50 2022 CT 017406 AMB

☐ Marsy's Law invoked - CVI present

ARREST / NOTICE TO APPEAR

O. On-View 3. Request for Warrant S. Summons T. Taken into Custody — O — JUVENILE ☐

ADMINISTRATION

OBTS Number	Agency ORI Number	Agency Name	Agency Report Number (N.T.A.'s only)
	0500800	West Palm Beach Police Department	9 4 2022-0016190

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:

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
I-95/BELVIDERE RD, WPB	I-95/ BELVIDERE RD, WEST PALM BEACH, FL

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
10/15/2022	23:36	10/15/2022	23:46			

DEFENDANT

Name (Last, First, Middle): GILMORE, MICHAEL THOMAS — Alias: — Alias (Name, DOB, Soc. Sec. #, Etc.)

Race (W - White, B - Black, I - American Indian, A - Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	06/05/1958	5'11	160	BLUE	SANDY	LIGHT	Medium

Scars, Marks, Tatoos, Unique Physical Features (Location, Type, Description) — Marital Status: S — Religion — Indication of: Alcohol Influence ☒ Yes ☐ No ☐ Unk. ☐ Drug Influence

Local Address (Street, Apt. Number) (City) (State) (Zip)	Home Phone	Residence Type: 1. City 2. County 3. Florida 4. Out of State
1701 WILKINS AVE, WEST PALM BEACH, FL 33401	(561) 391-3533	1

Permanent Address (Street, Apt. Number) (City) (State) (Zip)	Mobile Phone	Address Source
1701 WILKINS AVE, WEST PALM BEACH, FL 33401		VERBAL

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

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
G456558582050 / FL	[redacted]		CLEAVELEND, OH,	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 ☐ Other: ☐ Legal Custodian — 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 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. ☐ Yes, by: ☐ No: — 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. Disperses/ 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. Synthetic, U. Unknown, Z. Other

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #
DUI INFLUENCE OF ALCOHOL OR DRUGS	316.193(1A)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
	N	/		1	☐ Y ☒ N		

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
		/			☐ Y ☐ N		

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
		/			☐ Y ☐ N		

INTAKE

Health / Apparent Physical Condition of Defendant — Any knowledge of the following: ☐ Mental ☐ Escape Risk ☐ Medication ☐ Deformities ☐ Injuries — Explain:

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

NOTICE TO APPEAR

☒ 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): Criminal Justice — CRIMINAL JUSTICE COMPLEX
Court Date and Time: 11/17/2022 08:30:00 — 3228 GUN CLUB ROAD

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

I CONSENT TO RECEIVE REMINDERS OF COURT DATE(S) AND TIMES FOR THIS CASE BY TEXT MESSAGE TO THE NUMBER IDENTIFIED HERE. I UNDERSTAND THAT STANDARD TEXT MESSAGE RATES MAY APPLY AND THAT I MAY REVOKE THIS CONSENT VIA THE TEXT MESSAGE SYSTEM IF I CHOOSE. (561) 391-3533 — INITIAL

No Photo Available

ADMIN

HOLD for Other Agency

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other

Intake Deputy — I.D. # — Pouch #

Signature of Arresting Officer 2104

Name of Arresting Officer (Print): MARTINEZ, JACOB ANTONIO — I.D. #: 02104

Transporting Officer: MARTINEZ — I.D. #: 2104 — Agency: WPBPD

Name Verification (Printed by Arrestee) (PRINT) OCT 15 AM 1:39

Witness here if subject signed with an "X".

PAGE 1 OF 1

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0287686

3402

DUI PROBABLE CAUSE AFFIDAVIT

On the 15 Day of October 2022 at 2215 A.M. P.M.

