

0536314

2022CT-19783 ASD
1011

ADMINISTRATION		ARREST / NOTICE TO APPEAR Juvenile Referral Report				1. Arrest 3. Request for Warrant 2. N.T.A. 4. Request for Capias		1	Juvenile	N			
Agency ORI Number FL 0500300		Agency Name BOYNTON BEACH POLICE DEPT.			Agency Report Number 34-22-013870								
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		Multiple Clearance Indicator 01			
Location of Arrest (Including Name of Business) 100 South Congress Ave, Boynton Beach FL 33426					Location of Offense (Business Name, Address) 100 South Congress Ave, Boynton Beach FL 33426								
Date of Arrest 11/28/2022		Time of Arrest 2237		Booking Date		Booking Time		Jail Date		Jail Time			
Name (Last, First, Middle) FOX, BRENDAN,													
Alias (Name, DOB, Soc. Sec. #, Etc)													
W - White B - Black		I - American Indian O - Oriental / Asian		Race W	Sex M	Date of Birth 04/14/1991		Height 5'09"	Weight 170	Eye Color BLUE	Hair Color BROWN	Complexion LIGHT	Build SMALL
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)						Marital Status SINGLE		Religion N/A		Indication of: Alcohol Influence <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk. Drug Influence <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk.			
Local Address (Street, Apt. Number) 3505 S FEDERAL HWY UNIT B				City Boynton Beach		State FL		Zip 33435		Phone (603)765-6422		Residence Type 1. City 3. Florida 2. County 4. Out of State 1	
Permanent Address (Street, Apt. Number)				City		State		Zip		Phone		Address Source Defendant	
Business Address (Street, Apt. Number)				City		State		Zip		Phone		Occupation Sales	
D/L Number, State F200070911340 FL				INS Number				Place of Birth BOSTON, MA		Citizenship USA			
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	
<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		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 561-355-2526) informed of any change of address: <input type="checkbox"/> Yes, By: (Name) <input type="checkbox"/> No: (Reason)								School Attended		Grade			
Property Crime? Yes <input type="checkbox"/> No <input type="checkbox"/>		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 Products/ Cultivate		Z. Other		Drug Type N. N/A A. Amphetamine	
B. Barbituate C. Cocaine E. Heroin		H. Hallucinogen M. Marijuana O. Opium/Deriv.		P. Paraphernalia/ Equipment S. Synthetic		U. Unknown Z. Other							
Charge Description DUI				Counts 1		Domestic Violence <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Statute Violation Number 316.193(1)A		Violation of ORD#			
Drug Activity N		Drug Type N		Amount/Unit BAC REFUSED		Offense # 22-013870		Warrant/Capias Number		Bond			
Charge Description				Counts		Domestic Violence <input type="checkbox"/> Yes <input type="checkbox"/> No		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"/> Yes <input type="checkbox"/> No		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"/> Yes <input type="checkbox"/> No		Statute Violation Number		Violation of ORD#			
Drug Activity		Drug Type		Amount/Unit		Offense #		Warrant/Capias Number		Bond			
Instruction No. 1 Mandatory Appearance in Court				Location (Court, Room Number, Address) South County Courthouse, 200 West Atlantic Ave, Delray Beach, FL 33444									
Instruction No. 2 You need not appear in Court but must Comply with instruction on reverse side.				Court Date and Time Month DECEMBER Day 19TH Year 2022 Time 0830		<input checked="" type="checkbox"/> A.M. <input type="checkbox"/> 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 11/29/2022					
HOLD for other Agency Name:				Signature of Arresting Officer D JENNINGS				Name Verification (Printed by Arrestee) (PRINT) BU#					
<input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal		<input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Other:		I.D.# 1000		Agency BBPD		Witness here is subject Signed with an "X"		Page 1 OF 1			
Intake Deputy JENNINGS		Pouch #		Transporting Officer D JENNINGS		I.D.# 1000		Agency BBPD					

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 28TH DAY OF November 2022 AT 2144 A.M. P.M.

