

21CT8881 MB p-3971

p-397

FD-302 (Rev. 10-6-95)

GREEN - STATE ATTORNEY

YELLOW - AGENCY

PINK - AGENCY

PINK - AGENCY-207 GOLD - DEFENDANT (N.T.A.'s ONLY)

OBTS Number		PROBABLE CAUSE AFFIDAVIT		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Copies		1	Juvenile	
ADMIN	Agency ORI Number FLO 500000		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE		Agency Report Number 06-21-071281					
	Charge Type: Check as many as apply:		1. Felony 2. Traffic Felony		3. Misdemeanor 4. Traffic Misdemeanor		5. Ordinance 6. Other		Special Notes:	
CHARGES	Name (Last, First, Middle) RICH, MICHAEL,		Alias		Race W	Sex M	Date of Birth 07/26/1967			
	Charge Description DUI		316.193		Charge Description					
VICTIM	Charge Description		Charge Description							
	Victim's Name (Last, First, Middle) STATE OF FLORIDA, .		Race		Sex		Date of Birth			
	Local Address (Street, Apt. Number)		(City)	(State)	(Zip)	Phone		Address Source		
	Business Address (Name, Street)		(City)	(State)	(Zip)	Phone		Occupation		
PROBABLE CAUSE STATEMENT	The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law. The Person taken into custody <input checked="" type="checkbox"/> committed the below acts in my presence. <input type="checkbox"/> confessed to _____ admitting to the below facts. <input type="checkbox"/> was observed by _____ who told _____ that he/she saw the arrested person commit the below acts. <input type="checkbox"/> was found to have committed the below acts, resulting from my (described) investigation.									
	On the <u>01</u> day of <u>06</u> 20 <u>21</u> at <u>120</u> <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M. (Specifically include facts constituting cause for arrest.)									
	<p>On the above date and time I responded to the 16700 Block of Innovation Drive unincorporated Palm Beach County in reference to a vehicle stuck in a ditch. Upon arrival I observed a white Acura SUV bearing Florida tag IKT G32 sitting on top of a culvert. The vehicle's front tire was buried in the ground and the front left tire was suspended mid air. The ditch that the vehicle was stuck on was approximately ten feet from the roadway and the area was well lit by numerous street lights. As I approached the stranded vehicle, the driver was continuously accelerating, which caused the left tire to spin freely and the right tire to sling dirt in the air and on the vehicle. The vehicle was solely occupied by a white male later identified by a California drivers license as Michael Nicholas Rich. I asked Rich if he knew where he was and he replied "Palm Beach County". At one point Rich exited the vehicle and attempted to walk towards the road, Rich's walk was very staggered and swaying. Fearing that Rich would cause himself harm by falling down I asked him to sit back in his vehicle after the key fobs were removed.</p>									
ADMINISTRATIVE	STATE OF FLORIDA COUNTY OF PALM BEACH		(Signature of Arresting/Investigative Officer) D/S ROTHELL 6497							
			The foregoing instrument was sworn to or affirmed and subscribed before me this <u>01</u> day of <u>June</u> 20 <u>21</u> by Rothell							
			(Print name of Arresting/Investigative Officer, who is personally known to me and/or produced identification. Type of identification produced known)							
			INV. LYNCH 8568 Notary Public, Clerk of Court, Officer (F.S.S. 117.10)							

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 1 DAY OF JUNE 20 21, AT 01:17 AM PM

SUBJECT: RICH, MICHAEL, NICHOLAS CASE NUMBER: 21071281

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: INV G. LYNCH 8568

PERSONAL CONTACT

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

On 6/1/21 I responded to the 16700 block of Innovation Dr., in Palm Beach County, in reference to suspicious vehicle, the was stuck. Upon my arrival I met with D/S Rothell id 6497 who first arrived on scene.

D/S Rothell advised he responded to the 16700 Block of Innovation Dr. in reference to a vehicle stuck in a ditch. Upon arrival he observed a white Acura SUV, bearing Florida tag IKTG32, sitting on top of a culvert. The vehicle's front tire was buried in the ground and the front left tire was suspended mid air. The culvert that the vehicle was stuck on was approximately ten feet from the roadway and the area was well lit by numerous street lights. As D/S Rothell approached the stranded vehicle, the driver was continuously accelerating, which caused the left tire to spin freely and the right tire to sling dirt in the air and on the vehicle. The vehicle was solely occupied by a white male, later identified by a California driver's license as Michael Nicholas Rich. D/S Rothell asked Rich if he knew where he was and he replied "Palm Beach County". At one point Rich exited the vehicle and attempted to walk towards the road, Rich's walk was very staggered and swaying. Fearing that Rich would cause himself harm by falling down D/S Rothell asked him to sit back in his vehicle after the key fobs were removed.

