

#0533166

22CT11750WB

#2019

OBTS Number		ARREST / NOTICE TO APPEAR		1 Arrest 2 N.T.A.		3 Request for Warrant 4 Request for Capias		1		JUVENILE	
Agency ORI Number 0501600		Agency Name Juno Beach Police Dept		Agency Report Number (N.T.A.'s only) 22-000339							
Charge Type Check as many 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) 14200 US HIGHWAY 1, JUNO BEACH FL 33408, 14200 US		Location of Offense (Business Name, Address) 14200 US HIGHWAY 1, JUNO BEACH, FL 33408									
Date of Arrest 07/20/2022		Time of Arrest 16:09		Booking Date		Booking Time		Inl Date		Inl Time	
Name (Last, First, Middle) DUBAY, MELISSA LYNN		Alias: Alias (Name, DOB, Soc. Sec. #, Etc.)									
Race W - White A - American Indian B - Black C - Oriental/Asian		Sex W F		Date of Birth 03/05/1980		Height 5'03		Weight 135		Eye Color BLUE	
Hair Color BLONDE		Complexion LIGHT		Build Thin		Marital Status S		Religion CATHOLIC		Indication of Alcohol Influence Drug Influence	
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)										Yes ☐ No ☐ Unk ☐	
Local Address (Street, Apt. Number) 8655 SE LONGVIEW DR, HOBE SOUND, FL 33455		(City) Hobe Sound		(State) FL		(Zip) 33455		Phone		Residence Type 1 City 2 Suburban 3 Florida 4 Out of State	
Permanent Address (Street, Apt. Number) 8655 SE LONGVIEW DR, HOBE SOUND, FL 33455		(City) Hobe Sound		(State) FL		(Zip) 33455		Phone		Address Source WORD OF MOUTH	
Business Address (Name, Street) AMBROSIA, 2626 LAKE DRIVE, RIVIERA BEACH, FL 33404		(City) Riviera Beach		(State) FL		(Zip) 33404		Phone		Occupation Staff	
D/L Number, State D100552805851 / FL		Soc. Sec. Number		BIS Number		Place of Birth (City, State) HARTFORD, CT.		Citizenship US			
Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth		1 Arrested 2 At Large		3 Felony 4 Misdemeanor 5 Juvenile	
Co-Defendant Name (Last, First, Middle)		Race		Sex		Date of Birth		1 Arrested 2 At Large		3 Felony 4 Misdemeanor 5 Juvenile	
Parent ☐ Other ☐		Name (Last, First, Middle)						Residence Phone			
Legal Custodian ☐		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 JAC		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.		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/ Production/ Cultivate		Z Other	
Drug Type N N/A A Amphetamine		B Barbiturate C Cocaine E Heroin		H Halbutenogen M Marijuana O Opioid/Drug		P Paraphernalia/ Equipment S Synthetic		U Unknown 2 Other			
Charge Description DUI - BREATH .08 OR ABOVE		Statute Violation Number 316.193(1)(C)		Violation of ORD #							
Drug Activity N		Drug Type		Amount / Unit		Offense #		Counts 1		Domestic Violence ☐ Y ☒ N	
Charge Description		Statute Violation Number		Violation of ORD #							
Drug Activity		Drug Type		Amount / Unit		Offense #		Counts		Domestic Violence ☐ Y ☒ N	
Charge Description		Statute Violation Number		Violation of ORD #							
Drug Activity		Drug Type		Amount / Unit		Offense #		Counts		Domestic Violence ☐ Y ☒ N	
Health / Apparent Physical Condition of Defendant		Any knowledge of the following Explain		☐ Mental ☐ Escape Risk ☐ Medication ☐ Deformities ☐ Injuries							
Check which applies ☐ Released O.R. ☐ Released to Parent/Guardian ☐ T.O.T. County Jail ☐ Posted Bond ☐ South County Mental Health		PROPERTY - Received By		Released By		Released To					
Transported By		Date Transported		Time Transported		Other					
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) North County PALM BEACH GARD		Court Date and Time 08/10/2022 09:00:00							
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						No Photo Available	
HOLD for Other Agency		Signature of Arresting Officer		Name Verification (Printed by)		JUL 20 PM 10:13					
☐ Dangerous ☐ Suicidal		☐ Resisted Arrest ☐ Other		Name of Arresting Officer (Print) MULLEN, G.		ID # 298		(PRINT)		PAGE 1 OF 1	
Pouch #		Transporting Officer		ID # 298		Agency J600		Witness here if subject signed with an "X"			

