

60-2023-CT-000833AMB
0537447

3831

Marsy's Law CVI FL. Const. Art.1 § 16(b)

Check if Supplement is Attached

OBT Number		ARREST / NOTICE TO APPEAR Juvenile Referral Report				1. Arrest 2. N.T.A.		3. Request for Warrant 4. Request for Capias		1	Juvenile	N											
Agency ORI Number FLD, 5, 0, 0, 0, 0, 0		Agency Name PALM BEACH COUNTY SHERIFF'S OFFICE				Agency Report Number (N.T.A.'s only) 06-23-025966																	
Charge Type: Check as many as apply		1. Felony <input type="checkbox"/>		2. Traffic Felony <input type="checkbox"/>		3. Misdemeanor <input type="checkbox"/>		4. Traffic Misdemeanor <input checked="" type="checkbox"/>		5. Ordinance <input type="checkbox"/>		6. Other <input type="checkbox"/>		If Weapon Seized Enter Type		Multiple Clearance Indicator 0 1							
Location of Arrest (including Name of Business) 11716 PERSIMMON BLVD, UNINCORPORATED/FL/33411						Location of Offense (Business Name, Address) 11716 PERSIMMON BLVD, UNINCORPORATED/FL/33411																	
Date of Arrest 01/15/2023		Time of Arrest 0152		Booking Date		Booking Time		Jail Date		Jail Time		Location of Vehicle Sheehan's Towing, 1233 Reebuck Ct, West Palm Beach, FL 33401, (561) 659-6738											
Name (Last, First, Middle) BUMGARDNER, BRIAN, MARK												Alias (Name, DOB, Soc. Sec. #, Etc.)											
Race W - White B - Black		1 - American Indian O - Oriental/Asian		W		M		Date of Birth 5/29/1987		Height 6'00"		Weight 210		Eye Color BLU		Hair Color BRO		Complexion MED		Build LARGE			
Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description) TATTOOS												Marital Status Single		Religion NONE		Indication of: Alcohol Influence Drug Influence		Y		N		Unk	
Local Address (Street, Apt. Number) 11885 52ND RD N WPB				(City)		(State)		(Zip) FL 33411		Phone (561) 629 3167				Residence Type: 1. City 2. County 3. Florida 4. Out of State		2							
Permanent Address (Street, Apt. Number)				(City)		(State)		(Zip)		Phone				Address Source VERBAL / DL									
Business Address (Name, Street)				(City)		(State)		(Zip)		Phone				Occupation WATER MANAGEMENT									
D/L Number, State B526073871890, FL				Soc. Sec. Number				INS Number				Place of Birth (City, State) FLORIDA Palm Beach Gardens		Citizenship YES									
Co-Defendant (Last, First, Middle)				Race		Sex		Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large		<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile											
Co-Defendant (Last, First, Middle)				Race		Sex		Date of Birth		<input type="checkbox"/> 1. Arrested <input type="checkbox"/> 2. At Large		<input type="checkbox"/> 3. Felony <input type="checkbox"/> 4. Misdemeanor <input type="checkbox"/> 5. Juvenile											
<input type="checkbox"/> Parent <input type="checkbox"/> Legal Custodian <input type="checkbox"/> Other:		Name (Last) (First) (Middle) CINIA				Residence Phone				()													
Address (Street, Apt. Number)		(City) (State) (Zip) CINIA				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) 355-6511) informed of any change of address.								School Attended				Grade											
Property Crime? <input type="checkbox"/> Yes <input type="checkbox"/> 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/ 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 Description DRIVING UNDER THE INFLUENCE				Counts 1		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number 316.193(1)(C) WA				Violation of ORD #											
Drug Activity N		Drug Type N		Amount / Unit		Offense # 23-025966		Warrant / Capias Number				Bond											
Charge Description REFUSAL TO ACCEPT SUMMONS				Counts 1		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number 318.14(3)				Violation of ORD #											
Drug Activity N		Drug Type N		Amount / Unit		Offense # 23-025966		Warrant / Capias Number				Bond											
Charge Description				Counts		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number				Violation of ORD #											
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number				Bond											
Charge Description				Counts		Domestic Violence <input type="checkbox"/> Y <input checked="" type="checkbox"/> N		Statute Violation Number				Violation of ORD #											
Drug Activity		Drug Type		Amount / Unit		Offense #		Warrant / Capias Number				Bond											
Location (Court, Room Number, Address) Criminal Justice Complex, 3228 Gun Club Road, West Palm Beach, FL 33406 - Ph: (561) 688-4600												Court Date and Time Month JANUARY Day 2 Year 2023 Time 08:30 A.M. X 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) REFUSED TO SIGN WA										Date Signed 01/15/2023													
HOLD for other agency				Signature of Arresting Officer INV. W. AMADON				Name Verification (Printed by Arrestee) (PRINT)															
<input type="checkbox"/> Dangerous <input type="checkbox"/> Suicidal				<input type="checkbox"/> Resisted Arrest <input type="checkbox"/> Other:				Name of Arresting Officer (Print) INV. W. AMADON I.D. # 9440															
Intake Deputy C. H. H. H. H.				I.D. #				Pouch #															
Transporting Officer INV. W. AMADON 9440				I.D. #				Agency PBSO															
Witness here if subject signed with an "X"												PAGE 1 OF 1											