OBSERVATION OF DRIVER:

I then met with Michael, who was seated in the driver seat of the SUV. I had Michael exit the vehicle and stand in front of my patrol car. While exiting Michael was unsteady and stumbled. I observed Michael's eyes to be bloodshot and glassy. There was an odor of unknown alcoholic beverage coming from Michael's breath, which got stronger when he spoke. While standing still Michael exhibited a sway. Michael advised that he was visiting and was out to "get a beer" from the gas station. Michael advised he was coming from his parents' house in Ballen Isles and attempting to go back to Ballen Isles, in Palm Beach Gardens. Michael could not advise which gas station he was attempting to get the beer from. Michael stated he did not know where he was. Michael denied taking any medications or illegal drugs. Michael stated he was not sick and had no injuries. Michael stated he had 2 beers approximately 1 hour prior. Based on my observations and Michael's admission to drinking I asked him to perform standard field sobriety tasks.

DRIVER'S STATEMENTS:

Michael stated he was out to "get a beer". Michael stated he had 2 beers approx 1 hour prior and later stated he had 2 glasses of chardony.

ODORS:

ODOR OF AN UNKNOWN ALCOHOLIC BEVERAGE COMING FROM SUBJECT'S BREATH.

GENERAL OBSERVATIONS

SPEECH: Slurred

ATTITUDE: Calm/ Cooperative

CLOTHING: _____

MEDICAL/OTHER: NONE

STATE OF FLORIDA
COUNTY OF PALM BEACH

INV G. LYNCH 8568

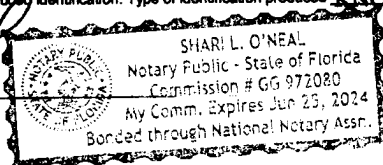
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 1 day of JUNE 20 21 by INV G. LYNCH 8568

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

Shari O'Neal (#6212)

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



SCANNED
JUN 01 2021

SUBJECT: RICH, MICHAEL, NICHOLASCASE NUMBER 21071281

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:

Michael was asked to stand with his feet together and place his hands by his sides. Michael was asked to focus on the stimulus and follow it with his eyes. Michael was told not to move his head to assist in following the stimulus. I observed a lack of smooth pursuit in both of Michael's eyes and distinct and sustained nystagmus at maximum deviation. I observed onset of nystagmus prior to 45 degrees. I did not observe vertical nystagmus in either of Michael's eyes. Michael exhibited a sway throughout the task. Michael had to be reminded to follow the stimulus and not to move his head, multiple times.

WALK & TURN:

I utilized yellow duct tape to make a straight and level, free of debris, that Michael advised he could see. The task was explained and demonstrated to Michael. During the instructions Michael was unable to maintain the instructional stance, and was not able to stand with his feet heel-to-toe. I advised Michael to stand how he normally stands and watch me for the instructions. Michael attempted to begin the task prior to being instructed to do so. After completing the instructions Michael advised he understood and had no questions. During the task Michael stepped off the line and missed heel-to-toe steps, multiple times. Michael used his arms for balance and paused to regain his balance. Michael took the incorrect number of steps, taking Michael did not turn as instructed, taking 1 large step to turn around. Michael took the incorrect number of steps, taking 13 steps down and did not turn as instructed. Michael made no attempt to walk back down the line and advised he did not remember the rest of the task.

ONE LEG STAND:

I explained and demonstrated the task to Michael. After completing the instructions Michael advised he understood and had no questions. During the task Michael exhibited a sway. Michael used his arms for balance and put his foot down, multiple times, prior to 30 seconds elapsing.

FINGER TO NOSE:

I explained and demonstrated the task to Michael. After completing the instructions Michael advised he understood. During the task, on the first left, Michael missed the tip of his nose, touching his forehead before touching his nose. Michael missed touching his nose several more times and used the pad of his finger to touch his nose. Michael failed to return his hand to his side after touching his nose. Throughout the task Michael exhibited a sway.

