

0535694

50 2022-CT-018367 ASB

3617

☐ Marsy's Law CVI FL. Const. Art. I § 18(b)☐ Check if Supplement is Attached

ADMINISTRATIVE		ARREST / NOTICE TO APPEAR Juvenile Referral Report				1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		1		Juvenile N																			
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 - 22-124952																					
Charge Type: Check as many as apply		☐ 1. Felony ☐ 2. Traffic Felony		☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor		☐ 5. Ordinance ☐ 6. Other		If Weapon Seized Enter Type		Multiple Clearance Indicator		0 1																			
Location of Arrest (Including Name of Business) SR 80 / Jog Rd, West Palm Beach, FL 33413						Location of Offense (Business Name, Address) SR 80 / Jog Rd, West Palm Beach, FL 33413																									
Date of Arrest 11/01/2022		Time of Arrest 02:54		Booking Date 11/01/2022		Booking Time		Jail Date		Jail Time		Location of Vehicle Priority Towing, 7153 Southern Blvd. WPB 33413, (561) 533-5573																			
Name (Last, First, Middle) Montague, Alexander, Daniel												Alias (Name, DOB, Soc. Sec. #, Etc.)																			
Race W - White B - Black		I - American Indian O - Oriental/Asian		Sex W M		Date of Birth 7/19/2000		Height 6'00		Weight 178		Eye Color green		Hair Color brown		Complexion light		Build medium													
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)												Marital Status Single		Religion CHRISTIAN		Indication of: Alcohol Influence Drug Influence		Y N Unk ☐ ☐ ☐													
Local Address (Street, Apt. Number) 129 Cypress Trace, Royal Palm Beach, FL 33411						(City)		(State)		(Zip)		Phone (561) 927 8505		Residence Type: 1. City 2. County 3. Florida 4. Out of State 2																	
Permanent Address (Street, Apt. Number)						(City)		(State)		(Zip)		Phone ()		Address Source DL																	
Business Address (Name, Street)						(City)		(State)		(Zip)		Phone ()		Occupation bartender																	
D/L Number, State M532004002590, FL				Soc. Sec. Number				INS Number				Place of Birth (City, State) Boca Raton, FL				Citizenship US															
Co-Defendant (Last, First, Middle)						Race		Sex		Date of Birth		☐ 1. Arrested ☐ 2. At Large		☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile																	
Co-Defendant (Last, First, Middle)						Race		Sex		Date of Birth		☐ 1. Arrested ☐ 2. At Large		☐ 3. Felony ☐ 4. Misdemeanor ☐ 5. Juvenile																	
Parent ☐ Legal Custodian ☐ Other: Name (Last) (First) (Middle) Address (Street, Apt. Number) (City) (State) (Zip) Business Phone ()												Residence 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 was provided by ☐ defendant and / or ☐ 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. ☐ Yes, by: (Name) ☐ No (Reason)												School Attended		Grade																	
Property Crime? ☐ Yes ☐ 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 Driving Under the Influence												Counts 1		Domestic Violence ☐ Y ☒ N		Statute Violation Number 316.193(1)(c)		Violation of ORD #													
Drug Activity N												Drug Type N		Amount / Unit		Offense # 22-124952		Warrant / Capias Number		Bond											
Charge Description												Counts		Domestic Violence ☐ Y ☒ N		Statute Violation Number		Violation of ORD #													
Drug Activity												Drug Type		Amount / Unit		Offense #		Warrant / Capias Number		Bond											
Charge Description												Counts		Domestic Violence ☐ Y ☒ N		Statute Violation Number		Violation of ORD #													
Drug Activity												Drug Type		Amount / Unit		Offense #		Warrant / Capias Number		Bond											
Charge Description												Counts		Domestic Violence ☐ Y ☒ 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, Courtroom #1, 200 W. Atlantic Ave., Delray Beach, FL 33444 - Ph: (561) 355-2996																															
Court Date and Time Month November Day 29 Year 2022 Time 08:30 A.M. X 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)												11/01/2022 Date Signed																			
HOLD for other agency												Signature of Arresting Officer																			
☐ Dangerous ☐ Suicidal												Name of Arresting Officer (Print) Inv. POINTU P. 16032																			
Inv. Deputy Bonnie 18342												Transporting Officer Inv. POINTU P. 16032																			
I.D. #												Agency PBSO																			
Pouch #												Name Verification (Printed by Arrestee) Alex. Montague																			
												PAGE 1 OF 1																			
												Witness here if subject signed with an "X"																			

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 1st DAY OF November 20 22, AT 02:25 AM PM

SUBJECT: Montague, Alexander, Daniel CASE NUMBER: 22-124952

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: Inv. POINTU P.

