

50-2020-CT-016230-ANB

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

1. Arrest
2. N.T.A.

3. Request for Warrant
4. Request for Capias

1

Juvenile

N

ADMINISTRATIVE	OBTS Number		Agency ORI Number FLO 502600				Agency Name PALM BEACH GARDENS POLICE DEPARTMENT				Agency Report Number (N.T.A.'s only) 78-20005566												
	Charge Type: Check as many as apply.		<input type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony		<input type="checkbox"/> 3. Misdemeanor <input checked="" type="checkbox"/> 4. Traffic Misdemeanor		<input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other		Weapon Seized / Type 2		1. Yes 2. No		Multiple Clearance Indicator										
	Location of Arrest (Including Name of Business) 3800 NORTHLAKE BLVD, PBG, FL						Location of Offense (Business Name, Address) NORTHLAKE BLVD/INTERSTATE 95, PBG, FL																
	Date of Arrest 12/12/2020		Time of Arrest 01:21 hours		Booking Date		Booking Time		Jail Date		Jail Time		Location of Vehicle KAUFF'S TOWING & RECOVERY 4301 East Avenue, West Palm Beach, FL 33405										
DEFENDANT	Name (Last, First, Middle) BRILEY, KYLE, BETTEKER												Alias (Name, DOB, Soc. Sec. #, Etc.)										
	Race W - White I - American Indian B - Black O - Oriental/Asian		Sex W M		Date of Birth 06/11/1994		Height 5'7		Weight 200		Eye Color BRO		Hair Color BRO		Complexion LGT		Build MED						
	Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) N/A						Marital Status SINGLE		Religion JEDI		Indication of Alcohol Influence Drug Influence		Y N Unk. <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>										
	Local Address (Street, Apt. Number) 606 FLOTILLA LN, NORTH PALM BEACH FL 33408				(City) (State) (Zip)		Phone (561) 310-3430		Residence Type: 1. City 2. County 3. Florida 4. Out of State		Y N Unk. <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>												
	Permanent Address (Street, Apt. Number) 606 FLOTILLA LN, NORTH PALM BEACH FL 33408				(City) (State) (Zip)		Phone ()		Address Source VERBAL														
	Business Address (Name, Street) ()				(City) (State) (Zip)		Phone ()		Occupation														
	DL Number, State B640502942110 FL		Sec. Sec. Number ()		INS Number		Place of Birth (City, State) PALM BEACH GARDENS, FL		Citizenship US														
	Co-Defendant Name (Last, First, Middle)				Race		Sex		Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large		<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile										
	Co-Defendant Name (Last, First, Middle)				Race		Sex		Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large		<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile										
	CO-DEF	Parent Custodian <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																			
Released To: (Name)		Relationship		Date																			
Time		Juvenile Disposition 1. Handled/processed within Dept. and Released. 2. TOT HRS / DYS 3. Incarcerated																					
The above address 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 (Phone 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																			
JUVENILE		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. Barbiturate C. Cocaine E. Heroin		H. Hallucinogen M. Marijuana O. Opium/Derv.		P. Paraphernalia/ Equipment S. Synthetics		U. Unknown Z. Other	
		Charge Description DRIVING UNDER THE INFLUENCE				Counts 1		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number 316.193(1)(A)				Violation of ORD #									
		Drug Activity N		Drug Type N		Amount / Unit		Offense #		Warrant / Capias Number				Bond									
	Charge Description				Counts		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		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"/> Y <input checked="" type="checkbox"/> N		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"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number				Violation of ORD #										
	Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number				Bond										
	CHARGE	Location (Court Room Number Address) NORTH COUNTY COURTHOUSE, 3188 PGA BOULEVARD, PALM BEACH GARDENS, FL 33410 - PH: (561) 662-6700																					
Court Date and Time Month JANUARY Day 13 Year 2021 Time 10:00 AM <input checked="" type="checkbox"/> PM																							
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)												Date Signed 12/12/2020											
HOLD for other Agency Name:						Signature of Arresting Officer (Signature)						Name Verification (Printed by Arrestee) DEC 12 AM 3:28											
<input type="checkbox"/> Dangerous <input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Suicidal <input type="checkbox"/> Other:						Name of Arresting Officer (Print) OFC. ANDREW FLINK						I.D. # 514											
Intake Agency (Signature)						Transporting Officer ANDREW FLINK						ID # 514											
Agency PBPGD						Witness here if subject signed with an "X"										PAGE 1 OF 1							
DISTRIBUTION: WHITE - COURT COPY GREEN - STATE ATTORNEY YELLOW - AGENCY PINK - AGENCY GOLD - DEFENDANT (N.T.A.'s ONLY)																							

