

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 12TH DAY OF JUNE 20 20 AT 0121 AM PM
SUBJECT: BURTON, JOEL A. CASE NUMBER: DELRAY BEACH PD #20-8167
AGENCY: DELRAY BEACH PD ARRESTING OFFICER: WINDSOR #1029

PERSONAL CONTACT

DRIVING PATTERN: ACTUAL PHYSICAL CONTROL (PHYSICAL EVIDENCE OR STATEMENTS PUTTING DEF. BEHIND WHEEL OF VEHICLE)

The following occurred in the City of Delray Beach, County of Palm Beach, FL.

On 06/12/20 at 0121hrs I was on patrol in my marked Delray Beach Police vehicle in the area of S. Federal Hwy. and E. Linton Blvd. I observed a black Cadillac sedan (FL Tag #LMY142) traveling in the southbound outside travel lane directly behind another vehicle. I followed the Cadillac from the southbound inside travel lane and observed the Cadillac leave the outside travel lane and enter the marked bicycle lane 4 times. Each time the Cadillac left its travel lane it went further into the bicycle lane and the last time the Cadillac entered the bicycle lane it almost ran into the grass swale. I conducted a traffic stop in the 3200 block of S. Federal Hwy. by activating my emergency lights and siren. The Cadillac pull over onto Lindell Blvd. just west of S. Federal Hwy. I met with the white male driver and identified him by his FL DL as Joel A. Burton. There was a white male sitting in the front passenger seat of the Cadillac. Burton was sitting in the Cadillac's driver seat with the engine running and the Cadillac key fob was inside the vehicle. I never lost sight of the Cadillac between the traffic violations and the traffic stop scene.

OBSERVATION OF DRIVER:

When I met with Burton, I smelled an odor of an unknown alcoholic beverage coming from his person. Burton's eyes were glassy and red. Burton's speech was thick and slurred while he was speaking. I asked Burton to exit the Cadillac and walk to a nearby sidewalk. When Burton walked to the sidewalk, he was slightly unsteady and he swayed while standing still. While Burton was standing on the sidewalk away from the Cadillac and the passenger, I still smelled an odor of an unknown alcoholic beverage coming from his person.

DRIVER'S STATEMENTS:

Burton stated he was on his way to his residence in Deerfield Beach, FL. when the traffic stop was conducted. Burton initially stated he consumed one martini at Elisabetta's Ristorante (32 E. Atlantic Ave. Delray Beach, FL. 33444). I asked Burton how many drinks his passenger had consumed and he stated the passenger consumed 2-3 drinks. Burton later asked me if I would allow his passenger to drive the Cadillac to Deerfield Beach, FL. because the passenger consumed less alcoholic beverages than him. I questioned Burton about his previous statement of consuming one martini and he changed his statement. Burton stated he consumed one alcoholic beverage per each hour that he was at the business. Burton stated he arrived at the business at 1930hrs. Burton stated he left the business around 0100hrs and he consumed 4-5 alcoholic beverages prior to driving home.

ODORS:

Burton had a strong odor of an unknown beverage coming from his person.

GENERAL OBSERVATIONS

SPEECH: Polite and Cooperative

ATTITUDE: Initially Polite and Became Angry / Argumentative After Arrest

CLOTHING: White Long Sleeve Shirt, Blue Jeans with Brown Boots

MEDICAL/OTHER: None Stated

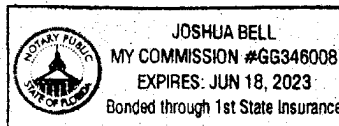
STATE OF FLORIDA
COUNTY OF PALM BEACH

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 12th day of June 20 20 by _____

(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced _____

Notary Public, Clerk of Court, Officer (F.S.S. 117.10)



SCANNED
JUN 12 2020

SUBJECT: BURTON, JOEL A.

CASE NUMBER DELRAY BEACH PD #20-8167

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

LT EYE-LACK OF SMOOTH PURSUIT

RT EYE-LACK OF SMOOTH PURSUIT

LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION

RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION

LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Other Observations:

BURTON REFUSED TO PERFORM ROADSIDE TASKS

WALK & TURN:

BURTON REFUSED TO PERFORM ROADSIDE TASKS

ONE LEG STAND:

BURTON REFUSED TO PERFORM ROADSIDE TASKS

FINGER TO NOSE:

BURTON REFUSED TO PERFORM ROADSIDE TASKS

ROMBERG ALPHABET:

BURTON REFUSED TO PERFORM ROADSIDE TASKS

BREATH TEST RESULTS:

1) .195	2) .208	3)	4)
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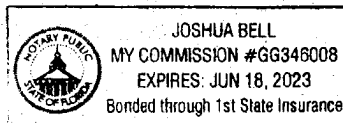
STATE OF FLORIDA
COUNTY OF PALM BEACH


(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 12TH day of June, 2020 by _____

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Notary Public, Clerk of Court, Officer (F.S.S. 117.10)



