

0518780

50-2020-CT-012104-AMB PCH-3163

Arrest Report

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

Report Date / Time 9/28/2020 03:39 AM	Report Number FHP99ARR762630	Case Number/Cad Number FHPL20OFF054308 / LWRC20CAD145297	Reporting Officer Name MITCHELL, COLE E
Originating Agency ORI	Occur Date Time Range 09/28/2020 02:19:35 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description NB INTERSTATE 95
Street Number I-95 NB	Street	Apt/Lot/Bldg DELRAY BEACH
City	State FL	Zip Code 33444

Defendant

First Name JACQUELINE	Middle Name ELIZA	Last Name MATTIE	Suffix	Race WHITE	Sex FEMALE	Height 506	Weight 130	Hair BLO	Eyes GRN
MNI #	SSN	Date of Birth 10/20/1981	Age 38	ID Type E	Drivers License or other ID M300425818801	State FL	OCA / Agency ID		
Place of Birth:	MT VERNON PA UNITED STATES								
Address * OTHER / 121 S. LAKESIDE DR. , FL 33460 / Lake Worth									

Arrest

Arrest Date/Time 9/28/2020 3:19:06 AM	Arrest Location Type PUBLIC PLACE	Arrest Location Description NB I95 SOUTH OF LINTON BLVD				
Street Number	Street	Apt/Lot/Bldg	County PALM BEACH	City DELRAY BEACH	State FL	Zip Code

Charge : S

Counts 1	Charge 316.193.1 (a) OR	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)	

Charge :

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

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Bond Set by Court

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

Probable Cause

On Monday, September 28th, 2020 at approximately 3:22 A.M. while on routine patrol in my marked patrol vehicle, I was dispatched to a crash that occurred northbound on Interstate 95 (State Road 9) south of Linton Blvd on the right shoulder. Dispatched advised that two vehicles had ran off the roadway to the right. When I arrived on scene I made sure everyone was okay and no injuries had occurred. I noticed driver one was already out of the vehicle and on the right paved shoulder. Upon approaching the driver of vehicle 1, I observed there to be an odor of an unknown alcoholic beverage coming from her breath and mouth area. I also observed the driver to have glossy bloodshot red eyes and to be unable to keep her balance. Upon questioning the driver I observed the driver to have delayed responses and to have slurred speech. I asked the driver where she was coming from to which she stated work. She advised she worked at flannagans as a bar tender and was on her way home. Upon asking if she had anything to drink tonight, she advised no, just water and tea but no alcohol. I later identified the driver to be Mattie Jacqueline by her Florida drivers license (M300-425-81-880-1). There was a witness on scene who advised he saw the suspect in the drivers seat before she exited the vehicle and the she was in fact the driver of the vehicle at the time of the collision.

I then completed my crash investigation and advised the driver that I was switching hats from a crash investigation to a DUI investigation based off my observations up to this point. I then asked the driver if she was willing to conduct the standard field sobriety exercises in order to determine if she was okay to drive to which she stated yes.

The area for the roadside exercises was generally flat and clear of any debris and well lit. Ms. Jacqueline was asked if she had any problems with his eyes, suffered any head injuries or was currently taking any medication. Ms. Jacqueline advised

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she does not have contacts and that she takes medication for anxiety and depression and received a head injury two years ago. I then asked Ms. Jacqueline if she had any injuries that would prevent her from being able to perform any of the exercises. Ms. Jacqueline stated no and would be able to perform the exercises. I observed during this questioning, that Ms. Jacqueline still was giving off an odor of an unknown alcoholic beverage coming from her breath and mouth area and was unable to keep her balance.

Horizontal Gaze Nystagmus:

Ms. Jacqueline had equal pupil size and equal tracking. Ms. Jacqueline had smooth pursuit in both eyes. Ms. Jacqueline showed distinct nystagmus at maximum deviation. Ms. Jacqueline also showed onset of nystagmus prior to 45 degrees.

Walk and Turn Exercise:

Interaction phase:

- Ms. Jacqueline swayed in starting position.
- Ms. Jacqueline started before telling to do so.
- The exercise was then explained and demonstrated.
- Ms. Jacqueline advised she understood the directions and didn't have any questions.
- Ms. Jacqueline was not taking heel to toe steps as directed on steps one through nine and one through nine on her second set of steps.
- Ms. Jacqueline failed to turn around as directed.
- Ms. Jacqueline used her arms for balance.
- Ms. Jacqueline stepped off the line many times and almost fell causing me to have to catch her to break her fall.

One Leg Stand Exercise:

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Interaction phase:

- Ms. Jacqueline swayed in the starting position.
- The exercise was explained and demonstrated.
- Ms. Jacqueline advised she understood the instructions and did not have any questions.
- Ms. Jacqueline did not raise her foot six inches off the ground as instructed.
- Ms. Jacqueline exhibited leg and body tremors.
- Ms. Jacqueline used her arms for balance.
- Ms. Jacqueline placed her foot down many times during the exercise.