Subject: Gilmore, Michael Case Number: 20220016190

Agency: West Palm Beach Police Department Arresting Officer: Martinez #2104

Personal Contact

Driving Pattern Actual physical control (physical evidence putting the driver behind the wheel)

OIT Supijeva noticed a white Ram truck bearing FL Z76ALA driving east on Belivdere Rd. The same truck is seen failing to maintain proper lane. OIT Supijeva beleived that the driving pattern of the truck was consistent of a person that is driving under the influence. OIT Supijeva conducted a traffic stop and driver and sole occupant was identified as Michael Gilmore (W/M 6/5/1958). OIT Supijeva stated since the truck was higher off the ground and it was difficult to speak to Gilmore, she asked him to step out of the vehicle. OIT Supijeva stated Gilmore stumbled as he walked, and smelled an unknown alcoholic substance emanating from his breath. I responded and noticed Gilmore leaning against his truck. I asked Gilmore to step away from his truck. Gilmore was unable to stand on his own two feet as he was seen swaying from side to side and using his arms for balance.

Observation of Driver

Gilmore had a difficult time maintaining balance as he used his arms for balance. Gilmore swayed side to side and slurred as he spoke.

Drivers Statements:

Gilmore stated that he was coming home from a bar.

Odors:

Unknown alcoholic beverage that grew stronger as he spoke.

General Observations

Speech: Slurred

Attitude: Angry, happy

Clothing: Green shirt, brown pants, gray shoes

Medical Problems/Medications: N/A

Other:

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DUI PROBABLE CAUSE AFFIDAVIT

Subject: Gilmore, Michael **Case Number:** 20220016190

Roadside Tasks

Horizontal Gaze Nystagmus

- ■ Left Eye Does Not Follow Smoothly
- ■ Left Eye Jerks at 45 Degree Angle or Less
- ■ Distinct Jerking Left Eye at Maximum Deviation
- ■ Right Eye Does Not Follow Smoothly
- ■ Right Eye Jerks at 45 Degree Angle or Less
- ■ Distinct Jerking Right Eye at Maximum Deviation

The driver had equal pupil size and equal tracking. No resting nystagmus. While conducting this exercise lack of smooth pursuit was present. Sustained and distinct nystagmus at maximum deviation was present. The onset of nystagmus was approximately 40 degrees. The driver had to be reminded several times not to move his head and to keep his eyes on the stimulus.

Walk and Turn Task

I instructed the driver to stand with his right foot in front of his left foot on a solid line and to remain in this position until told to begin. Driver stepped off the line several times and attempted to begin task before instructions were explained. I explained and demonstrated the exercise and the driver stated he understood the instructions. Driver was unable to walk heel-to-toe like explained and made an improper turn. Driver did not walk 9 heel to toe steps on the initial walk, and did not walk 9 heel to toe steps on the second walk. Driver used his hands for balance and swayed.

One Leg Stand

I had the driver stand with his feet together and hands down at his side. I explained and demonstrated the exercise and the driver stated he understood the instructions. Driver swayed back and forth as he was performing this exercise. Driver did not count as was explained in the directions. Driver used his hands for balance and stumbled as he performed the exericse.

Finger To Nose

I had the driver stand with his feet together and index fingers pointed straight out. I explained and demonstrated the exercise to the driver and he stated he understood. Driver did not keep his head tilted back. Driver held his finger on his nose every time I gave instructions and was asked every time to take his hand down. Driver swayed during the exercise.

Romberg Balance

I asked the driver his highest level of education and driver stated that he had a highschool degree and knew his english alphabet. I explained the directions and driver stated he understood. Driver sang and was difficult to understand as he performed the exercise.

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Breath Results from Instrument

1st Result	2nd Result	3rd Result (If Applicable)
Refused	Refused	

State of Florida

County of Palm Beach

The Following Instrument was notorized or sworn before me this 10/15/2022 (DATE)

☑ Personaly Known ☐ Produced Identification ☐ Notary Public

J. Clark #2148

Notary / Clerk of Courts / Officer (FSS: 117.10) *Signature of Arresting Officer*

