

J# 0541394

2023 CT-11000ASS

PH 1857

ADMINISTRATION	OBTS Number		ARREST / NOTICE TO APPEAR				1. Arrest 3. Request for Warrant 2. N.T.A. 4. Request for Capias		1	Juvenile	N
	Agency ORI Number FL 0500300		Agency Name BOYNTON BEACH POLICE DEPT.		Agency Report Number 34-23-027557						
	Charge Type: Check as many as Apply. <input type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony <input type="checkbox"/> 3. Misdemeanor <input type="checkbox"/> 4. Traffic Misdemeanor <input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other		If Weapon Seized Enter Type		Multiple Clearance Indicator						
DEFENDANT	Location of Arrest (Including Name of Business) 609 Sealoffs Dr Boynton Beach, FL 33426					Location of Offense (Business Name, Address) 609 Sealoffs Dr Boynton Beach, FL 33426					
	Date of Arrest 06/22/2023	Time of Arrest 0144	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle				
	Name (Last, First, Middle) Martin, Brandon, Michael					Alias (Name, DOB, Soc. Sec. #, Etc)					
CO-DEF	W - White I - American Indian B - Black O - Oriental / Asian	Race W	Sex M	Date of Birth 03/24/1993	Height 6'4	Weight 240	Eye Color Brown	Hair Color Brown	Complexion Fair	Build Large	
	Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)					Marital Status Single	Religion Unk	Indication of: Alcohol Influence <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk. <input type="checkbox"/> Drug Influence <input type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> Unk. <input type="checkbox"/>			
	Local Address (Street, Apt. Number) (City) (State) (Zip) 607 Sealoffs Dr Apt 311 Boynton Beach Florida, 33426			Phone (954)849-0306		Residence Type 1. City 3. Florida 2. County 4. Out of State 1					
Permanent Address (Street, Apt. Number) (City) (State) (Zip)			Phone		Address Source FL DL						
Business Address (Street, Apt. Number) (City) (State) (Zip)			Phone		Occupation Self Employed						
D/L Number, State M635073931040 FL		INS Number		Place of Birth Winchester, Mass		Citizenship USA					
Co-Defendant Name (Last, First, Middle)		Race	Sex	Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 3. Felony <input type="checkbox"/> 5. Juvenile		<input type="checkbox"/> 2. At Large <input type="checkbox"/> 4. Misdemeanor			
Co-Defendant Name (Last, First, Middle)		Race	Sex	Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 3. Felony <input type="checkbox"/> 5. Juvenile		<input type="checkbox"/> 2. At Large <input type="checkbox"/> 4. Misdemeanor			
<input type="checkbox"/> Parent Name (Last) (First) (Middle) <input type="checkbox"/> Legal Custodian <input type="checkbox"/> Other		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 was provided by <input type="checkbox"/> defendant and/or <input type="checkbox"/> defendant's parents. The child and/or parent was told to keep the Juvenile Court Clerk's Office (Phone 561-355-2526) informed of any change of address: <input type="checkbox"/> Yes, By: (Name) <input type="checkbox"/> No, (Reason)					School Attended		Grade				
Property Crime? Yes <input type="checkbox"/> No <input type="checkbox"/>		Description of Property			Value of Property						
Drug Activity N. N/A B. Buy P. Possess S. Sell D. Deliver T. Traffic R. Smuggle E. Use K. Dispense/Distribute M. Manufacture/Produce/Cultivate Z. Other		Drug Type N. N/A A. Amphetamine B. Barbituate C. Cocaine E. Heroin H. Hallucinogen M. Marijuana O. Opium/Deriv. P. Paraphernalia/Equipment S. Synthetic U. Unknown Z. Other		Domestic Violence <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Statute Violation Number 316.193.1A		Violation of ORD#			
Charge Description DUI		Counts 1		Offense # 23-027557		Warrant/Capias Number		Bond			
Charge Description		Counts		Domestic Violence <input type="checkbox"/> Yes <input type="checkbox"/> No		Statute Violation Number		Violation of ORD#			
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D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 22nd DAY OF June 2023 AT 0144 A.M. P.M.

CASE #: 23-027557 DEFENDANT: Martin, Brandon, Michael

PERSONAL CONTACT/DRIVING PATTERN/OBSERVATION OF DRIVER:

On 6/22/23 at approximately 0110, BBPD officers responded to the parking lot of 609 Sealofts Dr, within the city of Boynton Beach, in regards to a male slumped over in the driver seat of a red Ford. Upon arrival, I met with the witness W/M Anthony Rowe D.O.B 5-25-2023, who directed me to a red Ford sedan bearing FL tag QXID50. Rowe advised that a while male was passed out unconscious and the engine was on. The vehicle was parking in a parking spot with the front of the vehicle facing south.

