

50-2022-CT-003924-ASB
0430435

985

ADMINISTRATION		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 34-22-002732			
Charge Type: Check as many as Apply. ☐ 1. Felony ☐ 2. Traffic Felony ☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other		If Weapon Seized Enter Type		Multiple Clearance Indicator			
Location of Arrest (Including Name of Business) 2500 W GATEWAY BLVD, BOYNTON BEACH, FL, 33436		Location of Offense (Business Name, Address) 2500 W GATEWAY BLVD, BOYNTON BEACH, FL, 33436					
Date of Arrest 03/10/2022	Time of Arrest 0038	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle	
Name (Last, First, Middle) JOHNSTON, JUDITH DUNN							
Alias (Name, DOB, Soc. Sec. #, Etc)							
W - White B - Black	I - American Indian O - Oriental / Asian	Race W	Sex F	Date of Birth 09/11/1957	Height 502	Weight 135	Eye Color BLUE
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) N/A		Marital Status SINGLE		Religion N/A		Complexion LIGHT	
Local Address (Street, Apt. Number) 4109 88TH CT S.,		(City) BOYNTON BEACH,		(State) FLORIDA,		(Zip) 33436	
Permanent Address (Street, Apt. Number)		(City)		(State)		(Zip)	
Business Address (Street, Apt. Number)		(City)		(State)		(Zip)	
D/L Number, State J523-424-57-831-0 / FL		Soc. Sec. Number		INS Number		Place of Birth INDIANAPOLIS, IN	
Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth	
Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth	
Parent Name (Last, First, Middle)		Parent Name (Last, First, Middle)		Parent Name (Last, First, Middle)		Residence Phone	
Legal Custodian		Legal Custodian		Legal Custodian		Business Phone	
Other		Other		Other		Other	
Address (Street, Apt. Number)		(City)		(State)		(Zip)	
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 ☐ defendant and/or ☐ 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: ☐ Yes, By: (Name) ☐ No: (Reason)		School Attended		Grade			
Property Crime? ☐ Yes ☐ No		Description of Property		Value of Property			
Drug Activity N. N/A P. Possess		S. Sell B. Buy T. Traffic		R. Smuggle D. Deliver E. Use		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		Counts 1		Domestic Violence ☐ Yes ☒ No		Statute Violation Number 316.193.1.A	
Drug Activity		Drug Type		Amount/Unit		Offense # 22-002732	
Charge Description		Counts		Domestic Violence ☐ Yes ☐ No		Statute Violation Number	
Drug Activity		Drug Type		Amount/Unit		Offense #	
Charge Description		Counts		Domestic Violence ☐ Yes ☐ No		Statute Violation Number	
Drug Activity		Drug Type		Amount/Unit		Offense #	
Charge Description		Counts		Domestic Violence ☐ Yes ☐ No		Statute Violation Number	
Drug Activity		Drug Type		Amount/Unit		Offense #	
Instruction No. 1 Mandatory Appearance in Court		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 APRIL Day 04 Year 2022 Time 0830				Date Signed			
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 (or Juvenile and Parent/Custodian) <i>Judi Johnston</i>		Signature of Arresting Officer <i>[Signature]</i>			
HOLD for other Agency Name:		Name of Arresting Officer (Print) OFFICER CASTRO		I.D. # 905		Name Verification (Printed by Arrestee) (PRINT)	
☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other		Transporting Officer OFFICER CASTRO		I.D. # 905		Agency BBPD	
Witness here is subject Signed with an "X".						Page 1 OF 1	

MAR 10 AM 3:48

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 09 DAY OF March 2022 AT 1153 ☐ A.M ☒ P.M.

CASE #: 22-002732

DEFENDANT: JOHNSTON, JUDITH DUNN

PERSONAL CONTACT/DRIVING PATTERN/OBSERVATION OF DRIVER:

I responded to the 2500 block of Gateway Blvd in reference to a Traffic Stop conducted by Officer Drury. This incident occurred within the City of Boynton Beach, Palm Beach County, Florida.

