

50-2022-CT-012921-ANB

☐ Marsy's Law CVI FL Const. Art.1 § 16(b)☐ Check if Supplement is Attached

OBTS Number		ARREST / NOTICE TO APPEAR Juvenile Referral Report		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		1		Juvenile N	
Agency ORI Number FL0, 5, 0, 0, 0, 0, 0		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE		Agency Report Number (N.T.A.'s only) 0 6 - 22095679							
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	
Location of Arrest (Including Name of Business) BROADWAY / BANDOL ST, RIVIERA BEACH FL 33404		Location of Offense (Business Name, Address) FEDERAL HWY / BANDOL ST, RIVIERA BEACH FL 33404									
Date of Arrest 08/06/2022		Time of Arrest 2312		Booking Date		Booking Time		Jail Date		Jail Time	
										Location of Vehicle BABBSO TOWING, 262 TALL PINES RD, WPB FL	
Name (Last, First, Middle) Powel, David, P		Alias (Name, DOB, Soc. Sec. #, Etc.)									
Race W - White B - Black		Sex W M		Date of Birth 4/12/1974		Height 6'02		Weight 205		Eye Color BLU	
										Hair Color BRO	
										Complexion LIGHT	
										Build LARGE	
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) TATTOO ON LEFT ANKLE		Marital Status Married		Religion CHRISTIAN		Indication of Alcohol Influence Drug Influence		Y N Unk			
Local Address (Street, Apt. Number) 346 Cascade Ln, Palm Beach Shores, FL 33404		(City) (State) (Zip)		Phone (561) 385-5806		Residence Type: 1. City 2. County 3. Florida 4. Out of State		1			
Permanent Address (Street, Apt. Number)		(City) (State) (Zip)		Phone ()		Address Source DEFENDANT					
Business Address (Name, Street)		(City) (State) (Zip)		Phone ()		Occupation					
D/L Number, State P400175741320, FL		Soc. Sec. Number		INS Number		Place of Birth (City, State) HOLLYWOOD, 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)		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 ☐ defendant and / or ☐ defendant's parents. The child and / or parent was told to keep the Juvenile Court Clerk's Office (Phone (561) 355-8511) 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	
Charge Description DUI		Counts 1		Domestic Violence OY ☐ N ☐		Statute Violation Number 316.193 (1) (A)		Violation of ORD #			
Drug Activity N		Drug Type N		Amount / Unit		Offense # 22095679		Warrant / Capias Number		Bond	
Charge Description		Counts		Domestic Violence OY ☐ N ☐		Statute Violation Number		Violation of ORD #			
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number		Bond	
Charge Description		Counts		Domestic Violence OY ☐ N ☐		Statute Violation Number		Violation of ORD #			
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number		Bond	
Charge Description		Counts		Domestic Violence OY ☐ N ☐		Statute Violation Number		Violation of ORD #			
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number		Bond	
Location (Court, Room Number, Address) North County Government Center/Courthouse, Courtroom #2, 3188 PGA Blvd., Palm Beach Gardens, FL 33410 - Ph: (561) 624-6608		Court Date and Time Month AUGUST Day 31 Year 2022 Time 9:00 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)		Date Signed 08/06/2022							
HOLD for other agency		Signature of Arresting Officer x [Signature] 356A		Name Verification (Printed by Arrestee) (PRINT)							
☐ Dangerous ☐ Suicidal		☐ Resisted Arrest ☐ Other:		Name of Arresting Officer (Print) D/S J. LEHENY		I.D. # 35619					
Intake Deputy		I.D. #		Pouch #		Transporting Officer D/S J. LEHENY 35619		Agency PBSO		Witness here if subject signed with an "X"	

