

ARREST / NOTICE TO APPEAR

21CT 544 SB
1. Arrest 3. Request for Warrant
2. N.T.A. 4. Request for Captive

A D M I N I S T R A T I O N	OBTS Number		Agency ORI Number 0500400		Agency Name Delray Beach Police Department		Agency Report Number (N.T.A.'s only) 4 0 21-000510		Multiple Clearance Indicator 1		
	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		Enter Type None/not Applicable						
	Location of Arrest (Including Name of Business) W ATLANTIC AVES SWINTON AVE					Location of Offense (Business Name, Address) 1 W ATLANTIC AVES SWINTON AVE, DELRAY BEACH, FL					
	Date of Arrest 01/13/2021		Time of Arrest 02:39		Booking Date 01/13/2021		Booking Time 02:49		Jail Date 01/13/2021		Jail Time 03:04
	Name (Last, First, Middle) METZLER, PHILIP JAMES		Alias:		Eye Color BRO		Hair Color WHT		Complexion LGT		Build LARGE
	Race W - White I - American Indian B - Black O - Oriental/Asian W M		Date of Birth 06/26/1965		Height 5'10		Weight 260		Marital Status D		Religion NOT INDICA
	Local Address (Street, Apt. Number) 15437 STRATHEARN DR, DELRAY BEACH, FL 33446		Permanent Address (Street, Apt. Number) 15437 STRATHEARN DR, DELRAY BEACH, FL 33446		Business Address (Name, Street)		Place of Birth (City, State) NEW ORLEANS, LA,		Citizenship US		Occupation Real Estate
	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		

J# 0520745

PH 3615

FILED
JAN 19 2021
JOSEPH ABRUZZO, CLERK
PALM BEACH COUNTY, FL

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 13th DAY OF January, 2020 AT 0204 HRS,

IN THE CITY OF Delray Beach, COUNTY OF PALM BEACH, STATE OF FLORIDA,

SUBJECT: Metzler, Philip James CASE NUMBER: 20-000510

AGENCY: Delray Beach Police ARRESTING OFFICER: Edwin Hernandez

PERSONAL CONTACT

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

While on patrol in the area of Atlantic Ave and Swinton Ave, I heard a loud air horn coming from a semi tractor trailer. When I looked in the direction of the sound, I observed a black Lexus SUV stopped in the left turn lane of eastbound Atlantic Ave despite having a green light. While positioning my vehicle to conduct a traffic stop, the Lexus remained stationary through two additional green light cycles. As I approached the vehicle, I could see a white male, later identified as Philip Metzler, in the driver's seat with his head hung down and unresponsive to light and sound. I positioned my vehicle in front of the Lexus bumper to avoid any accidental acceleration and activated my emergency lights, at which time Metzler awoke.

OBSERVATION OF DRIVER:

Metzler was disoriented and unable to get his bearings. Metzler had red glassy eyes and the strong odor of an alcoholic beverage was coming from the vehicle. Metzler swayed while standing but was able to walk without assistance. Metzler was able to remove his license from his wallet without issue.

DRIVERS STATEMENTS:

Metzler advised that he left the Hideaway on E Atlantic where he had been drinking. Metzler stated that he was headed to his home in the area of Jog Rd and Atlantic Ave, although he was driving in the opposite direction. Metzler advised that he had three tequila shots and three glasses of wine at the Hideaway between 7:00pm and 2:00am. After the arrest was affected, Metzler made several unsolicited statements that he was sorry. I asked Metzler the qualifying medical questions and he only advised that he was diagnosed diabetic. Metzler stated that he was current on his medications and his blood sugar was under control.

ODORS:

I detected the odor of an unknown alcoholic beverage coming from the vehicle. While speaking with Metzler, there was a strong odor of an alcoholic beverage coming from his breath.