0520165

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D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 12TH DAY OF DECEMBER 20 20, AT 0103 AM PM

SUBJECT: BRILEY, KYLE, BETTEKER CASE NUMBER: 20005566

AGENCY: PALM BEACH GARDENS POLICE DEPT. ARRESTING OFFICER: Ofc. ANDREW FLINK 514

PERSONAL CONTACT

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

Ofc Rhymer 521, observed the vehicle a black Volkswagen sedan (IQ50IP/FL) disobey a steady red light, east bound on Northlake Blvd at the intersection with Interstate 95, PBG, FL. Ofc Rhymer initiated a traffic stop on the vehicle in the parking lot of Taco Bell, 3800 Northlake Blvd, PBG, FL. This Officer made contact with the driver, identified via Florida Driver License photo, Kyle Briley, while he was still in physical control of the vehicle.

OBSERVATION OF DRIVER:

Briley had bloodshot watery eyes, very slurred speech, flushed red face, and the obvious odor of an unknown alcoholic beverage emanating from his breath at conversational distance.

DRIVER'S STATEMENTS:

Briley said he was coming from the area of Military and Burns Rd and admitted to consuming one or two alcoholic beverages on this night.

ODORS:

Unknown alcoholic beverage

GENERAL OBSERVATIONS

SPEECH: Slow, slurred

ATTITUDE: Compliant, talkative

CLOTHING: Pink shirt, white shirt, black pants, black sneakers

MEDICAL/OTHER: None stated

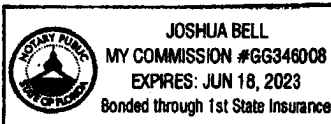
STATE OF FLORIDA
COUNTY OF PALM BEACH

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 12th day of December 2020 by Ofc. ANDREW FLINK

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

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



SUBJECT: BRILEY, KYLE, BETTEKER

CASE NUMBER 20005566

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

- | | |
|---|---|
| <input checked="" type="checkbox"/> LT EYE-LACK OF SMOOTH PURSUIT | <input checked="" type="checkbox"/> RT EYE-LACK OF SMOOTH PURSUIT |
| <input checked="" type="checkbox"/> LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION | <input checked="" type="checkbox"/> RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION |
| <input checked="" type="checkbox"/> LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES | <input checked="" type="checkbox"/> RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES |

Other Observations:

Briley was swaying back and forth during the exercise. Briley had Vertical Gaze Nystagmus in both eyes.

WALK & TURN:

During the instructions, Briley stepped out of the starting position. After the turnaround, improper turn second step arm, pasued riefly missed heel to toe

ONE LEG STAND:

During the exercise, Briley raised his right foot. Throughout the exercise Briley was swaying. Briley raise his arms more than six inches from his sides. At the count of nine, Briley paused then continued counting.