Upon arrival I made contact with Officer Drury who stated the following: "On Monday, March 9, 2022, at approximately 2353 hours I was patrolling the area of 500 North Congress Avenue, Boynton Beach, FL 33426 when I witnessed a black Lexus SUV, bearing FL tag KVAS54, failing to maintain its lane. The vehicle was travelling northbound in the left lane. I observed the Lexus cross over the dotted white line into the middle lane and then come back into the left lane multiple times. I then paced the vehicle using my calibrated BBPD patrol vehicle (4741) and paced the Lexus from 800 N Congress Avenue to 2000 N Congress Avenue at 60 mph in a marked 45 mph area. The Lexus entered the left turn lane on the inside lane. I entered the left turn lane in the outside lane. While making the left turn, the Lexus was unable to maintain its lane almost side swiping my vehicle.

Due to the above aforementioned infractions, I activated my red and blue emergency lights on my marked BBPD patrol vehicle (4741) to conduct a traffic stop on the Lexus RX at the 1800 block of West Gateway BLVD. The vehicle slammed on its brakes in the left turn lane and then made a U-turn at Savannah Lakes Drive, eventually coming to a stop in the right lane of eastbound traffic. I made contact with the driver/sole occupant, identified by her FL Driver's license as W/F Judith Johnston (DOB: 9/11/57). She had obvious red and glossy eyes. Johnston sounded lethargic and was slow with answering my questions. When I asked for her driver's license, registration, and insurance; Johnston only provided me with her license at first. She kept checking her wallet for her registration and eventually handed me her insurance card instead. I asked Ofc. Alexis to attempt to obtain the vehicle registration from Johnston and he returned with her registration and a second insurance card. Due to the above clues, I suspected Johnston to be driving under the influence of an unknown substance. At this time, I requested Ofc. Castro to respond to conduct a DUI investigation.

I issued Johnston a citation for Unlawful Speed (citation # AE9KOKE) and Fail to Drive in a Single Lane (citation # AE9KOLE). Johnston gave approval for her boyfriend who was on scene to take possession of her vehicle. He did so, but left behind Johnston's

registration and two insurance cards. I submitted the documents to BBPD Evidence as prisoner property. This ends my involvement in this incident.”

I then made contact with Johnston, who was still occupying the driver seat of her vehicle. I introduced myself and inquired if she was aware of the reason why she was stopped; which Johnston stated no. After explaining the infractions observed by Officer Drury, Johnston denied speeding and failing to maintain her lane. Johnston advised that she was traveling to her residence from her boyfriend's residence. While speaking with Johnston the odor of a feminine fragrance was overwhelming. Even with the fragrance I still detected the odor of an unknown alcoholic beverage emanating from Johnston's breath, which intensified as she spoke. Johnston's speech was thick and slurred and her eyes were bloodshot/glassy. As Johnston spoke she smacked her lips. Based on the above facts I requested Johnston to exit her vehicle, so I that could speak with her face to face and away from the fragrance. While walking to the rear of her vehicle, Johnston swayed side to side. I then informed Johnston the reason while I wanted to speak with her outside of the vehicle. At this point the odor of the unknown alcoholic beverage was stronger. Johnston admitted to consuming one glass of wine a couple of hours prior to the traffic stop. Based on the above facts, I asked Johnston if she would be willing to submit to a Series of Standardized Field Sobriety Task, which she agreed to. Prior to beginning I asked Johnston if she had any disabilities and/or injuries; which she stated yes. Johnston advised that she has hearing difficulties and therefore has balance issues. See the following:

Pen Exercise: During the task Johnston swayed side to side and had a difficult time not moving her head, after instructed not to. Johnston would look away from the stimulus at times.