PERSONAL CONTACT

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

I was conducting speed enforcement in the 6500 block of Southern Boulevard, in unincorporated West Palm Beach, Palm Beach County, Florida. I observed a black Mercedes sedan driving westbound at a speed I visually estimated at 80 MPH in a 50 MPH zone. I obtained a clear Doppler tone with my PBSO issued handheld LIDAR with an indicated speed of 81 MPH in a 50 MPH. I initiated a traffic stop on the Mercedes that was bearing Florida tag 81BJHE. The vehicle came to a stop on the right travel lane of SR 80, just West of Jog Road. The driver and only occupant was identified by his Florida driver license as Alexander Montague. The Mercedes was registered to Liliana Montague.

OBSERVATION OF DRIVER:

Alexander Montague had bloodshot and glassy eyes. His speech was slow and slurred. An obvious odor of unknown alcoholic beverage was coming from his person and become stronger when he talked.

DRIVER'S STATEMENTS:

Montague said he had a couple of beers earlier. When I asked him what a couple meant, he was evasive but eventually said only two. He would later say he drank between 11 PM and midnight. He explained he was driving home and was coming from his girlfriend's house in Boca Raton.

ODORS:

Obvious odor of unknown alcoholic beverage that become stronger when he talked

GENERAL OBSERVATIONS

SPEECH: Slow, slurred

ATTITUDE: Cooperative

CLOTHING: Black pants, gray T-shirt, black robe with white collar, white scarf, black sneakers.

MEDICAL/OTHER: Hip injury

STATE OF FLORIDA
COUNTY OF PALM BEACH

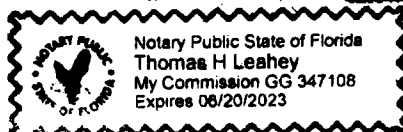
Inv. POINTU P.
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 1st day of November, 2022 by Inv. POINTU P.

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

Thomas Leahey (#19183)

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



SUBJECT: Montague, Alexander, Daniel

CASE NUMBER 22-124952

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:

Pupils round and equal. No resting nystagmus. Equal tracking. Onset of HGN at approximately 40 degrees. VGN present. No LOC present. Swayed during the task.

WALK & TURN:

Montague stopped during the task to ask for instructions. He took 10 steps forward, did not turn as instructed and took 10 steps back.

ONE LEG STAND:

Montague raised his right leg and had to be remembered to look at his foot. He kept his foot approximately 2 inches above the ground. He exhibited a slight sway during the task.

FINGER TO NOSE:

Montague used the pad of his finger instead of the tip on all tasks. On task one he had to be reminded to lower his hand. On task one he touched his septum. On task 6 he touched the bridge of his nose.

ROMBERG ALPHABET:

Montague was unable to recite the alphabet properly as he skipped letters.

For the Romberg Balance he stopped the 30 seconds task at approximately 30 seconds

BREATH TEST RESULTS: 0.098

0.094

STATE OF FLORIDA
COUNTY OF PALM BEACH

Inv. POINTU P.

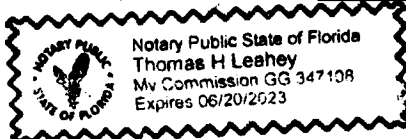
(Signature of Arresting/Investigative Officer)

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

Thomas Leahey (#19183)

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



WITNESS LIST

CASE NUMBER: 22-124952

ARRESTING OFFICER: Inv. POINTU P.

ADDRESS: Palm Beach County Sheriff's Office - 3228 Gun Club Rd - West Palm Beach, FL 33406

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

CAN TESTIFY TO: DUI Investigation, see PC

NAME: JJ

ADDRESS: J

PHONE NUMBERS (HOME) 0 (WORK) 0

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) 0 (WORK) 0

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

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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: _____

TESTING FACILITY TASK REPORT

AGENCY: PBSO

SUBJECT: Montague, Alexander D

CASE NUMBER: 22-124952

DATE: Nov 1, 2022

VIDEO DVD NUMBER: n/a

BEGINNING TIME: 0326

ENDING TIME: 0337

BREATH TESTS RESULTS: 1) .098 TIME 0330 A.M. ☒ P.M. ☐ 2) .094 TIME 0333 A.M. ☒ P.M. ☐
3) n/a TIME 0 A.M. ☐ P.M. ☐ 4) n/a TIME 0 A.M. ☐ P.M. ☐

BREATH OPERATOR: Thomas H Leahey #19183

MAINTENANCE TECHNICAN: Jason Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: thick, slurred

