

0520734
Arrest Report

21-CT-513

3724

FLORIDA HIGHWAY PATROL
 P.O. BOX 540007, GREENACRES, FL 33454

Report Date / Time 1/12/2021 01:38 PM	Report Number FHP99ARR757147	Case Number/Cad Number FHPL21OFF002103 / LWRC21CAD006232	Reporting Officer Name J.J. AIME
Originating Agency ORI	Occur Date Time Range 01/12/2021 10:06:39 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description I-95 SB / PALM BEACH LAKES
Street Number I-95 SB	Street	Apt/Lot/Bldg WEST PALM BEACH
City	State FL	Zip Code 33401

Defendant

First Name DAVID	Middle Name MICHAEL	Last Name BOSHES	Suffix	Race WHITE	Sex MALE	Height 508	Weight 145	Hair BLK	Eyes HAZ
MNI #	SSN	Date of Birth 12/04/1991	Age 29	ID Type E	Drivers License or other ID B220173914441	State FL	OCA / Agency ID		
Place of Birth: USA UNITED STATES Chicago, IL									
Address * RESIDENCE / 60 FLAMINGO DR, BOYNTON BEACH, FL 33435 /									

Arrest

Arrest Date/Time 1/12/2021 10:12:00 AM	Arrest Location Type PUBLIC PLACE	Arrest Location Description I-95 SB / PALM BEACH LAKES BLVD
Street Number	Street	Apt/Lot/Bldg
County PALM BEACH	City WEST PALM BEACH	State FL
Zip Code 33407		

Charge :

Counts	Charge	Bond Amount	<input type="checkbox"/> No Bond
Charge Degree	Charge Level	General Offense Code	
Charge Description			

Charge : S

Counts 1	Charge 316.193.3c1	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree F	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BL	
Charge Description DUI AND DAMAGE PROPERTY			
Is Arrestee Juvenile?			No

FILED
 JAN 13 2021
 JOSEPH ABRUZZO, CLERK
 PALM BEACH COUNTY, FL

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Type of Arrest	On-View Arrest (apprehension without a warrant or previous incident report)
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Bond Set by Court	
<input checked="" type="checkbox"/> Bond Amount	<input type="checkbox"/> No Bond
Bond Type(s)	

Probable Cause

On Tuesday, the twelfth day of January, 2021, at approximately 10:06 AM, I Trooper Aime ID# 905/2921 was on routine patrol within the city limits of Jupiter, Palm Beach County, Florida. Dispatch came over the in-car radio and advised of a possible highway violence, occurring on southbound Interstate 95 (State Road 9), north of Palm Beach Lakes Blvd on the outside grassy shoulder. Upon my arrival, I observed three males on the ground. A white male and black male, holding down another white male, in attempt to prevent him from regaining possession of his vehicle as they suspected him of being under the influence, after colliding into one of the male's vehicle.

We later identify the three males using their Florida driver's license # L000630834280, as Mr. Nickolas Jay Lee (driver number two), #B220173914441 as Mr. David Michael Boshes (driver number one) and Spencer Oock as passing motorist/witness.

As we approached, Spencer and Nickolas, stepped back and Mr. Boshes was detained.

Upon interviewing the three subjects, we found out that this incident occurred due to a collision in which the at fault driver (Mr. Boshes), stopped and wanted to pay for the damages on the spot. The driver of V-02(victim), declined because the vehicle is company vehicle and wanted a report. Then, the driver of V-01, attempted get back in his vehicle and was restricted from doing that by Mr. Spencer and Mr. Nickolas as they believed he was intoxicated. Per the driver of V-02, Mr. Boshes later tried to flee on foot and at which time, he was detained by the two gentlemen.

As I spoke with Mr. Boshes, I could visibly observe him to be unstable on his feet, swaying, eyes were glossy, and pupils were contracted.

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I then advised Mr. Boshes that I was going to have sit in my patrol vehicle and removed the cuffs as he was not under arrest at this time. Mr. Boshes stated ok and I placed Mr. him in the back of my patrol vehicle, as I began the crash investigation. As I started, Mr. Boshes uttered that he had a long night with another woman and continued to talk (see video). After completion of the crash investigation, I handed the driver of V-02 his copy, and then drove off the Interstate to a safer location to continue the investigation for DUI.

