

05300001

22CT 3829 MB 3729

OBTS Number		ARREST / NOTICE TO APPEAR Juvenile Referral Report		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		1		Juvenile		N									
Agency ORI Number FLO 500000		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE				Agency Report Number (N.T.A.'s only) 06-22-044175															
Charge Type: Check as many as apply: ☐ 1. Felony ☐ 2. Traffic Felony ☒ 3. Misdemeanor ☒ 4. Traffic Misdemeanor ☐ 5. Ordinance ☐ 6. Other		Weapon Seized / Type 2 ☐ 1. Yes ☐ 2. No		Multiple Clearance Indicator 01																	
Location of Arrest (Including Name of Business) ATLANTIC AVENUE / HAGAN RANCH ROAD, UNINCORPORATED/FL/33446						Location of Offense (Business Name, Address) ATLANTIC AVENUE / HAGAN RANCH ROAD, UNINCORPORATED/FL/33446															
Date of Arrest 03/08/2022		Time of Arrest 2153		Booking Date		Booking Time		Jail Date		Jail Time		Location of Vehicle Zaccala's Towing, 633 Industrial Ave., Boynton Beach, FL 33426, (561) 737-1212									
Name (Last, First, Middle) Volce, Marcus, Rogerio												Alias (Name, DOB, Soc. Sec. #, Etc.)									
Race W - White I - American Indian B - Black O - Oriental/Asian W		Sex M		Date of Birth 6/16/1977		Height 5'04		Weight 145		Eye Color BLK		Hair Color BLACK		Complexion MED		Build SMALL					
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) RIGHT ARM						Marital Status Divorced		Religion CHRISTIAN		Indication of Alcohol Influence Y ☐ N ☐ Unk. ☐		Indication of Drug Influence Y ☐ N ☐ Unk. ☐									
Local Address (Street, Apt. Number) (City) (State) (Zip) 346 FLAMINGO LANE, DELRAY BEACH / FL / 33445						Phone (561) 695 1058		Residence Type: 1. City 2. County 3. Florida 4. Out of State 2													
Permanent Address (Street, Apt. Number) (City) (State) (Zip)						Phone ()		Address Source VERBAL													
Business Address (Name, Street) (City) (State) (Zip)						Phone ()		Occupation TILE INSTAL													
D/L Number, State VOLCEMR233LW, WA				Soc. Sec. Number --		INS Number		Place of Birth (City, State) CURITIBA, PARANA BRAZIL		Citizenship NO											
Co-Defendant Name (Last, First, Middle)						Race		Sex		Date of Birth		☐ 1. Arrested ☐ 2. At Large		☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile							
Co-Defendant Name (Last, First, Middle)						Race		Sex		Date of Birth		☐ 1. Arrested ☐ 2. At Large		☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile							
Parent Name (Last) (First) (Middle) ☐ Legal Custodian ☐ Other:						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 provided by ☐ defendant and / or ☐ 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. ☐ 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. Barbiturate C. Cocaine E. Heroin		H. Hallucinogen M. Marijuana O. Opium/Deriv.		P. Paraphernalia/ Equipment S. Synthetics		U. Unknown Z. Other	
Charge Description DRIVING UNDER THE INFLUENCE						Counts 1		Domestic Violence ☐ Y ☐ N		Statute Violation Number 316.193(1)(a)		Violation of ORD #									
Drug Activity N		Drug Type N		Amount / Unit		Offense # 22-044175		Warrant / Capias Number		Bond											
Charge Description						Counts		Domestic Violence ☐ Y ☐ N		Statute Violation Number		Violation of ORD #									
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number		Bond											
Charge Description						Counts		Domestic Violence ☐ Y ☐ N		Statute Violation Number		Violation of ORD #									
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number		Bond											
Charge Description						Counts		Domestic Violence ☐ Y ☐ N		Statute Violation Number		Violation of ORD #									
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number		Bond											
Location (Court, Room Number, Address) Criminal Justice Complex, 3228 Gun Club Road, West Palm Beach, FL 33406 - Ph: (561) 688-4600																					
Court Date and Time Month APRIL Day 7 Year 2022 Time 0830 AM ☒ 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) [Signature]														Date Signed 03/08/2022							
HOLD for other Agency Name:				Signature of Arresting Officer [Signature]				Name Verification (Printed by Arrestee) INV. W. AMADON													
☐ Dangerous ☐ Suicidal				☐ Resisted Arrest ☐ Other				Name of Arresting Officer (Print) INV. W. AMADON				I.D. # 9440									
Intake Deputy				I.D. #				Pouch #				Agency PBSO									
								Transporting Officer INV. W. AMADON				I.D. # 9440									
PAGE 1 OF 1																					