ROMBERG ALPHABET:

Not conducted

FINGER TO NOSE:

Not conducted

BREATH TEST RESULTS: 1) REFUSAL 2) REFUSAL 3) - 4) -

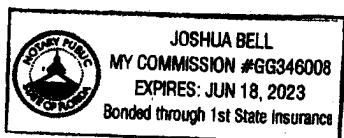
STATE OF FLORIDA
COUNTY OF PALM BEACH

[Signature]
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 12th day of December 2020 by Ofc. ANDREW FLINK

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

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



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CASE NUMBER

CONSENT FOR DUI IN A MOTOR VEHICLE

I hereby consent to the following tests to be made available to the State of Texas:

1. I consent to the collection of a sample of my BREATH for the purpose of determining its alcohol content.

OR

2. I consent to the collection of a sample of my URINE for the purpose of detecting the presence of alcohol or controlled substances.

OR

3. I consent to the collection of a sample of my BLOOD for the purpose of determining its alcohol content.

THE ABOVE CONSENT DOES NOT COMPLY WITH THE REQUIREMENTS OF TEXAS PENAL CODE SECTION 49.06.

Frank

of the *Police*

I have read this document and understand its contents. I have been advised of my rights and I have voluntarily consented to the tests I have indicated above. I have been previously suspended for a prior refusal to submit to a breath test. I understand that my consent to the test I have indicated above is a condition of my continued operation of the motor vehicle.

Signature: *Frank* Read on camera (3x) @02:50:00

ADDITIONAL WARNINGS

1. You have the right to stop at any time and refuse to answer any questions.

2. You have the right to stop at any time and refuse to make a statement.

3. You have the right to stop at any time and refuse to answer any questions or make a statement.

4. You have the right to stop at any time and refuse to answer any questions or make a statement.

5. You have the right to stop at any time and refuse to answer any questions or make a statement.

6. You have the right to stop at any time and refuse to answer any questions or make a statement.

7. You have the right to stop at any time and refuse to answer any questions or make a statement.

8. You have the right to stop at any time and refuse to answer any questions or make a statement.

9. You have the right to stop at any time and refuse to answer any questions or make a statement.

10. You have the right to stop at any time and refuse to answer any questions or make a statement.

Signature: *Frank* Read on camera

CASE NUMBER:

QUESTIONS AND ANSWERS

WHEN YOU GOING TO ASK YOU MUST ANSWER ALL THE QUESTIONS. YOU MUST ANSWER ALL THE QUESTIONS. YOU MUST ANSWER ALL THE QUESTIONS.

WERE YOU OPERATING A MOTOR VEHICLE AT THE TIME OF THE STOP/ACCIDENT? YRS

WHERE WERE YOU GOING? Home

ON HIGHWAY OR BYWAY WERE YOU GOING? Not thru

WHERE WERE YOU TRAVEL? E WHERE DID YOU START? Burns

WHERE DID YOU START? unknown WHAT TIME IS IT NOW? unknown

WHAT IS TODAY'S DATE? unknown WHAT DAY OF THE WEEK IS IT? Saturday

WHAT COUNTY AND CITY ARE YOU IN NOW? Ruler Beach

WHEN DID YOU LAST EAT? don't know WHAT DID YOU EAT?

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? working

HOW MUCH DO YOU WEIGH? 205 HAVE YOU BEEN DRINKING? No WHAT?

HOW MUCH? WHERE? WITH WHOM?

WHAT DID YOU HAVE FOR YOUR FIRST DRINK? AND YOUR LAST DRINK?

HOW MANY CANS OF BEER OR LAST TWO DRINKS? 12-13

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? ARE YOU UNDER THE INFLUENCE?

HAVE YOU CONSIDERED ANY ALCOHOL SINCE THE ACCIDENT? HOW MUCH?

WHAT? WHEN?

WHAT LINE OF BUSINESS ARE YOU IN? Agency WHEN DID YOU LAST WORK?

DO YOU HAVE ANY PHYSICAL INJURIES? No WHAT?

ARE YOU SURE OF YOURSELF? WHAT'S WRONG?

HOW LONG? No DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? No

HOW LONG SINCE AN ACCIDENT TODAY? No

HAVE YOU BEEN ON ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? No

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? No WHO? WHY?

ARE YOU TAKING ANY MEDICINE OR DRUGS? No WHAT? WHEN?

