

0179506

NMM 1/95 SB

1142

ARREST / NOTICE TO APPEAR
Juvenile Referral Report☐ Check if Supplement is Attached1 Arrest 3. Request for Warrant
2. N.T.A. 4. Request for CapiasJuvenile ☐

ADMINISTRATIVE	OBTS Number	Agency ORI Number FLO 5, 0, 0, 0, 0, 0		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE		Agency Report Number (N.T.A.'s only) 0 6 - - - - -		
	Charge Type: Check as many as apply: <input type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony <input checked="" 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		Multiple Clearance Indicator				
	Location of Arrest (including Name of Business) I-95 SB Spt Palmetto Park Road		Location of Offense (Business Name, Address) I-95 SB Spt Palmetto Park Rd					
	Date of Arrest 02.09.22	Time of Arrest 8:41 PM	Booking Date	Booking Time	Jail Date 02-09-22	Jail Time 21:41	Location of Vehicle	
DEFENDANT	Name (Last, First, Middle) Gallagher Russell David		Alias (Name, DOB, Soc. Sec. #, Etc.)					
	Race W - White B - Black O - Oriental/Asian	Sex M	Date of Birth 08.09.1971	Height 6'0	Weight 205	Eye Color Brown	Hair Color Brown	Complexion Light
	Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)		Marital Status		Religion		Indication of Alcohol Influence Drug Influence Y <input type="checkbox"/> N <input type="checkbox"/> Unk <input type="checkbox"/>	
	Local Address (Street, Apt. Number) 1021 Crystal Lake Dr Apt 204 Pompano Beach FL 33064		(City) (State) (Zip)		Phone ()		Residence Type: 1. City 2. County 3. Florida 4. Out of State	
CO-DEF	Permanent Address (Street, Apt. Number) (City) (State) (Zip)		Phone ()		Address Source			
	Business Address (Name, Street) (City) (State) (Zip)		Phone ()		Occupation			
	D/L Number, State G 400-724-71-289-0		Soc. Sec. Number		INS Number		Place of Birth (City, State) Tallahassee Florida	
	Citizenship US							
JUVENILE	Co-Defendant (Last, First, Middle)		Race		Sex		Date of Birth	
	Co-Defendant (Last, First, Middle)		Race		Sex		Date of Birth	
	Parent <input type="checkbox"/> Legal Custodian <input type="checkbox"/> Other		Name (Last) (First) (Middle)		Residence Phone ()			
	Address (Street, Apt. Number) (City) (State) (Zip)		Business Phone ()					
CHARGE	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 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 (561) 355-6511) 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			
CHARGE	Drug Activity N. N/A P. Possess		S. Sell B. Buy T. Traffic		R. Smuggle D. Deliver E. Use		K. Dispense/ 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			
	Charge Description obstruct w/o violence		Counts		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number 84.311.02	
CHARGE	Drug Activity		Drug Type		Amount / Unit		Offense #	
	Charge Description not more than 20 grams		Counts		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number 84.311.3.6.B(1)	
	Drug Activity		Drug Type		Amount / Unit		Offense #	
	Charge Description Du. influence of Alcohol or Drugs		Counts		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number 3.1.6.1.9.3.1(A)	
CHARGE	Drug Activity		Drug Type		Amount / Unit		Offense #	
	Charge Description		Counts		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number	
	Drug Activity		Drug Type		Amount / Unit		Offense #	
	Charge Description		Counts		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number	
NOTICE TO APPEAR	Location (Court, Room Number, Address) Palm Beach South County Courthouse		Court Date and Time Month March Day 10 Year 2022 Time 1:00 A.M. P.M.		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					
	HOLD for other agency <input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal <input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Other		Signature of Arresting Officer Tpr. WARREN Harty 4722		Name Verification (Printed by Arrestee) (PRINT)		PAGE	
	Transporting Officer Tpr. WARREN Harty 4722		Agency FHP		Witness here if subject signed with an "X"		OF	

On February 9, 2022 I was stopped on Interstate 95 (State Road 9) at the southbound exit ramp to State Road 798 (Palmetto Park Road) for traffic control due to a traffic fatal crash south of my location. While stopped, I observed a white passenger car passed through the southbound Interstate 95 traffic control device (cones) which prevented vehicles from entering southbound Interstate 95. I then activated my lights and siren and traveled southbound to conduct a traffic stop on the vehicle. When I got behind the vehicle with my lights and siren activated, the driver slowed down to the right shoulder of the roadway and then speed off, driving around me and continued driving south. I then get on the public address (PA) speaker and gave the driver the command to stop while my lights and sirens were on. The driver refused to stop and continued driving south where he then stopped north of the fatal traffic crash. The white passenger car was a 2020 Mazda 6 bearing Florida Tag CKQD08.


I then approached the vehicle and identified myself. I observed the driver was the sole occupant of the vehicle. The driver was identified by his Florida Driver's License (G400-724-71-289-0) I smelled an odor of unknown alcoholic beverage emanating from (Mr. Russell David Gallahue) facial area. I had the driver step out of the vehicle and walk towards my patrol car. I then observed that he had an orbital sway and the odor of unknown alcoholic beverage was emitting from his breath as he talked. I then requested that he conduct field sobriety exercise and he refused. The driver Mr. Gallahue asked why he was getting pulled over and it was explained multiple times that I was conducting a DUI investigation. Taylor warning was then read, and he said he understood and refused again. He was then place under arrest for DUI. Trooper Horlkins Saget (1629) upon conducting vehicle inventory found a clear plastic container of Marijuana weighing 9.6 grams. I asked Lake Worth Regional Communication Center (LWRCC) to run the driver to see if he had a marijuana prescription card and they advised that he did not.


