

22CT 9752 SB
JH 0532462

PH 2860

		ARREST / NOTICE TO APPEAR Juvenile Referral Report		1. Arrest 3. Request for Warrant 2. N.T.A. 4. Request for Capias		1	N
ADMINISTRATION	OBTS Number	Agency ORI Number FL 0500300		Agency Name BOYNTON BEACH POLICE DEPT.		Agency Report Number 34-22-006928	
	Charge Type: Check as many as Apply.	☐ 1. Felony ☐ 2. Traffic Felony		☐ 3. Misdemeanor ☒ 4. Traffic Misdemeanor		☐ 5. Ordinance ☐ 6. Other	
	Location of Arrest (Including Name of Business) 300 N Congress Ave Boynton Beach, FL 33426		Location of Offense (Business Name, Address) W Boynton Beach Blvd N Congress Ave Boynton Beach,				
	Date of Arrest 06/20/2022	Time of Arrest 2204	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
DEFENDANT	Name (Last, First, Middle) Smith, Rexford, Bryan						
	Alias (Name, DOB, Soc. Sec. #, Etc)						
	W - White B - Black	I - American Indian O - Oriental / Asian	Race W	Sex M	Date of Birth 07/16/1977	Height 5'11	Weight 164
	Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)		Marital Status Single	Religion Muslim	Complexion Fair	Build Small	Indication of: Alcohol Influence ☐ Y ☐ N ☐ Unk. Drug Influence ☐ Y ☐ N ☐ Unk.
CO-DEF	Local Address (Street, Apt. Number) 2293 Fred Everett Rd, Kingston		(City) North Carolina	(State) 28504	(Zip)	Phone (252)916-7978	Residence Type 1. City 3. Florida 2. County 4. Out of State
	Permanent Address (Street, Apt. Number)		(City)	(State)	(Zip)	Phone	Address Source NC DL
	Business Address (Street, Apt. Number)		(City)	(State)	(Zip)	Phone	Occupation Construction
	D/L Number, State 000005022189 NC		Soc. Sec. Number	INS Number	Place of Birth Kingston, NC	Citizenship USA	
JUVENILE	Co-Defendant Name (Last, First, Middle)		Race	Sex	Date of Birth	☐ 1. Arrested ☐ 3. Felony ☐ 5. Juvenile ☐ 2. At Large ☐ 4. Misdemeanor	
	Co-Defendant Name (Last, First, Middle)		Race	Sex	Date of Birth	☐ 1. Arrested ☐ 3. Felony ☐ 5. Juvenile ☐ 2. At Large ☐ 4. Misdemeanor	
	☐ Parent Name (Last) (First) (Middle)		Residence Phone				
	☐ Legal Custodian ☐ Other		Business Phone				
CHARGE	Address (Street, Apt. Number)		(City)	(State)	(Zip)	Notified by: (Name) Date Time	
	Released To: (Name)		Relationship	Date	Time	Juvenile Disposition 1. Handled/Processed within Dept. and Released 2. TOT HRS/DYS 3. Incarcerated	
	The above address was provided by ☐ defendant and/or ☐ defendant's parent. The child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 561-355-2528) informed of any change of address. ☐ Yes, By: (Name) ☐ No: (Reason)		School Attended		Grade		
	Property Crime? ☐ Yes ☐ No		Description of Property		Value of Property		
CHARGE	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 ☐ Yes ☒ No	Statute Violation Number 316.193.1A	Violation of ORD#	
	Drug Activity		Drug Type	Amount/Unit	Offense # 22-006928	Warrant/Capias Number	Bond
	Charge Description		Counts	Domestic Violence ☐ Yes ☐ No	Statute Violation Number	Violation of ORD#	
CHARGE	Drug Activity		Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond
	Charge Description		Counts	Domestic Violence ☐ Yes ☐ No	Statute Violation Number	Violation of ORD#	
	Drug Activity		Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond
	Charge Description		Counts	Domestic Violence ☐ Yes ☐ No	Statute Violation Number	Violation of ORD#	
CHARGE	Drug Activity		Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond
	Charge Description		Counts	Domestic Violence ☐ Yes ☐ No	Statute Violation Number	Violation of ORD#	
	Drug Activity		Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond
	Charge Description		Counts	Domestic Violence ☐ Yes ☐ No	Statute Violation Number	Violation of ORD#	
NOTICE TO APPEAR	☐ Instruction No. 1 Mandatory Appearance in Court ☐ Instruction No. 2 You need not appear in Court but must Comply with instruction on reverse side.		Location (Court, Room Number, Address) South County Courthouse, 200 West Atlantic Ave, Delray Beach, FL 33444				
	Court Date and Time Month July Day 25 Year 2022 Time 8:30 ☒ A.M. ☐ 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		
ADMIN	HOLD for other Agency Name		Signature of Arresting Officer		Name Verification (Printed by Arrestee) (PRINT)		
	☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other		Name of Arresting Officer (Print) L. Nalerio		I.D. # 982		
	Intake Deputy D. Nalerio		Pouch #		Agency BBPD		
	Witness here is subject Signed with an "X"		Page 1				

JUN 21 AM 12:54

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 20TH DAY OF June 2022 AT 2136 ☐ A.M. ☒ P.M.