We went to a parking lot just west of the interstate on Palm Beach lakes Blvd. Upon arrival, the lines were with doubled. I advised Mr. Boshes to ignore the second line and that we're only using one line, which he was already standing on and he stated that he understood. There, I checked Mr. Boshes eyes for Horizontal Gaze Nystagmus. I showed him the tip of my pen which he stated that he could clearly see. I instructed him to follow the tip of my pen with his eyes and his eyes only, which he stated that he understood. However, he moved his head multiple time and had to be told not move his head.

While checking Mr. Boshes eyes, I observed

Lack of smooth pursuit on the left eye.

Lack of smooth pursuit on the right eye.

A distinct and sustained nystagmus at maximum deviation in the left eye.

A distinct and sustained nystagmus at maximum deviation in the right eye.

Onset of nystagmus, prior to 45 degrees in the left eye.

Onset of nystagmus, prior to 45 degrees in the right eye.

I also observed vertical nystagmus.

During the nystagmus phase, I observed Mr. Boshes, did not keep his arms at his sides as instructed and his eyes were red (blood shot) and glossy.

The next exercise conducted was the Walk and Turn:

The surface was flat with white lines and free of debris. I instructed Mr. Boshes to put his left foot on the line with his right foot in front, in a heel to toe manner, I instructed Mr. Boshes to take nine heels to toe steps forward, counting out loud. On the ninth step, Mr. Boshes was to take several small steps to turn around and

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take nine more steps back to the starting position. Mr. Boshes stated that he understood and was ready to begin. Mr. Boshes failed to keep his arms at his sides as instructed. Did not turn as instructed and stopped after turning and asking questions about foot placement to return. On the return, Mr. Boshes failed to keep his arms at his side as instructed.

The next exercise was the One Leg Stand:

On the one leg stand, the surface was flat and free of debris. The exercise was instructed to raise a foot of his choice, approximately six inches off the ground, with arms at his sides. He was also instructed to look at his raised foot and count out loud. Before he began, I asked him of any injuries to his legs, foot or knees, that would prevent him from safely completing this exercise and he advised that he did not have any problems with his legs and that he understood the instructions. Once began, he did not count as instructed. He counted one one thousand and so on instead of one thousand one. He failed to keep his arms at his side as instructed, using arms for balance and swaying.

The next exercise was the Finger To Nose

On the finger to nose, Mr. Boshes was instructed to stand with his feet together, arms at his sides with both arms extended outward and to touch the tip of his nose with the tip of his index fingers. He was also instructed to tilt his head back slightly and eyes closed. I also instructed him that when I call left or right hand, he was to raise his hand and touch the tip of his nose, with the tip of his index finger and then return the hand to the starting position, which he stated that he understood. When I called the left finger, he raised it and touched his nose. I then called right. He missed the tip of his nose and his finger landed on the top of his lips, below his nose.

Based on my training and experience and the totality of the circumstances, Mr. Boshes was placed under arrest for driving under the influence and transported to the Palm Beach County Jail.

Once I arrived at the testing center, I conducted a twenty-minute observation and

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at no time did Mr. Mendez regurgitate or take anything orally. I then requested a sample of his breath for the purpose of determining the alcohol content, which he declined at first. As I read him implied consent, he changed his mind and decided to provide the two samples.

This incident occurred within the city limits of West Palm Beach, Palm Beach County, Florida.

Jail Booking Facility

Booking Date/Time	Booking County PALM BEACH	Booking Facility PALM BEACH COUNTY CORRECTIONS	Booking Facility Phone (561) 688-4400
Booking Facility Location 3228 GUN CLUB ROAD WEST PALM BEACH, FLORIDA 33406			Booking Number
Booking Comments			

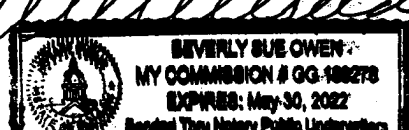
Court

Court County PALM BEACH	Court Location 3228 GUN CLUB ROAD WEST PALM BEACH, FL 33406		
Court CRIMINAL JUSTICE COMPLEX	Court Phone 561-355-2994	Court Appearance Date / Time 02-04-21(8:30)	Court Fine
Comments			

