



Arrest Report

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

21mm 6182 AMB

Report Date / Time 8/22/2021 01:42 AM	Report Number FHP99ARR839536	Case Number/Cad Number FHPL21OFF055116 / LWRC21CAD152678	Reporting Officer Name IV, ANDREW L
Originating Agency ORI	Occur Date Time Range 08/22/2021 00:42:32 - 08/22/2021 04:26:00	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description INTERSTATE 95 NORTHBOUND AND LANTANA ROAD			
Street Number 611	Street S DIXIE HIGHWAY	Apt/Lot/Bldg N INTERSTATE 95	City LANTANA	State FL	Zip Code 33462

Defendant

First Name JOHNNY	Middle Name WAYNE	Last Name FRITZ	Suffix	Race WHITE	Sex MALE	Height 220	Weight 220	Hair BRO	Eyes BRO
MNI #	SSN [REDACTED]	Date of Birth 12/18/1977	Age 43	ID Type	Drivers License or other ID	State	OCA / Agency ID		
Place of Birth:		ADA OK UNITED STATES							
Address * RESIDENCE / 19855 WALKER ROAD , MCLOUD, OK 74851 / 405-808-9840									

Arrest

Arrest Date/Time 8/22/2021 1:16:39 AM	Arrest Location Type PUBLIC PLACE	Arrest Location Description DUNKIN DONUTS PARKING LOT				
Street Number 611	Street S DIXIE HIGHWAY	Apt/Lot/Bldg	County PALM BEACH	City LAKE WORTH	State FL	Zip Code 33480

Charge : S

Counts 1	Charge 316.193.1a	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree S	Charge Level MISDEMEANOR	General Offense Code DUI-UNLAW BLD ALCH	
Charge Description DUI INFLUENCE OF ALCOHOL OR DRUGS			

Charge : S

Counts 1	Charge 893.13.6b	Bond Amount \$0.00	<input type="checkbox"/> No Bond
Charge Degree F	Charge Level MISDEMEANOR	General Offense Code MARIJUANA-POSSESS	
Charge Description NOT MORE THAN 20 GRAMS			
Is Arrestee Juvenile?		No	
Type of Arrest		On-View Arrest (apprehension without a warrant or previous incident report)	

Arrest Report

SCANNED
AUG 23 2021

Page 1 of 6
AUG 22 AM 5:34

Report Date / Time 8/22/2021 01:42 AM	Report Number FHP99ARR839536	Case Number/Cad Number FHPL21OFF055116 / LWRC21CAD152678	Reporting Officer Name IV, ANDREW L
Originating Agency ORI	Occur Date Time Range 08/22/2021 00:42:32 - 08/22/2021 04:26:00	Jurisdiction	Clearance

Bond Set by Court

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

Probable Cause

On 8/22/2021 at approximately 12:41AM I was traveling north on Interstate 95 northbound approaching Lantana Road when I observed a white Chevrolet pickup truck (attached Oklahoma tag: JSQ779) following a vehicle ahead very closely (approximately half a car length) in the high occupancy vehicle (HOV) lane. The driver of the white Chevrolet pickup truck was flashing his headlights in what appeared to be a road rage incident. The driver of the white pickup truck then changed lanes to pass the other vehicle. I accelerated in order to overtake the white Chevrolet pickup truck and drove directly next to the vehicle. I pace clocked the white pickup at 88mph in a posted 65mph speed limit zone. I got behind the vehicle and activated my lights and sirens and conducted a traffic stop on the vehicle. The vehicle pulled over to the right shoulder on Interstate 95 northbound just north of Lantana Road. I approached the driver side door and spoke to the driver of the vehicle through the open window. I asked the driver for his license, registration and proof of insurance. As I stood near the open window I smelled the strong odor of an unknown alcoholic beverage coming from the interior of the vehicle despite the fact that I was wearing a surgical mask. The driver was identified by his Oklahoma drivers license as Johnny Wayne Fritz (Oklahoma DL: W080207712). Mr. Fritz was unable to locate his registration and provided an insurance card which expired on 03/28/2021. When he was searching through his documents he appeared to be lethargic with slow hand movements. I also noticed that his speech was slurred and his eyes were red and glassy. I asked if he had anything to drink and he admitted that he did. I asked him how many drinks and he stated 3 drinks at the Hard Rock. I later asked him to exit the vehicle and spoke to him in front of my marked patrol vehicle. I continued to smell the strong odor of an unknown alcoholic beverage coming from his breath as he spoke. His eyes were still red and glassy and his speech was slurred. I asked if he was willing to perform roadside exercises and he agreed to perform them. Prior to the administration of the exercises I asked if he wore glasses or contacts and he stated that he did wear contacts and they were in his eyes. I asked if he had any medical conditions or

Report Date / Time 8/22/2021 01:42 AM	Report Number FHP99ARR839536	Case Number/Cad Number FHPL21OFF055116 / LWRC21CAD152678	Reporting Officer Name IV, ANDREW L
Originating Agency ORI	Occur Date Time Range 08/22/2021 00:42:32 - 08/22/2021 04:26:00	Jurisdiction	Clearance

took any medications and he stated no. I asked if he was injured and he stated no. I transported Mr. Fritz to the nearby Dunkin Donuts parking lot at 611 S Dixie Highway, Lake Worth, FL 33460 in order to administer the roadside exercises. Prior to the walk and turn exercise I asked if he agreed that the surface upon which the exercises would be performed was flat and he agreed. (Note: The summary below is not intended to be a verbatim account of all the events that took place during the administration of the standardized field sobriety exercises. Video footage and audio of the exercises is available upon request.) Each exercise was explained and demonstrated prior to the subject attempting to perform the exercise.