CASE #: 22-006928

DEFENDANT: Smith, Rexford, Bryan

PERSONAL CONTACT/DRIVING PATTERN/OBSERVATION OF DRIVER: On 6/20/22 at approximately 2136 hours, I was traveling northbound on N Congress Ave approaching the traffic control signal at W Boynton Beach Blvd. I was in my marked BBPD patrol vehicle 4031. On the left turning lane, waiting to turn left from N Congress Ave to travel west on W Boynton Beach Blvd, I observed a black scooter bearing NC tag **MA85626**. The scooter was being operated by a white male later identified as Rexford Smith. As the left turn traffic control signal turned green and the northbound traffic control signal also turned green, the scooter made an improper turn and lane change. Instead of the scooter turning left (travel westbound), it changed lanes one time to the right and continued northbound on N Congress Ave. The scooter changed lanes while the white road marking (solid white line) was solid (not permitting any changes during that pattern). Based on the scooter's action, other vehicles had to press on their brakes to avoid a traffic collision. I then conducted a lawful traffic stop on the said scooter for the said traffic infractions. The scooter came to a stop at the 300 block of N Congress Ave. I made contact with Rexford and advised him of the reason for the stop. Rexford told me that he was on his way to get food and knew that he made an improper turn. I observed Rexford to be unsteady on his feet and his eyes were glossy. I could also smell the strong odor of an unknown alcoholic beverage coming from Rexford's mouth area, which intensified every time he spoke. I asked Rexford if he consumed any alcoholic beverages, which he stated that he did. Rexford told me that he consumed three large cups of Titos and cranberry. Rexford advised that he was coming from a local bar and that he last consumed alcohol beverage was 30 minutes prior to our encounter. I asked Rexford if he could feel the effects of the alcohol and he told me that he could. I then asked Rexford if he had any disabilities, injuries, or issues with his eyes, which he replied no.

I then advised to Rexford that I was conducting a Dui investigation which he understood. I asked him again if he would submit to Standardized Field Sobriety Task's which he stated that he would. I once again asked him about injuries or disabilities and he told me that he did not have any. I still smelled the strong odor of an unknown alcoholic beverage coming from his mouth and his speech was slurred and slow. Rexford was swaying and unsteady on his feet during our encounter.

PEN TASK: I explained the task to Rexford and showed it to him. Rexford stated that he understood. Rexford moved his head while following the pen. Rexford was swaying back and forth during the exercise.

HORIZONTAL GAZE NYSTAGMUS:

- | | |
|---|--|
| ☒ Left eye does not follow smoothly | ☒ Right eye does not follow smoothly |
| ☒ Left eye prior to 45 degrees | ☒ Right eye prior to 45 degrees |
| ☒ Distinct jerking in left eye at maximum deviation | ☒ Distinct jerking in right eye at maximum deviation |
| ☐ Vertical Nystagmus in left eye | ☐ Vertical Nystagmus in right eye |

WALK AND TURN:

I explained the task to Rexford and showed it to him. Rexford stated that he understood. Rexford was unsteady on his feet and stepped off the line several times during the instructional phase. Rexford did not follow directions and started the task too early. Rexford was disruptive and uncooperative. Rexford stated he wouldn't be able to do the task because he had been 'drinking'. Rexford was swaying back and forth. I attempted to show Rexford the exercise on several occasions, but he was uncooperative and had poor balance, and wanted to try a different exercise. Rexford kept stopping and then stated that he didn't want to try the exercise any longer. I advised Rexford of Taylor Warning's and he understood them.

ONE LEG STAND:

I explained the task to Rexford. Rexford once again had poor balance and was unsteady on his feet. While explaining the exercise, Rexford once again became disruptive and uncooperative and pulled his cellphone out while I was explaining it to him. It was obvious that Rexford did not want to continue doing the exercises as he was disruptive and not listening to the instructions. Based on the totality of the circumstances, I placed Rexford under arrest for DUI. Rexford was placed in the backseat of my BBPD vehicle after being placed in handcuffs (checked for spacing and double locked). Rexford was then transported to the PBCJ BAT where I started the 20 minute observation. After the observation, I asked Rexford for a breath test which he refused. I advised Rexford of implied consent which he stated that he understood. Rexford then refused once again at 2258. Rexford refused to answer any questions and answers. Rexford's scooter was towed by Becks and Rexford was issued the appropriate citations. Rexford was TOT PBCJ without incident

FINGER TO NOSE:

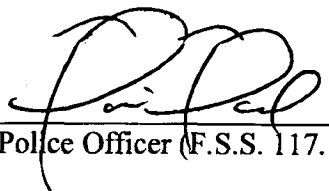
DID NOT CONDUCT.

