



Broward County Sheriff's Office

22-4292 MU10A

Booking Report

MJ



CIS #	362200068	BCCN #	950423	Booking Sheet Control Date and Time							
OBTS	607304742	Print Clearance	04/04/22 20 55 45	Prints	Yes	04/05/22 00 33 42					
Arrest #	WS 2200068	Offense Report #	08-2204-000418	Agency	WESTON						
Last Name	BIERWIRTH, BRIAN N			SSN #	[REDACTED]						
Race	Sex	Height	Weight	Eyes	Hair	Comp	Age Admitted	DOB	Place of Birth	State	FDLE
W	M	602	190	BRO	GRY	LGT	45	7/30/1976	HOLLYWOOD	FLORIDA	0
Permanent Address	3333 ATLANTA ST HOLLYWOOD FL 33021							Months of Residence	486		
Arrest Date	04/04/22 18 42 00	Place of Arrest	1725 MAIN ST WESTON FL 33326			Arresting Officer	13963 BERMAN				
Inmate Logged Date	04/04/22 20 11 07	Inmate Log Type	FULL INTAKE			Place Admitted	MAIN				
Intake Comments SP/CO/29/554-18406 WC-17834											
Alias Last name, First, Middle, DOB											
Warrants Officer Id bs17834											
Scars, Marks, Tattoos											
Scars	Elbow, right			SURGERY							
Release Date/Time	Release Reason			Release Authorized By							
Charge No	Charge Initiation Date	Statute	Warrant/Capias	Level	M C	B Type	Bond Amount				
1	04/04/22 23 46	316 193-2a2a		4M	Y	BOND	\$500 00				
Charges	DUI ALCOHOL OR DRUGS 1ST OFFENSE			Comments							
Booking Off ID	bs18901	County	Judge								

* End of Report *

2022 APR -5 PM 1:42
1 & M CONTROL

☐ COMPLAINT AFFIDAVIT

(SHADED FIELDS MUST BE ANSWERED IF DEFENDANT NOT IN CUSTODY)

☒ ARREST FORM

BROWARD COUNTY

ARREST #

OBTS #

Filing Agency BROWARD COUNTY SO		Offense Report 08-2207-000418		Local ID #		FDLE		FBI		SS #	
Defendant's Last Name BIERWIRTH				First Middle SUF BRIAN N				Alias/Street Name US			
Race W	Sex M	Hgt 6'02	Wgt 190	Hair BROW	Eyes BROW	Comp F AIR	Age 45	DOB 07/30/1976	Birth Place		
Permanent Address 3333 ATLANTA ST, HOLLYWOOD, FL 33021									Scars Marks TT		
Residence Type (1) City (2) County (3) Florida (4) Out of State		Local Address 3333 ATLANTA ST, HOLLYWOOD, FL 33021							Place of Employment HOLLYWOOD MEMORIAL HOSPITAL		Length
How long defendant in Broward County		Breathalyzer By/CCN REFUSED BRL 4TH		Reading		Place of Arrest 1725 MAIN ST WESTON		Date/Time Arrested 04/04/2022 18 42		Arresting Officer(s) CCN BERMAN MARC (13963)	
Officer Injured Y ☐ N ☒		Unit PATR	Zone 0805	Beat	Shift ALPH	Trans Unit		PMD Y ☐ N ☒	Transporting Officer/CCN		Pick-up Time Time Arrived/BSO
TYPE / ACTIVITY /		Type N N/A A Amphetamine B Barbiturate C Cocaine	E Heroin H Hallucinogen M Marijuana O Opium/Derv	P Paraphernalia/ Equipment S Synthetic U Unknown Z Other	Activity N N/A P Possess S Sell B Buy	T Traffic A Smuggle D Deliver E Use	M Manufacture/ Produce/Cultivate K Dispense/ Distribute Z Other	Indication of Alcohol Influence ☒ Y ☐ N ☐ UK Drug Influence ☐ ☒ ☐			

Attach
Defendant's
Photo

Defendant's Vehicle Make **CHEV** Type **03** Year **2017** Color **WHI** VIN # **3GCPCREC3HG341168**
Vehicle Towed To _____ Tag # **JARJ38** Other identifiers or remarks _____

Name of victim(s) (if corporation exact legal name and state of incorporation) State Of Florida			
Count #	Offenses Charged	WC# / Citation # (if applicable)	FS or Capias/Warrant #
1	DUI ALCOHOL OR DRUGS 1ST OFFENSE		316.193-242A

Probable Cause Affidavit

Before me this date personally appeared **BERMAN MARC (13963)** who being first duly sworn deposes and says that on **4** day of **April** (year) **2022** at **1725 MAIN ST WESTON FL 33326** (crime location) the above named defendant committed the above offenses charged and the facts showing probable cause to believe the same are as follows