Horizontal Gaze Nystagmus Exercise (Streamlight red LED pen used as a contrasting stimulus)

- I checked for resting nystagmus which was not observed in either eye
- I checked for equal pupil size and equal tracking; Both pupils were equal in size and both eyes tracked the stimulus equally
- I observed a lack of smooth pursuit in both eyes
- I observed Horizontal gaze nystagmus at maximum deviation in both eyes
- I observed Horizontal gaze nystagmus prior to 45 degrees in both eyes
- No vertical gaze nystagmus was observed in either eye

Walk and Turn Exercise (A painted white line in the parking lot was utilized during the exercise)

- Unable to stay in the starting position
- Started exercise prior to command to begin, practicing the turn around
- Did not walk heel to toe on multiple steps with the heel of the foot touching the side of the front toe, on 8th and 9th step did not touch heel to toe at all.
- Did not keep hand directly to his sides as instructed using them to balance
- Did not complete exercise as instructed stopping after the initial trip and turn around

One Leg Stand Exercise

Report Date / Time 8/22/2021 01:42 AM	Report Number FHP99ARR839536	Case Number/Cad Number FHPL21OFF055116 / LWRC21CAD152678	Reporting Officer Name IV, ANDREW L
Originating Agency ORI	Occur Date Time Range 08/22/2021 00:42:32 - 08/22/2021 04:26:00	Jurisdiction	Clearance

- Placed foot on ground
- Swayed
- Did not keep arms to his side as instructed, using them to balance

Modified Romberg Balance Exercise

- Approximately 38 seconds elapsed during the 30 second time estimation

Finger to Nose Exercise

- During the initial finger to nose touch he did not actually touch his nose with a gap of approximately half an inch between the tip of his finger and the tip of his nose.

Based upon the performance of the above exercises and the totality of the circumstances I determined that there was probable cause to believe that Johnny Wayne Fritz committed the offense of driving under the influence by being in actual physical control/operating a motor vehicle while under the influence of alcoholic beverages, any chemical substance per Florida State Statute 877.111, or any controlled substance per Chapter 893, while their normal faculties were impaired. He was placed under arrest for the above offense and handcuffed behind his back. During a search of Mr. Fritz I discovered a red pill capsule that was sealed in plastic and foil. I asked what it was and he alleged that it wasn't a prescription medicine. After being searched he was then transported to the Palm Beach County Breath Alcohol Testing (BAT) facility. Trooper Dominic Alexandre #1632 called for a rotational tow truck to tow the white Chevrolet pickup from the Interstate. During a routine inventory of the vehicle Trooper Alexandre searched the hidden compartment underneath the front center bench seat and discovered a black plastic container containing a green leafy substance consistent with marijuana. The quantity of the marijuana was clearly under 20 grams. He also discovered a green plastic container (labeled "Royalty Rolls Infused Pre-Roll Banana OG Hybrid THC 24.5%, CBD 1.2%, Terpene 2.8, One gram, 100%Flower") containing a single marijuana cigarette. Based upon this information there is probable cause to believe that Mr. Fritz committed the offense of being in constructive possession of

Report Date / Time 8/22/2021 01:42 AM	Report Number FHP99ARR839536	Case Number/Cad Number FHPL21OFF055116 / LWRC21CAD152678	Reporting Officer Name IV, ANDREW L
Originating Agency ORI	Occur Date Time Range 08/22/2021 00:42:32 - 08/22/2021 04:26:00	Jurisdiction	Clearance

marijuana less than 20 grams as outlined in Florida State Statute 893.13.6b. Custody of these items were later transferred to me and I submitted them into evidence at the Florida Highway Patrol Lantana substation. At the BAT facility a 20 minute observation period was conducted where he did not ingest anything by mouth or regurgitate (I asked the driver to empty his Tobacco dip from his mouth; Mouth was confirmed to be empty prior to the beginning of the observation period). He was then asked to provide a breath test sample to test for the alcoholic content of his breath. He refused to provide the breath test sample. I then read him the Florida Implied Consent drivers license suspension warning and he stated that he understood and still refused to provide the breath test sample. A refusal time of 2:32AM was notated. The Constitutional Warning document was read to Mr. Fritz and he stated that he understood his rights and initially agreed to answer my questions. After answering a few questions he changed his mind and refused to answer any further questions. See BAT video footage for a complete account of the question and answer segment. Mr. Fritz was issued a DUI citation along with uniform traffic citations for following too closely, no proof of insurance, excessive speed and for the possession of marijuana less than 20 grams. He was booked without incident. All of the above events occurred in Palm Beach County, FL.

