

J-0514185

20mm704

P-263

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

NH Check if Supplement is Attached
1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias 1 Juvenile N

OBTS Number	Agency OR# Number FLO 5 0 0 3 0 0		Agency Name BOYNTON BEACH POLICE DEPARTMENT		Agency Report Number (N.T.A.'s only) 3 4 - 20 - 003 9 4 4	
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	If Weapon Seized	Enter Type N/A	Multiple Clearance Indicator 02
Location of Arrest (including Name of Business) 2300 South Federal Hwy Boynton Beach			Location of Offense (Business Name, Address) E. Ocean Ave N Federal Hwy Boynton Beach			
Date of Arrest 012120	Time of Arrest 2343	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle

Name (Last, First, Middle) McCortney JR, Thomas		Alias (Name, DOB, Soc. Sec. #, Etc.)						
Race W - White B - Black	Sex M	Date of Birth 042579	Height 602	Weight 215	Eye Color BEN	Hair Color BIK	Complexion MED	Build MED
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) Multiple arm and wrist tattoo			Marital Status SINGLE	Religion N/A	Indication of Alcohol Influence Drug Influence Y <input checked="" type="checkbox"/> N <input type="checkbox"/> Unk <input type="checkbox"/>			
Local Address (Street, Apt. Number) 1276 Eastland PT			(City) LONGWOOD	(State) FL	(Zip) 32150	Phone ()	Residence Type 1. City 2. County 3. Florida 4. Out of State 1	
Permanent Address (Street, Apt. Number)			(City)	(State)	(Zip)	Phone ()	Address Source D/L	
Business Address (Name, Street)			(City)	(State)	(Zip)	Phone ()	Occupation REFUSED	
D/I Number, State N263 020791450	Soc. Sec. Number [REDACTED]	INS Number	Place of Birth (City, State) [REDACTED] MI	Citizenship US				

Co-Defendant (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 (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

<input type="checkbox"/> 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 ()
Notified by: (Name)	Date	Time
Released To: (Name)	Relationship	Date
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 355-2526) informed of any change of address. <input type="checkbox"/> Yes, by: (Name) <input type="checkbox"/> No (Reason)		School Attended
Property Crime? <input type="checkbox"/> Yes <input type="checkbox"/> No	Description of Property	Value of Property

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 DUI refused		Counts 1M	Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Statute Violation Number 3161939		Violation of ORD #				
Drug Activity N	Drug Type N	Amount / Unit N/A	Offense # 20003944	Warrant / Capias Number		Bond				
Charge Description LOOKING INTO ARREST W/O EVIDENCE		Counts 1M	Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Statute Violation Number 04302		Violation of ORD #				
Drug Activity N	Drug Type N	Amount / Unit N/A	Offense # 20003944	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 (Court, Room Number, Address) South County Courthouse • 200 W. Atlantic Avenue, Delray Beach, FL 33444	
Court Date and Time Month 02 Day 24 Year 2020 Time 9:30 A.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	Signature of Arresting Officer M. SOHN	Name (Print) M. SOHN	Agency 790
<input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal	<input checked="" type="checkbox"/> Resisted Arrest <input type="checkbox"/> Other	Name of Arresting Officer (Print) M. SOHN	I.D. # 790
Intake Deputy S. [REDACTED]	I.D. # 8101	Pouch #	Transposing Officer M. SOHN
Witness here if subject signed with an 'X'		PAGE 1 of 1	

CASE #: 20-003944

DEFENDANT: MCCARTHY, THOMAS JR

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.

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.

I am now requesting that you submit to a lawful test of your BLOOD for the purpose of determining 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 OFC. SOHN of the Boynton Beach Police Department

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.

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 statements can and will be used against you in a court of law.

Suspect's Signature: _____

SCANNED
JAN 22 2020

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 21 DAY OF January 2020 AT 11:43 A.M P.M.

