

20CT6092ASB

0516311

N/R

P1253

OBTS Number		ARREST / NOTICE TO APPEAR Juvenile Referral Report				1 Arrest 3. Request for Warrant 2. N.T.A. 4. Request for Capias		1 Juvenile		N	
Agency ORI Number FL 0500300			Agency Name BOYNTON BEACH POLICE DEPT.			Agency Report Number 34-20-023839					
Charge Type: Check as many as Apply. <input type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other						If Weapon Seized Enter Type		Multiple Clearance Indicator			
Location of Arrest (Including Name of Business) 555 N CR 807, BOYNTON BEACH, FLORIDA, 33436						Location of Offense (Business Name, Address) 555 N CR 807, BOYNTON BEACH, FLORIDA, 33436					
Date of Arrest 05/06/2020		Time of Arrest 1239	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle				
Name (Last, First, Middle) SEARS, JERRY ERNEST						Aliases (Name, DOB, Soc. Sec. #, Etc)					
W - White B - Black	I - American Indian O - Oriental / Asian	Race W	Sex M	Date of Birth 10/02/1968	Height 605	Weight 220	Eye Color BRO	Hair Color GRAY	Complexion LIGHT	Build MED	
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) N/A						Marital Status DIVORCE		Religion N/A		Indication of: Alcohol Influence <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk. <input type="checkbox"/> Drug Influence <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk. <input type="checkbox"/>	
Local Address (Street, Apt. Number) (City) (State) (Zip) 1400 SW 28TH AVE APT 2, BOYNTON BEACH, FLORIDA, 33426				Phone () - ()		Residence Type 1. City 3. Florida 2. County 4. Out of State		1			
Permanent Address (Street, Apt. Number) (City) (State) (Zip)				Phone () - ()		Address Source DAVID					
Business Address (Street, Apt. Number) (City) (State) (Zip)				Phone () - ()		Occupation SELF EMPLOYED					
DL Number, State S620425683620 / FL			Soc. Sec. Number		INS Number		Place of Birth DEVILS LAKE, ND		Citizenship US		
Co-Defendant Name (Last, First, Middle)			Race	Sex	Date of Birth	<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 3. Felony <input type="checkbox"/> 5. Juvenile <input type="checkbox"/> 2. At Large <input type="checkbox"/> 4. Misdemeanor					
Co-Defendant Name (Last, First, Middle)			Race	Sex	Date of Birth	<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 3. Felony <input type="checkbox"/> 5. Juvenile <input type="checkbox"/> 2. At Large <input type="checkbox"/> 4. Misdemeanor					
<input type="checkbox"/> Parent <input type="checkbox"/> Legal Custodian <input type="checkbox"/> Other	Name (Last) (First) (Middle)		Residence Phone								
Address (Street, Apt. Number) (City) (State) (Zip)				Business Phone							
Notified by: (Name)				Date	Time	Juvenile Disposition 1. Handled/Processed within Dept. and Released 2. TOT HRS/DYS 3. Incarcerated					
Released To: (Name)				Relationship		Date	Time				
The above address was provided by <input type="checkbox"/> defendant and/or <input type="checkbox"/> defendant's parents. The child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 561-355-2526) informed of any change of address: <input type="checkbox"/> Yes, By: (Name) <input type="checkbox"/> No: (Reason)						School Attended		Grade			
Property Crime? <input type="checkbox"/> Yes <input type="checkbox"/> No	Description of Property				Value of Property						
Drug Activity N. N/A P. Possess	S. Sell B. Buy T. Traffic	R. Smuggle D. Deliver	K. Dispense/ Distribute	M. Manufacture Produce/ Cultivate	Z. Other	Drug Type N. N/A A. Amphetamine	B. Barbituate C. Cocaine E. Heroin	H. Hallucinogen M. Marijuana O. Opium/Deriv.	P. Paraphernalia/ Equipment S. Synthetic	U. Unknown Z. Other	
Charge Description DUI W/ PROPERTY DAMAGE	Counts 1	Domestic Violence <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Statute Violation Number 316.193.3.C.1	Violation of ORD#							
Drug Activity	Drug Type	Amount/Unit	Offense # 20-023839	Warrant/Capias Number	Bond						
Charge Description LEAVING SCENE OF ACCIDENT W/ PROP DAMAGE	Counts 1	Domestic Violence <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Statute Violation Number 316.061.1	Violation of ORD#							
Drug Activity	Drug Type	Amount/Unit	Offense # 20-023839	Warrant/Capias Number	Bond						
Charge Description	Counts	Domestic Violence <input type="checkbox"/> Yes <input type="checkbox"/> No	Statute Violation Number	Violation of ORD#							
Drug Activity	Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond						
Charge Description	Counts	Domestic Violence <input type="checkbox"/> Yes <input type="checkbox"/> No	Statute Violation Number	Violation of ORD#							
Drug Activity	Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond						
<input type="checkbox"/> Instruction No. 1 Mandatory Appearance in Court <input type="checkbox"/> Instruction No. 2 You need not appear in Court but must Comply with instruction on reverse side.			Location (Court, Room Number, Address) South County Courthouse, 200 West Atlantic Ave, Delray Beach, FL 33444								
			Court Date and Time Month JUNE Day 15 Year 2020 Time 0830 <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M.								
I AGREE TO APPEAR AT THE TIME AND PLACE DESIGNATED TO ANSWER THE OFFENSE CHARGED OR TO PAY THE FINE SUBSCRIBED. I UNDERSTAND THAT SHOULD I WILLFULLY FAIL TO APPEAR BEFORE THE COURT AS REQUIRED BY THIS NOTICE TO APPEAR, THAT I MAY BE HELD IN CONTEMPT OF COURT AND A WARRANT FOR MY ARREST SHALL BE ISSUED.											
Signature of Defendant (of Juvenile and Parent/Custodian)						Date Signed					
HOLD for other Agency Name:			Signature of Arresting Officer			Name Verification (Printed by Arrestee) (PRINT)					
<input type="checkbox"/> Dangerous <input type="checkbox"/> Special Intake Desk #	<input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Other	I.D.#	Pouch #	Name of Arresting Officer (Print) OFFICER CASTRO	I.D.# 905	Agency BBPD	BU#	Page 1 OF 1			
Witness here is subject Signed with an "X"											