GENERAL OBSERVATIONS

SPEECH: Slurred

ATTITUDE: Metzler was very cooperative and apologetic

CLOTHING: Tropical shirt, khaki shorts and brown shoes

MEDICAL/OTHER: Diabetes controlled with medications

STATE OF FLORIDA
COUNTY OF PALM BEACH

1194
(SIGNATURE OF ARRESTING OFFICER)

THE FORGOING INSTRUMENT WAS SWORN TO OR AFFIRMED AND SUBSCRIBED BEFORE ME THIS 13th DAY OF January, 2020 BY Edwin Hernandez

WHO IS PERSONALLY KNOWN TO ME AND/OR PRODUCED IDENTIFICATION. TYPE OF IDENTIFICATION PRODUCED Key

NOTARY PUBLIC, CLERK OF COURT, OFFICER (FSS 117.10)



SUBJECT: Metzler, Philip James

CASE #: 20-000510

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS: 4 OF 6

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:

Metzler's eyes were checked for equal tracking, pupil size and resting nystagmus; no abnormalities observed. Metzler swayed back and forth while standing still and had to be reminded to keep his head still.

WALK & TURN: 6 OF 8

Metzler was given the instructions and stated that he understood. Metzler was unable to balance during the instruction phase and had to be placed back in the position several times. Metzler started the exercise before being told to do so. Metzler stepped off line on steps 4 and 7 before the turn and 1 and 5 after the turn. Metzler missed heel to toe on steps 2-9 before the turn as well as all steps after the turn. Metzler raised his arms to balance twice prior to the turn and once after the turn. Metzler turned in a manner different than he was directed.

ONE LEG STAND: 3 OF 4

Metzler was given all instructions and stated that he understood. Metzler counted to 20 during this exercise. Metzler swayed left and right while balancing and raised his arms several times to maintain his balance. Metzler also placed his foot on the ground several times to keep from falling.

FINGER TO NOSE: 1 OF 4

Metzler was given all instructions and stated that he understood. Metzler missed touching the tip of his finger to the tip of his nose one time during the exercise.

ROMBERG ALPHABET: 3 OF 4

Metzler was given all instructions and stated that he understood. Metzler was unable to complete the alphabet, consistently having issues after the letter M. Metzler swayed left and right during this exercise and did not keep his eyes closed.

BREATH TEST RESULTS: 1) .108 2) .108 3) 4)

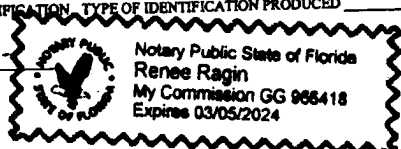
STATE OF FLORIDA
COUNTY OF PALM BEACH

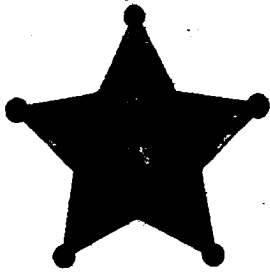
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NOTARY PUBLIC, COUNTY OF COURT, OFFICER (FSS 117.10)