CASE #: 20-003944

DEFENDANT: MCCARTHY, THOMAS JR

PERSONAL CONTACT/DRIVING PATTERN/OBSERVATION OF DRIVER:

On Tuesday, January 21, 2020 at approximately 2321 hours, BBPD received a call in reference to a gray Dodge following the unknown caller and the Dodge was driving with no lights on. The caller provided a tag number at one point of BZA -P99. As I responded to the area, I was traveling south at 1000 S. Federal Hwy. when the Gray Dodge truck turned in front of me where I can see the Dodge pickup truck and that the tag matched. The vehicle did not have any lights on when I was traveling south in front of me which is required under FSS 317.217 (1)(a). As I was following the vehicle, I could see that the driver (Thomas McCarthy Jr.) was weaving in and out of his left/inside lane. He was driving straight with the left turn signal on. As we were approaching Woolbright Road, McCarthy turned on his lights. As McCarthy made a lane change into the right straight lane of Federal Hwy. he crossed into the bicycle lane, crossing over the solid white line and weaved back into his lane. Based on the violations described above, I conducted a traffic stop by activating my lights as the vehicle pulled into the Liberty Gas Station located at 2300 S. Federal Hwy.

I made contact with the driver at the open driver side window. Upon my approach, I began to smell the odor of an alcoholic beverage emanating from the vehicle. I McCarthy had a heavy slurred speech and when he spoke the odor became even stronger. McCarthy provided his driver's license to me but it took several requests to obtain the vehicle registration, but I never received the insurance. McCarthy began to get verbally aggressive with Officer Hall who was illuminating the inside of the vehicle with a flashlight. I asked McCarthy where he was coming from and he said "None of my business". I asked if he had been drinking and he told me it was none of my business. When I told that I was detecting an odor of an alcoholic beverage/odor and asked him why I smelled it, McCarthy told me "because you're being a dick". McCarthy had blood shot, watery eyes, and his coordination slow and unsteady when trying to grab and hand documents to me. I had asked McCarthy to exit the vehicle in odor to evaluate him better and attempt to perform roadside sobriety task. When he exited the vehicle and stepped out, he was immediately unsteady on his feet, swaying, and stumbled forward, falling into his open driver door (captured on BWC). McCarthy made several statements throughout the stop that he was former Navy Seal. Due to these statements and knowing the specialized training a Navy Seal has, we asked if he had any weapons o his person, he said it was "None of our business". At that point, Officer N. Davis went to pat him down for weapons when McCarthy immediately took a defensive stance, placing his hands up in what was

perceived as defensive manner, and began to start grabbing Officer Davis when attempting to pat him down for weapons. At this point, McCarthy was refusing to comply with lawful orders and the execution of duties and was clearly resisting in violation of FSS 843.02. At this point, Officers Hall, Alegria and Davis began fighting with McCarthy who was refusing to place his hands behind his back and was tensing up and pulling away from Offices. McCarthy was brought to the ground during the fight/struggle and as a result sustained an abrasion to his forehead. Due to the injury sustained and with his displayed behavior of resisting and fight with officers, combined with the fact he claims to be a Navy Seal, it was no longer safe to remove the handcuffs and attempt to due field sobriety tasks. Throughout the traffic stop and after his was placed in handcuffs, McCarthy was belligerent and using profanity, cursing at us. All captured on BWC.

McCarthy was transported to Bethesda Memorial Hospital for medical clearance due to the head injury. While at the hospital, I read him his Miranda Warning to which he refused to acknowledge, even saying "Fuck You". At 0036 hours, and while at the Hospital, I continued my DUI investigation and requested that McCarthy submit to a blood draw to determine its alcohol content where he refused. Implied consent was read to McCarthy during which he continued to say "Bull Shit". McCarthy refused when asked to give another sample of blood, clearly refusing to submit to the test.

McCarthy's behavior throughout the initial contact and arrest was argumentative, belligerent, threatening, abusive, and continuous profanity towards officers. All Officers to include Sgt. Turco (former DUI Officer) could smell the odor of the alcoholic beverage emanating from McCarthy person.