I then observed W/M Brandon Martin in the driver seat of the vehicle, slumped over to the right. Martin was breathing as his chest was rising. The engine of the vehicle was running. As I shined my flashlight at Martin, he opened his eyes and became conscious. Martin attempted to put the vehicle in Drive (was in park prior). I was able to get the window down and prevent Martin from doing so. I asked Martin to step out of the vehicle, which he did. Once out of the vehicle, I asked Martin if he needed medical attention, which he stated that he did not. Martin was swaying heavily and using the rear of his vehicle for balance. I asked Martin what he was doing and he told me that he fell asleep inside the vehicle. Martin was swaying heavily and his eyes were glassy. Martin released a strong odor of an unknown alcoholic beverage from his mouth every time he spoke, which intensified the more he spoke. Martin then proceeded to tell me that he was high and had been smoking marijuana earlier. I asked Martin if he was injured or needed any medical attention, which he stated once again that he did not.

Martin told me that he was not under any prescribed medication and that he did not take any narcotics and was only drinking alcoholic beverages and smoking marijuana. I asked Martin how many drinks he consumed and he told me that he had about four Vodkas. Martin told me that prior to my contact with him he was at Rocco's Tacos. Martin was still swaying and having a difficult time with his balance. Martins' breath still released the odor of an unknown alcoholic beverage every time he spoke. I then asked Martin if he was willing to submit to Standardized Field Sobriety Exercises', which he stated that he did not know. I advised him of Taylor Warnings and he decided to partake in SFST's.

Pen task: Martin was advised of the instructions which he stated that he understood. Martin had poor balance and kept on putting his hands behind his back. Martin separated his feet on several occasions. Martin moved his head several times through out the incident. Martin had a difficult time following the stimulus. Martin was swaying heavily.

HORIZONTAL GAZE NYSTAGMUS:

- | | |
|--|---|
| <input type="checkbox"/> Left eye does not follow smoothly | <input type="checkbox"/> Right eye does not follow smoothly |
| <input type="checkbox"/> Left eye prior to 45 degrees | <input type="checkbox"/> Right eye prior to 45 degrees |
| <input type="checkbox"/> Distinct jerking in left eye at maximum deviation | <input type="checkbox"/> Distinct jerking in right eye at maximum deviation |
| <input type="checkbox"/> Vertical Nystagmus in left eye | <input type="checkbox"/> Vertical Nystagmus in right eye |

SCANNED
JUN 22 2023

WALK AND TURN:

During the instructional phase, Martin stepped off the line several times. Martin was swaying heavily. Martin was unsteady on his feet. Martin started walking without me telling him to do so. I attempted to have Martin stand in the instructional phase, but due to his poor balance and not being able to follow instructions. Martin was unable to complete this task.

ONE LEG STAND:

Martin was advised of the instructions which he stated that he understood. Martin put his foot down several times. Martin did not count like instructed. Martin used his arms for balance. Martin stopped the exercise before I told him to stop.

FINGER TO NOSE:

Martin was advised of the instructions which he stated that he understood. Martin was swaying. Martin did not bring his arm down automatically like instructed to do so. Martin missed the tip of the nose on every try.

ROMBERG/ALPHABET:

Martin was advised of the instructions which he stated that he understood. Martin was swaying. Martin had his arms to the front and not the side like instructed. Martin did not tilt his head like instructed. Martin did not close his eyes.

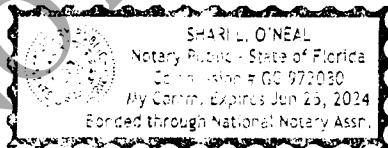
Based on my investigation, Martin was placed under arrest for DUI pursuant to F.S.S 316.193. Martin was transported to the BAT, where I asked for a breath sample. Martin refused and I advised him of implied consent. Martin understood implied consent and refused once again. Martin was advised of his constitutional warnings which he understood. Martin refused to answer questions and answers. Martin was TOT PBCJ without incident.

The following instrument was sworn to before me this 22 day of June 2023

By: Ofc.Nalerio

S. O'Neal
Notary/Police Officer (F.S/S. 117.10)

Le 982
Signature of Arresting Officer



SCANNED
JUN 22 2023

TESTING FACILITY TASK REPORT

AGENCY: BBPD OFC. NALERIO #982

SUBJECT: MARTIN, BRANDON M.

