

0532324

20079488

3430

ARREST / NOTICE TO APPEAR

1. Arrest
2. N.T.A.
3. Request for Warrant
4. Request for Capias

1

JUVENILE

AD M I N I S T R A T I O N	OBTS Number	Agency ORI Number 0500400		Agency Name Delray Beach Police Department		Agency Report Number (N.T.A.'s only) 4 0 22-007618	
D E F E N D A N T	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 UNARMED		Multiple Clearance Indicator 1			
	Location of Arrest (Including Name of Business) 700BLK W ATLANTIC AVE				Location of Offense (Business Name, Address) 700 W ATLANTIC AVE BLK, DELRAY BEACH, FL 33444		
	Date of Arrest 06/15/2022	Time of Arrest 01:46	Booking Date 06/15/2022	Booking Time 01:56	Jail Date 06/15/2022	Jail Time 01:47	Location of Vehicle 725 W ATLANTIC AVE
	Name (Last, First, Middle) LEHMAN, EMIL LANCE						
C O D E F	Alias: LEHMAN, EMIL LANCE						
	Race W - White B - Black O - Oriental/Asian W	Sex M	Date of Birth 05/08/1961	Height 6'00	Weight 185	Eye Color BROWN	Hair Color BROWN
	Complexion OLIVE				Build Med		
	Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)				Marital Status U		Religion
	Local Address (Street, Apt. Number) 21218 SAINT ANDREWS BLVD 244, BOCA RATON, FL 33433				Phone		Indication of Alcohol Influence Yes ☐ No ☒ Unk ☐
	Permanent Address (Street, Apt. Number) 21218 SAINT ANDREWS BLVD 244, BOCA RATON, FL 33433				Phone		Residence Type 1. City 2. County 3. Florida 4. Out of State 2
	Business Address (Name, Street) 21218 SAINT ANDREWS BLVD 244, BOCA RATON, FL 33433				Phone		Address Source VERBAL
	D/L Number, State L550212611680 / FL				Sec. Sec. Number		Citizenship US
	INS Number				Place of Birth (City, State) LOUISVILLE, KY		
	Co-Defendant Name (Last, First, Middle)				Race	Sex	Date of Birth
J U V E N I L E	Co-Defendant Name (Last, First, Middle)				Race	Sex	Date of Birth
	Parent ☐ Other ☐ Legal Custodian ☐				Residence Phone		
	Address (Street, Apt. Number) (City) (State) (Zip)				Business Phone		
	Notified by (Name)				Date	Time	JUVENILE DISPOSITION 1. Handled/Processed within Department and Released 2. TOT IAC 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 355-2526) informed of any change of address.				School Attended		
	Property Crime? ☐ Yes ☒ No				Description of Property		Value of Property
	Drug Activity N N/A P Possess				Drug Type N N/A A Amphetamine	B Barbiturate C Cocaine E Heroin	H Hallucinogen M Marijuana O Opium/Derv
	S Sell B Buy T Traffic				R Smuggle D Deliver E Use	K Disperses/ Distribute	M Manufacture/ Produce/ Cultivate
	Z Other				U Unknown Z Other		
C H A R G E	Charge Description DRIVING WHILE UNDER INFLUENCE				Statute Violation Number 316.193(1)A		Violation of ORD #
	Drug Activity	Drug Type N	Amount / Unit /	Offense #	Counts 1	Domestic Violence ☐ Y ☒ N	Bond
	Charge Description				Statute Violation Number		Violation of ORD #
	Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence ☐ Y ☐ N	Bond
C H A R G E	Charge Description				Statute Violation Number		Violation of ORD #
	Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence ☐ Y ☐ N	Bond
	Charge Description				Statute Violation Number		Violation of ORD #
	Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence ☐ Y ☐ N	Bond
I N T A K E	Health / Apparent Physical Condition of Defendant				Any knowledge of the following ☐ Mental ☐ Escape Risk ☐ Modication ☐ Deformities ☐ Injuries		
	Check which applies ☐ Released O.R. ☐ Released to Parent/Guardian ☐ Posted Bond ☐ South County Mental Health				PROPERTY - Received By		
	Transported By STROUD ELIZABETH				Date Transported 06/15/2022	Time Transported 01:47	Released To
	INSTRUCTION NO. 1 - Mandatory appearance in court INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.				Location (Court, Room) South County 200 W Atlantic Ave Delray Beach, FL 33444		
N O T I C E T O A P P E A R	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.				Court Date and Time 07/21/2022 08:30:00		
	Signature of Defendant (or Juvenile or Parent/Custodian)				Date Signed		
	HOLD for Other Agency ☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other				Name Verification (Printed by Arrestee)		
	Intake/County Dunning 690				Witness here if subject signed with an "X"		

COURT STATE ATTORNEY AGENCY CENTRAL RECORDS JAIL CRIME ANALYSIS A.D. DEFENDANT

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 15TH DAY OF JUNE, 2022 AT 0055 ☒ AM ☐ PM
IN THE CITY OF DELRAY BEACH, COUNTY OF PALM BEACH, STATE OF FLORIDA

Case No: 22-007618 Defendant: LEHMAN, EMIL
Agency: Delray Beach Police Arresting Ofc: ELIZABETH STROUD

PERSONAL CONTACT/DRIVING PATTERN/OBSERVATIONS OF DRIVER:

On 06/15/2022, I responded to the 500 Blk of W Atlantic Ave in reference to a subject suspected of driving under the influence.