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 06 DAY OF May 2020 AT 1157 A.M P.M.

CASE #: 20-023839

DEFENDANT: SEARS, JERRY ERNEST

PERSONAL CONTACT/DRIVING PATTERN/OBSERVATION OF DRIVER:

On the above date and time, I responded to the parking lot of 555 N. Congress Ave (CR 807) in reference to a Hit and Run Crash with Injuries. This incident occurred within the City of Boynton Beach, Palm Beach County, Florida. While en route caller, B/F Harden, Natasha (09/10/85), advised that she had followed a red Dodge that has struck her vehicle and fled the scene. Harden advised that the driver of the Dodge (later identified as W/M Sears, Jerry 10/02/68) was attempting to leave the scene as she was in contact with dispatch. Harden advised that she had sustain injuries and wanted her and her 1yo son to be checked out by Boynton Beach Fire Rescue.

Upon my arrival I observed a red Dodge Challenger bearing North Dakota tag 014CBH parked in a parking spot facing east. I also observed a white Mercury Sable bearing Florida tag Y97KMV blocking the left rear corner of the Dodge with the front left fender of the vehicle. A W/M, Sears, was talking with Officer Kickingstallionsims and Officer Harpern, who arrived on scene first. Officer Harpern had advised that he observed damage to the left front corner of the Dodge and damage to the right rear corner of the Mercury, which were consisted with what Harden had advised him how the crash occurred. I then went to inspect the Dodge's front bumper. I observed what appeared to fresh damage and white paint transfer to the front left portion of the Dodge's front bumper and hood. The white paint marks were recently transferred as they were easy to wipe off. I then inspected the Mercury right rear corner, where I noticed that the lens to the taillight was broken and still have frags inside the light housing. In the area around the tail light there was red paint transfer, consisted with the same red as the Dodge. I then made contact with Officer Kickingstallionsims and Sears. I quickly noticed that Sears was swaying side to side and had to lean on the Mercury for support. Sears' speech was slurred, more than normal with someone with a green medical mask and his pupils were smaller than normal. I asked Sears if he has any medical issues, which he stated no. I then asked Sears why was he having a difficult time keeping his balance, which he advised it's because he was blocked in by the other involved party. When I started to asked what did have to do with him leaning on things, he stated that he did nothing wrong. Sears denied that he was involved in a crash and advised that he did not know who the female (Harden) was. When I asked how did he sustained the fresh damage in his vehicle, he chuckled and advised that the damage was old. Sears then advised that his brother caused those damages back on 12/12/2018. Sears repeated that he did nothing wrong, that no was hurt and that people are harassing him.