☐ COURT ☒ STATE ATTORNEY ☐ AGENCY ☐ CENTRAL RECORDS ☐ JAIL ☐ CRIME ANALYSIS ☐ P.I.O. ☐ DEFENDANT

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 20th DAY OF July 20 2022 AT 3:07 PM ☒ AM
SUBJECT: Melissa Lynn Dubai CASE NUMBER: 22-000339
AGENCY: Juno Beach Police Department ARRESTING OFFICER: Mullen

PERSONAL CONTACT

DRIVING PATTERN: ACTUAL PHYSICAL CONTROL (PHYSICAL EVIDENCE OR STATEMENTS PUTTING DEF. BEHIND WHEEL OF VEHICLE)

Upon arrival to the scene Dubai was seen exiting the vehicle.

OBSERVATION OF DRIVER:

Observations of Dubai includes her being unable to maintain her balance and slurred speech.

DRIVER'S STATEMENTS:

Dubai stated she was on her way to work and didn't realize she hit the median until she exited her vehicle. Dubai admitted to being intoxicated while driving. Dubai stated she was operating the motor vehicle with her knee and was distracted by her cell phone.

ODORS:

None

GENERAL OBSERVATIONS

SPEECH: Slurred

ATTITUDE: Careless

CLOTHING: Fully clothed

MEDICAL/OTHER: Bad back

STATE OF FLORIDA
COUNTY OF PALM BEACH

Lugene Mullen
Signature of Arresting/Investigative Officer

The foregoing instrument was sworn to or affirmed and subscribed before me this 20th day of July 20 22 by Mullen

I, the name of Arresting/Investigative Officer, who is personally known to me and/or produced identification. Type of identification produced: Personally Known

SUBJECT: Melissa Lynn Dubay

CASE NUMBER

22-000339

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:

Dubay had to turn her head each time the stimulus was repositioned.

WALK & TURN:

Dubay was unable to maintain her balance during the entire task, failed to keep her heel to toe, walked past the advised steps, and didn't count each step out loud.

ONE LEG STAND:

Dubay failed to count out loud and had to place her foot down multiple times.

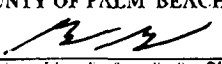
FINGER TO NOSE:

Dubay completed the task without any noted indicators.

ROMBERG ALPHABET:

BREATH TEST RESULTS: 1) .164 2) .180 3) 4)

STATE OF FLORIDA
COUNTY OF PALM BEACH


Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 20th day of July, 2022 by Mullen

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

SUBJECT: DUBAY MEUSSA L 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? yes

WHERE WERE YOU GOING? to work

WHAT STREET OR HIGHWAY WERE YOU ON? US Highway 1

DIRECTION OF TRAVEL? S WHERE DID YOU START? Hobe Sound

WHAT TIME DID YOU START? 2:30 pm WHAT TIME IS IT NOW? 7:00 pm

WHAT IS TODAY'S DATE? July 20 WHAT DAY OF THE WEEK IS IT? Wednesday

WHAT COUNTY AND CITY ARE YOU IN NOW? Palm Beach County, WPB

WHEN DID YOU LAST EAT? Last night WHAT DID YOU EAT? Chicken enchiladas, bag of chips

