

20 OCT 14726

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 502600		Agency Name PALM BEACH GARDENS POLICE DEPARTMENT				Agency Report Number (N.T.A.'s only) 78- 20005136					
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 <input checked="" type="checkbox"/> 1. Yes <input type="checkbox"/> 2. No		Multiple Clearance Indicator							
Location of Arrest (Including Name of Business) NORTHLAKE/140TH AVE, Palm Beach Gardens, FL				Location of Offense (Business Name, Address) NORTHLAKE/ANCIENT TREE, Palm Beach Gardens, FL							
Date of Arrest 11/16/2020		Time of Arrest 23:52		Booking Date		Booking Time		Jail Date		Jail Time	
Location of Vehicle KAUFF'S TOWING & RECOVERY				4301 East Avenue, West Palm Beach, FL 33405							
Name (Last, First, Middle) SCHWAN, MAXIMILIAN, A											
Alias (Name, DOB, Soc. Sec. #, Etc.)											
Race W - White I - American Indian B - Black O - Oriental/Asian		Sex M		Date of Birth 03/15/92		Height 5'10		Weight 157		Eye Color BROWN	
Hair Color BROWN		Complexion LIGHT		Build SMALL							
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) N/A				Marital Status Single		Religion		Indication of: Alcohol Influence <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk. Drug Influence <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk.			
Local Address (Street, Apt. Number) 16893 81ST LN N LOXAHATCHEE FL 33470				Phone (954) 2532625		Residence Type: 1. City 2. County 3. Florida 4. Out of State		2			
Permanent Address (Street, Apt. Number) 16893 81ST LN N LOXAHATCHEE FL 33470				Phone (954) 2532625		Address Source LICENSE					
Business Address (Name, Street) MAN ENGINE AND COMPONENTS				Phone ()		Occupation ELECTRICIAN					
D/L Number, State S-500-541-92-095-0 FL		Soc. Sec. Number		INS Number		Place of Birth (City, State) PLANTATION, 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	
Parent Legal Custodian Other: Name (Last) (First) (Middle)				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 <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			
Drug Activity S. Sell N. Possess R. Smuggle B. Buy D. Deliver K. Dispense/ T. Traffic E. Use M. Manufacture/ P. Produce/ C. 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/ 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)(4)		Violation of ORD #	
Drug Activity DRUG TYPE				Amount / Unit		Offense #		Warrant / Capias Number		Bond OR	
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	
Location (Post, Box, Mailing Address) NORTH COUNTY COURTHOUSE, 3188 PGA BOULEVARD, PALM BEACH GARDENS, FL 33410 - PH: (561) 662-6700											
Court Date and Time Month December Day 17 Year 2020 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 11/16/2020											
Signature of Defendant (or Juvenile and Parent / Custodian) MAXIMILIAN SCHWAN											
Date Signed NOV 17 2020											
HOLD for other Agency Name: NOV 17 2020				Signature of Arresting Officer WILLIAM BUTZBACH				Name Verification (Printed by Arrestee) NOV 17 AM 2:39			
<input type="checkbox"/> Dangerous <input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Suicidal <input type="checkbox"/> Other:				Name of Arresting Officer (Print) Off. WILLIAM BUTZBACH 507				ID # 507			
Transporting Officer William Butzbach				ID # 507				Agency PBGPD			
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)

0519681

3497

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 16 DAY OF NOVEMBER 20 20, AT 2340 ☒ AM ☐ PM
SUBJECT: SCHWAN, MAXIMILIAN, A CASE NUMBER: 20005136

AGENCY: PALM BEACH GARDENS POLICE DEPT. ARRESTING OFFICER: Ofc. WILLIAM BUTZBACH 507

PERSONAL CONTACT

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

On Monday, November 16th, 2020, at approximately 23:40 I was on stationary in my patrol vehicle observing traffic travel East and West on Northlake blvd in the area of Northlake Blvd and Ancient Tree Drive (45MPH zone). From Westbound traffic I could hear the faint "wistle" of a vehicle traveling at a high rate of speed. I observed and White F-150 traveling at a high rate of speed in the left hand lane. The F-150 proceeded to pass two other vehilces and continue westbound past my location. I pulled out onto Northlake Blvd in an attempt to catch up to the vehicle. I was able to catch up to the vehilce just East of 140th Ave. The vehicle had slowed down to 75MPH in a 55MPH zone. I conducted a traffic stop on the vehicle where he pulled over to the right side of the road just West of 140th Ave. The driver and sole occupant was identified via FL drivers license as Maximilian Schwan.

OBSERVATION OF DRIVER:

Driver was slow and deliberate with his motions, his eyes were red and watery.

DRIVER'S STATEMENTS:

Driver stated he did not know why he was stopped (had radar detector thrown on floor but still plugged in). He advised he was just trying to get home from playing hockey. I informed Schwan of his Taylor Warnings and he said he understood and refused SFST's.

ODORS:

an unknown alcoholic beverage emanating off of his breath at a conversational distance.