Note: My patrol vehicle is equipped with in car video and audio that is available upon request.

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 09/09/2021 8:30AM	Court Fine
Comments			

Report Date / Time 8/22/2021 01:42 AM	Report Number FHP99ARR839536	Case Number/Cad Number FHPL21OFF055116 / LWRC21CAD152678	Reporting Officer Name IV, ANDREW L
Originating Agency ORI	Occur Date Time Range 08/22/2021 00:42:32 - 08/22/2021 04:26:00	Jurisdiction	Clearance

Officer Name Rank / ID #	Involvement On Report / Reporting Role	Officer Agency Org/Unit
IV, ANDREW L TPR 3651	PRIMARY / REPORTING OFFICER	FLORIDA HIGHWAY PATROL FHPL\LRCC\PALM BEACH\SR702 TO MARTIN LN

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 IV, ANDREW L	Office Rank TPR	Officer ID No 3651	Sworn and subscribed before me, the undersigned authority This the <u>22nd</u> day of <u>August</u> , <u>2021</u> DEPUTY OF THE COURT, NOTARY OR LAW ENFORCEMENT
Officer Agency FLORIDA HIGHWAY PATROL			
Officer Signature <i>Andrew L</i>			<i>[Signature]</i> # 35063

<input type="radio"/> No Bill / Petition	<input type="radio"/> Issue Warrant	<input type="radio"/> Prosecution Approved	Signature of Assistant State Attorney	Date
--	-------------------------------------	--	---------------------------------------	------

I, IV, ANDREW L, a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

and I do swear

(Name of law enforcement agency)

or affirm that on or about the 28th day of

☐ PM ☒ AM

<u>DRIVER</u>	<u>IDENTITY</u>	<u>WAYNE</u>	<u>FRIEZ</u>
(Type or rank)	FIRST NAME	MIDDLE OR MAIDEN NAME	LAST NAME
PLA 000007112		STATE OF OK	was placed under lawful arrest for

the offense of D.U.I. - ALCOHOL OR DRUGS (MISDEMEANOR) by IVAN RUIZ L
(Name of Arresting Officer)

issued Citation # **ATT49E**

That on or about the 22nd day of August, 20 21 at 2:32 ☐ 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 or by refusing to submit to a full 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 CDTL 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.

Andrew Cho

Andrew - 4

Signature of Law Enforcement Officer or
Correctional Officer

THE AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO (F.S. 117.10)

1. The above statement was sworn and subscribed before me

Revised Page:
14. Comments: DG van 15
E-mail: 10/10/2024

Signature of Arresting Officer

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 22 day of Aug, 20 21

Title _____

Date _____

by IV, Andrews

who is personally known to me or who has produced

Notary Public _____

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.

TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: FRITZ, JOHNNY W

CASE NUMBER: 21-098558

DATE: Aug 22, 2021

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 02:30

ENDING TIME: 02:36

BREATH TESTS RESULTS: 1) R TIME 02:32 A.M. ☒ P.M. ☐ 2) N/A TIME N/A A.M. ☒ P.M. ☐
3) N/A TIME N/A A.M. ☐ P.M. ☐ 4) N/A TIME N/A A.M. ☐ P.M. ☐

BREATH OPERATOR: P.POUND #24639

MAINTENANCE TECHNICAN: J. KARLECKE# 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: THICK

ATTITUDE: TALKATIVE

CLOTHING: GRAY SHORTS, WHITE T- SHIRT, GRAY SNEAKERS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES: GLASSY AND BLOODSHOT

REFUSED

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 01:39 HRS.

SUBJECT: REFUSED TO TAKE TEST

A/O: READ I/C

SUBJECT: STATED HE UNDERSTOOD I/C AND REFUSED TO TAKE TEST

A/O: READ RIGHTS

SUBJECT: STATED HE UNDERSTOOD RIGHTS

A/O: CONDUCTED SOME QUESTIONS

SUBJECT: ANSWERED SOME QUESTIONS

REFUSED



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

PBSO CASE # 21-098558 AGENCY CASE# FHPL21OFF055116
AGENCY ZONE 6-22 CRASH CASE # _____
TIME OF STOP/CRASH 12:42AM DATE 8/22/2021 DAY SUNDAY
SUBJECT'S NAME JOHNNY WAYNE FRITZ RACE WHITE SEX MALE
HGT 6'00" WGT 240LBS DOB 12/18/1977
LOCATION INTERSTATE 95 NORTHBOUND AND LANTANA ROAD
ARRESTING OFFICER'S NAME & ID TPR ANDREW IV #3651 AGENCY FLORIDA HIGHWAY PATROL
DIVISION: TROOP L - LAKE WORTH
NOTIFIED BY COMMO Y
ARRIVAL AT FACILITY 1:39 AM
BREATH RESULTS: ARREST TIME 1:16AM
1. _____
2. **REFUSED**
3. _____
4. _____
TESTING OFFICER'S ID 24639 PBSO VIDEOTAPE # N/A



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

REVIEW COMPLETED BY

Booking Number: 2021020898	Date: 8/22/21
	Specialist Name/ID: A. Pinkney/7796