

0449256

50-2020-CT 009733 -ASB

PC# 3676



# Arrest Report

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

Report Date / Time 8/12/2020 04:14 PM	Report Number FHP99ARR784075	Case Number/Cad Number FHPL20OFF044192 / LWRC20CAD118450	Reporting Officer Name M.W. MCDONOUGH
Originating Agency ORI	Occur Date Time Range 08/12/2020 14:46:04 -	Jurisdiction	Clearance

### Location of Occurrence

County PALM BEACH	Location Type OTHER	Location Description SB INTERSTATE-95 EXIT TO SR 798			
Street Number	Street SB INTERSTATE-95	Apt/Lot/Bldg	City BOCA RATON	State FL	Zip Code 33444

### Defendant

First Name GARY	Middle Name ROY	Last Name PHILCOX	Suffix	Race WHITE	Sex MALE	Height 507	Weight 200	Hair Brown	Eyes Blue
MNI #	SSN [REDACTED]	Date of Birth 07/23/1957	Age 63	ID Type A	Drivers License or other ID P422296572630	State FL	OCA / Agency ID		
Place of Birth:									
Address * RESIDENCE / 1080 SW FENWAY RD , , FL 34953 /									

### Arrest

Arrest Date/Time 8/12/2020 3:12:00 PM	Arrest Location Type OTHER	Arrest Location Description SB INTERSTATE-95 EXIT TO SR 798				
Street Number	Street SB INTERSTATE-95	Apt/Lot/Bldg	County PALM BEACH	City BOCA RATON	State FL	Zip Code

### Charge : S

Counts 1	Charge 316.193.1	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree N	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description DUI ALCOHOL OR DRUGS			
Is Arrestee Juvenile?			No
Type of Arrest			On-View Arrest (apprehension without a warrant or previous incident report)

### Bond Set by Court

Bond Amount	<input type="checkbox"/> No Bond
Bond Type(s)	

### Probable Cause

While on patrol in Palm Beach County, the Florida Highway Patrol's Lake Worth

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dispatch center put out a B.O.L.O. about a grayish/blue Toyota with Florida tag " Y58SZA " was traveling southbound on Interstate-95 swerving side to side in the center lane in the area of State Road 806 ( Atlantic Ave ). Moments later the dispatch center advised that a motorist had called to the Florida Highway Patrol's dispatch to report the Toyota was serving side to side almost colliding with surrounding vehicles, and the reporting motorist, Mr. Michael Fitzpatrick ( FL DL # F-321-541-92-322-0 ), witness, was still behind the Toyota with his vehicle's hazards lights flashing. It was then reported the Toyota was coming up to State Road 807 ( Congress Ave ).

Moments later I entered southbound Interstate-95 from State Road 807 ( Congress Ave ) in an attempt to intercept the vehicle. I first got behind the Toyota at State Road 794 ( Yamato Road ) and turned on my vehicle's dash camera to record the driving pattern. I followed the vehicle about a half mile and observed the vehicle kept swerving to the left from the center lane into the left center numerous times. I got then got directly behind the vehicle and activated my marked patrol vehicle's emergency lights and siren in an attempt to conduct a traffic stop just south of State Road 794. The Toyota slightly slowed and put on it' right turn signal, but continued traveling southbound not stopping. The vehicle started to move to the right but kept southbound. As we approached the area of State Road 808 ( Glades Road ), which is about a mile south of State Road 794, it still did not stop with my vehicle's emergency lights and siren on. The vehicle then passed State Road 808 with out stopping. As the vehicle passed State Road 808, I then drove on the left side of the Toyota within inches of the vehicle trying to get the drivers attention, but the vehicle kept driving southbound. Moments later the vehicle started to take the southbound Interstate-95 exit to State Road 798 ( Palmetto Park Road ). The Toyota finally stoped on the right paved shoulder of the exit to State Road 798.

I stopped my vehicle behind the Toyota, and walked towards the driver's door/window. I observed a open 16 ounce Bud Light seltzer, still cool to the touch, in the center console. I met with the driver later identified as Mr. Gary Roy Philcox ( FL DL # P-422-296-57-263-0 ). Mr. Philcox had very bloodshot water eyes, had slurred speech, and slow to respond to questions. I then had Mr. Philcox turn off his vehicle and hand me the key. I then had Mr. Philcox exit the vehicle and stand at the rear of the vehicle.

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When I first asked where he was going to he stated he was going to visit his son at University. I then asked what University meant, asking him did he mean University Blvd, or a university like a school or college. Mr. Philcox had a look of confuse and did not have an answer. I then asked if he submit to road side exercises to check for impairment, he stated that he would submit to the exercises.

The first exercise was " HGN ". During the exercise Mr. Philcox had lack of smooth pursuit,rapid pupil movement ( nystagmus ) on both left and right eyes, and prior to forty five degrees. Mr. Philcox swayed during the exercise.

The second exercise was the " Walk And Turn ". During the exercise Mr. Philcox started before being told to. On the first nine steps he raised his arms to balance, could not keep heel to toe, and fell off on the third and fifth step. Mr. Philcox did perform the instructed turn but forgot to take nine steps back as told at first, then raised his arms to balance and swayed on the return steps.

The third exercise was the " One Leg Stand ". During the exercise Mr. Philcox attempted to raise his left foot. He raised his arms to balance, swayed, and put his left foot down fourth and sixth one thousand count, and stopped.

Based on my observations of Mr. Philcox's driving pattern and observations during the exercises, I placed him under arrest for being under the influence, and transported him to the Palm Beach County breath testing center. Westway Towing towed the vehicle.

After a twenty minute observation, Mr. Philcox went on video at the testing center where I asked if he submit to a breath test. Mr. Philcox stated that he would submit to the test. The breath test results returned as .000. I then read Florida's Implied Consent to ask Mr. Philcox to submit a urine sample for testing. Mr. Philcox stated that he would submit to the request at 4:38pm. Mr. Philcox stated that he took prescribed drug tramadol this morning. Mr. Philcox gave a urine sample at 4:55pm.

I then walked Mr. Philcox into the Palm Beach County Main Jail for the charge of driving under the influence.

#### Jail Booking Facility

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

**Court**

Court County PALM BEACH	Court Location 200 WEST ATLANTIC AVE. DELRAY BEACH, FL 33444		
Court PALM BEACH SOUTH COUNTY COURTHOUSE	Court Phone 561-274-1530	Court Appearance Date / Time 09/09/2020 900 AM	Court Fine
Comments			

Officer Name Rank / ID # M.W. MCDONOUGH TPR	Involvement On Report / Reporting Role REPORTING OFFICER	Officer Agency Org/Unit FLORIDA HIGHWAY PATROL FHPL\LWRCCIPALM BEACHISR702 TO MARTIN LN
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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 M.W. MCDONOUGH	Office Rank TPR	Officer ID No 2772	Sworn and subscribed before me, the undersigned authority This the _____ day of _____, _____ DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL			
Officer Signature <i>M. McD</i>			

<input type="radio"/> No Bill / Petition	<input type="radio"/> Issue Warrant	<input type="radio"/> Prosecution Approved	Signature of Assistant State Attorney	Date
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**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"/>	(vii) 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: 2020019161	Date: 08/12/20
	Specialist Name/ID: J. Beck/9007