Charge Type: Check as many as apply. <input type="checkbox"/> 1. Felony <input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 2. Traffic Felony <input checked="" type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 6. Other				Special Notes:	
Name (Last, First, Middle) <b>VAN TONDER, DANIEL JACOBUS</b>			Race <b>W</b>	Sex <b>M</b>	Date of Birth <b>04/04/1989</b>
<p>rights from a prepared card, which Van Tonder acknowledged that he understood. I asked Van Tonder how much he had to drink tonight and he stated that he had "three beers". I asked him on a scale from 1-10 of impairment, with 1 being sober and 10 being the most intoxicated where he would place himself. He stated that he was a 2. I asked for Van Tonder to voluntarily remove his shirt so that I could check him for additional injuries and check his left shoulder. Upon Van Tonder opening his shirt I observed a red diagonal seatbelt mark on his upper left chest, which was clearly made by the driver's seat belt at time of impact during the crash. I advised Van Tonder that he was showing numerous indicators of possible impairment and asked if he would participate in field sobriety exercises. He consented. The exercises were conducted on the sidewalk adjacent to the roundabout. Just before starting the exercises I asked Van Tonder when his last drink was. He stated "hour...no a lie, that's a bullshit story, 30 minutes."</p> <p><b>HORIZONTAL GAZE NYSTAGMUS</b></p> <ul style="list-style-type: none"> <li>-No resting nystagmus in either eye</li> <li>-Equal tracking and pupil sizes</li> <li>-Lack of smooth pursuit in both eyes</li> <li>-Distinct and sustained nystagmus at maximum deviation in both eyes</li> <li>-Onset of nystagmus prior to forty five degrees in both eyes</li> <li>-No vertical nystagmus in either eye</li> <li>-Other observations: Noticeable sway. Moved head several times and had to be reminded to look at the light.</li> </ul> <p><b>WALK AND TURN</b></p> <ul style="list-style-type: none"> <li>-Lost balance in starting position</li> <li>-Started too soon</li> <li>-1st set: Stepped off the line on steps, 3, 4 missed heel to toe on step 4. Stopped while walking between every step.</li> <li>-Did an improper turn by swinging his left foot around clockwise.</li> <li>-2nd set: Stepped off the line on step 1, 2.</li> <li>-6 of 8 clues</li> </ul> <p><b>ONE LEG STAND</b></p> <ul style="list-style-type: none"> <li>-Swayed throughout the exercise</li> <li>-Put foot down on his count of 1006, 1007. He then tried picking his leg up two times and then immediately put it back down.</li> <li>-Used arms for balance</li> <li>-2 of 4 clues</li> </ul> <p><b>FINGER TO NOSE</b></p> <ul style="list-style-type: none"> <li>1L: Pad to tip, did not put finger back down</li> <li>2R - Did not put finger down</li> <li>3L - Pad to tip, did not put finger down,</li> </ul>					
SWORN AND SUBSCRIBED BEFORE ME					
_____ <b>RALEIGH, ELIZABETH</b> <small>NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)</small>			 _____ <b>MCGILlicuddy, STEVEN (1216)</b> <small>NAME OF OFFICER (PLEASE PRINT)</small>		
_____ <b>01/22/2021</b> <small>DATE</small>			_____ <b>01/22/2021</b> <small>DATE</small>		
PAGE <b>2 OF 3</b>					

