0537050 22CT21659-NB 127

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

OBTS Number | 1. Arrest 2. N.T.A. 3. Request for Warrant 4. Request for Capias: 1 | Juvenile: N

ADMINISTRATIVE

Agency ORI Number	Agency Name	Agency Report Number
FLO 5 0 2 6 0 0	PALM BEACH GARDENS POLICE DEPARTMENT	78 - 22006206

Charge Type: Check as many as apply: 1. Felony; 2. Traffic Felony; 3. Misdemeanor; 4. Traffic Misdemeanor; 5. Ordinance; 6. Other

Weapon Seized / Type: 2 | 1. Yes 2. No

Multiple Clearance Indicator:

Location of Arrest (Including Name of Business): Northlake Blvd/East Highland Place Dr, PBG, FL, 33410

Location of Offense (Business Name, Address): 4360-Blk Northlake Blvd, PBG , FL, 33410

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
12/30/2022	01:16					KAUFF'S TOWING AND RECOVERY 4701 EAST AVENUE, WPB, FL 33407

DEFENDANT

Name (Last, First, Middle): Nethercote, Michael, Ernest

Alias (Name, DOB, Soc. Sec. #, Etc.):

Race (W - White I - American Indian B - Black 0- Oriental/Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	01/25/1978	509	185	Blu	Bro	Light	Small

Scars, Marks, Tatoos, Unique Physcal Features (Location, Type, Description): N/A

Marital Status: Married | Religion: CATHOLIC | Indication of: Alcohol Influence Y; Drug Influence Unk

Local Address (Street, Apt. Number) (City) (State) (Zip): 18143 Hamlin Blvd, Loxahatchee, Fl 33470 | Phone: (561) 670-6973 | Residence Type: 1. City 2. County 3. Florida 4. Out of State

Permanent Address (Street, Apt. Number) (City) (State) (Zip): Same as | Phone | Address Source: FLDL

Business Address (Name, Street) (City) (State) (Zip) | Phone | Occupation

DL Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
N362545780250 FL	[redacted]		Boston, MA	US

CO-DEF

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

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 provided by ☐ defendant and / or ☐ defendant's parents The child and / or parent was told to keep the Juvenile Court Clerk (Phone 355-2526) informed of any change of address. ☐ Yes, by: (Name) ☐ No: (Reason) | School Attended | Grade

Property Crime? ☐ Yes ☐ No | Description of Property | Value of Property

CODE

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

Drug Type: N. N/A; A. Amphetamine; B. Barbiturate; C. Cocaine; E. Heroin; H. Hallucinogen; M. Marijuana; O. Opium/Deriv.; P. Paraphernalia/ Equipment; S. Synthetics; U. Unknown; Z. Other

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
DRIVING UNDER THE INFLUENCE	1	☐Y ☒N	316.193(1)(A)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant I Capias Number	Bond

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐Y ☐N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐Y ☐N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

SCANNED DEC 30 2022

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐Y ☐N		

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond

NOTICE TO APPEAR

Location (Court, Room Number, Address): NORTH COUNTY COURTHOUSE, 3188 PGA BOULEVARD, PALM BEACH GARDENS, FL 33410 - PH: (561) 662-6700

Court Date and Time: Month February Day 01 Year 2023 Time 10:00 AM X PM

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: 12/30/2022

JOSEPH ABRUZZO CLERK OF THE CIRCUIT COURT PALM BEACH COUNTY FLORIDA DEC 30 2022 FILED

ADMIN

HOLD for other Agency Name:

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other:

Signature of Arresting Officer: x

Name of Arresting Officer (Print): J. Kahn | I.D. #: 545

Name Verification (Printed by Arrestee) (PRINT)

Witness here if subject signed with an -X"

Intake Deputy | I.D. # | Pouch #

Transporting Officer: J. Kahn | ID #: 545 | Agency: PBGPD

PAGE 1 OF 1

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D.U.I. PROBABLE CAUSE AFFIDAVIT

On the 30th day of December 2022 at 00:42 ☑ AM ☐ PM

Subject: Nethercote, Michael, Ernest Case Number: 22006206

Agency: PALM BEACH GARDENS POLICE DEPARTMENT Arresting Officer: J. Kahn 545

PERSONAL CONTACT

DRIVING PATTERN: (Actual Physical Control; Physical Evidence or Statements Putting Defendant Behind Wheel of Vehicle)

Slower than the speed limit
Vehicle head and tail lights off, running lights on.