A DHSMV check to include D.A.V.I.D. indicated McCarthy had a previous DUI REFUSAL. Based on this refusal, McCarthy is also being charged tonight with DUI Refusal under FSS 316.1939 (1) (c).

McCarthy was issued several citations for the violations listed above and for DUI Refusal, AAW839E, AAW82AE, AAW83BE, DUI-AC85ZXE.

McCarthy was transported to the Palm Beach County Jail.

McCarthy's vehicle was impounded and removed by Beck's towing.

HORIZONTAL GAZE NYSTAGMUS:

- Left eye does not follow smoothly
- Left eye prior to 45 degrees
- Distinct jerking in left eye at maximum deviation
- Vertical Nystagmus in left eye

- Right eye does not follow smoothly
- Right eye prior to 45 degrees
- Distinct jerking in right eye at maximum deviation
- Vertical Nystagmus in right eye

WALK AND TURN:

RESISTED UNABLE TO CONDUCTED, OFFICER SAFETY CONCERNS

ONE LEG STAND:

RESISTED UNABLE TO CONDUCT, OFFICER SAFETY CONCERNS

FINGER TO NOSE:

RESISTED UNABLE TO CONDUCT, OFFICER SAFETY CONCERNS

ROMBERG/ALPHABET:

RESISTED UNABLE TO CONDUCT, OFFICER SAFETY CONCERNS

The following instrument was sworn to before me this 21 day of January 2020

By: OFC. M. SOHN #790

Sgt (James) 768

Notary/Police Officer (F.S.S. 117.10)

M. Sohn

Signature of Arresting Officer

NOTARIZED CERTIFIED COPY

STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BLOOD TEST

I, Ofc. M. Sohn #790, a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

am a member of Boynton Beach Police Department, and I do swear
(Name of law enforcement agency)

or affirm that on or about the 21 day of January, 20 20, at 11:35 P.M. A.M.

DRIVER THOMAS MCCARTHY
(Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# M263820791450, state of FLORIDA, appeared for treatment at a hospital,
clinic, or other medical facility pursuant to s. 316.1932(1)(c), Florida Statutes, and a breath or urine test was impossible or impractical.

That on or about the 22 day of JANUARY, 20 20, at 12:36 P.M. A.M.
in PALM BEACH County,

I requested that the driver submit to a **blood test** to determine his or her blood alcohol level and/or the presence of chemical or controlled substances in his or her blood. I informed the driver that refusal to submit to a blood test 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 if he or she holds a CDL, or was operating a CMV, refusal would 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 had been previously disqualified as a result of a refusal to submit to a breath, urine or blood test. The driver nonetheless refused to submit to a blood test.



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:



Signature of Attesting Officer

Title SERGEANT

Date 1.22.2020

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before
me this _____ day of _____, 20 _____,
by Ofc. M. Sohn #790,
who is personally known to me or who has produced
_____ as identification

Notary Public _____

HSMV-BAR1002 (REV. 10/16)

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.

SCANNED
JAN 22 2020

TESTING FACILITY TASK REPORT

CASE #: 20-003944
Date: 1/21/20

DEFENDANT: MCCARTHY, THOMAS JR
Video Tape #: _____

BREATH TEST RESULTS: REFUSED

1. 000 g/210L Time 0036 a.m. p.m. 3. _____ g/210L Time _____ a.m. p.m.
2. 000 g/210L Time 0036 a.m. p.m. 4. _____ g/210L Time _____ a.m. p.m.

BREATH OPERATOR: N/A
MAINTENANCE TECHNICIAN: N/A

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED, HEAVY
ATTITUDE: Angry, aggitated, conbative, argumentative, threatening,
CLOTHING: tan pants, blue pants
MEDICAL CONDITIONS: Unknown
MEDICATIONS: Unknown
OTHER: cursed officers, threatened to sue

COMMENTS:

NOT A CERTIFIED COPY

SCANNED
JAN 22 2020



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"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

Booking Number: 2020002444

Date: 01/22/2020

Specialist Name/ID: T Howard/7185

SCANNED
JAN 22 2020