I then made contact with Harden, who advised that while stopped in the center lane of S. CR 807 at the steady red traffic light at the intersection of SW 23rd Ave, the back of her vehicle was struck by the Dodge; that was driven by Sears. Harden advised that as a result of the strike, she hurt her face on the steering wheel and her phone had slid off the passenger chair and onto the floorboard. Harden advised that numerous bystanders checked on her welfare and asked if she was okay. Harden advised Sears then approached her and told her to follow him. Harden advised that she told Sears no and to contact the police. Harden advised Sears stated that she would be better off just to follow him and he will give her money. Sears offered Harden \$500. Harden advised that when she located her phone she noticed that Sears had fled eastbound on SW 23rd Ave. Harden advised Sears then entered a community on the south side of the roadway and had exited his vehicle again. Sears stated that he could fix her tail light and that she could still make money. Harden advised that she kept telling Sears no and that she was going to call the police. Harden then asked Sears why doesn't he want to police to be called, "is everything okay, are you on something" Harden that Sears stated no, entered his vehicle and proceeded to leave. Harden stated that Sears then drove through the neighborhood, in which she believed was in an attempt to lost her. Harden advised that she contacted her dad first and advised him what was going on. Harden then contacted the police. Harden advised that she then followed Sears to 555 N. CR 807 (Chase Bank) while she was on the phone with dispatch. Harden advised that at no point did she agree to a civil resolution to the crash. Harden advised that when Sears exited his vehicle in the community she began to record the incident on her phone. I briefly listened to the video, which Sears made statements to fix Harden's vehicle and giving her money. Therefore, it was obvious that Sears was involved in a crash with Harden. Harden advised that Sears appeared to be weird during the incident. See Harden's BWC statement for further.

As I approached Sears again he quickly stated "no proof of anything". Sears again denied being involved in a crash. I informed Sears of the video Harden had between them two discussing about the crash, which he advised the video was not evidence. During the investigation Officer Kickingstallionsims advised that she observed a decent amount of open beer cans inside the vehicle. As I stood near the Dodge and Sears the odor of an unknown alcohol beverage was over whelming from Sears' body and emanating from the within the vehicle. From the front passenger I observed a beer can on the floorboard. When I opened the front passenger door I quickly observed 4-5 beer cans on the rear floorboard and the smell was stronger. Sears was uncooperative during the investigation and appeared to be agitated with officers on scene. Based on the above facts I requested Sears to walk towards an empty spot in the parking lot. I then went over the purpose for the police presents, which Sears grabbed his phone and stated that he wanted his lawyer for the crash investigation. At that point I advised Sears that I've concluded my crash investigation and was not conducting a DUI investigation, which he stated that he understood. I then read Sears his Miranda Warnings, which he stated that he understood. I

then asked Sears if he had consumed any type of alcohol beverages today, which he denied. I then asked Sears if he took prescription medication, which he stated yes. Sears then stated that he takes Benadryl. At this point I asked Sears if he would submit to a Series of Standardized Field Sobriety task, which he refused. I then advised Sears of his Taylor Warnings, which he stated that he understood. I then asked Sears again, which he stated that he will submit but not in his flip flops. Sears then stated that no one was driving, referring to him. Sears then started to argue and stated that there was no reason to do the roadside. Sears stated that no one stopped him and that he knows what I was trying to do. I had to asked Sears numerous times if he was willing to complete the roadside but he wouldn't give me a direct answer. Sears then advised that he was in a crash in 2010 then no effects his balance. Sears then stood start up and quickly counted to 10, mocking the roadside procedure. Sears then just stood there and stared at me. I asked Sears again if he was going to complete the roadside, which again he stated that there's no roadside to be done. At that point do to Sears' behavior, being uncooperative and signs of impairment Sears was placed into custody under suspicion of DUI (D/L and Spaced).

HORIZONTAL GAZE NYSTAGMUS:

- | | |
|--|---|
| <input type="checkbox"/> Left eye does not follow smoothly | <input type="checkbox"/> Right eye does not follow smoothly |
| <input type="checkbox"/> Left eye prior to 45 degrees | <input type="checkbox"/> Right eye prior to 45 degrees |
| <input type="checkbox"/> Distinct jerking in left eye at maximum deviation | <input type="checkbox"/> Distinct jerking in right eye at maximum deviation |
| <input type="checkbox"/> Vertical Nystagmus in left eye | <input type="checkbox"/> Vertical Nystagmus in right eye |

WALK AND TURN:

REFUSED

ONE LEG STAND:

REFUSED

FINGER TO NOSE:

REFUSED

ROMBERG/ALPHABET:

REFUSED

While placing Sears into the back seat of my patrol vehicle I asked Sears if he any recent health issues, which Sears stated that he has had a cough for the past two weeks. Sears advised that his roommate has been real sick for the past 2-3 weeks with a cough and fever. Sears advised neither he or his roommate have been tested for COVID-19. Due to Sears having partially symptoms of COVID-19 and not being tested Sears was transported to Bethesda Hospital East reference a Blood Draw. Once at Bethesda, after being medical cleared reference the crash, I requested Sears to submit to a sample of his blood for the purpose of determining its alcohol contents and the presence of chemical or controlled substance, which he agreed to. Implied Consent was read to Sears as a precaution due to the request being audio/video recorded and

the actual blood draw not being recorded. Sears advised that he understood his consequence if he did not provide the blood sample when requested. I then read Sears his Miranda Warnings again, which he stated that understood. During Q&As Sears requested for his attorney.

Two partially filled vials of blood was taken from Sears utilizing the vials from the Florida State approved blood kit. All the proper documents were completed. The blood kit was then transported to the Boynton Beach Police Department and entered into the Evidence Department; where it was later TOT PBSO's laboratory.

Based on the above facts I've established Probable Cause to arrest Sears with 1M count of DUI W/ Property Damage pursuant with F.S.S. 316.193.3.C.1 and Leaving the Scene of an Accident W/ Property Damage pursuant with F.S.S. 316.061.1. Sears was later TOT PBCJ.

Incident was captured via BWC. Sears' vehicle was removed from scene by Beck's Towing. Further investigation would be conducted pending toxicology results.

Nothing Further.

The following instrument was sworn to before me this 06 day of May 2020

By: PERSONALLY KNOWN / OFFICER CASTRO #905

V. MASTRO 963

Notary/Police Officer (F.S.S. 117.10)

[Signature]
Signature of Arresting Officer

CASE #: 20-023839

DEFENDANT: SEARS, JERRY ERNEST

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.

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.

I am now requesting that you submit to a lawful test of your BLOOD for the purpose of determining 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 OFC. CASTRO #905 of the Boynton Beach 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.

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

Suspect's Signature: Read on Video

CASE #: 20-023839

DEFENDANT: SEARS, JERRY ERNEST

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.

Where you operating a motor vehicle at the time of the stop/Accident? REQUESTED FOR A LAWYER

Where were you going?

What Street or Highway were you on?

What was you direction of travel?

Where did you start from?

What time did you start?

What time is it now?

What is today's date?

What day of the week is it?

What City and County 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 have you been drinking?

How much?

With whom?

When did you have your first drink?

When did you have your last drink?

Can you feel the effects of the alcohol?

Are you under the influence?

Have you consumed any alcohol since the stop/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?

Where 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 you eyes that are not corrected by glasses?

Do you take insulin? If so, when was your last injection?

Have you ever gad a driver's license in any other state?

Where?

Interviewer:

CASE #: 20-023839

DEFENDANT: SEARS, JERRY ERNEST

Arresting Officer: CASTRO #905

Address: 209 N. SEACREST BLVD, BOYNTON BEACH, FLORIDA, 33435

Phone Numbers: Home: _____ Work: (561) 742-6100

Name: OFFICER HALPERN #990

Address: 209 N. SEACREST BLVD, BOYNTON BEACH, FLORIDA, 33435

Phone Numbers: Home: _____ Work: 561-742-6100

Can testify to: THE INVESTIGATION

Name: OFFICER KICKINGSTALLIONSIMS

Address: 209 N. SEACREST BLVD, BOYNTON BEACH, FLORIDA, 33435

Phone Numbers: Home: _____ Work: 561-742-6100

Can testify to: THE INVESTIGATION

Name: _____

Address: _____

Phone Numbers: Home: _____ Work: _____

Can testify to: _____

Name: _____

Address: _____

Phone Numbers: Home: _____ Work: _____

Can testify to: _____

Name: _____

Address: _____

Phone Numbers: Home: _____ Work: _____

Can testify to: _____

Name: _____

Address: _____

Phone Numbers: Home: _____ Work: _____

Can testify to: _____

Name: _____

Address: _____

Phone Numbers: Home: _____ Work: _____

Can testify to: _____

Name: _____

Address: _____

Phone Numbers: Home: _____ Work: _____

Can testify to: _____



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

REVIEW COMPLETED BY

Booking Number: 2020012045	Date: 05/06/20
	Specialist Name/ID: J. Beck/9007