OBSERVATION OF DRIVER:

Slow response to questions
Slurred speech
Glassy Eyes
Could not find vehicle paperwork when asked
Could not remember logins for insurance

DRIVER STATEMENTS:

Coming from a date night/from friends house, had one beer, approximately 2 hours before the stop

ODORS: unknown alcoholic beverage

GENERAL OBSERVATIONS

SPEECH: Slow/Slurred

ATTITUDE: Hesitant

CLOTHING: Gray shirt, blue pants, gray shoes

MEDICAL/OTHER: n/a

STATE OF FLORIDA
COUNTY OF PALM BEACH

J. Kahn 545

SIGNATURE OF ATTESTING OFFICER

The forgoing instrument was sworn to or affirmed and subscribed before me this 30th day of December 2022 by J. Kahn 545 who is ☑ personally known to me or ☐ produced _____

Notary Public, Clerk of Court, Officer (FSS 117.10)

STAMP

NOT A CERTIFIED COPY

D.U.I. PROBABLE CAUSE AFFIDAVIT Cont.

Subject: **Nethercote, Michael, Ernest** Case Number: **22006206**

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

LEFT EYE	*RIGHT EYE*
☑ Lack of Smooth Pursuit	☑ Lack of Smooth Pursuit
☑ Distinct & Sust. Nystag. at Max. Deviation	☐ Distinct & Sust. Nystag. at Max. Deviation
☑ Onset of Nystagmus Prior to 45 Degrees	☑ Onset of Nystagmus Prior to 45 Degrees

Other Observations:

Swayed orbitally

Walk and Turn

-Unable to maintain balance during instruction phase.
-Stepped off the line.
-Improper turn.
-Incorrect number of steps.
Refer to Probable Cause Affidavit for further details.

One Leg Stand

-Swayed.
-Puts foot down.
Refer to Probable Cause Affidavit for further details.

Rhomberg

-Swayed.
-Did not keep eyes closed.
-Improperly Recited: A-B-C-D-E-F-G-H-I-J-K-L-M-N-O-P-Q-R-S-T-U-V-W-X-Y-Z
Refer to Probable Cause Affidavit for further details.

Finger to Nose

-Did not keep eyes closed.
L: Tip Tip
R: Pad Tip
L: Pad Tip
R: Pad Tip
R: Pad Tip
L: Pad Tip
-Held on all

BREATH RESULTS: 1) _____ @ _____ **2)** _____ @ _____ **3)** _____ @ _____ **4)** _____ @ _____

STATE OF FLORIDA
COUNTY OF PALM BEACH

J. Kahn 545
SIGNATURE OF ATTESTING OFFICER

The forgoing instrument was sworn to or affirmed and subscribed before me this 30th day of December 20 22 by J. Kahn 545 who is ☑ personally known to me or ☐ produced _____.

Notary Public, Clerk of Court, Officer (FSS 117.10)

STAMP

NOT A CERTIFIED COPY

DUI WITNESS LIST

22006206

Arresting Officer: J. Kahn 545 Email: _____
Agency Address: 10500 N Military Trail, Palm Beach Gardens, FL 33410 Phone: (561) 799-4445
Can Testify To: Facts of Case

Backup Officers: C. Carver, J. Farris
Agency Address: 10500 N Military Trail, Palm Beach Gardens, FL 33410 Phone: (561) 799-4445
Can Testify To: _____

Crash Investigator: _____ Email: _____
Agency Address: _____ Phone: _____

Breathalyzer Technician: _____ ID: _____ Agency: PBSO

DRE: _____ ID# _____ Agency Case #: _____
Agency Address: _____ Phone: _____ Email: _____

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

Name: _____ Involvement: _____
Address: _____ Phone: _____
Can Testify To: _____ ☐ Wheel Witness

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

PBSO CASE # 22-144791 PBSO ZONE 3-15

AGENCY CASE # 22006206 CRASH CASE #

TIME OF STOP/CRASH 00:42 DATE 12/30/2022 DAY Friday

SUBJECT'S NAME Nethercote, Michael, E RACE W SEX M

HGT 509 WGT 185 DOB 01/25/1978

LOCATION Northlake / E Highland Pines Dr.

ARRESTING OFFICER'S NAME & ID J Kahn 545 AGENCY PBGPD

DIVISION: Road Patrol NOTIFIED BY COMMO Y

ARRIVAL AT FACILITY 1:46

BREATH RESULTS: Arrest Time 1:16

1.
2. REFUSED
3.
4.