HORIZONTAL GAZE NYSTAGMUS:

- | | |
|--|---|
| ☐ Left eye does not follow smoothly | ☐ Right eye does not follow smoothly |
| ☐ Left eye prior to 45 degrees | ☐ Right eye prior to 45 degrees |
| ☐ Distinct jerking in left eye at maximum deviation | ☐ Distinct jerking in right eye at maximum deviation |
| ☐ Vertical Nystagmus in left eye | ☐ Vertical Nystagmus in right eye |

WALK AND TURN:

Johnston was placed into the instructional stance and told to remain in that position until I told them to move. Johnston was given instructions and demonstration numerous times. Johnston moved and lost her balance from the instructional position prior to me telling her to move. Johnston started numerous times before the instructions were complete. Johnston missed heel to toe on every step. Johnston stepped off the line on step #7. Johnston stopped walking after the first 9 steps and asked for additional instructions. Johnston performed an improper turn, as she walked around in a normal manner. Johnston failed to keep her arms to her side. Johnston had a noticeable orbital sway during this task.

ONE LEG STAND:

Johnston was placed into the instructional stance and told to remain in that position until I told them to move. Johnston advised that she is unable to perform the task due to her hearing difficulty. Johnston advised that she did not want to try.

FINGER TO NOSE:

Johnston was placed into the instructional stance and told to remain in that position until I told them to move. Johnston was given instructions and a demonstration. Johnston had to be reminded to keep her eyes closed. Johnston did not touch tip to tip as instructed. Johnston raised her Right arm in a 90 degree and pointed up. Johnston then asked for further instruction. Johnston had a noticeable orbital sway during this task.

ROMBERG/ALPHABET:

Johnston was placed into the instructional stance and told to remain in that position until I told them to move. Johnston was given instructions and a demonstration. Johnston recited the alphabet in a fast, singing manner.

Based on the above facts Johnston was placed into handcuffs (D/L and Spaced) and arrested for suspicious of DUI. Johnston was then placed in the back seat of my patrol vehicle (#4734) and transported to the Palm Beach County BAT facility. I arrived at the facility at 0051hrs, started my 20 minutes observations at 0055hrs and completed it at 0115hrs. Upon completion I requested Johnston to provide a sample of her breath to determine the alcohol content, which she agree to. Johnston provided a BrAC sample of .151 at 0124hrs and .159 at 0127hrs. I then read Johnston her Miranda Warnings, which she stated that she understood. Q&As were refused.

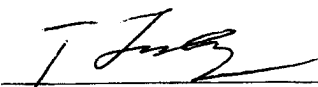
Based on the facts, Johnston was charged with Driving Under the Influence pursuant with F.S.S. 316.193.1.A. Johnston was processed and later TOT PBCJ.

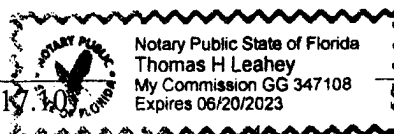
Incident was captured via BWC. Johnston's vehicle was removed by her boyfriend.

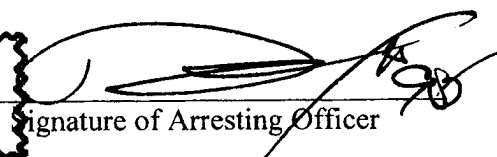
Nothing Further.

The following instrument was sworn to before me this 09 day of March 2022

By: PERSONALLY KNOWN/ OFFICER CASTRO #905


Notary/Police Officer (F.S.S. 117.40)




Signature of Arresting Officer



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

PBSO CASE # 22-044590 PBSO ZONE 6-12

AGENCY CASE # BBPD 22-002732 CRASH CASE # _____

TIME OF STOP/CRASH 2353HRS DATE 03/09/2022 DAY THURSDAY

SUBJECT'S NAME JOHNSTON JUDITH DUNN RACE WHITE SEX FEMALE
LAST FIRST MID

HGT 502 WGT 135 DOB 09/11/1957

LOCATION GATEWAY BLVD / CONGRESS AVE, BOYNTON BEACH, FL, 33426

ARRESTING OFFICER'S NAME & ID CASTRO 905 AGENCY BBPD

DIVISION: _____

NOTIFIED BY COMMO YES

ARRIVAL AT FACILITY 0055HRS

ARREST TIME 0038HRS

BREATH RESULTS:

1) .151
2) .159
3)
4)

TESTING OFFICER'S ID 6212 PBSO VIDEOTAPE # _____

SUBJECT: Johnston, Judith CASE NUMBER: 22-002732

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 _____ of the _____.

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) _____

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.