CASE #: 22-013870

DEFENDANT: FOX, BRENDAN

PERSONAL CONTACT/DRIVING PATTERN/OBSERVATION OF DRIVER:

On November 28, 2022 at approximately 2144 hours, BBPD communications received a 911 call from a witness that advised in the area of 100 S Congress a black sedan is swerving all over the roadway. The (wheel) witness was later identified as Delray Beach Police Officer Weot. The witness informed communications that the vehicle had stopped in the roadway and the male was seen exiting the vehicle and laying on the road.

Prior to my arrival, Officer Hickman had arrived and observed a W/M walking Northbound (from the direction of the vehicle) on the westside of the roadway. The witness had pointed to the direction of the W/M to clarify that he was the mentioned subject. The W/M was later identified by his Florida driver license as Brendan Fox (04/14/1991). The vehicle was later confirmed to be a Black Nissan Maxima bearing FLtag 70AXTD.

I made contact with FOX on the side walk and upon making contact with I noticed that he had slurred speech and an odor of an unknow alcoholic beverage was emanating from his person. Due to FOX being unstable he was asked to sit down on the curb.

I made contact with the witness who provided me with a statement advising that they were stopped at a red light facing Southbound at the 400 block of North Congress Ave. When the mentioned black sedan swerved and almost crashed into them. They advised that the vehicle then continued Southbound and abruptly stopped at the 100 block of South Congress Ave. They stated that they then maneuvered around his vehicle and made a U-Turn and observed the single occupant/driver exit from the driver seat of the vehicle and lay down on the ground. They pointed out and confirmed that FOX is the driver that officers Hickman had in his presence. The witness advised that they are willing to testify to what they observed.

Officers responded to FOX's vehicle and informed me that several pills were observed in the vehicle.

I then again made contact with FOX who was asked to stand up. Upon FOX standing up he stumbled and as a result, I had to offer FOX assistance to prevent him from possible injuring himself. I spoke with FOX who stated that he was just driving around tonight because he was lonely. FOX when asked was not able provide where we (/were he stopped his vehicle) were currently at. FOX asked for a "hint". FOX did not know why he stopped in the middle of the roadway. FOX stated that he exited his car to look for something. When asked what that something was, FOX stated that he was having drunken thoughts and someone told him to look for something. While speaking with FOX, I noticed his eyes were red, watery and glossy. FOX's cheeks were flushed, mouth/lips dry and slurred his speech while speaking. FOX's movements were slow, calculated and lethargic.

I asked FOX if he had consumed an alcoholic beverage. FOX stated that he had consumed 1 liter ("Full Handle") of orange Smirnoff with orange juice. FOX stated that because of his drunken thoughts, he took his prescribed medication; BUPROPIOM, CLONIDINE, HYDROXYZINE, and ONDANSETRON prior to operating his motor vehicle but along with him drinking his Smirnoff beverage. FOX prescribed medication 's pill bottles say to not take with alcohol or while operating machinery/vehicle.

Based on the above mentioned investigation, I asked if FOX if he would consent to performing Standardized Field Sobriety Evaluations (SFSTs) for the purpose of determining if he was impaired while operating a motor vehicle. I also explained Taylor Warning informing FOX that the SFSTs were voluntary and they did not have to perform them; however in the absence of their performance, I would be only left with the physical evidence of impairment before me and his decision will be considered in court. I asked FOX if he understood the warnings. Prior to FOX performance, I asked if they had any physical problems with their body that would inhibit them from performing light physical exercises. I also asked if they were taking medication. (mentioned above). I escorted FOX to a level surface that was smooth and free from obstructions and debris. I could now smell a strong odor of an unknown alcoholic beverage emanating from their breath that intensified when they spoke. I placed a pink strip of masking tape on the surface that formed a line. FOX identified the tape by giving its color and placing their left foot on it when prompt to do so. The following SFSTs were explained, demonstrated and acknowledged by FOX prior to his performance: HGN, The Walk and Turn, The One Leg Stand, The Finger to Nose and The Romberg Alphabet Recitation. FOX's deficiencies were recorded on another form in this work sheet. At the conclusion of the SFSTs, coupled with the witness observation of FOX's vehicle in motion and while stopped in the roadway along with my observation of FOX's personal indicators of impairment, probable cause was established for DUI.