Finger to Nose Exercise:

Interaction phase:

- Ms. Jacqueline swayed in the starting position.
 - The exercise was explained and demonstrated
 - Ms. Jacqueline advised he understood the instructions and had no questions.
 - Ms. Jacqueline first attempt she touched the tip of her nose with the side of her right finger.
 - Ms. Jacqueline second attempt touched the tip of her nose with the side of her left finger.
 - Ms. Jacqueline third attempt he touched the tip of her nose with the side of her right finger.
 - Ms. Jacqueline fourth attempt he touched the tip of her nose with the side of her left finger.
 - Ms. Jacqueline fifth attempt he touched the tip of her nose with the side of her left finger.
 - Ms. Jacqueline sixth attempt he touched the tip of her nose with the side of her right finger.
- Due to the totality of the circumstances Ms. Jacqueline was placed under arrest for DUI to Florida Statute 316.193.1(a) at 3:19 a.m. A search of Ms. Jacqueline was conducted prior to placing her in my marked patrol vehicle where she was then transported to Palm Beach County Jail in which she arrived at approximately 3:59a.m. Inside the Palm Beach County Jail's breath and alcohol facility (BAT) Ms.

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Jacqueline began her 20 min observation period prior to being provided the opportunity to provide a breath sample. After the 20 min observation period Ms. Jacqueline was provided the opportunity to provide a breath sample to which she refused at 4:25 a.m.. Ms. Jacqueline was read implied consent and was asked again if she would like to provide a lawful test of her breath to which she refused again at 4:26 a.m. Ms. Jacqueline was then charged with DUI refusal.

All events occurred in Palm Beach County.

Video of the roadside exercises and transport to the Palm Beach County jail can be obtained through the FHP custodian.

Video of the Palm Beach County BAT facility can be obtained through the Palm Beach County Sheriff's Office.

Jail Booking Facility

Booking Date/Time 9/28/2020 05:35 AM	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 10/28/2020	Court Fine 10:00am
Comments			

Officer Name Rank / ID # MITCHELL, COLE E TPR	Involvement On Report / Reporting Role REPORTING OFFICER	Officer Agency Org/Unit FLORIDA HIGHWAY PATROL FHPLLRCC/PALM BEACH BROW LN TO SR804
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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: 80-006477 Software: 8100.27
Date of Test: 09/28/2020

Date of Last Agency Inspection: 09/18/2020
Observation Period Began: 03:59
Subject's Name: JACQUELINE E MATTIE DOB: 10/20/1981 Sex: F

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	04:23
	Air Blank	0.000	04:23
	Control Test	0.079	04:24
	Air Blank	0.000	04:24
	Subject Sample #1	REF*	04:25
	Air Blank	0.000	04:25
	Control Test	0.080	04:26
	Air Blank	0.000	04:26
	Diagnostics Check	OK	04:26

*Subject Test Refused

Cylinder Lot: 14020080A1
Exp: 07/05/2022

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 THOMAS H LEAHEY, 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: T Lealey Date: 09/28/2020
Signature

Sworn to (or affirmed) before me this 28th day of September, 2020

[Signature] Signature of Notary Public-State of Florida
Trp. C Mitchell #4121 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.