ATTITUDE: talkative

CLOTHING: black pants, gray t-shirt, black coat, black sneakers

MEDICAL CONDITIONS: none

MEDICATIONS: none

OTHER:

eyes were glassy & bloodshot
odor of unknown alcoholic beverage on breath

COMMENTS:

arrived at center A/O conducted 20 observation period at 0304 hrs

subject agreed to perform breath test

subject completed breath test

A/O read rights on scene & subject understood rights

tech read breath test results & subject understood breath test results

A/O attempted Q&A

subject declined to answer questions

SUBJECT:

124 2-

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 determining 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 refuse to take the test I have requested of you, your driving privilege will be suspended for a period of one (1) year for a FIRST REFUSAL, or eighteen (18) months if your driving privilege has been PREVIOUSLY SUSPENDED, or if you have been PREVIOUSLY FINED under s. 327.35215, for refusing to submit to a lawful test of your breath, urine, or blood. Additionally, if you refuse to take the test I have requested of you, and if your driving privilege has been previously suspended, or if you have been previously fined under s. 327.35215, for a refusal to submit to a lawful test of your **breath, urine** or blood, you will be committing a misdemeanor, in addition to any other penalties which can be imposed by law.

Refusal to submit to the test I have requested is admissible into evidence in any criminal proceeding.

Do you understand what I have just read to you? YES <or> NO Do you still refuse to submit to this test? YES <or> NO

NOTE: IF THE SUBJECT POSSESSES A COMMERCIAL DRIVER'S LICENSE (CDL), READ THE FOLLOWING.

If you are a Commercial Driver License (CDL) holder or were driving a Commercial Motor Vehicle (CMV), your refusal to submit to testing will result in the loss of your commercial driving privilege for a period of one year from today. If this is your SECOND REFUSAL, you will be permanently disqualified from holding a CDL or operating a CMV.

Do you understand what I have just read to you? YES <or> NO Do you still refuse to submit to this test? YES <or> NO

SUBJECTS 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)

SUBJECT: ALBANY, NEW YORK CASE NUMBER: 100-100000-2

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? CARE 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: _____



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

PBSO CASE # 22-124952 PBSO ZONE 1-24

AGENCY CASE # _____ CRASH CASE # _____

TIME OF STOP/CRASH 02:25 DATE 11/01/2022 DAY Tuesday

SUBJECT'S NAME Montague, Alexander, Daniel RACE W SEX M

HGT 6'00 WGT 178 DOB 7/19/2000

LOCATION SR 80 / Jog Rd, West Palm Beach, FL 33413

ARRESTING OFFICER'S NAME & ID Inv. POINTU P. (16032) AGENCY Palm Beach County Sheriff's Office

DIVISION: CID/DUI

NOTIFIED BY COMMO yes

ARRIVAL AT FACILITY 03:04

ARREST TIME 02:54

BREATH RESULTS:

1 .098
2 .094
3 n/a
4 n/a

TESTING OFFICER'S ID 19183 PBSO VIDEOTAPE # n/a

**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: 11/01/2022

Date of Last Agency Inspection: 10/21/2022

Observation Period Began: 03:04

Subject's Name: ALEXANDER D MONTAGUE

DOB: 07/19/2000 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	03:28
	Air Blank	0.000	03:28
	Control Test	0.080	03:28
	Air Blank	0.000	03:29
	Subject Sample #1	0.098	03:30
	Air Blank	0.000	03:30
	Air Blank	0.000	03:32
	Subject Sample #2	0.094	03:33
	Air Blank	0.000	03:33
	Control Test	0.079	03:34
	Air Blank	0.000	03:34
	Diagnostics Check	OK	03:34

Cylinder Lot: 08622080A1
Exp: 06/05/2024

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 THOMAS H LEAHEY, 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: T. Lehey Date: 11/01/2022
Signature

Sworn to (or affirmed) before me this 01 day of November 2022

[Signature] Inv P Pointu #16032
Signature of Notary Public-State of Florida 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.



**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	☐	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	☐	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	☐	119.071(4)(c)	Undercover personnel.	
	☐	119.071(2)(f)	Confidential informants (CIs).	
	☐	119.071(2)(e)	Confession.	
Public Info. Exemptions	☐	985.04(1)	Juvenile offender records.	
	☐	119.071(h)(i)	Assets of a crime victim.	
	☐	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	☐	394.4615(7)	Mental health information.	
	☐	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)	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	☐	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	☐	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	☐	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	☐			
	☐			
	☐			
	☐			
	☐			
Other	☐		Other:	
	☐		Other:	

REVIEW COMPLETED BY

Booking Number: 2022028523	Date: 11/1/2022
	Specialist Name/ID: M. Took #8557