OBT Number		PROBABLE CAUSE AFFIDAVIT		1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		01	Juvenile	N
ADMIN	Agency ORI Number FLO 500000		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE		Agency Report Number 06- 22-095679					
	Charge Type: Check as many as apply.		1. Felony 2. Traffic Felony		3. Misdemeanor 4. Traffic Misdemeanor		5. Ordinance 6. Other		Special Notes:	
CHARGES	Name (Last, First, Middle) Powel David P		Alias		Race W		Sex M		Date of Birth 04/12/1974	
	D.U.I.		316.193(1)							
VICTIM	Victim's Name (Last, First, Middle) State of Florida		Race		Sex		Date of Birth			
	Local Address (Street, Apt. Number)		(City)		(State)		(zip)		Phone	
	Business Address (Name, Street)		(City)		(State)		(zip)		Phone	
The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law. The Person taken into custody ☒ committed the below acts in my presence. ☒ was observed by DS Imperiale who told DS Jacob Leheny that he/she saw the arrested person commit the below acts. ☐ confessed to admitting to the below facts. ☐ was found to have committed the below acts, resulting from my (described) investigation.										
On the <u>6</u> day of <u>August</u> , 20 <u>22</u> at <u>2312</u> ☐ A.M. ☒ P.M. (Specifically include facts constituting cause for arrest.)										
☐ Marry's Law CVI FL. Const. Art.1 § 18(b)										
On August 6, 2022, at 2312 hours, I was conducting patrol in the area of Federal Highway and Bayberry Drive. I was in my marked Palm Beach County Sheriff's Office vehicle utilizing my calibrated and certified radar facing Northbound.										
I observed a white truck traveling Southbound at high rate of speed which I estimated at approximately 70 miles per hour (MPH). The truck was significantly ahead of the flow of traffic and no other vehicles were close behind him. Using my radar, I clocked the vehicle going 68 MPH down Federal Highway in a posted 35 MPH zone. I conducted a traffic stop on the White Ford truck (FL tag R5DHH) in the area of Broadway and Bandoi Street. I approached the passenger side of the truck and asked the driver (sole occupant) to put down his back window due to the heavy tint. The driver put his front window down but not the rear window. I asked again and he continued to put the front window down before seeing my flashlight in the rear window, therefor putting it down. I ensured there was nobody else in the vehicle and made contact with the driver, identified as David P Powel (4/12/74). I asked him if there was an emergency and he shrugged his shoulders and stated no. I asked him why he was driving 68 MPH in a 35 MPH zone; his response was simply a shoulder shrug. During my initial contact with David, I could see that his eyes were extremely glassy and his speech almost immediately was slurred. I asked him for his Drivers license, registration, and proof of insurance. He asked me if I was with the Sheriff's Office and told me he knew a Deputy who works in the area (he used the Deputy's name and the Deputy is someone I work with). I told him that has nothing to do with the reason I stopped him and asked for his paperwork again. He grabbed his wallet from the floorboard, opened the wallet up, and asked me what I needed. I re-stated what I needed and he handed me his license. He sat in the seat looking at me before asking again what I needed. I advised him registration and insurance before telling him to keep looking for it while I went back to my vehicle. During this time, I heard him making a phone call using his in car Bluetooth speaker. I approached again to ask for the paperwork and saw on his audio screen the name of the Deputy that he was repeatedly calling with no answer. I asked him again for the documents and he looked around for a minute before asking me again what I needed, the entire time with a heavy slur in his speech. He pulled out the registration and insurance, placed it onto the passenger seat, and kept looking for those documents, ultimately never providing me with them, although they were sitting on the seat. I asked him where he was coming from, he advised, Palm Beach Shores. When asking him where he was heading, he advised, Palm Beach Shores. I asked where he was at, he stated at a buddy's house. I also asked him if he consumed any alcohol, which he stated no. I asked him the same question a few minutes later, which he answered, "not much". I asked him how much is not much, and he stated zero.										
During this time, I had already informed DS Jacob Leheny 35619 to assist me on scene to assist with a potential DUI investigation. Once DS Leheny arrived, I informed him of the above statements, and handed him the investigation from there. During the stop, I observed DS Leheny ask David out of the vehicle, shortly after placing him into handcuffs (see additional reports). DS Leheny advised me that David was under arrest for suspicion of DUI, and I began assisting by completing a tow slip for David's vehicle. I also issued David a citation for driving 68 in 35, as well as failing to provide registration and insurance; both were verified in the vehicle during a search incident to tow.										
This concludes my involvement in this case, see DS Leheny's report for additional detail.										
ADMINISTRATIVE	STATE OF FLORIDA COUNTY OF PALM BEACH N. Imperiale (ID # 36197) (Signature of Arresting/Investigative Officer)									
	The foregoing instrument was sworn to or affirmed and subscribed before me this <u>6</u> day of <u>August</u> , 20 <u>22</u> by <u>N. Imperiale</u> <u>36197</u> (Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced <u>personally known</u>									
	J. Leheny 35619 Notary Public, Clerk of Court, Officer (F.S.S. 117.10)									

SUBJECT: Powel, David, P

CASE NUMBER 22095679

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:

REFUSED

WALK & TURN:

REFUSED

ONE LEG STAND:

REFUSED

ROMBERG ALPHABET:

REFUSED

ROMBERG ALPHABET:

REFUSED

BREATH TEST RESULTS: 1) 2) 3) 4)

STATE OF FLORIDA
COUNTY OF PALM BEACH

D/S J. LEHENY

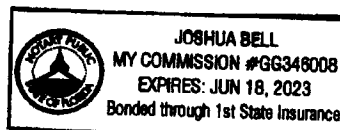
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 6TH day of AUGUST 2022 by D/S J. LEHENY