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

PBSO CASE # 20-111268 PBSO ZONE 4-22

AGENCY CASE # FHPL2020054803 CRASH CASE # _____

TIME OF STOP/CRASH 3:21 am. DATE 9/20/20 DAY Monday

SUBJECT'S NAME Mattie Jacqueline RACE W SEX F

HGT 506 WGT 130 DOB 10/20/1991

LOCATION ND 795 south of Linton Blvd

ARRESTING OFFICER'S NAME & ID Cole Mitchell 421 AGENCY FHD/L

DIVISION: _____

NOTIFIED BY COMMO Yes

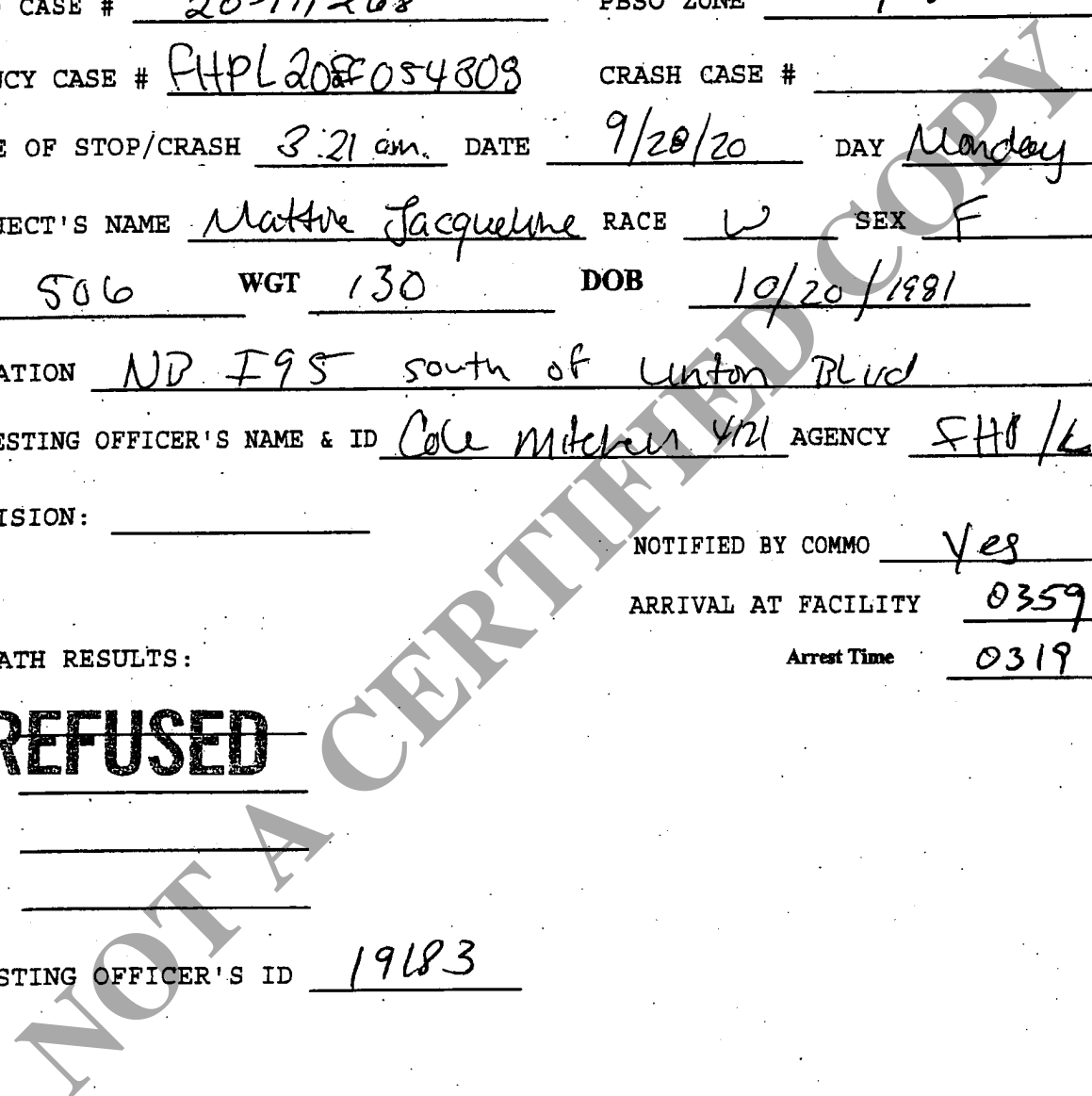
ARRIVAL AT FACILITY 0359

Arrest Time 0319

BREATH RESULTS:

- 1. **REFUSED**
- 2. _____
- 3. _____
- 4. _____

TESTING OFFICER'S ID 19183



**STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH AND/OR URINE TEST**

I, Cole Mitchell 4121, a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

am a member of Florida Highway Patrol, and I do swear
(Name of law enforcement agency)

or affirm that on or about the 28 day of September 20 2020 at 4:26 P.M. A.M.

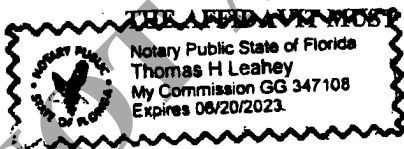
DRIVER Mathie Jacqueline
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# M300-425-81-880-1, state of Florida, was placed under lawful arrest for
the offense of 316.1939 (B&I) refusal by Cole Mitchell and
issued Citation # A757QGE
(Name of Arresting Officer)

That on or about the 28 day of September, 20 20, at 4:26 P.M. A.M.
in palm beach County,

I requested that the driver submit to a breath and/or urine test to determine his or her blood alcohol level and/or the presence of chemical or controlled substances. I informed the driver that the refusal to submit to such test(s) 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 he or she commits a misdemeanor by refusing to submit to a lawful test as requested above if his or her driving privilege has been previously suspended for refusal to submit to a lawful test of his or her breath, urine, or blood. Additionally, I informed the driver that if he or she holds a CDL, or was operating a CMV, refusal will 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 has previously been disqualified as a result of a refusal to submit to any such lawful test. Nonetheless, the driver refused to submit to the test(s) requested.

C Mitchell 4121
Signature of Law Enforcement Officer or
Correctional Officer



(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before
me this 28th day of September, 20 20,
by Trp. C Mitchell #4121,
who is personally known to me or who has produced

Known as identification
Notary Public T. Leahey

THE AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO (F.S. 117.10)
The foregoing instrument was sworn and subscribed before me:

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**
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"/>			
Other	<input type="checkbox"/>	ARTICLE I, SECTION XVI	Other: Marsys law - protection of cictim's identity	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2020022899	Date: 9/28/2020
	Specialist Name/ID: Gammage/5660