DO YOU HAVE: EPILEPSY? No

GLASS EYE? No

FALSE TEETH? No

EAR INFECTION? No

INNER EAR PROBLEMS? No

DIABETES? No

HAVE YOU HAD ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? No

DO YOU TAKE INSULIN? No IF SO, WHEN WAS YOUR LAST INJECTION?

HAVE YOU EVER BEEN A DRIVER? No IN WHICH STATE? No

INTERVIEWER: OCC. A. FLO



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

PBSO CASE # 20-135925 PBSO ZONE 3-13

AGENCY CASE # 20005566 CRASH CASE # _____

TIME OF STOP/CRASH 0103 DATE 12/12/2020 DAY SATURDAY

SUBJECT'S NAME BRILEY KYLE BETTEKER RACE W SEX M
LAST FIRST MID

HGT 5'7 WGT 200 DOB 06/11/1994

LOCATION 3800 NORTHLAKE BLVD, PBG, FL

ARRESTING OFFICER'S NAME & ID Ofc. ANDREW FLINK 514 AGENCY PBGPD

DIVISION: TRAFFIC UNIT

NOTIFIED BY COMMO YES

ARRIVAL AT FACILITY 0149

ARREST TIME 01:21

BREATH RESULTS:

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

BREATH TEST OPERATOR: 8656

NOT A CERTIFIED COPY

TESTING FACILITY TASK REPORT

AGENCY: PBG

SUBJECT: BRILEY, KYLE BETTEKER

CASE NUMBER: 20-135925

DATE: Dec 12, 2020

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 0210

ENDING TIME: 0218

BREATH TESTS RESULTS: 1) R TIME 0215 A.M. P.M. 2) N/A TIME XX A.M. P.M.

REFUSED

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 TECHNICAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: PRONOUNCED

ATTITUDE: TALKATIVE, INQUISITIVE

CLOTHING: PINK DRESS SHIRT, WHITE TEE SHIRT, BLACK PANTS, BLACK SHOES

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES: BLOODSHOT

COMMENTS:

ARRIVED AT DUI TESTING FACILITY AND BEGAN THE 20 MINUTE OBSERVATION AT 0149 HOURS

SUBJECT STATED HE WOULD NOT TAKE BREATH TEST

A/O READ I.C 3 TIME AND EXPLAINED

SUBJECT ACKNOWLEDGED HE UNDERSTOOD I.C AND REFUSED TO TAKE BREATH TEST

A/O READ RIGHTS

SUBJECT STATED HE UNDERSTOOD HIS RIGHTS

A/O CONDUCTED Q AND A

SUBJECT ANSWERED Q AND A

REFUSED

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

I, Ofc. ANDREW FLINK, a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

am a member of Palm Beach Gardens Police Department, and I do swear
(Name of law enforcement agency)

or affirm that on or about the 12TH day of DECEMBER, 20 20, at 01:21 P.M. A.M.

DRIVER KYLE BETTEKER BRILEY
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# B640502942110, state of FL, was placed under lawful arrest for

the offense of DRIVING UNDER THE INFLUENCE by Ofc. ANDREW FLINK and
(Name of Arresting Officer)

issued Citation # A56HFGE

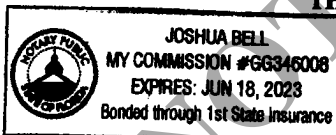
That on or about the 12TH day of DECEMBER, 20 20, at 0215 P.M. A.M.

in PALM BEACH County,

I requested that the driver submit to a X 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.

[Signature]
Signature of Law Enforcement Officer or Correctional Officer

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 12/12/2020

(AFFIX SEAL)
The foregoing instrument was sworn and subscribed before me this 12th day of December, 20 20, by Ofc. ANDREW FLINK,

who is personally known to me or who has produced Personally Known as identification

Notary Public [Signature]

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

REVIEW COMPLETED BY

Booking Number: 2020029019	Date: 12/12/2020
	Specialist Name/ID: T Howard/7185