I told the defendant he was being placed under lawful arrest for suspicion of DUI pursuant to FSS 316.193(1). They were searched and handcuffed (double locked and checked for tightness) prior to being seated into the rear of my patrol car (Vehicle 4038).

Back up Officers arranged for the defendant's vehicle to be towed by Beck's Towing. Inventory incident to Tow Officers and I observed two open (broken seal) bottle of Smirnoff Vodka Orange Flavored 1.75 liter and 750ML. I opened both and smelled the contents inside which I was able to identify as an unknown alcoholic beverage. I located and smelled the orange juice bottles that were mentioned by FOX. In the driver seat of the vehicle I observed two loose(outside of bottle)pills on the driver seat. Pills were later identified as HYDROXYZINE. A prescription bottle was located along with bottles for BUPROPIOM, CLONIDINE, and ONDANSETRON. A rolled up \$50 bill was located next to a lighter on the driver side floor board, the \$50bill had an unknown residue.

HORIZONTAL GAZE NYSTAGMUS:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Left eye does not follow smoothly | <input checked="" type="checkbox"/> Right eye does not follow smoothly |
| <input checked="" type="checkbox"/> Left eye prior to 45 degrees | <input checked="" type="checkbox"/> Right eye prior to 45 degrees |
| <input checked="" type="checkbox"/> Distinct jerking in left eye at maximum deviation | <input checked="" type="checkbox"/> Distinct jerking in right eye at maximum deviation |
| <input type="checkbox"/> Vertical Nystagmus in left eye | <input type="checkbox"/> Vertical Nystagmus in right eye |

WALK AND TURN:

This task was explained and demonstrated to FOX, which he stated he understood. Prior to performing the task FOX stepped out of position, used his arms for balance and started to soon. While performing, FOX missed heel to toe, stepped off the line, took too many steps and improperly turned.

ONE LEG STAND:

This task was explained and demonstrated to FOX, which he stated he understood. While performing the task FOX used his arms for balance, swayed, dropped his foot and almost fell.

FINGER TO NOSE:

This task was explained and demonstrated to FOX, which he stated he understood. While performing the task FOX swayed and did not touch the tip of his nose with the tip of his finger.

ROMBERG/ALPHABET:

This task was explained and demonstrated to FOX, which he stated he understood. While performing the task FOX swayed.

I then transported FOX to Palm Beach County Breathalyzer. Upon my arrival at 2302 hours I completed the required 20-minute observation. I then requested FOX provide a sample of his breath for the purpose of determining the alcohol content. FOX refused my request, at which time I read and thoroughly explained to him Implied Consent, which he stated he understood. A second request was made to FOX to provide a sample of his breath, which was again refused.

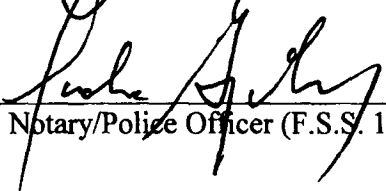
At this time, due to the above mentioned information, I have established probable cause to charge FOX with one count of DUI pursuant to FSS 316.193(1)a. I issued FOX citations.

Upon completion of the booking process, FOX was turned over to Palm Beach County Jail.


During my encounter with FOX he was very Uncooperative, aggressive (made threats to hit me), showed difficulty following directions, used profanity and racial slurs towards me.