He was secured inside of my patrol car and transported to the county jail. At the testing facility I conducted a 20-minute observation. At no time did he regurgitate or take anything by mouth. I then requested

that he provide a lawful sample of his breath and he refused. Implied consent was read, and he stated he understood. He then refused again to provide a sample.

He was then book into the Palm Beach County Jail on DUI charge of 316.193. I advised Mr. Gallahue he was under arrest for DUI and he stated no and pulled his arm away from me when I attempted to place my handcuffs on his wrists.

All above incident occurred in Palm Beach County.

 / 4722

 18342
PALM BEACH CO Sheriff's.

NOT A CERTIFIED COPY



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

PBSO CASE # 22-034446 PBSO ZONE 7-41

AGENCY CASE # FHP22010066462 CRASH CASE # _____

TIME OF STOP/CRASH 8:26p.m. DATE 2/9/22 DAY Wednesday

SUBJECT'S NAME Russell David Gallahue RACE White SEX male

HGT 6-00 WGT 200 DOB 08-09-1971

LOCATION SB I-95 SOF Palmetto Park Rd

ARRESTING OFFICER'S NAME & ID Tpr. WARREN Hady / 4722 AGENCY FHP

DIVISION: _____

NOTIFIED BY COMMO Y

ARRIVAL AT FACILITY 21:41

BREATH RESULTS:

Arrest Time 8:41

1. _____
2. **REFUSED**
3. _____
4. _____

TESTING OFFICER'S ID 24639

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

I, **WARREN HARTY**, a duly certified Law Enforcement or Correctional Officer, am a
(Name of Officer reading Implied Consent Warning)

member of **FLORIDA HIGHWAY PATROL**, and I do swear
(Name of Law Enforcement Agency)

or affirm that on or about the _____ day of _____, at _____ ☐ P.M. ☐ A.M.

DRIVER **RUSSELL** **DAVID** **GALLAHUE**
FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# **G400724712890**, state of **FL**, was placed under lawful arrest for

316.193(1)
the offense of **D.U.I. - ALCOHOL OR DRUGS (MISDEMEANOR)** by **WARREN HARTY** and
(Name of Arresting Officer)

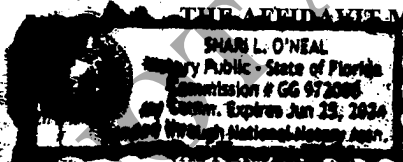
issued Citation # **A775F0E**

That on or about the 9 day of February, 2022, at 22:08 ☒ P.M. ☐ A.M.
in Alam Ditch 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, or if he or she had been previously fined under s. 327.35215, F.S., 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, or if he or she has been previously fined under s. 327.35215, F.S., 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 Commercial Driver's License (CDL), or was operating a commercial motor vehicle, refusal will result in the disqualification of the CDL 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.

W. Harty
Signature of Law Enforcement Officer or Correctional Officer

THE AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO (s. 117.10, F.S.)



The foregoing instrument was sworn and subscribed before me:

Signature of Attesting Officer

The foregoing instrument was sworn and subscribed before
me this 10 day of February, 2022,

Title _____

Date _____

by _____,
who is personally known to me or who has produced

_____ as identification.

Notary Public S. O'Neal

HSMV-BAR1001 (REV. 09/2021)

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: FHP-L

SUBJECT: GALLAHUE, RUSSELL D

CASE NUMBER: 22-034446

DATE: Feb 9, 2022

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 22:04

ENDING TIME: 22:10

BREATH TESTS RESULTS: 1) R TIME 22:08 A.M. ☐ P.M. ☒ 2) N/A TIME N/A A.M. ☒ P.M. ☒
3) N/A TIME N/A A.M. ☐ P.M. ☐ 4) N/A TIME N/A A.M. ☐ P.M. ☐

BREATH OPERATOR: P.POUND #24639

MAINTENANCE TECHNICIAN: J. KARLECKE# 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: LOUD, UPSET, MAD

CLOTHING: BLUE JEANS, BLACK SHIRT, BLACK SNEAKERS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

REFUSED

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 21:41 HRS.

SUBJECT: REFUSED TO TAKE TEST

A/O: READ I/C

SUBJECT: REFUSED TO ANSWER IF HE UNDERSTOOD I/C KEPT ASKING A/O WHY HE PULLED HIM OVER

A/O: CALLED REFUSAL

A/O: READ RIGHTS

SUBJECT: STATED HE UNDERSTOOD RIGHTS

A/O: ATTEMPTED Q&A

SUBJECT: REFUSED TO ANSWER QUESTIONS

REFUSED

SUBJECT: GALLAHUE, RUSSELL D 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: _____

PBSO #0129C REV. 9/93 WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL

SUBJECT: GALLAHUE, RUSSELL D 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) READ ON CAMERA