

50-2021-CT-003807-AMB
ARREST / NOTICE TO APPEAR

1. Arrest 3. Request for Warrant
2. N.T.A. 4. Request for Capias **1** JUVENILE

Agency ORI Number 0500800	Agency Name West Palm Beach Police Department	Agency Report Number (N.T.A.'s only) 9 4 2021-0003741
Charge Type: Check as many <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	If Weapon Seized <input type="checkbox"/>	Multiple Clearance Indicator <input type="checkbox"/>
Location of Arrest (Including Name of Business) HIBISCUS ST/S DIXIE HWY		Location of Offense (Business Name, Address) 399 HIBISCUS ST/S DIXIE HWY, WEST PALM BEACH, FL
Date of Arrest 03/10/2021	Time of Arrest 21:17	Booking Date 03/10/2021
Booking Time 21:27	Jail Date	Jail Time
Location of Vehicle		

Name (Last, First, Middle) VANDER WAL, MARK WILLIAM		Alias (Name, DOB, Soc. Sec. #, Etc.)	
Race W - White B - Black O - Asian W	Sex M	Date of Birth 10/18/1979	Height 6'00
Weight 215	Eye Color BLUE	Hair Color BROWN	Complexion LIGHT
Build Small	Marital Status	Religion	Indication of Alcohol Influence Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unk. <input type="checkbox"/>
Local Address (Street, Apt. Number) 600 N DIXIE HWY, WEST PALM BEACH, FL 33401		(City)	(State) (Zip)
Permanent Address (Street, Apt. Number) 600 N DIXIE HWY, WEST PALM BEACH, FL 33401		(City)	(State) (Zip)
Business Address (Name, Street) UNEMPLOYED,		(City)	(State) (Zip)
D/L Number, State V536559793780 / FL	INS Number	Place of Birth (City, State) CHICAGO, IL, United	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

<input type="checkbox"/> Parent <input type="checkbox"/> Legal Custodian	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
The above address was 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's Office (Phone 355-2526) informed of any change of address.		Grade
Property Crime? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Description of Property	Value of Property

Drug Activity	S. Sell N. N/A P. Possess	R. Smuggle D. Deliver E. Use	K. Disperse/ 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. Synthetic	U. Unknown Z. Other
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Charge Description DRIVING WHILE UNDER INFLUENCE	Statute Violation Number 316.193(1)	Violation of ORD #
Drug Activity	Drug Type N	Amount / Unit
Offense #	Counts	Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
Warrant / Capias Number	Bond	

Health / Apparent Physical Condition of Defendant	Any knowledge of the following: <input type="checkbox"/> Mental <input type="checkbox"/> Escape Risk <input checked="" type="checkbox"/> Medication <input type="checkbox"/> Deformities <input type="checkbox"/> Injuries
Check which applies: <input type="checkbox"/> Released O.R. <input type="checkbox"/> Posted Bond	<input type="checkbox"/> Released to Parent/Guardian <input type="checkbox"/> South County Mental Health
Transported By OFC E HOWARD	PROPERTY - Received By OFC E HOWARD
Date Transported	Time Transported
Released To PBC JAIL	Other

<input checked="" type="checkbox"/> INSTRUCTION NO. 1 - Mandatory appearance in court <input type="checkbox"/> INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.	Location (Court, Room) Criminal Justice CRIMINAL JUSTICE COMPLEX Court Date and Time 04/15/2021 08:30:00	No Photo Available
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
I CONSENT TO RECEIVE REMINDERS OF COURT DATE(S) AND TIMES FOR THIS CASE BY TEXT MESSAGE TO THE NUMBER IDENTIFIED HERE. I UNDERSTAND THAT STANDARD TEXT MESSAGE RATES MAY APPLY AND THAT I MAY REVOKE THIS CONSENT VIA THE TEXT MESSAGE SYSTEM IF I CHOOSE.		(617) 945-4411

HOLD for Other Agency	Signature of Arresting Officer EH #2201	Name Verification (Printed by Arrestee)
<input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal	Name of Arresting Officer (Print) HOWARD, EDWARD	(PRINT)
I.D. #	I.D. # 02201	Agency WPB
Pouch #	Transporting Officer OFC E HOWARD	I.D. # 2201
Witness here if subject signed with an "X"		

0521939

PH 352

AM 7:30

1 OF 1

DUI PROBABLE CAUSE AFFIDAVIT

On the 10th Day of March at 2117 A.M. P.M.
Subject: Mark Vander Wal Case Number: 2021-3741
Agency: West Palm Beach Police Department Arresting Officer: Ofc. E Howard #2201

Personal Contact

Driving Pattern

Actual physical control (physical evidence putting the driver behind the wheel)

Mark Carpenter, the wheel witness, advised the driver of the 2006 White Lexus was driving southbound on S Dixie Hwy. The driver then went through solid red traffic lights at S Dixie Hwy and Evernia St, then S Dixie Hwy and Fern St, and S Dixie Hwy and Hibiscus St. The vehicle then struck a 2018 Blue Nissan Utility vehicle in the intersection of S Dixie Hwy and Hibiscus St. The driver was the sole occupant of the vehicle and was sitting in the driver seat behind the steering wheel. The driver was in actual physical control of the vehicle. Carpenter maintained constant visual contact of the driver until the police arrived.