On 04/04/2022 at approximately 1815 hours, I was dispatched to 1725 Main Street, Weston, in reference to a possible intoxicated male who was attempting to fight with other customers Upon arrival at location I made contact with Brian N Bierwirth, 07/30/1976, and asked him what had happened He did not really provide an answer to our questions but I was able to make the following observations of his physical condition Driver had an overwhelming odor commonly associated with an alcoholic beverage emanating from his

*** Continued ***

Under penalties of perjury, I declare that I have read the foregoing and that the facts stated therein are true and correct to the best of my knowledge and belief

Officer/Affiant's Signature **BERMAN MARC (13963)** Officer's Name/CCN **Weston** Officer's Division

STATE OF FLORIDA
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me this **4** day of **April** 2022 (year), by **BERMAN, MARC** (name and title), who is personally known to me or has produced _____ as identification

Notary Public Deputy Clerk of the Court or Assistant State Attorney

Title/Rank and CCN

Print Type or Stamp Commissioned Name of Notary Public

(SEAL)

Seventeenth Judicial Circuit
Broward County
State of Florida

FIRST APPEARANCE/ARREST FORM

BSO DB #2 (Revised 05/00)

(SHOULD ADDITIONAL SPACE BE NEEDED USE THE PROBABLE CAUSE AFFIDAVIT CONTINUATION (BSO DB#2a))

Orig
2nd
3rd
4th
Court
State Attorney
Filing Agency
Arresting Agency

SP100-18406 29154-18406 COURT COPY WC-17834

☐ COMPLAINT AFFIDAVIT

PROBABLE CAUSE AFFIDAVIT CONTINUATION

☒ ARREST FORM

BROWARD COUNTY

ARREST #

OBTS #

Filing Agency BROWARD COUNTY SO	Offense Report 08-2203-000418	Local ID #	FDLE	FBI	SS #
Defendant's Last Name BILRWIRTH	First BRIAN	Middle N	SUF	Alias/Street Name	Citizenship US
Name of victim(s) (if corporation exact legal name and state of incorporation)					
Count #	Offenses Charged			WC# / Citation # (if applicable)	FS or Capias/Warrant #
	*** SEE PAGE 1 ***				

Probable Cause Affidavit

Before me this date personally appeared BERMAN MARC (13963) who being first duly sworn deposes and says that on 4 day of April, (year) 2022 at 1725 MAIN ST, WESTON, FL 33326 (crime location) the above named defendant committed the above offenses charged and the facts showing probable cause to believe the same are as follows

nose and mouth, his eyes were watery/very bloodshot, his face appeared flushed, and his speech was slurred/mumbled/repetitive(see video) At this time I proceeded to speak to Wheel Witness Ricardo Chavez, 11/24/1965, who stated that he observed Brian Bierwirth screaming and verbally abusing his girlfriend and he was told to stop Mr Bierwirth left the scene briefly and came back driving his 2017, White, 4 door, Chevy Silverado Pickup truck, Florida [REDACTED] Mr Bierwirth parked his vehicle in the middle of Main Street and proceeded to verbally berate Wheel Witness Yokana Martinez, 01/08/1977, who had earlier told Mr Bierwirth to treat his wife better. While he was screaming at Witness Martinez, Witness Chavez walked over to intervene as the Mr Bierwirth appeared to be getting angrier When Witness Chavez intervened he stated that the Mr Bierwirth charged at him and he pushed him causing him to fall to the ground A short time after that we arrived on scene Deputy Castillo also interviewed Witness Fabian Portilla, 11/06/1965, who stated that he witnessed the above described incident but due to the Suspect appearing to be intoxicated he moved Mr Bierwirth's vehicle out of the middle of the street, took the keys and gave them to his girlfriend so he would not drive again Upon completion of our investigation I informed the Mr Bierwirth I was now conducting a DUI Investigation and asked him if he would be willing to perform some simple road side sobriety exercises and he agreed Prior to starting the road side exercises I asked him if he had any medical conditions, was using any medications and how much he had to drink He responded no injuries/illnesses and had a lot of trouble recalling how much he had to drink today He finally was able to tell me he believed he had 5-6 shots of vodka but could not tell me where or when he drank them. The following exercises were demonstrated, performed and captured on BSO BWC and Dash Cam.