Prior to my arrival, Sergeant Rusczyk observed a black BMW 550i bearing FL Tag: NAK166 (Emil Lehman's vehicle) traveling northbound in the 100blk of S Swinton Ave with no taillights. The vehicle conducted a left turn on W Atlantic Ave and while on W Atlantic Ave, Sergeant Rusczyk observed the vehicle fail to maintain a single lane of travel. In the 300 blk of W Atlantic Ave, Sergeant Rusczyk initiated a traffic stop by activating his lights and sirens. The vehicle stopped in the 700 Blk of W Atlantic Ave in front of the Marathon Gas Station (725 W Atlantic Ave). A passenger side approach was conducted and Sergeant Rusczyk asked the driver (Emil Lehman-sole occupant of the vehicle) to roll down the front passenger window; however, the driver rolled down the rear passenger window. Lehman had a difficult time figuring out how to roll down the front passenger window. Sergeant Rusczyk notified Lehman the reason for the stop and asked the subject where he was coming from. Lehman advised that he was coming from SALT (bar located in the downtown area of E Atlantic Ave).

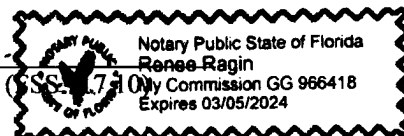
Upon my arrival, the subject was still in the vehicle. I conducted a driver's side approach and could smell an unknown alcoholic odor emitting from Lehman. His speech was also slurred. I asked the subject where he was coming from to which he replied SALT. I asked if he had been drinking tonight and he replied yes. He advised that his first drink was at around 5:00pm. I asked the subject if he knew what today was and he said that he did. The subject had a hard time telling me what the exact day was. He concluded with it being June 16th then said June 18th. I later asked the subject to step out of the vehicle and walk toward my vehicle. As he was walking, he appeared to be unsteady on his feet.

Based on the circumstances, I requested that Salazar submit to the roadside Standardized Field Sobriety Tasks to dispel my suspicion that he may be impaired. Lehman was notified that they were completely voluntary; however, he denied.

ED
2022
The foregoing instrument was sworn to before me this 15TH day of JUNE, 2022
by Officer ELIZABETH STROUD

Arresting Officer 1191

Notary/Police Officer [Signature]



ROADSIDE TASKS

Case No: 22-007618

Defendant: LEHMAN, EMIL

HORIZONTAL GAZE NYSTAGMUS:

0 of 6 clues

Left Eye:

- ☐ Lack of smooth pursuit
- ☐ Distinct & sustained nystagmus at maximum deviation
- ☐ Onset prior to 45 degrees

Right Eye:

- ☐ Lack of smooth pursuit
- ☐ Distinct & sustained nystagmus at maximum deviation
- ☐ Onset prior to 45 degrees

Notes:

Refused

WALK AND TURN: 0 of 8 clues

Refused

ONE LEG STAND: 0 of 4 clues

Refused

FINGER TO NOSE: 0 of 4 clues

Refused

ROMBERG/ALPHABET: 0 of 4 clues

Refused

The DEFENDANT was handcuffed and taken into custody without incident. A search incident to arrest was conducted and, in the DEFENDANT'S, pockets a receipt for PARK TAVERN (Downtown restaurant near SALT) was found for 06/14/2022 11:38pm. According to the receipt, the payments were made with Lehman's card amounting to \$155.15. The following purchases were made: 1 Stella, 11 Coffee Tequila's, 1 Corkage; along with 2 other items. I then transported DEFENDANT to the Breath Alcohol Testing facility at the Palm Beach County Jail. Upon my arrival at 0135 hours, I completed the required 20-minute observation. I then requested DEFENDANT provide a sample of his breath for the purpose of determining the alcohol content. The DEFENDANT refused the requested breath samples.

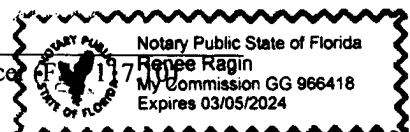
Based on the above facts, probable cause does exist to charge DEFENDANT with one count of DUI pursuant to FSS 316.193(1)A. I issued the DEFENDANT the following citations: DUI and Failure to Drive within Single Lane.