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 8 DAY OF MARCH 20 22, AT 2122 AM ☒ PM
SUBJECT: Volce, Marcus, Rogerio CASE NUMBER: 22-044175

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: INV. W. AMADON

PERSONAL CONTACT

DRIVING PATTERN: Actual physical control (physical evidence or statements putting def. behind wheel of vehicle)

On Tuesday March 8, 2022 at approximately 2120 hours, I saw a pending call for service. The Mobile Eyes complaint regarding a possible impaired driver. The call location was just east of my current location. The call notes indicated the defendant vehicle, and the caller were about to turn north on Hagan Ranch Road from Atlantic Avenue. The call described a black Ford pickup being followed by a black Ram pickup. I observed a black Ford bearing Florida Tag "LBZH68". The vehicle was traveling north. The vehicle was weaving from left to right and back left again. The vehicle crossed over the painted lines several times. I remained behind the vehicle until he began to turn east onto Lake Ida Road. I activated my emergency lights to initiate a traffic stop. The defendant kept driving slowly. I activated a short siren burst to gain the defendant's attention. The defendant then turned south on Monterey Estates Drive. The vehicle came to a slow stop at the entrance to the community.

OBSERVATION OF DRIVER:

I approached the vehicle from the driver side. The defendant was the sole occupant, and seated in the left front driver seat. I informed the defendant of the initial call from a concerned citizen about his driving. I also informed him of the driving pattern I witnessed. I asked if he had any medical issues. He said no. I asked if there was anything that would cause him to drive so poorly and he said no. I asked the defendant to exit his vehicle. I observed the defendant to be unsteady on his feet. I observed the defendant to have a noticeable orbital sway as he stood. I observed the defendant's clothing was improperly worn. His shorts front zipper was down. The defendant's eyes were red and glassy. The defendant weaved as he walked from his vehicle to the front of mine. The defendant's movements were slow and at times uncoordinated.

DRIVER'S STATEMENTS:

The defendant admitted to consuming one beer.

ODORS:

I immediately detected the odor of an unknown alcoholic beverage emanating from the defendant's breath that intensified when he spoke.

GENERAL OBSERVATIONS

SPEECH: slow / slurred / noticeable accent

ATTITUDE: polite / respectful / apologetic

CLOTHING: WHITE SHIRT / BLUE SHORTS / BLUE SHOES

MEDICAL/OTHER: stated none

STATE OF FLORIDA
COUNTY OF PALM BEACH

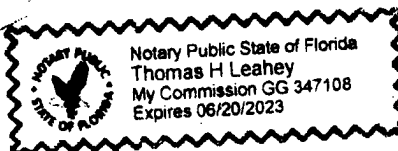
INV. W. AMADON Inv W Amadon #9440
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 8 day of MARCH 20 22 by INV. W. AMADON

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

Thomas Leahey (#19183)

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



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MAR 09 2022

SUBJECT: Volce, Marcus, Rogerio

CASE NUMBER 22-044175

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:

The defendant had a noticeable orbital sway during this task.

WALK & TURN:

The second task performed was the Walk and Turn Task. The defendant was placed into the instructional stance and told to remain in that position until I told him to move. The defendant was given instructions and a demonstration. The defendant moved from the instructional position prior to me telling him to move. The defendant started before the instructions were complete. The defendant missed heel to toe. The defendant stepped off the line. The defendant took an incorrect number of steps. The defendant stopped walking. The defendant did not count aloud. The defendant performed an improper turn. The defendant used his arms for balance. The defendant had a noticeable orbital sway during this task.