ROMBERG/ALPHABET:

DID NOT CONDUCT

The following instrument was sworn to before me this 20th day of June 2022

By: Nalerio


Notary/Police Officer (F.S.S. 117.1)




Signature of Arresting Officer

NOT A CERTIFIED COPY

STATE OF FLORIDA
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH TEST

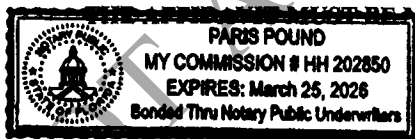
I, Officer L NALERIO, a duly certified Law Enforcement Officer or Correctional Officer,
(Person reading Implied Consent Warning)
am a member of Boynton Beach Police Department, and I do swear
(Name of enforcement agency)
or affirm that on or about the TWENTIETH day of June, 2022, at 10:08 PM
DRIVER REXFORD BRYAN SMITH,
(Type or Print) FIRST MIDDLE OR MAIDEN LAST
DL # 000005022189, state of NC, was placed under lawful arrest for
the offense of DUI by Officer L NALERIO and
(Name of Arresting Officer)
issued Citation # AE156OE.

That on or about the TWENTIETH day of June, 2022, at 10:59 PM
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



(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before
me this 20th day of June, 2022,
by GFC. Nalerio
who is personally known to me or who has produced
LEO as identification.
Notary Public

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: BBPD

SUBJECT: SMITH, REXFORD B

CASE NUMBER: 22-079660

DATE: Jun 20, 2022

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 22:55

ENDING TIME: 22:59

BREATH TESTS RESULTS: 1) R TIME 22:58 A.M. ☐ P.M. ☒ 2) N/A TIME N/A 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 TECHNICIAN: J. KARLECKE# 6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: UPSET, MAD

CLOTHING: TAN SHORTS, WHITE T- SHIRT, BLACK / WHITE SANDALS

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

REFUSED

COMMENTS:

ARRIVED AT CENTER A/O BEGAN THE 20 MINUTE OBSERVATION PERIOD AT 22:30 HRS.

SUBJECT: REFUSED TO ANSWER FORMAT QUESTIONS

SUBJECT: WANTED TO KNOW WHY HE WAS PULLED OVER BEFORE ANSWERING YES OR NO TO TAKING TEST

A/O: READ I/C

SUBJECT: STATED HE UNDERSTOOD I/C AND REFUSED TO TAKE TEST

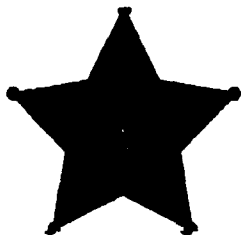
A/O: READ RIGHTS

SUBJECT: REFUSED TO ANSWER IF HE UNDERSTOOD RIGHTS

A/O: ATTEMPTED Q&A

SUBJECT: REFUSED QUESTIONS

REFUSED



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

PBSO CASE # 22-079660 PBSO ZONE 6-12

AGENCY CASE # 22-006928 CRASH CASE # _____

TIME OF STOP/CRASH 2136 DATE 6-20-22 DAY Monday

SUBJECT'S NAME Smith, Rexford, Bryan RACE W SEX M

HGT 5'10 WGT 165 DOB 7-16-77

LOCATION 300 N Congress Ave, Boynton Beach, FL

ARRESTING OFFICER'S NAME & ID Nalerio 982 AGENCY BBPD

DIVISION: PATROL

NOTIFIED BY COMMO YES

ARRIVAL AT FACILITY 2230

BREATH RESULTS:

Arrest Time 2204

1. _____
2. **REFUSED**
3. _____
4. _____

TESTING OFFICER'S ID 24639

SUBJECT: mtl KEX1212 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 ☒ NO ☐ Do you still refuse to submit to this test? YES ☒ 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 ☒ NO ☐ Do you still refuse to submit to this test? YES ☒ NO ☐

SUBJECTS SIGNATURE: (X) David J. Cannon

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) David J. Cannon

WHITE: STATE ATTY.

YELLOW: DHSMV

PINK: CENTRAL RECORDS

GOLD: JAIL

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: _____



**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: 2022015864	Date: 6/21/2022
	Specialist Name/ID: Pinkneya/7796