Standing Balance Exercise Driver was instructed to put his feet together, place his

*** Continued ***

I swear the above statement is correct and true to the best of my knowledge and belief

[Signature]
Officer/Affiant's Signature

BERMAN, MARC (13963)
Officer's Name/CCN

Weston
Officer's Division

STATE OF FLORIDA
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me this 4 day of April, 2022 (year),
by BERMAN, MARC (name and title), who is personally known to me or has produced
as identification

[Signature]
Notary Public Deputy Clerk of the Court or Assistant State Attorney

PUE / 14200
Title/Rank and CCN

Print Type or Stamp Commissioned Name of Notary Public

(SEAL)

Seventeenth Judicial Circuit
Broward County
State of Florida

FIRST APPEARANCE/ARREST FORM

COURT COPY

BSO DB #2a (Revised 05/00)

Orig Court
2nd State Attorney
3rd Filing Agency
4th Arresting Agency

☐ COMPLAINT AFFIDAVIT
PROBABLE CAUSE AFFIDAVIT CONTINUATION

☒ ARREST FORM

BROWARD COUNTY

ARREST #

OBTS #

Filing Agency BROWARD COUNTY SO	Offense Report 08-2203-000418	Local ID #	FDLE	FBI	SS #
Defendant's Last Name BIERWIRTH	First BRIAN	Middle N	SUF	Alias/Street Name	Citizenship US
Name of victim(s) (if corporation exact legal name and state of incorporation)					
Count #	Offenses Charged			WC# / Citation # (if applicable)	FS or Capias/Warrant #
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arms at his side, tilt his head back, close his eyes and estimate when 30 seconds had elapsed The driver requested the exercise be explained to him over and over again and when he attempted to start the exercise kept losing his balance before he could start After several attempts I discontinued the exercise for his safety

One Legged Stand Exercise Driver was instructed to lift one leg approximately 6 inches off the ground, point his foot upward, eyes on the tip of his foot, arms at his side while he counted from one to thirty out loud The driver requested to have the exercise explained to him multiple times and when he attempted to start the exercise he kept immediately putting his foot down and at one point stumbled backward at which time I discontinued the exercise for his safety.

Horizontal Gaze Nystagmus. The following clues were observed.

- Lack of smooth pursuit in both eyes
- Distinct and Sustained Nystagmus at maximum deviation in both eyes
- Onset of Nystagmus at 45 degrees in both eyes
- VGN was observed in both eyes.
- Driver had trouble keeping his head still during the test

I attempted to explain the instructional stance to Mr Bierwirth for the Walk and Turn Exercise and the driver could not maintain his balance at which time I terminated the road side sobriety exercises for his safety At this time I informed the Suspect that he was under arrest for DUI, placed him in handcuffs and retrieved the Florida Implied Consent Law. Upon reading the Florida Implied Consent Law to the Suspect he refused to take a breath test The refusal warnings were read and the Suspect refused to answer

*** Continued ***

I swear the above statement is correct and true to the best of my knowledge and belief

[Signature]
Officer/Agent's Signature

BERMAN, MARC (13963)
Officer's Name/CCN

Weston
Officer's Division

STATE OF FLORIDA
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me this 4 day of April, 2022 (year), by BERMAN, MARC (name and title), who is personally known to me or has produced

[Signature]
Notary Public, Deputy Clerk of the Court or Assistant State Attorney

DU / 1400
Title/Rank and CCN

Print Type or Stamp Commissioned Name of Notary Public

(SEAL)

Seventeenth Judicial Circuit
Broward County
State of Florida

FIRST APPEARANCE/ARREST FORM

COURT COPY

BSO DB #2a (Revised 05/00)

Orig Court
2nd State Attorney
3rd Filing Agency
4th Arresting Agency

☐ **COMPLAINT AFFIDAVIT**
PROBABLE CAUSE AFFIDAVIT CONTINUATION

☒ **ARREST FORM**

BROWARD COUNTY
ARREST #

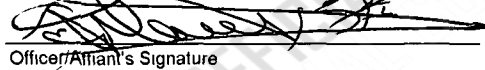
OBTS #

Filing Agency BROWARD COUNTY SO	Offense Report 08-2203-000418	Local ID #	FDLE	FBI	SS #
Defendant's Last Name BIERWIRTH	First BRIAN	Middle N	SUF	Alias/Street Name	Citizenship US
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whether he was willing to take a breath test and his non answer was taken as a refusal to safeguard his rights The Suspect was placed in the rear of my vehicle for arrest processing and upon completion was transported to the Broward County Main Jail for lodging.

I swear the above statement is correct and true to the best of my knowledge and belief


Officer/Affiant's Signature

BERMAN, MARC (13963)
Officer's Name/CCN

Weston
Officer's Division

STATE OF FLORIDA
COUNTY OF BROWARD

Sworn to (or affirmed) and subscribed before me this 4 day of April, 2022 (year) by BERMAN, MARC (name and title) who is personally known to me or has produced as identification


Notary Public Deputy Clerk of the Court or Assistant State Attorney

DLG / 1482
Title/Rank and CCN

Dina Cortez, K
Print Type or Stamp Commissioned Name of Notary Public

(SEAL)

Seventeenth Judicial Circuit
Broward County
State of Florida

FIRST APPEARANCE/ARREST FORM

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BSO DB #2a (Revised 05/00)

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