ONE LEG STAND:

The third task performed was the One Leg Stand Task. The defendant was placed into the instructional stance and told to remain in that position until I told him to move. The defendant was given instructions and a demonstration. The defendant put his foot down more than three times within approximately thirty seconds. The defendant used his arms for balance. The defendant did not count aloud. The defendant hopped in an attempt to maintain balance. The defendant swayed trying to maintain balance. The defendant had a noticeable orbital sway during this task.

FINGER TO NOSE:

The forth task performed was the Finger to Nose Task. The defendant was placed into the instructional stance and told to remain in that position until I told him to move. The defendant was given instructions and a demonstration. The defendant had to be reminded to keep his eyes closed. The defendant had to be reminded to keep his feet together. The defendant did not touch tip to tip as instructed. The defendant searched for his own nose with his finger. The defendant had a noticeable orbital sway during this task.

ROMBERG ALPHABET:

The fifth task performed was the Romberg Alphabet Task. The defendant was placed into the instructional stance and told to remain in that position until I told him to move. The defendant said he was comfortable with the English alphabet. The defendant was given instructions and a demonstration. The defendant incorrectly recited the alphabet. The defendant then said he was not comfortable with the English alphabet. I offered him the alternative of counting in English from one to twenty six.

BREATH TEST RESULTS: 1) Refusal 2) Refusal 3) 4)

STATE OF FLORIDA
COUNTY OF PALM BEACH

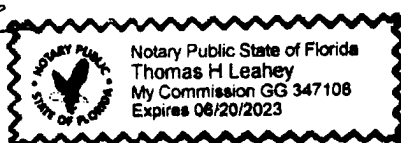
INV. W. AMADON W. Amadon #9440
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 8 day of MARCH, 20 22 by INV. W. AMADON

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

Thomas Leahey (#19183) T Leahey

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



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MAR 09 2022



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

PBSO CASE # 22-044175 PBSO ZONE 4-12
AGENCY CASE # _____ CRASH CASE # _____
TIME OF STOP/CRASH 2122 DATE 03/08/2022 DAY Tuesday
SUBJECT'S NAME Volce, Marcus, Rogerio RACE W SEX M
HGT 5'04 WGT 145 DOB 6/16/1977
LOCATION ATLANTIC AVENUE / HAGAN RANCH ROAD , UNINCORPORATED/FL/33446
ARRESTING OFFICER'S NAME & ID INV. W. AMADON (9440) AGENCY Palm Beach County Sheriff's Office
DIVISION: C.I.D. / DUI
NOTIFIED BY COMMO YES
ARRIVAL AT FACILITY 2224
ARREST TIME 2153

BREATH RESULTS:

1)	
2)	
3)	
4)	

REFUSED

TESTING OFFICER'S ID 19183 PBSO VIDEOTAPE # N/A

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MAR 09 2022

WITNESS LIST

CASE NUMBER: **22-044175**

ARRESTING OFFICER: **INV. W. AMADON**

ADDRESS: **3228 Gun Club Road, West Palm Beach , FL 33406**

PHONE NUMBERS (HOME): _____ (WORK) **561 688 3000**

CAN TESTIFY TO: **DUI 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) **0**

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

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PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

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MAR 09 2022

TESTING FACILITY TASK REPORT

AGENCY:

SUBJECT:

CASE NUMBER:

DATE:

VIDEO DVD NUMBER:

BEGINNING TIME:

ENDING TIME:

BREATH TESTS RESULTS: 1) TIME A.M. ☐ P.M. ☒ 2) TIME A.M. ☐ P.M. ☐
3) TIME A.M. ☐ P.M. ☐ 4) TIME A.M. ☐ P.M. ☐

BREATH OPERATOR:

MAINTENANCE TECHNICAN:

TESTING OFFICER'S OBSERVATIONS

SPEECH:

ATTITUDE:

CLOTHING:

MEDICAL CONDITIONS:

MEDICATIONS:

OTHER:

eyes are glassy & bloodshot
odor of unknown of alcoholic beverage on breath
subject stated he had 1 beer @ work - Q&A

REFUSED

COMMENTS:

arrived at center A/O conducted 20 minute observation period at 2053 hrs
subject refused to perform breath test - I don't know what my advice is yes or no
A/O read I/C & explained I/C & subject understood I/C
subject refused to perform breath test - I don't want to do it
A/O called refusal @ 2250
A/O read rights & subject understood rights
A/O conducted Q&A
subject answered questions

REFUSED

SCANNED

MAR 09 2022

SUBJECT: Volce, Marcus R CASE NUMBER: 22 044175

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) Real 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.

SUSPECT'S SIGNATURE: (X) Real on camera

SCANNED

MAR 09 2022

CASE NUMBER: 22-044175

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? Yes

WHERE WERE YOU GOING? Home

WHAT STREET OR HIGHWAY WERE YOU ON? ATLANTIC EB GOING HOME

DIRECTION OF TRAVEL? E WHERE DID YOU START? WORK - WEST BOCA

WHAT TIME DID YOU START? 25 M NS PROR WHAT TIME IS IT NOW? DONT KNOW

WHAT IS TODAY'S DATE? MARCH 8 WHAT DAY OF THE WEEK IS IT? TUES

WHAT COUNTY AND CITY ARE YOU IN NOW? _____

WHEN DID YOU LAST EAT? EVEN NL WHAT DID YOU EAT? PAN TROPICAL

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? Finished work - had a 35FR

HOW MUCH DO YOU WEIGH? 140 HAVE YOU BEEN DRINKING? YES WHAT? ONE BEER

HOW MUCH? ONE WHERE? CUSTOMERS WITH WHOM? CUSTOMER ^{BUSINESS}

WHEN DID YOU HAVE YOUR FIRST DRINK? 30 mns BEFORE YOUR LAST DRINK? 30 mns BEFORE

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? Sip

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? NO ARE YOU UNDER THE INFLUENCE? NO

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? ^{STOP} NO HOW MUCH?

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? TELETYPE UNIT WHEN DID YOU LAST WORK? 7/20/71

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? no WHAT? _____

ARE YOU SICK OR INJURED?  WHAT'S WRONG?

DO YOU LIMP? no DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? no

WERE YOU IN AN ACCIDENT TODAY? *no*

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? NO NEVER WHEN?

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? NO WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? NO WHAT? _____ WHEN? _____

DO YOU HAVE:	EPILEPSY?	NO
	GLASS EYE?	NO
	FALSE TEETH?	YES #7
	EAR INFECTION?	NO
	INNER EAR TROUBLE?	NO
	DIABETES?	NO

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? NO

DO YOU TAKE INSULIN? NO IF SO, WHEN WAS YOUR LAST INJECTION? COULD NOT

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? FL/WA WHERE? SCANNED

INTERVIEWER: *Inter W. H. H. = 9440* MAR 09 2022

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

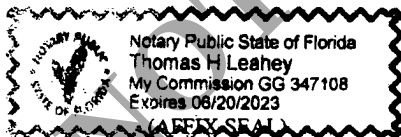
I, Investigator LE W. AMADON, a duly certified Law Enforcement Officer or Correctional Officer,
(Person reading Implied Consent Warning)
am a member of Palm Beach County Sheriffs Office, and I do swear
(Name of enforcement agency)
or affirm that on or about the EIGHTH day of March, 2022, at 21:53
DRIVER MARCUS ROGERIO VOLCE
(Type or Print) FIRST MIDDLE OR MAIDEN LAST
DL # VOLCEMR233LW, state of WA, was placed under lawful arrest for
the offense of DUI by Investigator LE W. AMADON and
(Name of Arresting Officer)
issued Citation # AF1019E

That on or about the EIGHTH day of March, 2022, at 22:49
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 (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.

W. Amadon #9440
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 this 08 day of March, 2022
by Inv W Amadon #9440
who is personally known to me or who has produced
Known as identification.
Notary Public T Leahy

The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

Title _____

Date _____

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.

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MAR 09 2022