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? driving to work

HOW MUCH DO YOU WEIGH? 130 HAVE YOU BEEN DRINKING? yes WHAT? Jameson

HOW MUCH? few sips WHERE? at home WITH WHOM? by self

WHEN DID YOU HAVE YOUR FIRST DRINK? 4am AND YOUR LAST DRINK? 2:20 pm

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? drinks from cup

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? yes ARE YOU UNDER THE INFLUENCE? yes

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? NO HOW MUCH? NIA

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? Rehab WHEN DID YOU LAST WORK? yesterday

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? yes WHAT? two metal rods in back, metal plate in right wrist

ARE YOU SICK OR INJURED? No WHAT'S WRONG? _____

DO YOU LIMP? NO DID YOU RECEIVE A BUMP ON THE HEAD RECENTLY? No

WERE YOU IN AN ACCIDENT TODAY? yes

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? NO WHEN? _____

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? No WHO? _____ WHY? _____

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? yes WHAT? Gabapentin, Robaxin WHEN? throughout day

DO YOU HAVE:	EPILEPSY?	<u>NO</u>
	GLASS EYE?	<u>NO</u>
	FALSE TEETH?	<u>No</u>
	EAR INFECTION?	<u>NO</u>
	INNER EAR TROUBLE?	<u>NO</u>
	DIABETES?	<u>NO</u>

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? No

DO YOU TAKE INSULIN? No IF SO, WHEN WAS YOUR LAST INJECTION? _____

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? yes WHERE? CT

INTERVIEWER: Officer Mullen

WITNESS LIST

CASE NUMBER: 22-000339

ARRESTING OFFICER: Mullen

ADDRESS: 18807 SE Federal Hwy, Tequesta, FL 33469

PHONE NUMBERS (HOME): 561-818-1981 (WORK) _____

CAN TESTIFY TO: Crash and driving pattern

NAME: Melaine C Ferrick Barre

ADDRESS: 5420 N Ocean Dr, Riviera Beach, FL 33404

PHONE NUMBERS (HOME) 610-574-1212 (WORK) _____

CAN TESTIFY TO: Crash

NAME: **Joseph Andrew Botta**

ADDRESS **457 Pumpkin Dr, Palm Beach Gardens, FL 33410**

PHONE NUMBERS (HOME) 917-301-4779 (WORK) _____

CAN TESTIFY TO: Crash

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: _____

NAME: _____

ADDRESS _____

SUBJECT: **Melissa Lynn Dubay**

CASE NUMBER: **22-000339**

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 detecting the presence of chemical or controlled substances.

-OR-

I am now requesting that you submit to a lawful test of your **BLOOD** for the purpose of detecting its alcohol content and the presence of chemical or controlled substances.

NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST

I am **Officer Mullen** of the **Juno Beach Police Department**

If you fail to submit to the test I have requested of you, your privilege to operate a motor vehicle will be suspended for a period of one (1) year for a first refusal, or eighteen (18) months if your privilege has been previously suspended as a result of a refusal to submit to a lawful test of your breath, urine or blood. Additionally, if you refuse to submit to the test I have requested of you and if your driving privilege has been previously suspended for a prior refusal to submit to a lawful test of your breath, urine or blood, you will be committing a misdemeanor. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.

SUBJECT'S SIGNATURE: Read on Camera

CONSTITUTIONAL WARNINGS

I AM REQUIRED TO WARN YOU BEFORE YOU MAKE ANY STATEMENTS THAT YOU HAVE THE FOLLOWING RIGHTS:

You have the right to remain silent and not answer any questions.

Any statement must be freely and voluntarily given.

You have the right to the presence of a lawyer of your choice before you make any statement and during any questioning.

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.

If at any time during the interview you do not wish to answer any questions, you are privileged to remain silent.

I can make no threats or promises to induce you to make a statement. This must be of your own free will.

Any statement can and will be used against you in a court of law.

SUSPECT'S SIGNATURE: Read on Camera

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

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

am a member of Juno Beach Police Department, and I do swear
 (Name of law enforcement agency)

or affirm that on or about the 20th day of July, 20 22, at 4:09 ☒ P.M. ☐ A.M.