Observation of Driver

The driver had slurred speech. The driver had a reddened face and glossy eyes. The driver would sway while standing up.

Drivers Statements:

(Post Miranda) The driver stated he was coming from a gas station that is located on Palm Beach Lakes Blvd and S Dixie Hwy. The driver stated he bought a pack of smokes. The driver stated he did not consume any alcoholic beverages or take any drugs. The driver was slow to respond to questions and needed them repeated multiple times. The driver stated he was not diabetic and did not take any insulin. The driver stated he takes Suboxone and Prozac daily, and did take those medications this morning.

Odors:

An strong odor of an unknown alcoholic beverage could be smelled emanating from the driver, which grew stronger the more he spoke with me.

General Observations

Speech: Slurred

Attitude: Cooperative

Clothing: Black shirt, black shorts, black shoes.

Medical Problems/Medications: Stated he takes Suboxone and Prozac daily. He took the medications this morning.

Other: The driver was advised the crash investigation had been completed, and now an investigation into possibly driving under the influence was beginning. The driver was read his Miranda Rights. The driver agreed to participate in SFTS's.

DUI PROBABLE CAUSE AFFIDAVIT

Subject:

Mark Vander Wal

Case Number:

2021-3741

Roadside Tasks

Horizontal Gaze Nystagmus

- | | |
|---|--|
| <input type="checkbox"/> Left Eye Does Not Follow Smoothly | <input type="checkbox"/> Right Eye Does Not Follow Smoothly |
| <input type="checkbox"/> Left Eye Jerks at 45 Degree Angle or Less | <input type="checkbox"/> Right Eye Jerks at 45 Degree Angle or Less |
| <input type="checkbox"/> Distinct Jerking Left Eye at Maximum Deviation | <input type="checkbox"/> Distinct Jerking Right Eye at Maximum Deviation |

The driver was instructed to stand with his feet together with his arms at his sides. He was then asked if he could identify the color of the stimulus I placed in front of his eyes; in which he advised was blue (which was correct). He physically touched the tip of the stimulus with the tip of his finger. He was reminded to track the stimulus with his eyes only. He failed to keep his head still while tracking the stimulus, and needed to be reminded several times to follow the stimulus with his eyes only. I observed the driver swaying during the instructional and practical portion of this exercise.

Walk and Turn Task

The driver was asked to place his left foot on the line with his right foot directly in front of it and then with his heel touching his toe, then place his arms at his sides and stay in this position while I demonstrated this task. I observed the driver swaying during the instructional portion of this exercise. He could not maintain his balance while listening to the instructions and stepped out of the stance during the demonstration to catch his balance. He started the task before being instructed. On the first set of heel to toe steps he performed the task correctly. He performed the turn other than the way it was demonstrated. On the second set of heel to toe steps, he performed the task correctly. The driver needed to raise his arms to keep is balance.

One Leg Stand

I had the driver stand with his feet together and hands down at his side as I explained the exercise. I explained and demonstrated the exercise and he stated he understood the instructions. He started the task before being instructed. When told to begin, the driver lifted his left foot off the ground. He used his arms to balance by raising them more than six inches from his sides. He put his foot down to regain his balance before the thirty seconds had elapsed. I observed the driver swaying during the instructional and practical portion of this exercise. The driver stated he counted to 17.

Finger To Nose

I had the driver stand with his feet together and hands down at his sides as I explained the exercise. I explained and demonstrated the exercise and he stated he understood the instructions. The driver demonstrated that he knew his right from his left. I asked the driver to tilt his head back and close his eyes. The sequence performed was: L, R, L, R, R, L. During the whole sequence the driver needed to search for his nose by not touching the tip of his nose with the tip of his finger. I observed the driver swaying during the instructional and practical portion of this exercise.

Romberg Balance

I had the driver stand with his feet together and hands down at his sides as I explained the exercise. I explained and demonstrated the exercise and he stated he understood the instructions. I had the driver tilt his head back and close his eyes and estimate the passage of 30 seconds. He advised he finished this exercise at an internal clock of 30 seconds when the actual time was 49 seconds. I observed the driver swaying during this exercise. The driver stepped out of the starting position. The driver's eyes were fluttering while they were closed.

