

Arrest Report

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

J# 0354412

P# 3699

21CT 14490MB

Report Date / Time 8/28/2021 03:44 AM	Report Number FHP99ARR835158	Case Number/Cad Number FHPL21OFF056635 / LWRC21CAD156480	Reporting Officer Name K. OPORTO
Originating Agency ORI	Occur Date Time Range 08/28/2021 01:07:19 -	Jurisdiction	Clearance

Location of Occurrence

County PALM BEACH	Location Type PUBLIC PLACE	Location Description (STATE ROAD 882)
Street Number	Street FOREST HILL BLVD	Apt/Lot/Bldg City PALM SPRINGS
State FL	Zip Code	

Defendant

First Name MATTHEW	Middle Name SCOTT	Last Name LOVE	Suffix	Race WHITE	Sex MALE	Height 602	Weight 353	Hair BRO	Eyes BRO
MNI #	SSN	Date of Birth 06/29/1985	Age 36	ID Type E	Drivers License or other ID L100557852290	State FL	OCA / Agency ID		
Place of Birth:	WEST PALM BEACH FL PALM BEACH								
Address * RESIDENCE / 339 LAURIE RD , WEST PALM BEACH, FL 33405 /									

Arrest

Arrest Date/Time 8/28/2021 1:06:23 AM	Arrest Location Type PUBLIC PLACE	Arrest Location Description
Street Number	Street FOREST HILL BLVD	Apt/Lot/Bldg County City State Zip Code PALM BEACH PALM SPRINGS FL

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			

Bond Set by Court

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

Probable Cause

On 08/28/2021 I responded to call for assistance requested by Palm Springs Police department at the intersection of Forest Hill Blvd (State Road 882) and Congress Ave (State Road 807). When I arrived on scene at 1:00am, I observed two Palm Springs PD vehicles and a silver colored pickup truck with a white male sitting on the tailgate. When I exited my patrol vehicle, Officer Ferrer handed me the male

Arrest Report

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AUG 28 AM 4:44

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subject's Florida Driver's License (FL DL) and briefed me on the situation. Officer Ferrer told me, he and Officer Gee were called to a welfare check on a male passed out behind the wheel of a pickup truck in the left turn lane of westbound Forest Hill Blvd. Officer Ferrer continued by stating he and Officer Gee woke the male subject and removed him from the vehicle. A detailed report of Officer Ferrer and Officer Gee's encounter is included in the packet. As I approached the male subject, I looked at the FL DL with the name Matthew Scott Love and the DL# of L100-557-85-229-0. As I looked at the FL DL, I noticed the photo looked exactly like the male sitting on the pickup truck tailgate. Before I addressed the subject, I noticed he had glassy eyes that were droopy. When I addressed him as Mr. Love, he looked at me and acknowledged me. I introduced myself and informed Mr. Love I was conducting a criminal investigation for Driving under the influence (DUI). I then asked Mr. Love if he would participate in field sobriety excises. Mr. Love replied yes. As I spoke to Mr. Love, I could smell an odor commonly associated with alcohol emitting from his mouth.

Next, I read Mr. Love his Miranda rights from my state issued Miranda card. Mr. Love acknowledged he understood his rights and agreed to answer questions. I first asked Mr. Love where he was coming from. He replied "Renegades". I then asked Mr. Love what Renegades was. He replied by describing it as a club. I then asked Mr. Love what he had to drink while he was there. He replied, a few beers and a few shots. I then asked Mr. Love what time he had his last drink. He replied 12, 12:15. As Mr. Love spoke, he had slurred and slow speech.

At 1:07am we began the field sobriety exercises. (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 Mr. Love attempting to perform the exercise. The exercises were performed on a flat surface that was dry, well-lit by my patrol car's takedown lights, and clear of debris.

Horizontal Gaze Nystagmus Exercise (black Streamlight pen with red light tip 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

Walk and Turn Exercise

- Stepped off the line one time on the first set of steps and stepped off halfway threw the second set of steps and quit.
- Used arms to balance both direction

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One Leg Stand Exercise (30 seconds was counted on my digital wrist watch)

Raised right leg first for less than 10 seconds, then switched to left leg.

-Used arms for balance

-Put raised leg down twice and quit after the second time

Based upon the performance of the above exercises and the totality of the circumstances, at 1:16 am, I determined that there was probable cause to believe that Matthew Scott Love 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. Mr. Love was placed under arrest for the above offense and handcuffed behind his back. I placed Mr. Love in the back seat of Officer Ferrer patrol car.

Mr. Love was transported to the Palm Beach County Breath Alcohol Testing (BAT) facility. At the BAT facility a 20-minute observation period was conducted where he did not ingest anything by mouth or regurgitate (mouth was confirmed to be empty prior to 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 agreed to provide the breath test samples and provided a first breath test sample of 0.164 and a second breath test sample of 0.172.