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

PBSO CASE # 21-024917 PBSO ZONE 4-11

AGENCY CASE # 20-000510 CRASH CASE # _____

TIME OF CRASH/STOP 0204 DATE 01/13/2021 DAY Wednesday

SUBJECT'S NAME Metzler, Philip James RACE W SEX M

HGT 510 WGT 260 DOB 06/26/1985

LOCATION Atlantic Ave / Swinron Ave

ARRESTING OFCR NAME & ID Edwin Hernandez 1194 AGENCY Delray Beach Police

DIVISION Patrol

NOTIFIED BY COMMO Y

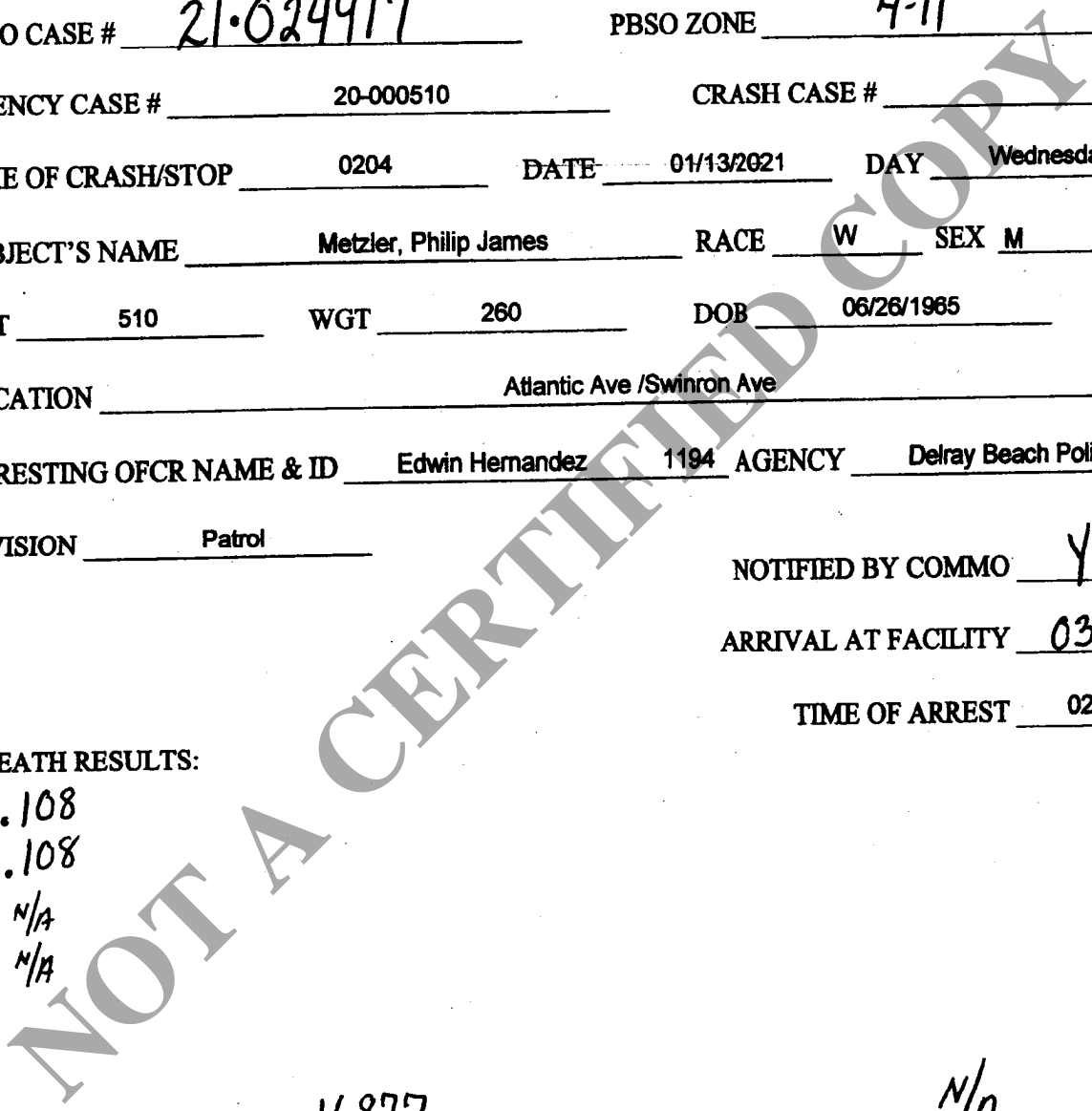
ARRIVAL AT FACILITY 0307

TIME OF ARREST 0230

BREATH RESULTS:

- 1. .108
- 2. .108
- 3. N/A
- 4. N/A

TESTING OFFICER'S ID 16877 PBSO VIDEOTAPE # N/A



SUBJECT: Metzler, Phillip James CASE NUMBER: 21-000510

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) Read on Camera

SUBJECT: Metzler, Phillip James CASE NUMBER: 21-000510

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 ATLANTIC + JOG

WHAT STREET OR HIGHWAY WERE YOU ON? ATLANTIC

DIRECTION OF TRAVEL? E WHERE DID YOU START? ATLANTIC NEAR BEACH / E OF BRIDGE "

WHAT TIME DID YOU START? 2 AM WHAT TIME IS IT NOW? NO

WHAT IS TODAY'S DATE? 1/13/ WHAT DAY OF THE WEEK IS IT? WED

WHAT COUNTY AND CITY ARE YOU IN NOW? PB COUNTY

WHEN DID YOU LAST EAT? SALAD @ 5 PM WHAT DID YOU EAT?