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JUN 12 2020

WITNESS LIST

CASE NUMBER: DELRAY BEACH PD #20-8167

ARRESTING OFFICER: OFC. WINDSOR #1029 DELRAY BEACH POLICE DEPARTMENT

ADDRESS: 300 W ATLANTIC AVE DELRAY BEACH, FL 33444

PHONE NUMBERS (HOME): _____ (WORK) 561-243-7800

CAN TESTIFY TO: TRAFFIC STOP AND DUI PC

NAME: OFC. SOSA #912 DELRAY BEACH POLICE DEPARTMENT

ADDRESS: 300 W ATLANTIC AVE DELRAY BEACH, FL 33444

PHONE NUMBERS (HOME) _____ (WORK) 561-243-7800

CAN TESTIFY TO: VEHICLE TOW

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: _____

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CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

SCANNED

JUN 12 2020



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

PBSO CASE # 20-077185 PBSO ZONE 6-51

AGENCY CASE # 20-8167 CRASH CASE # N/A

TIME OF STOP/CRASH 0121 DATE 06/12/20 DAY FRIDAY

SUBJECT'S NAME BURTON, JOEL A. RACE W SEX M

HGT 5'10" WGT 165 DOB 11/26/81

LOCATION 3200 S FEDERAL HWY DELRAY BEACH, FL

ARRESTING OFFICER'S NAME & ID WINDSOR #1029 AGENCY DELRAY BEACH PD

DIVISION: TRAFFIC

NOTIFIED BY COMMO YES

ARRIVAL AT FACILITY 0213

ARREST TIME 0143

BREATH RESULTS:

- 1) .195
- 2) .208
- 3) N/A
- 4) N/A

TESTING OFFICER'S ID 8656 PBSO VIDEOTAPE # N/A

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TESTING FACILITY TASK REPORT

AGENCY: DBPD

SUBJECT: BURTON, JOEL A

DATE: Jun 12, 2020

BEGINNING TIME: 0237

CASE NUMBER: 20-077185

VIDEO DVD NUMBER: N/A

ENDING TIME: 0252

BREATH TESTS RESULTS: 1) .195 TIME 0245 A.M. P.M. 2) .208 TIME 0248 A.M. P.M.
3) N/A TIME XX A.M. P.M. 4) N/A TIME XX A.M. P.M.

BREATH OPERATOR: JOSHUA J BELL #8656

MAINTENANCE TECHNICIAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: DEFIANT, ARGUMENTATIVE, COCKY

CLOTHING: WHITE/BLUE LONG SLEEVE DRESS SHIRT, BLUE JEANS, BROWN COWBOY BOOTS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES: BLOODSHOT

ODOR OF UNKNOWN ALCHOLIC BEVERAGE COMING FROM BREATH

COMMENTS:

ARRIVED AT DUI TESTING FACILITY AND BEGAN THE 20 MINUTE OBSERVATION AT 0213 HOURS

SUBJECT STATED HE DID NOT THINK HE HAD A CHOICE

A/O READ I.C

SUBJECT STATED HE UNDERSTOOD I.C A REFUSED TO PROVIDE A BREATH SAMPLE

A/O CALLED A REFUSAL

SUBJECT STATED HE WOULD TAKE BREATH TEST

TECH READ BREATH TEST RESULTS

SUBJECT STATED TALK TO HIS LAWYER ABOUT IT

A/O READ RIGHTS

SUBJECT STATED HE UNDERSTOOD HIS RIGHTS AND ASKED FOR HIS LAWYER

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JUN 12 2020

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: 06/12/2020

Date of Last Agency Inspection: 05/15/2020
Observation Period Began: 02:13
Subject's Name: JOEL A BURTON DOB: 11/26/1981 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	02:43
	Air Blank	0.000	02:43
	Control Test	0.079	02:43
	Air Blank	0.000	02:44
	Subject Sample #1	0.195	02:45
	Air Blank	0.000	02:46
	Air Blank	0.000	02:47
	Subject Sample #2	0.208	02:48
	Air Blank	0.000	02:49
	Control Test	0.078	02:50
	Air Blank	0.000	02:50
	Diagnostics Check	OK	02:50

Cylinder Lot: 28719080A1
Exp: 12/05/2021

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 JOSHUA J BELL, 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: 6/12/20
Signature

Sworn to (or affirmed) before me this 12 day of June, 2020
[Signature] OFC. Windsor #1029
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.

SCANNED
JUN 12 2020

SUBJECT: Burton, Joel A

CASE NUMBER: 20111 20-1161

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 Michael Lindner of the Duluth 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: (X) KEVIN ON CAMERA

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.

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JUN 12 2020

SUSPECT'S SIGNATURE: (X) Kevin on camera

SUBJECT: Burton, Joel A CASE NUMBER: D31D 20-0167

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? _____

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 ALCOHOL? _____ ARE YOU UNDER THE INFLUENCE? _____

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? _____

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JUN 12 2020

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: CFC Windsor #1079



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: 2020014658	Date: 06/12/2020
	Specialist Name/ID: T Howard/7185

SCANNED
 JUN 12 2020