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
J.J. AIME TPR 2921	REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPLILWRCCIPALM BEACHISR804 JSOF SR702

The undersigned certifies and swears that he/she has just and reasonable grounds to believe that the above named Defendant, committed violation(s), of law, on the below date(s) and time(s), as listed in the probable cause associated with this report:

Reporting Officer

Officer Name J.J. AIME	Office Rank TPR	Officer ID No 2921	Sworn and subscribed before me, the undersigned authority This the <u>12th</u> day of <u>January</u> , <u>2021</u>
Officer Agency FLORIDA HIGHWAY PATROL			DEPUTY OF THE COURT, NOTARY OF LAW ENFORCEMENT
Officer Signature <i>J.A.</i>			

No Bill / Petition
 Issue Warrant
 Prosecution Approved

Signature of Assistant State Attorney _____ Date _____

Arrest Report

J.P. H. 5088

JAN 12 PM 3:03
SCANNED
JAN 13 2021

TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: BOSHERS, DAVID MICHAEL

DATE: 01/12/2021

BEGINNING TIME: 1159

CASE NUMBER: 21024648

VIDEO DVD NUMBER: N/A

ENDING TIME: 1214

BREATH TESTS RESULTS: 1) .195 TIME 1207 A.M. P.M. 2) .193 TIME 1210 A.M. P.M.
3) TIME A.M. P.M. 4) TIME A.M. P.M.

BREATH OPERATOR: S. Owen #3184

MAINTENANCE TECHNICIAN: J. Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH:

ATTITUDE: QUIET, CO-OPERATIVE

CLOTHING: BLACK SHOES, BLACK PANTS, JACKET AND RED CAP

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:
DEFENDANT IN ACCIDENT, HAD VERY DROOPY EYES. SAID ON CAMERA HE HAD BEEN DRINKING LAST NIGHT, BUT NOT TODAY

COMMENTS:
A/O AND DEFENDANT ARRIVED AT 1130 HOURS. A/O OBSERVED 20 MINUTES. A/O REQUESTED BREATH TEST, DEFENDANT SAID HIS LAWYER TOLD HIM TO NEVER TAKE A BREATH TEST. DEFENDANT REFUSED. A/O READ I/C, DEFENDANT UNDERSTOOD AND AGREED TO TEST. NO PROBLEM WITH TEST, TECHNICIAN EXPLAINED RESULTS. A/O READ C/W, DEFENDANT UNDERSTOOD AND REFUSED Q & A.

SCANNED
JAN 13 2021

FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT

Instrument Type: Intoxilyzer 8000
Instrument Registered To: PALM BEACH CO SO
Instrument Serial Number: 80-006476 Software: 8100.27
Date of Test: 01/12/2021

Date of Last Agency Inspection: 12/11/2020
Observation Period Began: 11:30
Subject's Name: DAVID M BOSHERS

DOB: 12/04/1991 Sex: M

The subject was observed for at least twenty-minutes prior to the administration of the breath test to ensure that the subject did not take anything orally and did not regurgitate.

Results:	Test	g/210L	Time
	Diagnostics Check	OK	12:05
	Air Blank	0.000	12:06
	Control Test	0.081	12:06
	Air Blank	0.000	12:07
	Subject Sample #1	0.195	12:07
	Air Blank	0.000	12:08
	Air Blank	0.000	12:10
	Subject Sample #2	0.193	12:10
	Air Blank	0.000	12:11
	Control Test	0.079	12:11
	Air Blank	0.000	12:12
	Diagnostics Check	OK	12:12

Cylinder Lot: 22620080A2
Exp: 10/05/2022

State of Florida, County of Palm Beach.

Personally appeared before me the undersigned authority, who () is personally known to me or () produced _____ as identification, and who after being placed under oath, states:

I SUE OWEN, hold a valid Breath Test Operator permit issued by the Florida Department of Law Enforcement, I administered the above breath test to the subject named above in accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: [Signature] Date: 01/12/2021
Signature

Sworn to (or affirmed) before me this 12th day of January, 2021
[Signature] [Signature]
Signature of Notary Public-State of Florida Printed Name of Notary Public-State of Florida

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., this completed form is admissible without further authentication and is presumptive proof of the results herein. To be used in accordance with Section 316.1934(5), F.S., and in administrative proceedings pursuant to 322.2615, F.S.