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

The foregoing instrument was sworn to before me this 15TH day of JUNE, 2022
by Officer ELIZABETH STROUD

Arresting Officer

Notary/Police Officer



ANN
JUN 15

**STATE OF FLORIDA
DEPARTMENT OF HIGHWAY SAFETY & MOTOR VEHICLES
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH AND/OR URINE TEST**

I, ELIZABETH STROUD, a duly certified Law Enforcement Officer or Correctional Officer,
(Name of Officer reading Implied Consent Warning)

am a member of Delray Beach Police, and I do swear
(Name of Law Enforcement Agency)

or affirm that on or about the 9th day of May, 2022 at 0203 ☐ AM ☐ PM

driver EMIL L LEHMAN
(First Name) (Middle or Maiden Name) (Last Name)

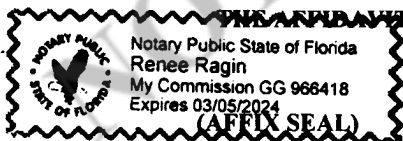
DL # L550212611680, state of Florida, was placed under arrest for
the offense of Driving Under the Influence FSS 316 by ELIZABETH STROUD and
(Name of Arresting Officer)

Issued citation # AFU06EE

That on or about the 16TH day of JUNE, 2022 at 0413 ☐ AM ☒ PM
in Palm Beach County,

I requested that the driver submit to a ☒ breath and/or ☐ urine test to determine his or her blood alcohol level and/or the presence of chemical or controlled substances. I informed the driver that the refusal to submit to such test(s) 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 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 for refusal to submit to a lawful test of his or her breath, urine, or blood. Additionally, I informed the driver that if he or she holds a CDL, or was operating a CMV, refusal will 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 has previously been disqualified as a result of a refusal to submit to any such lawful test. Nonetheless, the driver refused to submit to the test(s) requested.

[Signature] 1191
Signature of Law Enforcement Officer or Correctional Officer



The foregoing instrument was sworn and subscribed before

me this 15TH day of JUNE, 2022
by ELIZABETH STROUD
who is personally known to me or who has produced
[Signature] as identification.

THIS 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 _____
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.

TESTING FACILITY TASK REPORT

AGENCY: DBPD OFC. STROUD #1191

SUBJECT: LEHMAN, EMIL L. CASE NUMBER: 22-077690

DATE: 06-15-22 VIDEO DVD NUMBER: N/A

BEGINNING TIME: 02:01 HRS ENDING TIME: 02:10 HRS

BREATH TESTS REFUSED 1) TIME 2:03 A.M. ☒ P.M. ☐ 2) TIME A.M. ☐ P.M. ☐
3) TIME A.M. ☐ P.M. ☐ 4) TIME A.M. ☐ P.M. ☐

BREATH OPERATOR: S.O'NEAL #6212

MAINTENANCE TECHNICAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: CALM, QUIET, CONFUSED, SARCASTIC, AGITATED

CLOTHING: SHIRT- WHITE SHORTS- BLACK & WHITE/CHECKERED PRINT

MEDICAL CONDITIONS: NO

MEDICATIONS: NO

OTHER:

EYES: VERY RED, GLASSY
FACE: FLUSHED
DEXTERITY: A LITTLE UNSTEADY, STUMBLING

COMMENTS:

20 MIN. OBSERVATION DONE BY A/O STROUD #1191
A/O REQUESTED THE BREATH TEST.
D REFUSED THE BREATH REQUEST.
A/O READ THE IMPLIED CONSENT ON CAMERA.
D UNDERSTOOD THE I/C AS READ.
D STILL REFUSED THE BREATH TEST AFTER THE I/C WAS READ TO HIM.
C/W READ ON CAMERA.
Q&A CONDUCTED.



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

PBSO CASE #: 22- 077690 PBSO ZONE: 4-12

AGENCY CASE #: 22-007618 DHSMV CRASH #: _____

TIME OF CRASH/STOP: 0055 DATE: 06/15/2022 DAY: WEDNESDAY

DEFENDANT: LEHMAN, EMIL RACE: W SEX: M

HGT: 600 WGT: 180 DOB: 5
06/08/1961

LOCATION: 700BLK W ATLANTIC AVE

ARRESTING OFC: ELIZABETH STROUD ID: 1191 AGENCY: Delray Beach Police

DIVISION: Patrol

NOTIFIED BY COMM: Walk-in

ARRIVAL AT FACILITY: 0135

TIME OF ARREST: 0107

BREATH RESULTS:

- 1.
- 2.
- 3.
- 4.

REFUSED

TESTING OFC. ID: 6212

PBSO VIDEOTAPE #: /

SUBJECT: _____ CASE NUMBER: _____

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: _____ 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: _____

WITNESS LIST

Case No: 22-007618 Defendant: LEHMAN, EMIL

Arresting Officer: ELIZABETH STROUD

Address: Delray Beach Police Department

Phone Numbers: Home: 561-243-7800 Work:

Name: SGT. JOHNATHEN RUSCZYK

Address: Delray Beach Police Department

Phone Numbers: Home: 561-243-7800 Work:

Can testify to: Driving pattern & Physical control of the vehicle

Name: OFC. BRNENDA MARC

Address: Delray Beach Police Department

Phone Numbers: Home: 561-243-7800 Work:

Can testify to: Tow Slip/Back up officer

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:



**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: 2022015404	Date: 06/15/2022
	Specialist Name/ID: T.Howard/7185