A D M I N S T R A T I V E	OBTS Number  Agency ORI Number <b>FL 0501700</b> Agency Name <b>JUPITER POLICE DEPARTMENT</b> Charge Type: <input type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 3. Misdemeanor <input checked="" type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other	<b>PROBABLE CAUSE AFFIDAVIT SUPPLEMENT</b>	1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias  <b>1</b> JUVENILE		
	Agency Report Number <b>5   4   21-000239</b>		Special Notes:		
	Name (Last, First, Middle) <b>VAN TONDER, DANIEL JACOBUS</b>	Alias	Race <b>W</b> Sex <b>M</b> Date of Birth <b>04/04/1989</b>		
P R O B A B L E	<p>4R - Did not put finger down 5R - Did not put finger down 6L - Pad to tip, did not put finger down</p> <p><b>MODIFIED RHOMBERG BALANCE</b> -Estimated the passage of 30 seconds in 15 seconds. This was done in place of Rhomberg alphabet as Van Tonder advised that he did not know the alphabet from A to Z. Based on my investigation, observation and the totality of the circumstances, I have probable cause to believe that Daniel Van Tonder was in actual physical control of a vehicle while under the influence of an alcoholic beverage, chemical or controlled substance, and while under such influence did cause a crash with property damage to another (tree owned by Town of Jupiter), contrary to F.S.S. 893.13 (3)(C)(1). I placed Van Tonder under arrest at 2315 hrs.</p> <p>Due to Van Tonder's injuries I transported him to the Jupiter Medical Center for medical clearance treatment at approximately 2326 hrs. Once inside of an emergency treatment room, Van Tonder advised medical staff that he was refusing all treatment and did not want to be touched. Due to his non-cooperation, the hospital advised that they needed to observe him and that it would likely be several hours before being cleared. Due to this information I determined that obtaining a lawful sample of breath from Van Tonder would be impossible and impractical. I advised Van Toner of this and asked for him to submit to a lawful test of his breath. Van Tonder refused. I then read him the blood implied consent from a prepared card, which he advised he understood. I again asked for him to submit to a blood test and he again refused, with a marked refusal time of 2355 hrs.</p> <p>I completed Van Tonder's paperwork and then booked him into the County Jail. He was given a criminal court date of 2/24/2021 at 0830 hrs. VEHICLE-1 was towed from the scene by North County Towing. BWC.</p>				
S T A T E M E N T	SWORN AND SUBSCRIBED BEFORE ME  <table style="width:100%;"> <tr> <td style="width:50%; text-align: center;"> <b>RALEIGH, ELIZABETH</b>  <small>NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)</small>   <b>01/22/2021</b>  <small>DATE</small> </td> <td style="width:50%; text-align: center;">   <small>SIGNATURE OF ARRESTING / INVESTIGATING OFFICER</small>  <b>MC GILLICUDDY, STEVEN (1216)</b>  <small>NAME OF OFFICER (PLEASE PRINT)</small>  <b>01/22/2021</b>  <small>DATE</small> </td> </tr> </table>			<b>RALEIGH, ELIZABETH</b> <small>NOTARY PUBLIC / CLERK OF COURT / OFFICER (F.S.S. 117.10)</small>  <b>01/22/2021</b> <small>DATE</small>	 <small>SIGNATURE OF ARRESTING / INVESTIGATING OFFICER</small> <b>MC GILLICUDDY, STEVEN (1216)</b> <small>NAME OF OFFICER (PLEASE PRINT)</small> <b>01/22/2021</b> <small>DATE</small>
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			PAGE <b>3 OF 3</b>		

# WITNESS LIST

CASE NUMBER: 21-000239

ARRESTING OFFICER: S. McGillicuddy

ADDRESS: 196 Military Trl. Jupiter, FL 33458

PHONE NUMBERS (HOME): \_\_\_\_\_ (WORK) (561) 746-6201

CAN TESTIFY TO: PC

NAME: PCF Flesch

ADDRESS: 196 Military Trl, Jupiter FL 33458

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: Backup on Investigation

NAME: Ofc Noble

ADDRESS 196 Military Trl, Jupiter FL 33458

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: \_\_\_\_\_

NAME: \_\_\_\_\_

ADDRESS \_\_\_\_\_

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ADDRESS \_\_\_\_\_

PHONE NUMBERS (HOME) \_\_\_\_\_ (WORK) \_\_\_\_\_

CAN TESTIFY TO: \_\_\_\_\_

NOT A CERTIFIED COPY

SUBJECT: **Van Tonder, Daniel**

CASE NUMBER: 21-000239

**IMPLIED CONSENT FOR DUI IN A MOTOR VEHICLE**

**NOTE: READ ONLY THE PARAGRAPH APPLICABLE TO THE TYPE OF TEST YOU ARE REQUESTING.**

I am now requesting that you submit to a lawful test of your BREATH for the purpose of determining its alcohol content.