ROMBERG ALPHABET:

Prior to beginning Michael confirmed he knew the entire alphabet, in order, without issue. I explained and demonstrated the task to Michael. After completing the instructions Michael advised he understood and had no questions. During the task Michael exhibited a sway and failed to keep his eyes closed. Michael recited the alphabet correctly and then added "and sometimes Y".

BREATH TEST RESULTS: 1) .162

2) .173

3)

4)

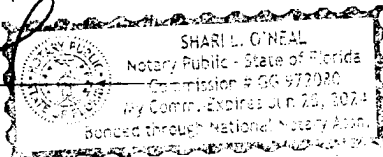
STATE OF FLORIDA
COUNTY OF PALM BEACH

INV G. LYNCH 8568

(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 1 day of JUNE, 2021, by INV G. LYNCH 8568(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced KNOWNShari O'Neal (#6212)

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

SCANNED
JUN 01 2021



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

PBSO CASE # 21071281

PBSO ZONE 3-17

AGENCY CASE # _____

CRASH CASE # _____

TIME OF STOP/CRASH 01:17

DATE 06/01/2021

DAY Tuesday

SUBJECT'S NAME RICH, MICHAEL, NICHOLAS

RACE W

SEX M

HGT 5'10

WGT 170

DOB 7/26/1967

LOCATION 16700 INNOVATION DR JUPITER, FL, 33478

ARRESTING OFFICER'S NAME & ID INV G. LYNCH 8568 (8568)

AGENCY Palm Beach County Sheriff's Office

DIVISION: VCD/DUI

NOTIFIED BY COMMO YES

ARRIVAL AT FACILITY 03:09

ARREST TIME 02:12

BREATH RESULTS:

1)	<u>.162</u>
2)	<u>.173</u>
3)	
4)	

TESTING OFFICER'S ID 6212

PBSO VIDEOTAPE # /

SCANNED
JUN 01 2021

TESTING FACILITY TASK REPORT

AGENCY: PBSO INV. LYNCH #8568

SUBJECT: RICH, MICHAEL N.

CASE NUMBER: 21-071281

DATE: 06-01-21

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 0338 HRS

ENDING TIME: 0356 HRS

BREATH TESTS RESULTS: 1) .162 TIME 0343 A.M. ☒ P.M. ☐ 2) .173 TIME 0346 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: SLUR

ATTITUDE: CALM, QUIET, COOPERATIVE

CLOTHING: SHIRT- WHITE PANTS- NAVY BLUE

MEDICAL CONDITIONS: NONE

MEDICATIONS: D STATED ON CAMERA HE TOOK AMBIEN

OTHER:

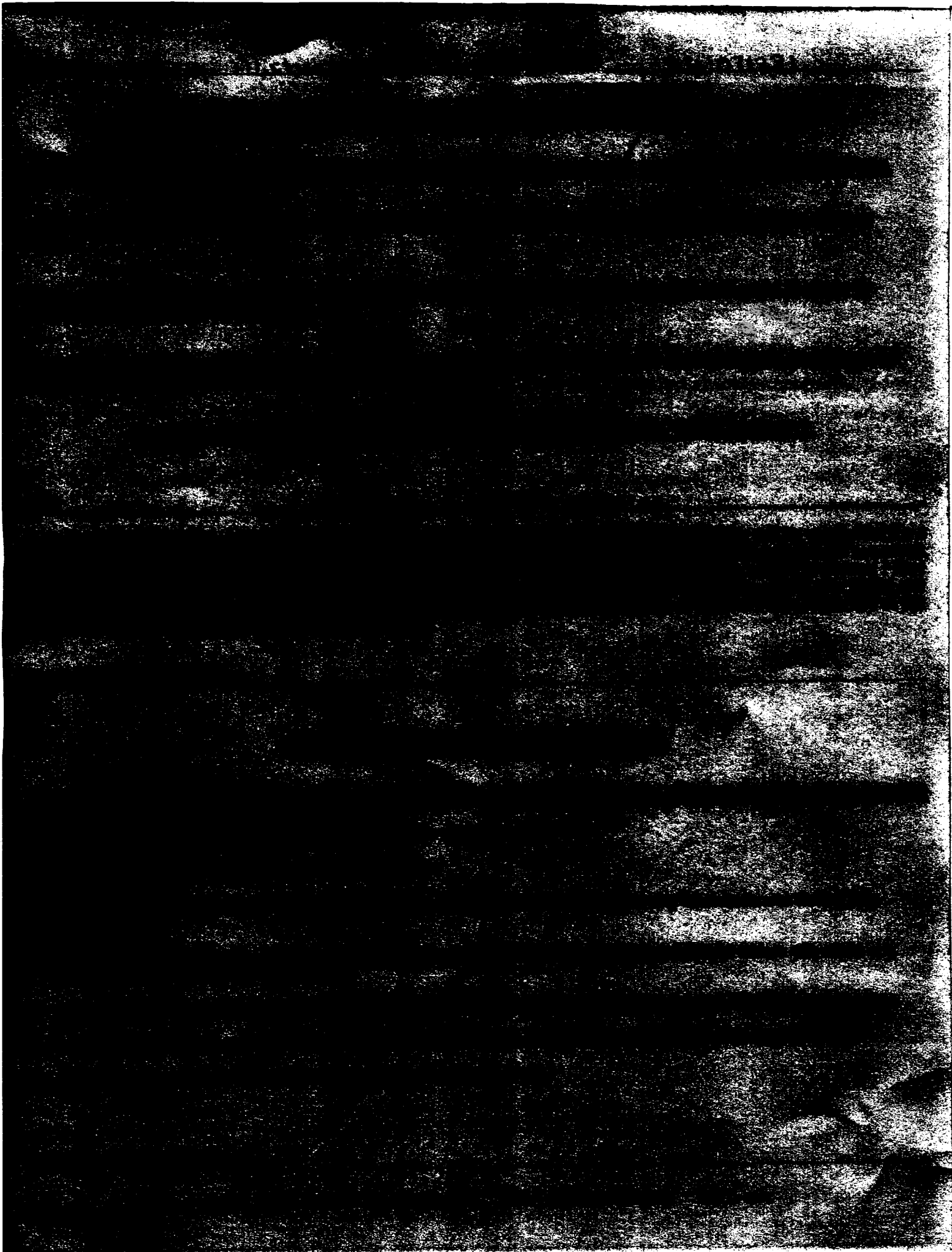
EYES: RED, GLASSY

ODOR OF UNKNOWN ALCOHOLIC BEVERAGE.

COMMENTS:

20 MIN. OBSERVATION DONE BY A/O LYNCH #8568
A/O REQUESTED THE BREATH TEST.
D SUBMITTED TO THE BREATH REQUEST.
D COMPLETED THE TEST CORRECTLY.
EXPLAINED THE BREATH RESULTS TO THE D.
C/W READ ON CAMERA TO THE D.
Q&A CONDUCTED.

SCANNED
JUN 01 2021



11-01174

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**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: 80-006029 Software: 8100.27
Date of Test: 06/01/2021

Date of Last Agency Inspection: 05/14/2021
Observation Period Began: 03:09
Subject's Name: MICHAEL N RICH

DOB: 07/26/1967 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		03:41
	Air Blank	0.000	03:41
	Control Test	0.081	03:42
	Air Blank	0.000	03:42
	Subject Sample #1	0.162	03:43
	Air Blank	0.000	03:44
	Air Blank	0.000	03:45
	Subject Sample #2	0.173	03:46
	Air Blank	0.000	03:46
	Control Test	0.080	03:47
	Air Blank	0.000	03:47
	Diagnostics Check OK		03:47

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: 06-01-21
Signature

Sworn to (or Affirmed) before me this 01 day of June, 2021

Signature of Notary Public-State of Florida [Signature] Printed Name of Notary Public-State of Florida Inv. Lynch # 8568

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.

WITNESS LIST

CASE NUMBER: 21071281

ARRESTING OFFICER: INV G. LYNCH 8568

ADDRESS: HQ

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

CAN TESTIFY TO: FACTS OF CASE

NAME: D/S ROTHELL 6497

ADDRESS: DIST 3

PHONE NUMBERS (HOME) 0 (WORK) 561 688 3000

CAN TESTIFY TO: INITIAL CONTACT/ IDENTIFY DRIVER

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) 0

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

SCANNED
JUN 01 2021



**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: 2021013274

Date: 6/01/21

Specialist Name/ID: J. Beck/9007