West Palm Beach Police Department
Breath Testing Facility Report

Defendant: Gilmore, Michael Thomas **Case #:** 2022-0016190

Arresting Officer: J. Martinez #2104 **Date:** 10/15/2022

Breath Test Resutls: SNP g/210L 2305 Time R g/210L 2307 Time

_____ g/210L _____ Time _____ g/210L _____ Time

Note: Times are in Military Time

Breath Operator: J. Charles #2148

Maintenance Technician Inv J Ingrassia #1857

Testing Officer Observations:

Speech: thick, slurred

Attitude: calm

Clothing: green shirt, tan shorts, gray sneaker

Medical Conditions: None

Medications: None

Other:

Arrival Time at Facility/ Time Twenty (20) Minute Observation Started: 2237

Comments:

A/O arrived and conducted 20 minute observation

A/O requested breath

Implied Consent read

Subject refused to provide breath sample

A/O read Miranda Warnings

Q/A performed

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STATE OF FLORIDA
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH TEST

I, Ofc. J Martinez #2104, a duly certified Law Enforcement or Correctional Officer, am a
(Name of Officer reading Implied Consent Warning)

member of West Palm Beach Police Department, and I do swear
(Name of Law Enforcement Agency)

or affirm that on or about the 15th day of October, 2022, at 1015 ■P.M. ☐A.M.

DRIVER Michael Thomas Gilmore,
FIRST NAME MIDDLE OR MAIDEN NAME LAST NAME

DL # G-456-558-58-205-0, state of Florida, was placed under lawful arrest for

the offense of DUI by Ofc. J Martinez #2104 and
(Name of Arresting Officer)

issued citation # AGVP7KE.

That on or about the 15th day of October, 2022, at 1104 ■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.

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:

Signature of Attesting Officer #2148

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this _____ day of _____, 20 _____,
by _____,
who is personally known to me or who has produced _____ as identification.
Notary Public _____

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.

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EFFECTIVE OCTOBER 1, 2021

SUBJECT: Gilmore, Michael CASE NUMBER: 22-16190

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? Home

WHAT STREET OR HIGHWAY WERE YOU ON? Belvidere

DIRECTION OF TRAVEL? E WHERE DID YOU START? Congress

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

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

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

WHEN DID YOU LAST EAT? 8am WHAT DID YOU EAT? Muffin

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

HOW MUCH DO YOU WEIGH? 160 HAVE YOU BEEN DRINKING? Yes WHAT? Beer

HOW MUCH? Couple WHERE? Ice house WITH WHOM? myself

WHEN DID YOU HAVE YOUR FIRST DRINK? Unk AND YOUR LAST DRINK? Unk

HOW DID YOU CONSUME YOUR LAST TWO DRINKS? Made my drink

CAN YOU FEEL THE EFFECTS OF THE ALCOHOL? NO ARE YOU UNDER THE INFLUENCE? NO

HAVE YOU CONSUMED ANY ALCOHOL SINCE THE ACCIDENT? NO HOW MUCH? N/a

WHAT? N/A WHERE? N/A WHEN? N/A

WHAT LINE OF WORK ARE YOU IN? Retired WHEN DID YOU LAST WORK? N/A

DO YOU HAVE ANY PHYSICAL DEFECTS OR INJURIES? Yes WHAT? Vertebra disc

ARE YOU SICK OR INJURED? No WHAT'S WRONG? N/A

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

WERE YOU IN AN ACCIDENT TODAY? NO

HAVE YOU TAKEN ANY DRUGS OR SMOKED ANY MARIJUANA TODAY? NO WHEN? N/A

HAVE YOU SEEN A DOCTOR OR DENTIST TODAY? NO WHO? N/A WHY? N/A

ARE YOU TAKING ANY PRESCRIPTION MEDICINES? NO WHAT? N/A WHEN? N/A

DO YOU HAVE:

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

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? N/A

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

INTERVIEWER: Martinez 2104

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SUBJECT: Gilmore, Michael CASE NUMBER: 22-16146

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 Ofc. Martinez of the WPBPD.

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: (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

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

WPBPD

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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: 2022027056	**Date:** 10/16/2022
	Specialist Name/ID: Chantel Daniels/30347