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? FEW DRINKS @ HIDEAWAY

HOW MUCH DO YOU WEIGH? 250-260 HAVE YOU BEEN DRINKING? Y WHAT? SHOTS ^{TEQUILA} + WINE

HOW MUCH? 2-3 / 2-3 WHERE? HIDEAWAY WITH WHOM? SOLO

WHEN DID YOU HAVE YOUR FIRST DRINK? 7-8 PM AND YOUR LAST DRINK? 1-1:30 AM

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? 1 SHOT + 1 GLASS WINE - SIPPING

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? LIGHT HEAD ARE YOU UNDER THE INFLUENCE? YES

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

WHAT? WHERE? WHEN?

WHAT LINE OF WORK ARE YOU IN? REAL ESTATE WHEN DID YOU LAST WORK? 1/12/21

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? No WHAT?

ARE YOU SICK OR INJURED? WHAT'S WRONG? SHINGLES IN R EYE

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 WHEN?

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? No WHO? WHY?

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? Y WHAT? DIABETES / EYE STEROID WHEN? DIABETES 1/12

DO YOU HAVE: EPILEPSY? N GLASS EYE? N FALSE TEETH? PERMANENTS EAR INFECTION? N INNER EAR TROUBLE? N TINITIS DIABETES? YES

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? SHINGLES IN R EYE

DO YOU TAKE INSULIN? N IF SO, WHEN WAS YOUR LAST INJECTION?

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? Y YES WHERE? COLORADO

INTERVIEWER: WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL

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: 80-006240 Software: 8100.27
Date of Test: 01/13/2021

Date of Last Agency Inspection: 12/11/2020
Observation Period Began: 03:07
Subject's Name: PHILIP J METZLER

DOB: 06/26/1965 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	03:33
	Air Blank	0.000	03:33
	Control Test	0.081	03:34
	Air Blank	0.000	03:34
	Subject Sample #1	0.108	03:35
	Air Blank	0.000	03:36
	Air Blank	0.000	03:37
	Subject Sample #2	0.108	03:38
	Air Blank	0.000	03:39
	Control Test	0.081	03:39
	Air Blank	0.000	03:40
	Diagnostics Check	OK	03:40

Cylinder Lot: 14020080A1
Exp: 07/05/2022

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 RENEE M RAGIN, 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: _____ Date: 01/13/21
Signature

Sworn to (or affirmed) before me this 13 day of Jan., 2021
Signature of Notary Public-State of Florida Ofc. E. Hernandez # 1194
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.

TESTING FACILITY TASK REPORT

AGENCY: DBPD

SUBJECT: Metzler, Philip James

DATE: Jan 13, 2021

BEGINNING TIME: 03:30

CASE NUMBER: 21-024917

VIDEO DVD NUMBER: N/A

ENDING TIME: 03:51

BREATH TESTS RESULTS: 1) .108 TIME 03:35 A.M. P.M. 2) .108 TIME 03:38 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 TECHNICIAN: Jason Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: Thick

ATTITUDE: Calm, cooperative, polite

CLOTHING: Black shorts, dark blue shirt with flowers, brown shoes

MEDICAL CONDITIONS: Diabetes / Thyroid and Shingles in right eye

MEDICATIONS: Metformin and 3 more pills doesn't know the names.

OTHER:

Eyes are glassy & bloodshot
odor of unknown alcoholic beverage on breath
Subject stated in Q&A he had 2 to 3 shots and 2 to 3 glasses of wine.

COMMENTS:

Arrived at center A/O started 20 minute observation period at 03:07 hrs.

Subject agreed to perform breath test.

A/O read rights.
Subject stated he understood rights.

Tech read breath test results.
Subject stated he understood breath test results.

A/O conducted Q&A
Subject answered Q&A.

D.U.I. WITNESS LIST

CASE #: 20-000510

ARRESTING OFFICER: Edwin Hernandez

ADDRESS: 300 W Atlantic Ave, Delray Beach, FL 33444

PHONE NUMBERS (HOME): 561-243-7800 (WORK): _____

CAN TESTIFY TO: Everything in this report

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: _____

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ADDRESS: _____

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ADDRESS: _____

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CAN TESTIFY TO: _____

NAME: _____

ADDRESS: _____

PHONE NUMBERS (HOME): _____ (WORK): _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS: _____

PHONE NUMBERS (HOME): _____ (WORK): _____

CAN TESTIFY TO: _____

NOT A CERTIFIED COPY



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: 2021000995	Date: 01/13/2021
	Specialist Name/ID: T Howard/7185