OBTS Number		PROBABLE CAUSE AFFIDAVIT		1. Arrest 2. N.T.A.	3. Request for Warrant 4. Request for Capias	1	Juvenile	N
ADMIN	Agency ORI Number	Agency Name	Agency Report Number					
	FLO 50000	PALM BEACH COUNTY SHERIFF'S OFFICE	06- 23-025966					
CHARGES	Charge Type: Check as many as apply.		Special Notes:					
	<input type="checkbox"/> 1. Felony <input type="checkbox"/> 2. Traffic Felony	<input type="checkbox"/> 3. Misdemeanor <input checked="" type="checkbox"/> 4. Traffic Misdemeanor	<input type="checkbox"/> 5. Ordinance <input type="checkbox"/> 6. Other					
VICTIM	Name (Last, First, Middle)		Alias	Race	Sex	Date of Birth		
	BUMGARDNER BRAIN MARK			W	M	05/29/1987		
PROBABLE CAUSE STATEMENT	Victim's Name (Last, First, Middle)		Race	Sex	Date of Birth			
	STATE OF FLORIDA							
	Local Address (Street, Apt. Number) (City) (State) (zip)		Phone	Address Source				
Business Address (Name, Street) (City) (State) (zip)		Phone	Occupation					
<p>The undersigned certifies and swears that he/she has just and reasonable grounds to believe, and does believe that the above named Defendant committed the following violation of law. The Person taken into custody</p> <p><input type="checkbox"/> committed the below acts in my presence. <input type="checkbox"/> was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.</p> <p><input type="checkbox"/> confessed to _____ admitting to the below facts. <input checked="" type="checkbox"/> was found to have committed the below acts, resulting from my (described) investigation.</p> <p>On the <u>15</u> day of <u>JANUARY</u> 20<u>23</u> at <u>01:10</u> <input checked="" type="checkbox"/> A.M. <input type="checkbox"/> P.M. (Specifically include facts constituting cause for arrest.)</p>								
<p><input type="checkbox"/> Marsy's Law CVI FL Const. Art.1 § 16(b)</p> <p>On January 15, 2023, at approximately 01:10 am, I responded to the intersection of Persimmon Blvd and Royal Palm Beach Blvd, in unincorporated West Palm Beach, in reference to a suspicious vehicle. The anonymous caller stated a 2-door, small, gray sports car, has been sitting in the median for approximately 20 minutes.</p> <p>Upon arrival, I located the vehicle on Persimmon Blvd, just east of Royal Palm Beach Blvd. The vehicle was in the middle of the road, on the none-raised median (yellow diagonal lines). The vehicle in question is a 2009 gray Nissan Altima (FL Tag: 97CCNC). The vehicle was running, with the rear tail lights on, indicating the vehicle was in drive with someone pressing on the brake. Upon approach of the vehicle, I could see that it was occupied one time by a white male. The male had the driver's seat laid completely flat and he appeared to be sleeping. Myself and D/S A. Tejada 26703, knocked on the window several times to get the driver's attention. The driver eventually woke up, but appeared groggy, and confused. We yelled through the rolled up windows for the driver to put the vehicle in park, he did not comply. The driver moved very slowly and appeared to be reaching in on his left side, between the seat and the door. After giving several commands, the driver put the vehicle in park. The driver appeared sluggish and looked disheveled. As I reached into the vehicle, through the passenger side, to turn the vehicle car off, I could smell the odor of an unknown alcoholic beverage emanating from his face and person. I asked the driver what his name was or for his driver's license. The driver looked at me with a blank stare and did not say anything. His eyes were red and glassy.</p> <p>The driver was later identified by his Florida driver's license as Brian Mark Bumgardner. Mr. Bumgardner is also the registered owner of the Nissan Altima. Due to Bumgardner's unusual behavior and because he was reaching in between the seat and door, Mr. Bumgardner was detained in handcuffs, which double locked and checked for proper fit. When he was asked to step out of the vehicle, he struggled and dragged his feet against the floor boards. D/S Tejada had to assist Mr. Bumgardner and hold him up. DUI Investigator W. Amadon 9440 was called to the scene to conduct a DUI investigation. This is a supplement to the report.</p>								
ADMINISTRATIVE	STATE OF FLORIDA COUNTY OF PALM BEACH D/S G. IOZZIO (ID # 21070)		(Signature of Arresting/Investigative Officer)					
	The foregoing instrument was sworn to or affirmed and subscribed before me this <u>15</u> day of <u>JANUARY</u> 20 <u>23</u> by <u>D/S G. IOZZIO</u> <u>21070</u>		(Print name of Arresting/Investigative Officer, who is personally known to me and/or produced identification. Type of identification produced <u>ARMON LEU</u>)					
	(Signature of Notary Public)		Notary Public, Clerk of Court, Officer (F.S.S. 117.10)					