SUBJECT: BURKES, PAUL MICHAEL CASE NUMBER: F411317E10263

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 of chemical or controlled substances.

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

I am Paul Michael of the FMD-4

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: (X) Paul Michael

CONSTITUTIONAL WARNINGS

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

1. You have the right to remain silent and not answer any questions.
2. Any statement must be freely and voluntarily given.
3. You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.
4. 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.
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.

SUSPECT'S SIGNATURE: (X) Paul Michael

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JAN 13 2021

SUBJECT: WILES, David L. 1962 CASE NUMBER: FD101 31/57/1363

QUESTIONS AND ANSWERS

I AM NOW GOING TO ASK YOU SOME QUESTIONS. WITH THESE RIGHTS IN MIND, YOU MAY ANSWER SOME OF, ALL OF, OR NONE OF THE FOLLOWING QUESTIONS AS YOU LIKE.

WERE YOU OPERATING A MOTOR VEHICLE AT THE TIME OF THE STOP/ACCIDENT? _____

WHERE WERE YOU GOING? _____

WHAT STREET OR HIGHWAY WERE YOU ON? _____

DIRECTION OF TRAVEL? _____ WHERE DID YOU START? _____

WHAT TIME DID YOU START? _____ WHAT TIME IS IT NOW? 10:10

WHAT IS TODAY'S DATE? _____ WHAT DAY OF THE WEEK IS IT? _____

WHAT COUNTY AND CITY ARE YOU IN NOW? _____

WHEN DID YOU LAST EAT? _____ WHAT DID YOU EAT? _____

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? _____

HOW MUCH DO YOU WEIGH? _____ HAVE YOU BEEN DRINKING? _____ WHAT? _____

HOW MUCH? _____ WHERE? _____ WITH WHOM? _____

WHEN DID YOU HAVE YOUR FIRST DRINK? _____ AND YOUR LAST DRINK? _____

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? _____

CAN YOU FEEL THE EFFECTS OF THE ALCONOL? _____ ARE YOU UNDER THE INFLUENCE? NO

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? _____ HOW MUCH? _____

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? _____ WHEN DID YOU LAST WORK? _____

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? _____ WHAT? _____

ARE YOU SICK OR INJURED? _____ WHAT'S WRONG? _____

DO YOU LIMP? _____ DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? _____

WERE YOU IN AN ACCIDENT TODAY? _____

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? _____ WHEN? _____

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? _____ WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? _____ WHAT? _____ WHEN? _____

- DO YOU HAVE:
- EPILEPSY? _____
 - GLASS EYE? _____
 - FALSE TEETH? _____
 - EAR INFECTION? _____
 - INNER EAR TROUBLE? _____
 - DIABETES? _____

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? _____

DO YOU TAKE INSULIN? _____ IF SO, WHEN WAS YOUR LAST INJECTION? _____

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? _____ WHERE? _____

INTERVIEWER: _____

SCANNED
JAN 13 2011



**PALM BEACH COUNTY SHERIFF'S OFFICE
DUI TESTING FACILITY
INFORMATION SHEET**

PBSO CASE # 21024648 PBSO ZONE 1-11

AGENCY CASE # FHPL21OFF00203 CRASH CASE # _____

TIME OF STOP/CRASH 10:06 AM DATE 1/12/2021 DAY Tuesday

SUBJECT'S NAME David Michael Bostes RACE White SEX Male

HGT 508 WGT 145 lbs DOB 12/4/91

LOCATION Interstate 95 SB

ARRESTING OFFICER'S NAME & ID Jean J. Aime (2921) AGENCY FHP

DIVISION: L

NOTIFIED BY COMMO YES

ARRIVAL AT FACILITY 10:30 AM

Arrest Time 11:12 AM

BREATH RESULTS:

1. .195
2. .193
3. /
4. /

TESTING OFFICER'S ID 3184

NOT A CERTIFIED COPY

SCANNED
IAN 13 2021



**PALM BEACH COUNTY
SHERIFF'S OFFICE**
Florida State Statute Exemption Sheet

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

REVIEW COMPLETED BY

Booking Number: 2021000932	Date: 01/13/2021
	Specialist Name/ID: T Howard/7185

SCANNED
JAN 13 2021