TESTING OFFICER'S ID 16877

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SUBJECT: Nethercote, Michael E. 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? Y

WHERE WERE YOU GOING? h

WHAT STREET OR HIGHWAY WERE YOU ON? I

DIRECTION OF TRAVEL? V WHERE DID YOU START? h

WHAT TIME DID YOU START? 1 WHAT TIME IS IT NOW? 1

WHAT IS TODAY'S DATE? th WHAT DAY OF THE WEEK IS IT? th

WHAT COUNTY AND CITY ARE YOU IN NOW? O

WHEN DID YOU LAST EAT? h WHAT DID YOU EAT? C

WHAT HAVE YOU BEEN DOING FOR THE LAST THREE HOURS? D

HOW MUCH DO YOU WEIGH? 165 HAVE YOU BEEN DRINKING? NO 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? Y ARE YOU UNDER THE INFLUENCE? N

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? N HOW MUCH? _____

WHAT? _____ WHERE? _____ WHEN? _____

WHAT LINE OF WORK ARE YOU IN? C WHEN DID YOU LAST WORK? 1

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? NO WHAT? _____

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

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

WERE YOU IN AN ACCIDENT TODAY? N

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? NO WHAT? _____ WHEN? _____

DO YOU HAVE:

EPILEPSY? NO
GLASS EYE? NO
FALSE TEETH? NO
EAR INFECTION? NO
INNER EAR TROUBLE? NO
DIABETES? NO

DO YOU HAVE ANY PROBLEMS WITH YOUR EYES THAT ARE NOT CORRECTED BY GLASSES? N

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

HAVE YOU EVER HAD A DRIVER'S LICENSE IN ANY OTHER STATE? NO WHERE? _____

INTERVIEWER: J Kahn

WHITE - STATE ATTY. YELLOW - DHSMV PINK - CENTRAL RECORDS GOLD - JAIL

PBSO #0129C REV. 9/93

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SUBJECT: Nethercote, Michael E. 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) Read on Camera

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) Read on Camera

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TESTING FACILITY TASK REPORT

AGENCY: PBG

SUBJECT: Nethercote, Michael E.

CASE NUMBER: 22-144791

DATE: Dec 30, 2022

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 02:11

ENDING TIME: 02:19

BREATH TESTS RESULTS: 1) Refusal TIME 02:13 A.M. ☒ P.M. ☐ 2) N/A TIME ——— A.M. ☐ P.M. ☐

3) N/A TIME ——— A.M. ☐ P.M. ☐ 4) N/A TIME ——— A.M. ☐ P.M. ☐

BREATH OPERATOR: R. Ragin #16877

MAINTENANCE TECHNICAN: Jason Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

REFUSED

SPEECH: Slurred

ATTITUDE: Calm, cooperative

CLOTHING: Blue jeans, LS gray shirt, gray shoes

MEDICAL CONDITIONS: None

MEDICATIONS: None

OTHER:

Eyes are red

REFUSED

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COMMENTS:

Arrived at center A/O started 20 minute observation period at 01:46 hrs.

Subject refused to perform breath test.

A/O read I/C and subject stated he understood I/C.

Subject refused to take test.

A/O read rights.
Subject stated he understood rights.

A/O conducted Q&A.
Subject answered Q&A.

22006206

STATE OF FLORIDA
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH TEST

I, J. Kahn, a duly certified Law Enforcement or Correctional Officer, am a
(Name of Officer reading Implied Consent Warning)
member of PALM BEACH GARDENS POLICE DEPARTMENT, and I do swear
(Name of Law Enforcement Agency)
or affirm that on or about the 30th day of December, 2022, at 02:13 ☐P.M. ☑A.M.
DRIVER Michael Ernest Nethercote,
FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME
DL # N362545780250, state of FL, was placed under lawful arrest for
the offense of DRIVING UNDER THE INFLUENCE by J. Kahn and
(Name of Arresting Officer)
issued citation # AGEUCXE.

That on or about the 30th day of December, 2022, at 2:32 ☐P.M. ☑A.M.
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.

J Ke SGT
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:
J Ke SGT
Signature of Attesting Officer

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me
this 30th day of December, 2022,
by J. Kahn, who is
personally known to me or who has produced
_____ as identification.
Notary Public _____

Title Police Office
Date 12/30/2022

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.

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EFFECTIVE OCTOBER 1, 2021

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:	

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REVIEW COMPLETED BY

Booking Number: 2022033522	**Date:** 12/30/2022
	Specialist Name/ID: Chantel Daniels/30347