Breath Results from Instrument

1st Result

0.133

2nd Result

0.147

3rd Result

If Applicable

State of Florida

County of Palm Beach

The Following Instrument was notarized or sworn before me this

Personally Known

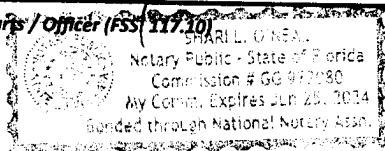
Produced Identification

Notary Public

03-10-21

(DATE)

Notary / Clerk of Courts / Officer (FSS) 11730



Signature of Arresting Officer

941 #2201

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: 80-006238 Software: 8100.27
Date of Test: 03/10/2021

Date of Last Agency Inspection: 02/12/2021

Observation Period Began: 21:49

Subject's Name: MARK W VANDER WAL

DOB: 10/18/1979 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	22:22
	Air Blank	0.000	22:23
	Control Test	0.078	22:23
	Air Blank	0.000	22:24
	Subject Sample #1	0.133	22:24
	Air Blank	0.000	22:25
	Air Blank	0.000	22:27
	Subject Sample #2	0.147	22:28
	Air Blank	0.000	22:28
	Control Test	0.077	22:29
	Air Blank	0.000	22:29
	Diagnostics Check	OK	22:29

Cylinder Lot: 22620080A2
Exp: 10/05/2022

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 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: 03-10-21
Signature

Sworn to (or affirmed) before me this 10 day of March, 2021

RH #2201 Ofc. Howard #2201
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.



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

PBSO CASE # 21-043785 PBSO ZONE 1-11

AGENCY CASE # 2021-37411 CRASH CASE # _____

TIME OF STOP/CRASH 1958 DATE 3/10/21 DAY Wednesday

SUBJECT'S NAME Mark VanderWal RACE W SEX M

HGT 6'00 WGT 215 DOB 10/18/79

LOCATION S Dixie Hwy / Hibiscus St.

ARRESTING OFFICER'S NAME & ID Edward Howard AGENCY WPB

DIVISION: Patrol # 2201

NOTIFIED BY COMMO _____

ARRIVAL AT FACILITY 2149

Arrest Time 2117

BREATH RESULTS:

1. .133
2. .147
3. _____
4. _____

TESTING OFFICER'S ID 6212

NOT A CERTIFIED

TESTING FACILITY TASK REPORT

AGENCY: WPPD OFC. HOWARD #2201

SUBJECT: VANDER WAL, MARK W.

CASE NUMBER: 21-043785

DATE: Mar 10, 2021

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 2219 HRS

ENDING TIME: 2238 HRS

BREATH TESTS RESULTS: 1) .133 TIME 2224 A.M. P.M. 2) 2228 TIME .147 A.M. P.M.
3) TIME A.M. P.M. 4) TIME A.M. P.M.

BREATH OPERATOR: S.O'NEAL #6212

MAINTENANCE TECHNICIAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED, MUMBLED

ATTITUDE: CALM, COOPERATIVE

CLOTHING: SHIRT- NAVY BLUE SHORTS- BLACK

MEDICAL CONDITIONS: ANXIETY, GETTING OF PAIN MEDICINES

MEDICATIONS: PROZAC, SUBOXENE

OTHER:

EYES: VERY RED, GLASSY

ODOR OF UNKNOWN ALCOHOLIC BEVERAGE.

DEXTERITY: SLOW, SLUGGISH

COMMENTS:

20 MIN. OBSERVATION DONE BY THE A/O HOWARD #2201
A/O REQUESTED THE BREATH TEST.
D SUBMITTED TO THE BREATH REQUEST ON CAMERA.
D BLEW CORRECTLY AND COMPLETED THE TEST.
EXPLAINED THE RESULTS TO THE D.
C/W READ ON CAMERA.
Q&A CONDUCTED.

SUBJECT: _____

CASE NUMBER: _____

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) On Camera

SUBJECT: _____

CASE NUMBER: _____

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 Res. Drive

WHAT STREET OR HIGHWAY WERE YOU ON? D.X.C Hwy

DIRECTION OF TRAVEL? South WHERE DID YOU START? North

WHAT TIME DID YOU START? less than 1 hr WHAT TIME IS IT NOW? Almost 11

WHAT IS TODAY'S DATE? 10/11/11 WHAT DAY OF THE WEEK IS IT? Monday

WHAT COUNTY AND CITY ARE YOU IN NOW? Dolan Beach, West Dolan Beach,

WHEN DID YOU LAST EAT? 10:30 PM WHAT DID YOU EAT? Chicken

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? Not drinking

HOW MUCH DO YOU WEIGH? 215 HAVE YOU BEEN DRINKING? NO WHAT? N/A

HOW MUCH? N/A WHERE? N/A WITH WHOM? N/A

WHEN DID YOU HAVE YOUR FIRST DRINK? NO AND YOUR LAST DRINK? NO

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? NO

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

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? NO HOW MUCH? NO

WHAT? N/A WHERE? N/A WHEN? NO

WHAT LINE OF WORK ARE YOU IN? Financial Services WHEN DID YOU LAST WORK? Just 6 months

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? NO WHAT? N/A

ARE YOU SICK OR INJURED? NO WHAT'S WRONG? N/A

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

WERE YOU IN AN ACCIDENT TODAY? Yes

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? NO WHEN? N/A

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

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? Yes WHAT? WIPROGIC WHEN? Every day

DO YOU HAVE:

- EPILEPSY? NO
- GLASS EYE? NO
- FALSE TEETH? NO
- 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? N/A

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? Yes WHERE? IL, AZ, MN

INTERVIEWER: _____



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: 2021006003	Date: 3/11/21
	Specialist Name/ID: A. Pinkney/