STATE OF FLORIDA
AFFIDAVIT OF REFUSAL TO SUBMIT TO
BREATH TEST (Commercial Driver's License)

I, INV. W. AMADON, a duly certified Law Enforcement Officer or Correctional Officer,
(Person reading Implied Consent Warning)
 am a member of Palm Beach County Sheriff's Office, and I do swear
(Name of enforcement agency)

or affirm that on or about the FIFTEENTH day of January, 2023, at 01:52

DRIVER BRIAN MARK BUMGARDNER
(Type or Print) FIRST MIDDLE OR MAIDEN LAST

DL # B526073871890, state of FL, was placed under lawful arrest for

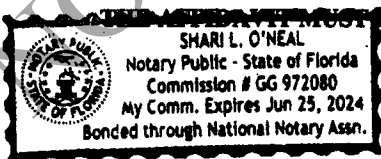
the offense of DUI by INV. W. AMADON and
(Name of Arresting Officer)

issued Citation # AGSZQTE

That on or about the FIFTEENTH day of January, 2023, at 02:43
 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. Additionally, I informed the driver that if he or she holds a Commercial Driver's License (CDL), or was operating a commercial motor vehicle, refusal will result in the disqualification of the CDL 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 requested.

Tom W. Amadon
 Signature of Law Enforcement Officer or Correctional Officer



(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 15 day of January, 2023 by _____

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

Notary Public *S. O'Neal*

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.

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) _____

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
DUI TESTING FACILITY
INFORMATION SHEET**

PBSO CASE # 23-025966 PBSO ZONE 15-31

AGENCY CASE # _____ CRASH CASE # _____

TIME OF STOP/CRASH 0057 DATE 01/15/2023 DAY Sunday

SUBJECT'S NAME BUMGARDNER, BRIAN, MARK RACE W SEX M

HGT 6'00" WGT 210 DOB 5/29/1987

LOCATION 11716 PERSIMMON BLVD, UNINCORPORATED/FL/33411

ARRESTING OFFICER'S NAME & ID INV. W. AMADON (9440) AGENCY Palm Beach County Sheriff's Office

DIVISION: CID / DUI

NOTIFIED BY COMMO YES

ARRIVAL AT FACILITY 0220

ARREST TIME 0152

BREATH RESULTS:

1)

2) **REFUSED**

3)

4)

TESTING OFFICER'S ID 6212 PBSO VIDEOTAPE # 1

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 15 DAY OF JANUARY 20 23, AT 0057 AM PM

SUBJECT: BUMGARDNER, BRIAN, MARK CASE NUMBER: 23-025966

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: INV. W. AMADON

PERSONAL CONTACT

DRIVING PATTERN: Actual physical control (physical evidence or statements putting def. behind wheel of vehicle)