At the Palm Beach County Jail, Mr. Love was issued a DUI citation. He was booked without incident. Video and Audio Recording available upon request

All of the above events occurred in Palm Beach

Matthew Scott Love was booked into the Palm Beach County Jail for the following charge: 316.193

Jail Booking Facility

Booking Date/Time 8/28/2021 04:25 AM	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 09/30/2021 1:30PM	Court Fine
Comments			

Officer Name
Rank / ID #

Involvement On Report /
Reporting Role

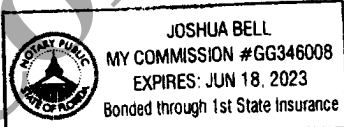
Officer Agency
Org/Unit

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K. OPORTO TPR	4805	REPORTING OFFICER FLORIDA HIGHWAY PATROL FHPL1LWRC1PALM BEACHBROW LN TO SR804
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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 K. OPORTO	Office Rank TPR	Officer ID No 4805	Sworn and subscribed before me, the undersigned authority This the <u>28</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>K O</i>			

<input type="radio"/> No Bill / Petition <input type="radio"/> Issue Warrant <input type="radio"/> Prosecution Approved	Signature of Assistant State Attorney	Date
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SUBJECT: Love, Matthew Scott

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? _____

WHERE WERE YOU GOING? _____

WHAT STREET OR HIGHWAY WERE YOU ON? _____

DIRECTION OF TRAVEL? _____ WHERE DID YOU START? _____

WHAT TIME DID YOU START? _____ WHAT TIME IS IT NOW? _____

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

WHAT COUNTY AND CITY 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? _____

HOW MUCH? _____ WHERE? _____ WITH WHOM? _____

WHEN DID YOU HAVE YOUR FIRST DRINK? _____ AND YOUR LAST DRINK? _____

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? _____

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

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE 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? _____

WERE 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: _____

TPR. K. Oporto # 4805

SUBJECT: Love, Matthew Scott

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 Kyle Oporto of the Florida Highway Patrol

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) _____

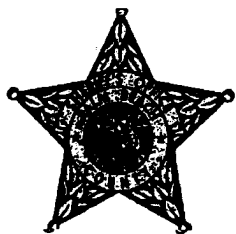
CONSTITUTIONAL WARNINGS

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) _____

Read on camera ON Scene



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

PBSO CASE # 21-100676 PBSO ZONE 1-11

AGENCY CASE # FHPL210FF056635 CRASH CASE # _____

TIME OF STOP/CRASH 12:33 am DATE 8-28-2021 DAY Friday

SUBJECT'S NAME Matthew Scott Love RACE W SEX M

HGT 6'02 WGT 353 DOB 6-29-1985

LOCATION Forest Hill Blvd & Congress Ave

ARRESTING OFFICER'S NAME & ID Kyle Canto AGENCY FHP

DIVISION: _____

NOTIFIED BY COMMO yes

ARRIVAL AT FACILITY 1:35 am

Arrest Time 1:16 am

BREATH RESULTS:

1. .164
2. .172
3. N/A
4. N/A

TESTING OFFICER'S ID 8656

TESTING FACILITY TASK REPORT

AGENCY: FHP-L

SUBJECT: LOVE, MATTHEW SCOTT

CASE NUMBER: 21-

DATE: Aug 28, 2021

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 0232

ENDING TIME: 0245

BREATH TESTS RESULTS: 1) .164 TIME 0239 A.M. ☒ P.M. ☐ 2) .172 TIME 0242 A.M. ☒ P.M. ☐
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: SLURRED

ATTITUDE: COOPERATIVE

CLOTHING: BLACK TEE SHIRT, RED/BLACK SHORTS, BLACK FLIP FLOPS

MEDICAL CONDITIONS: HIGH BLOOD PRESSURE, CHOLESTEROL, ASTHMA

MEDICATIONS: BETA BLOCKER, BLOOD PRESSURE, CHOLESTEROL

OTHER:

EYES: BLOODSHOT, GLASSY

COMMENTS:

ARRIVED AT DUI TESTING FACILITY AND BEGAN THE 20 MINUTE OBSERVATION AT 0135 HOURS

SUBJECT STATED HE WOULD TAKE BREATH TEST

TECH READ BREATH TEST RESULTS

SUBJECT ACKNOWLEDGED HE UNDERSTOOD BREATH TEST RESULTS

A/O READ RIGHTS ON SCENE

Q AND A NOT CONDUCTED

**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: 80-006239 Software: 8100.27
Date of Test: 08/28/2021

Date of Last Agency Inspection: 08/13/2021
Observation Period Began: 01:35
Subject's Name: MATTHEW S LOVE

DOB: 06/29/1985 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	02:37
	Air Blank	0.000	02:37
	Control Test	0.078	02:38
	Air Blank	0.000	02:38
	Subject Sample #1	0.164	02:39
	Air Blank	0.000	02:39
	Air Blank	0.000	02:41
	Subject Sample #2	0.172	02:42
	Air Blank	0.000	02:42
	Control Test	0.078	02:43
	Air Blank	0.000	02:43
	Diagnostics Check	OK	02:43

Cylinder Lot: 02021080A1
Exp: 03/05/2023

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 JOSHUA J BELL, 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: _____

Signature

Date: 08/28/21

Sworn to (or affirmed) before me this 28 day of August, 2021

Signature of Notary Public-State of Florida

TPR. K. Oporto #4805
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	<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: 2021021453	Date: 8/29/2021
	Specialist Name/ID: M. Took #8557