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

Joshua Bell (#8656)

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



D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 6TH DAY OF AUGUST 20 22, AT 2251 AM ☒ PM
SUBJECT: Powel, David, P CASE NUMBER: 22095679

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: D/S J. LEHENY

PERSONAL CONTACT

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

On the above date and time, I responded to Broadway and Bandol St, Riviera Beach FL 33404 to assist D/S Imperiale #36197 with a possible DUI Investigation. Upon my arrival, I met with D/S Imperiale who stated he was conducting traffic enforcement in the area of Federal Hwy and Bayberry Dr, when he observed a white 2019 Ford pickup (R5DHH) traveling south at a high rate of speed. D/S Imperiale used his department issued radar which gave a reading of 68 mph in a 35 mph speed zone. D/S Imperiale conducted a traffic stop where he met the driver and sole occupant, David Powel. D/S Imperiale advised me of his observations of the driver which prompted him to request me to respond.

OBSERVATION OF DRIVER:

I walked up to the front driver door and met with Powel. I immediately smelled an odor of an unknown alcoholic beverage coming from the vehicle which became stronger as Powel spoke. While speaking with Powel, I noticed his speech was very slow, slurred and mush mouthed. Powel also had red glassy eyes. When I asked Powel questions about why he was stopped which he appeared confused and stated "I don't know".

DRIVER'S STATEMENTS:

Powel stated he was going home on Palm Beach Shores but didn't know where he was coming from. Powel stated he didn't have anything to drink earlier and was not diabetic.

ODORS:

Strong odor of an unknown alcoholic beverage.

GENERAL OBSERVATIONS

SPEECH: SLOW, SLURRED AND MUSH MOUTHED

ATTITUDE: COOPERATIVE

CLOTHING: DISHEVELED

MEDICAL/OTHER: NONE MENTIONED

STATE OF FLORIDA
COUNTY OF PALM BEACH

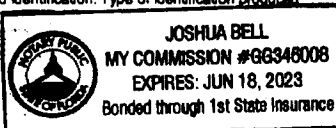
D/S J. LEHENY D/S 35619
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to, affirmed and subscribed before me this 6TH day of AUGUST 20 22 by D/S J. LEHENY

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

Joshua Bell (#8656)

Notary Public, Clerk of Court, Officer (F.S.S. 117.40)



WITNESS LIST

CASE NUMBER: 22095679

ARRESTING OFFICER: D/S J. LEHENY

ADDRESS: 3228 GUN CLUB RD, WEST PALM BEACH FL 33407

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

CAN TESTIFY TO: DUI INVESTIGATION AND TRANSPORT

NAME: D/S IMPERIALE #36197

ADDRESS: 3228 GUN CLUB RD, WEST PALM BEACH FL 33407

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

CAN TESTIFY TO: TRAFFIC STOP AND INITIAL CONTACT

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) 0

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

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: _____

NAME: _____

ADDRESS _____

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: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

TESTING FACILITY TASK REPORT

AGENCY: PBSO

SUBJECT: POWEL, DAVID P

CASE NUMBER: 22-095679

DATE: Aug 7, 2022

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 0054

ENDING TIME: 0057

BREATH TESTS RESULTS: 1) R TIME 0056 A.M. ☒ P.M. ☐ 2) XX TIME XX A.M. ☐ P.M. ☐

REFUSED

3) XX TIME XX A.M. ☐ P.M. ☐ 4) XX TIME XX A.M. ☐ P.M. ☐

BREATH OPERATOR: JOSHUA J BELL #8656

MAINTENANCE TECHNICAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: QUIET, COOPERATIVE

CLOTHING: GREY TEE SHIRT, BLACK SHORTS, BLACK FLIP FLOPS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES: BLOODSHOT, GLASSY

COMMENTS:

A/O ARRIVED AT DUI TESTING FACILITY AND BEGAN THE 20 MINUTE OBSERVATION AT 0032 HOURS

SUBJECT STATED HE WOULD NOT TAKE BREATH TEST

A/O READ I.C

SUBJECT STATED HE UNDERSTOOD I.C

SUBJECT AGAIN STATED HE WOULD NOT TAKE BREATH TEST

REFUSAL TIME 0056

A/O READ RIGHTS

SUBJECT STATED HE UNDERSTOOD HIS RIGHTS

SUBJECT DECLINED TO ANSWER Q AND A

REFUSED

SUBJECT: _____

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: _____

WHITE - STATE ATTY.

YELLOW - DHSMV

PINK - CENTRAL RECORDS

GOLD - JAIL



**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: 2022020328	Date: 8/7/2022
	Specialist Name/ID: Chantel Daniels/30347