On Sunday January 15, 2023 I responded to 11716 Perummon Blvd, located within Unincorporated, Palm Beach County Florida regarding a motorist passed out behind the wheel, with a suspected impaired driver. Upon arrival I met with D/S G. Louis, #21670 who provided me with a signed, sworn written supplemental probable cause affidavit stating: "On January 15, 2023, at approximately 01:10 am, I responded to the intersection of Perummon Blvd and Royal Palm Beach Blvd, in unincorporated West Palm Beach, in reference to a suspicious vehicle. The anonymous caller stated a 2-door, small, gray sports car, has been sitting in the median for approximately 20 minutes. Upon arrival, I located the vehicle on Perummon Blvd, just east of Royal Palm Beach Blvd. The vehicle was in the middle of the road, on the nose-raised median (yellow diagonal lines). The vehicle in question is a 2009 gray Nissan Altima (FL Tag: 97CCNC). The vehicle was running, with the rear tail lights on, indicating the vehicle was in drive with someone pressing on the brake. Upon approach of the vehicle, I could see that it was occupied one time by a white male. The male had the driver's seat laid completely flat and he appeared to be sleeping. Myself and D/S A. Tejada 26783, knocked on the window several times to get the driver's attention. The driver eventually woke up, but appeared groggy, and confused. We yelled through the rolled up windows for the driver to put the vehicle in park, he did not comply. The driver moved very slowly and appeared to be reaching in on his left side, between the seat and the door. After giving several commands, the driver put the vehicle in park. The driver appeared sluggish and looked disheveled. As I reached into the vehicle, through the passenger side, to turn the vehicle car off, I could smell the odor of an unknown alcoholic beverage emanating from his face and person. I asked the driver what his name was or for his driver's license. The driver looked at me with a blank stare and did not say anything. His eyes were red and glassy. The driver was later identified by his Florida driver's license as Brian Mark Bumgardner. Mr. Bumgardner is also the registered owner of the Nissan Altima. Due to Bumgardner's unusual behavior and because he was reaching in between the seat and door, Mr. Bumgardner was detained in handcuffs, which double locked and checked for proper fit. When he was asked to step out of the vehicle, he struggled and dragged his feet against the floor boards. D/S Tejada had to assist Mr. Bumgardner and hold him up".

OBSERVATION OF DRIVER:

I observed the defendant to be unsteady on his feet. I observed the defendant to have a noticeable orbital sway as he stood. I observed the defendant's clothing was properly worn. The defendant's eyes were red, glassy, and bloodshot. The defendant was seated in the rear of D/S A. Tejada's prisoner compartment due to his non compliance with Deputies. Upon my arrival, I observed the defendant seated in the back of the patrol car with the door open and Palm Beach County Fire Rescue was attending to him. I heard the defendant refuse any medical attention. (Fire Rescue was called as precautionary measure to check the defendant's vitals) I asked the defendant to exit the car and come speak to me. He was removed from handcuffs. The defendant weaved as he walked from their vehicle to the front of mine. At one time the defendant stumbled and nearly fell into me causing me to stop walking and brace myself to support his weight and momentum. The defendant then immediately leaned on the front bumper of my car. I asked him to stand away from my car. He began to sway in place as he stood. He placed both his hands into his front hoodie pockets. The defendant stated he would not answer any questions. I requested he perform field sobriety tasks and he refused. I explained Taylor and he said he understood. He refuses a second time to do SFST's.

DRIVER'S STATEMENTS:

The defendant said he does not answer questions.

ODORS:

I immediately detected the odor of an unknown alcoholic beverage emanating from the defendant's breath that intensified when he spoke.

GENERAL OBSERVATIONS

SPEECH: slow / slurred / mush mouthed

ATTITUDE: repetitive / uncooperative / obnoxious

CLOTHING: blue hoodie / black jogging pants / black shoes

MEDICAL/OTHER: stated none / *** THE DEFENDANT REFUSED TO SIGN OR ACCEPT HIS COURT SUMMONS ***

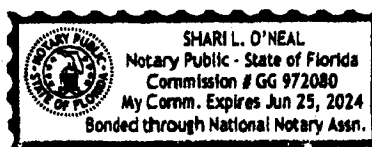
STATE OF FLORIDA
COUNTY OF PALM BEACH

INV. W. AMADON
Signature of Arresting/Investigative Officer

The foregoing instrument was sworn to or affirmed and subscribed before me this 15 day of JANUARY 20 23 by INV. W. AMADON

Print name of Arresting/Investigative Officer, who is personally known to me and/or produced identification. Type of identification produced KNOWN I.E.O.