DRIVER Melissa L Dubay
 (Type or Print) FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL# D100-552-80-585-1, state of Florida, was placed under lawful arrest for

the offense of DUI .08 or above by Officer Mullen and
 (Name of Arresting Officer)

issued Citation # AEI2Z1E

That on or about the 20th day of July, 20 22, at 5:49 ☒ P.M. ☐ A.M.

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.

Gregory Mullen

Signature of Law Enforcement Officer or
Correctional Officer

THE AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO (F.S. 117.10)

The foregoing instrument was sworn and subscribed before me:

[Signature]
Signature of Attesting Officer

Title Police Officer

Date 7/20/22

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before

me this 20th day of July, 20 22

by Mullen

who is personally known to me or who has produced

Personally Known as identification

Notary Public *[Signature]*

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
DUI TESTING FACILITY
INFORMATION SHEET

PBSO CASE # 22-089950 PBSO ZONE 3-12

AGENCY CASE # 22-000339 CRASH CASE # 22-000338

TIME OF STOP/CRASH 3:07 pm DATE 07/26/20 DAY Wednesday

SUBJECT'S NAME Melissa Lynn Dubay RACE W SEX F

HGT 5'03" WGT 130 DOB 03/05/80

LOCATION 14200 block US Highway 1, Juno Beach, FL 33408

ARRESTING OFFICER'S NAME & ID Mullen #298 AGENCY Juno Beach PD

DIVISION: Patrol

NOTIFIED BY COMMO WALK-IN

ARRIVAL AT FACILITY 5:19 pm

Arrest Time 4:09 pm

BREATH RESULTS:

1. .184
2. .180
3. N/A
4. N/A

TESTING OFFICER'S ID 24639

TESTING FACILITY TASK REPORT

AGENCY: JBDP

SUBJECT: DUBAY, MELISSA L

CASE NUMBER: 22-089950

DATE: Jul 20, 2022

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 17:49

ENDING TIME: 18:10

BREATH TESTS RESULTS: 1) .184 TIME 17:54 A.M. ☐ P.M. ☒ 2) .180 TIME 17:57 A.M. ☐ P.M. ☒
3) N/A TIME N/A A.M. ☐ P.M. ☐ 4) N/A TIME N/A A.M. ☐ P.M. ☐

BREATH OPERATOR: P.POUND #24639

MAINTENANCE TECHNICAN: J. KARLECKE# 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: CALM, QUIET

CLOTHING: BLACK SHORTS, ROYAL / WHIT T-SHIRT, BLACK SNEAKERS

MEDICAL CONDITIONS: BACK

MEDICATIONS: IBUPROFEN

OTHER:

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 17:20 HRS.

SUBJECT: AGREED TO TAKE TEST

A/O: STATED RIGHTS WERE READ ON SCENE

TECH: READ TEST RESULTS

SUBJECT: STATED SHE UNDERSTOOD TEST RESULTS

A/O: CONDUCTED Q&A

SUBJECT: ANSWER QUESTIONS

Instrument Type: Intoxilyzer 8000
Instrument Registered To: PALM BEACH CO SO
Instrument Serial Number: 80-006477 Software: 8100.27
Date of Test: 07/20/2022

DOB: 03/05/1980 Sex: F

Results:	Test	g/210L	Time
	Diagnostics Check	OK	17:52
	Air Blank	0.000	17:52
	Control Test	0.079	17:53
	Air Blank	0.000	17:53
	Subject Sample #1	0.184	17:54
	Air Blank	0.000	17:55
	Air Blank	0.000	17:57
	Subject Sample #2	0.180	17:57
	Air Blank	0.000	17:58
	Control Test	0.078	17:58
	Air Blank	0.000	17:59
	Diagnostics Check	OK	17:59

FDLE/ATP FORM 38 - MARCH 2004, Ref. 11D-8.007



**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: 2022018738	Date: 7/21/2022
	Specialist Name/ID: M. Tooks #8557