GENERAL OBSERVATIONS

SPEECH: slightly slurred

ATTITUDE: defensive

CLOTHING: discheveled

MEDICAL/OTHER: N/A

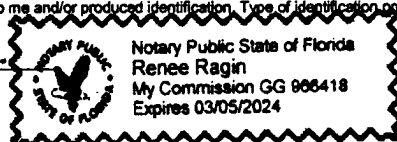
STATE OF FLORIDA
COUNTY OF PALM BEACH

(Signature of Arresting Investigative Officer)

The foregoing instrument was sworn to, affirmed and subscribed before me this 17 day of Nov 20 20 by Ofc. WILLIAM BUTZBACH

(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)





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

PBSO CASE # 20-127661 PBSO ZONE 3-13

AGENCY CASE # 20005136 CRASH CASE # _____

TIME OF STOP/CRASH 2340 DATE 11/16/2020 DAY monday

SUBJECT'S NAME SCHWAN MAXIMILIAN A RACE W SEX M
LAST FIRST MID

HGT 5'10 WGT 157 DOB 03/15/92

LOCATION NORTHLAKE/140TH AVE

ARRESTING OFFICER'S NAME & ID Ofc. WILLIAM BUTZBACH 507 AGENCY PBGPD

DIVISION: PATROL

NOTIFIED BY COMMO YES

ARRIVAL AT FACILITY 0032

ARREST TIME 23:02

BREATH RESULTS:

1)	
2)	
3)	
4)	

REFUSED

BREATH TEST OPERATOR: 16877

11/17/2020

SUBJECT: SCHWAN, MAXIMILIAN, A CASE NUMBER 20005136

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

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

Other Observations:

REFUSED SFST'S

WALK & TURN:

REFUSED SFST'S

ONE LEG STAND:

REFUSED SFST'S

ROMBERG ALPHABET:

REFUSED SFST'S

FINGER TO NOSE:

REFUSED SFST'S

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

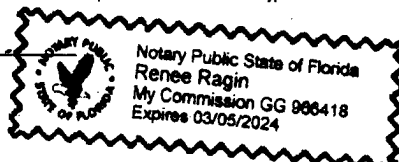
STATE OF FLORIDA
COUNTY OF PALM BEACH

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 17 day of Nov 20 20 by Ofc. WILLIAM BUTZBACH

(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, Office (F.S.S. 117.10)



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

I, **Ofc. WILLIAM BUTZBACH**, 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 **17th** day of **November**, 20 **20**, at **23:52** ☐ P.M. ☒ A.M.

DRIVER **MAXIMILIAN A SCHWAN**
 (Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# **S-500-541-92-095-0**, state of **FL**, was placed under lawful arrest for

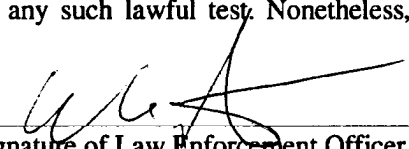
the offense of **DRIVING UNDER THE INFLUENCE** by **Ofc. WILLIAM BUTZBACH** and
 (Name of Arresting Officer)

issued Citation # _____

That on or about the **17th** day of **November**, 20 **20**, at **00:53** ☐ P.M. ☒ A.M.

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 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 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 **17** day of **Nov.**, 20 **20**,

by **Ofc. WILLIAM BUTZBACH**,

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

Notary Public 

HSMV-BAR1001 (REV. 10/2016)

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.

TESTING FACILITY TASK REPORT

AGENCY: PBG

SUBJECT: Schwan, Maximilian A.

CASE NUMBER: 20-127661

DATE: Nov 17, 2020

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 00:53

ENDING TIME: 00:57

BREATH TESTS RESULTS: 1) Refusal TIME 00:56 A.M. ☒ P.M. ☐ 2) N/A TIME _____ A.M. ☐ P.M. ☐
3) N/A TIME _____ A.M. ☐ P.M. ☐ 4) N/A TIME _____ A.M. ☐ P.M. ☐

BREATH OPERATOR: R. Ragin #16877

MAINTENANCE TECHNICAN: Jason Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: Slurred

ATTITUDE: Calm, cooperative

CLOTHING: Gray pants, black t-shirt, brown boots

MEDICAL CONDITIONS: None

MEDICATIONS: None

OTHER:

Eyes red

Odor of unknown alcoholic beverage on breath.

COMMENTS:

Arrived at center A/O started 20 minute observation period at 00:32 hrs.

Subject stated "do I have too".

A/O read I/C 2x and subject acknowledged he understood I/C.

Subject refused to take test.

A/O read rights.

Subject stated he understood rights.

A/O attempted Q&A.

Subject refuse to answer questions.



**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"/>	415.107(1)	Other: Elderly Abuse	
	<input type="checkbox"/>	119.071(2)(j)	Other: MARSY'S LAW PROTECTED INFORMATION REGARDING VICTIM(S).	

REVIEW COMPLETED BY

Booking Number: 2020027016	Date: 11/17/2020
	Specialist Name/ID: M. Took #8557