Shari O'Neal (#6212)
Notary Public, Clerk of Court, Officer (F.S.S 117.10)



SUBJECT: BUMGARDNER, BRIAN, MARK CASE NUMBER 23-025966

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

- | | |
|--|--|
| <input type="checkbox"/> LT EYE-LACK OF SMOOTH PURSUIT | <input type="checkbox"/> RT EYE-LACK OF SMOOTH PURSUIT |
| <input type="checkbox"/> LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION | <input type="checkbox"/> RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION |
| <input type="checkbox"/> LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES | <input type="checkbox"/> RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES |

Other Observations:

**WALK & TURN:
REFUSED**

**ONE LEG STAND:
REFUSED**

**FINGER TO NOSE:
REFUSED**

**ROMBERG ALPHABET:
REFUSED**

BREATH TEST RESULTS: 1) REFUSED 2) REFUSED 3) 4)

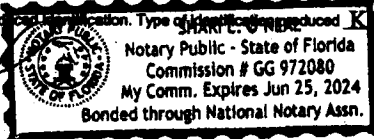
**STATE OF FLORIDA
COUNTY OF PALM BEACH**

INV. W. AMADON *W. Amadon*
Signature of Arresting/Investigative Officer

The foregoing instrument was sworn to or affirmed and subscribed before me this 15 day of JANUARY 2023 by INV. W. AMADON

(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced by the person named herein. Type of identification produced KNOWN L.E.O.

Shari O'Neal (#6212) *S. O'Neal*
Notary Public, Clerk of Court, Officer (F.S.S. 117.10)



NOT A CERTIFIED COPY

WITNESS LIST

CASE NUMBER: 23-025966

ARRESTING OFFICER: INV. W. AMADON

ADDRESS: 3228 GUN CLUB ROAD / WEST PALM BEACH / FL / 33460

PHONE NUMBERS (HOME): _____ (WORK) 561 688 3000

CAN TESTIFY TO: DUI INVESTIGATION

NAME: D/S G. IOZZIO #21070

ADDRESS: 3228 GUN CLUB ROAD / WEST PALM BEACH / FL / 33460

PHONE NUMBERS (HOME) _____ (WORK) 561 688 3000

CAN TESTIFY TO: TRAFFIC STOP / WHEEL WITNESS

NAME: D/S A. TEJADA #26703

ADDRESS 3228 GUN CLUB ROAD / WEST PALM BEACH / FL / 33460

PHONE NUMBERS (HOME) _____ (WORK) 561 688 3000

CAN TESTIFY TO: TRAFFIC STOP / WHEEL WITNESS / BAT PROCEEDINGS

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

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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: _____

NOT A CERTIFIED COPY

TESTING FACILITY TASK REPORT

AGENCY: **PBSO INV. AMADON #9440**

SUBJECT: **BUMGARDNER, BRIAN M.**

CASE NUMBER: **23-025966**

DATE: **01-15-23**

VIDEO DVD NUMBER: **N/A**

BEGINNING TIME: **02:41 HRS**

ENDING TIME: **02:44 HRS**

BREATH TESTS RESULTS: 1) **REFUSED** TIME **02:43** A.M. P.M. 2) TIME A.M. P.M.

3) TIME A.M. P.M. 4) TIME A.M. P.M.

BREATH OPERATOR: **S.O'NEAL #6212**

MAINTENANCE TECHNICAN: **J. KARLECKE #6467**

TESTING OFFICER'S OBSERVATIONS

SPEECH: **SLURRED**

ATTITUDE: **AGITATED, HESITANT, UNCOOPERATIVE, SARCASTIC**

CLOTHING: **SHIRT- LIGHT BLUE/ BLACK WRITING SWEATSHIRT PANTS- BLACK**

MEDICAL CONDITIONS: **NONE**

MEDICATIONS: **YES**

OTHER:

EYES: **BLOODSHOT, VERY GLASSY**

DEXTERITY: **STUMBLING A LITTLE, SLUGGISH**

COMMENTS:

20 MIN. OBSERVATION DONE BY A/O AMADON #9440

D REFUSED TO ANSWER BASIC FORMAT QUESTIONS, SUCH AS NAME, DOB.

A/O REQUESTED THE BREATH TEST.

D REFUSED THE BREATH REQUEST.

A/O READ THE IMPLIED CONSENT CORRECTLY.

D STATED HE DIDN'T UNDERSTAND WHEN A/O ASKED HIM ABOUT THE IMPLIED CONSENT.

A/O REQUESTED THE BREATH TEST AGAIN.

D REFUSED TO ANSWER ABOUT THE REQUEST.

A/O TOOK IT AS A REFUSAL.

C/W READ ON CAMERA, NO Q&A CONDUCTED.