The following instrument was sworn to before me this 29 day of November 2022

By: OFFICER D JENNINGS



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



Signature of Arresting Officer



MADELIN GONZALEZ
Notary Public
State of Florida
Comm# NH225716
Expires 2/7/2026

NOT A CERTIFIED COPY

SUBJECT: Fox, BRENDAN J 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? NO

WHERE WERE YOU GOING? Friends House

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: _____

TESTING FACILITY TASK REPORT

AGENCY:
SUBJECT:
CASE NUMBER:
DATE:
VIDEO DVD NUMBER:
BEGINNING TIME:
ENDING TIME:

BREATH TESTS RESULTS: 1) TIME A.M. P.M. 2) TIME A.M. P.M.
3) TIME A.M. P.M. 4) TIME A.M. P.M.

BREATH OPERATOR:
MAINTENANCE TECHNICIAN:

TESTING OFFICER'S OBSERVATIONS

SPEECH:
ATTITUDE:
CLOTHING:
MEDICAL CONDITIONS:
MEDICATIONS:

OTHER:

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 23:02 HRS.
SUBJECT: REFUSED TO TAKE TEST
A/O: READ I/C, ALSO EXPLAINED I/C
SUBJECT: STATED HE UNDERSTOOD I/C AND REFUSED TO TAKE TEST.
A/O: READ RIGHTS
SUBJECT: STATED HE UNDERSTOOD RIGHTS.
A/O: ATTEMPTED Q & A
SUBJECT: INVOKED RIGHT TO COUNSEL

REFUSED

NOT A CERTIFIED COPY



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

PBSO CASE # 22-134059 PBSO ZONE 6-37

AGENCY CASE # 22-013870 CRASH CASE # _____

TIME OF STOP/CRASH 2144 DATE 11/28/22 DAY Monday

SUBJECT'S NAME Fox, Brendan, James RACE W SEX M

HGT 5'08" WGT 170 DOB 4/14/1991

LOCATION 100 S. Congress Ave, Boynton Beach FL 33422

ARRESTING OFFICER'S NAME & ID Jennings 1000 AGENCY BBPD

DIVISION: _____

NOTIFIED BY COMMO Yes

ARRIVAL AT FACILITY 2302

BREATH RESULTS:

Arrest Time 2237

1. _____
2. _____
3. _____
4. _____

TESTING OFFICER'S ID 40577

NOT A CERTIFIED REFUSED

STATE OF FLORIDA
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH TEST

I, Officer D JENNINGS, a duly certified Law Enforcement Officer or Correctional Officer,
(Person reading Implied Consent Warning)
am a member of Boynton Beach Police Department, and I do swear
(Name of enforcement agency)
or affirm that on or about the TWENTY-EIGHTH day of November, 2022, at 10:37 PM
DRIVER BRENDAN JAMES FOX
(Type or Print) FIRST MIDDLE OR MAIDEN LAST
DL # F200070911340, state of FL, was placed under lawful arrest for
the offense of DUI by Officer DAVON JENNINGS and
(Name of Arresting Officer)
issued Citation # AE158ME.

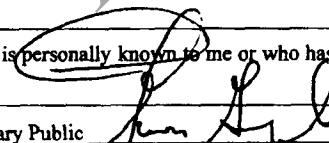
That on or about the TWENTY-EIGHTH day of November, 2022, at 11:32 PM
in Palm Beach County,

I requested that the driver submit to a **BREATH** test for the purpose of determining its alcohol content. I informed the driver that the refusal to submit to such 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, 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. Nonetheless, the driver refused to submit to the test requested.


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:

(AFFIX SEAL)
The foregoing instrument was sworn and subscribed before
me this 29th day of November, 2022,
by _____
who is personally known to me or who has produced
_____ as identification.
Notary Public 



MADELIN GONZALEZ
Notary Public
State of Florida
Comm# HH225716
Expires 2/7/2026

Signature of Attesting Officer
Title _____
Date _____

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.



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: 2022030751

Date: 11/29/2022

Specialist Name/ID: T.Howard/7185