SUSPECT'S SIGNATURE: (X) Prad on Video

TESTING FACILITY TASK REPORT

AGENCY: BBPD OFC. CASTRO #905

SUBJECT: JOHNSTON, JUDITH D.

CASE NUMBER: 22-044590

DATE: 03-10-22

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 01:17 HRS

ENDING TIME: 01:31 HRS

BREATH TESTS RESULTS: 1) .151 TIME 01:24 A.M. ☒ P.M. ☐ 2) .159 TIME 01:27 A.M. ☒ P.M. ☐
3) TIME A.M. ☐ P.M. ☐ 4) TIME A.M. ☐ P.M. ☐

BREATH OPERATOR: S.O'NEAL #6212

MAINTENANCE TECHNICAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: CALM, QUIET, COOPERATIVE

CLOTHING: SWEATER- BLACK SHIRT-GRAY PANTS- BLACK, MULTI. COLORED/PRINT

MEDICAL CONDITIONS: BALANCE AND HEARING PROBLEMS

MEDICATIONS: NONE

OTHER:

EYES: RED, GLASSY

ODOR OF UNKNOWN ALCOHOLOIC BEVERAGE.

COMMENTS:

20 MIN. OBSERVATION DONE BY A/O CASTRO #905

A/O REQUESTED THE BREATH TEST.

D SUBMITTED TO THE BREATH TEST.

D HAD A LITTLE DIFFICULTY, BUT SHE EVENTUALLY BLEW CORRECTLY.

C/W READ ON CAMERA, D REFUSED Q&A.

CASE #: 22-002732

DEFENDANT: JOHNSTON, JUDITH DUNN

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? REFUSED

Where were you going? _____

What Street or Highway were you on? _____

What was your 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 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: _____

CASE #: 22-002732

DEFENDANT: JOHNSTON, JUDITH DUNN

Arresting Officer: CASTRO #905

Address: 2100 HIGH RIDGE RD, BOYNTON BEACH, FLORIDA, 33426

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

Name: OFFICER DRURY

Address: 2100 HIGH RIDGE RD, BOYNTON BEACH, FLORIDA, 33426

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:

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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:

**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: 80-006029 Software: 8100.27
Date of Test: 03/10/2022

Date of Last Agency Inspection: 02/04/2022

Observation Period Began: 00:55

Subject's Name: JUDITH D JOHNSTON

DOB: 09/11/1957 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	01:21
	Air Blank	0.000	01:22
	Control Test	0.080	01:22
	Air Blank	0.000	01:23
	Subject Sample #1	0.151	01:24
	Air Blank	0.000	01:25
	Air Blank	0.000	01:26
	Subject Sample #2	0.159	01:27
	Air Blank	0.000	01:28
	Control Test	0.079	01:28
	Air Blank	0.000	01:29
	Diagnostics Check	OK	01:29

Cylinder Lot: 19021080A2
Exp: 09/05/2023

State of Florida, County of Palm Beach,

Personally appeared before me the undersigned authority, who (X) is personally known to me or () produced _____ as identification, and who after being placed under oath, states:

I SHARI L O'NEAL, 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: S. O'Neal Date: 03-10-22
Signature

Sworn to (or affirmed) before me this 10 day of March, 2022

[Signature] Signature of Notary Public-State of Florida Ofc. Castro #905 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**
Florida State Statute Exemption Sheet

Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	☐	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	☐	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	☐	119.071(4)(c)	Undercover personnel.	
	☐	119.071(2)(f)	Confidential informants (CIs).	
	☐	119.071(2)(e)	Confession.	
Public Info. Exemptions	☐	985.04(1)	Juvenile offender records.	
	☐	119.071(h)(i)	Assets of a crime victim.	
	☐	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	☐	394.4615(7)	Mental health information.	
	☐	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)	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	☐	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	☐	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	☐	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	☐			
	☐			
	☐			
	☐			
	☐			
	☐			
Other	☐		Other:	
	☐		Other:	

REVIEW COMPLETED BY

Booking Number: 2022006354

Date: 3/10/2022

Specialist Name/ID: Pinkneya/7796