CASE NUMBER: 23-081336

DATE: 06-22-23

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 02:27 HRS

ENDING TIME: 02:30 HRS

BREATH TEST RESULTS: 1) R TIME 02:29 A.M. P.M. 2) TIME A.M. P.M.
3) TIME A.M. P.M. 4) TIME A.M. P.M.

REFUSED

BREATH OPERATOR: S. O'NEAL #6212

MAINTENANCE TECHNICIAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLUR

ATTITUDE: CALM, QUIET, COOPERATIVE, AGITATED

CLOTHING: SHIRT- GRAY & WHITE/PRINT PANTS- DRK GRAY/ARMY FATIGUE PRINT

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES: VERY RED, GLASSY
NOSE: SCRAPED

COMMENTS:

20 MIN. OBSERVATION CONDUCTED BY A/O NALERIO #982

A/O REQUESTED THE BREATH TEST.
D REFUSED THE REQUEST.
A/O READ THE IMPLIED CONSENT ON CAMERA.
D UNDERSTOOD THE I/C AS READ.
D STILL REFUSED THE BREATH REQUEST AFTER THE I/C WAS READ TO HIM.
D REFUSED THE Q&A.

SCANNED
JUN 22 2023



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

PBSO CASE # 23-081336 PBSO ZONE 6-51

AGENCY CASE # 23-027557 CRASH CASE # _____

TIME OF STOP/CRASH 0144 DATE 6-22-23 DAY Wednesday

SUBJECT'S NAME Martin, Brandon, Michael RACE W SEX M

HGT 6'4 WGT 235 DOB 03/24/1993

LOCATION 609 Sealofts Dr, Boynton Beach, FL

ARRESTING OFFICER'S NAME & ID Nalerio 982 AGENCY BBPD

DIVISION: PATROL

NOTIFIED BY COMMO

ARRIVAL AT FACILITY 0205

BREATH RESULTS:

Arrest Time 0144

1. _____
2. _____
3. _____
4. _____

REFUSED

TESTING OFFICER'S ID 6212

**SCANNED
JUN 22 2023**

STATE OF FLORIDA
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH TEST

I, Patrolman 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 TWENTY-SECOND day of June, 2023, at 1:55 AM

DRIVER BRANDON MICHAEL MARTIN
(Type or Print) FIRST MIDDLE OR MAIDEN LAST

DL # M635073931040, state of FL, was placed under lawful arrest for

the offense of DUI by Patrolman L NALERIO and
(Name of Arresting Officer)

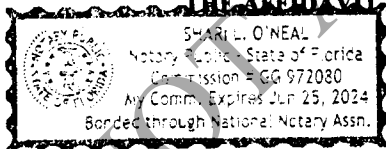
issued Citation # AE15AAE.

That on or about the TWENTY-SECOND day of June, 2023, at 2:31 AM
 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.)



(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 22nd day of June, 2023,

by Nalerio 982

who is personally known to me or who has produced LEO as identification.

Notary Public [Signature]

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.

SCANNED
JUN 22 2023

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) _____

**SCANNED
JUN 22 2023**

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: _____

SCANNED
JUN 22 2023



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	<input type="checkbox"/>	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	<input type="checkbox"/>	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	<input type="checkbox"/>	119.071(4)(c)	Undercover personnel.	
	<input type="checkbox"/>	119.071(2)(f)	Confidential informants (CIs).	
	<input type="checkbox"/>	119.071(2)(e)	Confession.	
Public Info. Exemptions	<input type="checkbox"/>	985.04(1)	Juvenile offender records.	
	<input type="checkbox"/>	119.071(h)(i)	Assets of a crime victim.	
	<input type="checkbox"/>	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	<input type="checkbox"/>	394.4615(7)	Mental health information.	
	<input type="checkbox"/>	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)	<input checked="" type="checkbox"/>	(iii) 119.0714(1)(i)-(j), 2(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	<input type="checkbox"/>	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	<input type="checkbox"/>	(xii) 741.30(3)(b)	The victim's address in a domestic violence action on petitioner's request.	
	<input type="checkbox"/>	(xiii) 119.071(2)(h), 119.0714(1)(h)	Protected information regarding victims of child abuse or sexual offenses.	
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
	<input type="checkbox"/>			
Other	<input type="checkbox"/>		Other:	
	<input type="checkbox"/>		Other:	

REVIEW COMPLETED BY

SCANNED
JUN 22 2023

Booking Number: 2023016275	Date: 06/22/2023
	Specialist Name/ID: T.Howard/7185