-OR-

I am now requesting that you submit to a lawful test of your URINE for the purpose of detecting the presence of chemical or controlled substances.

-OR-

I am now requesting that you submit to a lawful test of your BLOOD for the purpose of detecting its alcohol content and the presence o chemical or controlled substances.

**NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST**

I am Officer S. McGillicuddy of the Jupiter Police Department

If you fail to submit to the test I have requested of you, your privilege to operate a motor vehicle will be suspended for a period of one (1) year for a first refusal, or eighteen 18 months if your privilege has been previously suspended as a result of a refusal to submit to a lawful test of your breath, urine or blood. ~~Additionally, if you refuse to submit to the test I have requested of you and if your driving privilege has been previously suspended for a prior refusal to submit to a lawful test of your breath, urine or blood, you will be committing a misdemeanor. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.~~

SUBJECT'S SIGNATURE: Read on Camea Van Tonder, Daniel

**CONSTITUTIONAL WARNINGS**

**I AM REQUIRED TO WARN YOU BEFORE YOU MAKE ANY STATEMENTS THAT YOU HAVE THE FOLLOWING RIGHTS:**

You have the right to remain silent and not answer any questions.

Any statement must be freely and voluntarily given.

You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.

If you cannot afford a lawyer, you are entitled to the presence of a court appointed lawyer before you make any statements and during any questioning.

If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.

I can make no threats or promises to induce you to make a statement. This must be of your own free will.

Any statement can and will be used against you in a court of law.

SUSPECT'S SIGNATURE: Read on Camera Van Tonder, Daniel

STATE OF FLORIDA  
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES  
AFFIDAVIT OF REFUSAL TO SUBMIT TO  
**BLOOD TEST**

I, Officer S. McGillicuddy, a duly certified Law Enforcement Officer or Correctional Officer,  
(Name of Officer reading Implied Consent Warning)

am a member of Jupiter Police Department, and I do swear  
(Name of law enforcement agency)

or affirm that on or about the 21st day of January, 20 21, at 2326  P.M.  A.M.

DRIVER Daniel Van Tonder,  
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# V535170891240, state of Florida, appeared for treatment at a hospital,  
clinic, or other medical facility pursuant to s. 316.1932(1)(c), Florida Statutes, and a breath or urine test was impossible or impractical.

That on or about the 21st day of January, 20 21, at 2355  P.M.  A.M.  
in Palm Beach County,

I requested that the driver submit to a **blood test** to determine his or her blood alcohol level and/or the presence of chemical or controlled substances in his or her blood. I informed the driver that refusal to submit to a blood test would result in the suspension of his or her driving privilege for a period of one (1) year for a first refusal, or for a period of eighteen (18) months if his or her driving privilege had been previously suspended for refusing to submit to a breath, urine or blood test. I also informed the driver that if he or she holds a CDL, or was operating a CMV, refusal would result in the disqualification of the Commercial Driver's License/driving privilege for a period of one (1) year in the case of a first refusal or permanently if he or she had been previously disqualified as a result of a refusal to submit to a breath, urine or blood test. The driver nonetheless refused to submit to a blood test.

[Signature]  
Signature of Law Enforcement Officer or  
Correctional Officer

**THE AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO (F.S. 117.10)**

The foregoing instrument was sworn and subscribed before me:

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before  
me this \_\_\_\_\_ day of \_\_\_\_\_, 20 20,  
by Officer S. McGillicuddy,  
who is personally known to me or who has produced  
Personally Known as identification

Notary Public \_\_\_\_\_

HSMV-BAR1002 (REV. 10/16)

Signature of Attesting Officer

Title \_\_\_\_\_

Date \_\_\_\_\_

Note: Mail or hand deliver to the designated Bureau of Administrative Reviews office, Department of Highway Safety and Motor Vehicles, with the driver's license, the appropriate copy of the UTC, and the probable cause affidavit.



**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"/>			
	<input type="checkbox"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2021001795	Date: 01/22/2021
	Specialist Name/ID: C. Denzel/8691