0548014 24CT524058 3887

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

1. Arrest 3. Request for Warrant
2. N.T.A. 4. Request for Capias

1 Juvenile N

ADMINISTRATION

OBTS Number

Agency ORI Number	Agency Name	Agency Report Number
FL0500300	BOYNTON BEACH POLICE DEPT.	34-24-004736

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 | Multiple Clearance Indicator

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
1531 W Boynton Beach Blvd, Boynton Beach, FL 33436	1531 W Boynton Beach Blvd, Boynton Beach, FL 33436

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
03/22/2024	21:31					BECK'S TOWING

DEFENDANT

Name (Last, First, Middle): SCHMIDT, JAMES DANIEL
Alias (Name, DOB, Soc. Sec. #, Etc)

Race (W - White, B - Black, I - American Indian, O - Oriental / Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	09/30/1988	5'11"	200	BLUE	BROWN	FAIR	MEDIUM

Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description)

Marital Status: UNK | Religion: UNK | Indication of: Alcohol Influence ☒ Y ☐ N ☐ Unk. | Drug Influence ☐ Y ☒ N ☐ Unk.

Local Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Residence Type (1. City 2. County 3. Florida 4. Out of State)
3150 SE 2ND ST	BOYNTON BEACH,	FL	33435	( ) -	1

Permanent Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Address Source
				( ) -	FL DL

Business Address (Street, Apt. Number)	(City)	(State)	(Zip)	Phone	Occupation
				( ) -	REHAB FAC.

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth	Citizenship
S530-444-88-350-0 / FL	[redacted]		Clamridge, NJ	YES

CO-DEF

Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	1. Arrested 2. At Large 3. Felony 4. Misdemeanor 5. Juvenile
				☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5.
Co-Defendant Name (Last, First, Middle)	Race	Sex	Date of Birth	1. Arrested 2. At Large 3. Felony 4. Misdemeanor 5. Juvenile
				☐ 1. ☐ 2. ☐ 3. ☐ 4. ☐ 5.

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 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 561-355-2526) 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. Barbituate, C. Cocaine, E. Heroin, H. Hallucinogen, M. Marijuana, O. Opium/Deriv., P. Paraphernalia/ Equipment, S. Synthetic, U. Unknown, Z. Other

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD#
DUI .150 OR HIGHER	1	☐ Yes ☒ No	316.193(4)	

Drug Activity	Drug Type	Amount/Unit	Offense #	Warrant/Capias Number	Bond
-	-	-	24-004736		

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD#
		☐ Yes ☒ No		

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

FILED PBC - GUN CLUB
'24 MAR 25 AM 5:39

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD#
		☐ Yes ☐ No		

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

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD#
		☐ Yes ☐ No		

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

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 APRIL Day 22 Year 2024 Time 08:30 ☒ 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: 3/22/24

ADMIN.

HOLD for other Agency Name: | Signature of Arresting Officer 1105 | Name Verification (Printed by Arrestee) (PRINT)

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other:

Name of Arresting Officer (Print): ALEXIS | I.D. # 1105 | BU#

Intake Deputy | I.D. # | Pouch # | Transporting Officer: ALEXIS | I.D. # 1105 | Agency BBPD | Witness here is subject Signed with an "X".

Page 1 OF 1

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D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 22 **DAY OF** March **2024 AT** 21:05 ☐ **A.M** ☒ **P.M.**

CASE #: 24-004736 **DEFENDANT:** SCHMIDT, JAMES DANIEL

PERSONAL CONTACT/DRIVING PATTERN/OBSERVATION OF DRIVER:

On the above date and time, I was dispatched to the parking lot of ABC Liquor located at 1531 W Boynton Beach Blvd, City of Boynton Beach, Palm Beach County, FL, 33436, in reference to a drunk driver.

The caller, identified as Faridind Khan, an employee of ABC Liquor, called 911 and advised he was concerned for the welfare of a male customer who he believed was intoxicated. The caller advised that the customer was asleep behind the wheel of his vehicle in front of the business and that his foot was in the gas.

BBPD Officer Hickman was the first on the scene and advised that he also observed the male driver, later identified via his FL DL as JAMES DANIEL SCHMIDT, appear unconscious behind the wheel of his vehicle. Ofc Hickman advised that James suddenly woke up when he opened the vehicle door to check on him. Ofc Hickman advised that the vehicle was turned, with the key in the ignition.

Ofc Hickman also obtained a statement from the employee caller, who stated that he noticed James sitting inside the vehicle, a Gray Acura sedan bearing FL tag 13ECLK, since approximately 19:00 hours. The caller stated that James slumped over the wheel at times and that his eyes were bloodshot red.

I arrived on the scene a few seconds after Ofc Hickman and observed James in the vehicle's driver's seat. I immediately noticed James' red, bloodshot, and glassy eyes, and there was a strong odor of unknown alcoholic beverages emanating from his breath. When asked, James said that he was ok and that he came to the liquor store to purchase alcohol before going to visit his girlfriend in Boca.

James was not complaining of any medical condition. Boynton Beach Fire Rescue was also dispatched to the call and assessed James, who said he had no medical needs.

James was asked and said that he had been drinking alcoholic beverages in his vehicle. James said he had consumed 3-4 VODKA inside ABC liquor. Let it be noted that during inventory to tow James' vehicle, OFC Hickman located 11 empty, small DEEP EDDY LEMON VODKA bottles in the back seat of James' vehicle. Pictures were taken as evidence.

James believed he was not intoxicated, so I asked him if he would do the Standardized Field Sobriety Exercise (SFST), and he said yes. Due to the inclement weather, I asked James if he would relocate to a drier, covered location to administer the exercises, and he agreed. The SFSTs were conducted in a well-illuminated area with a flat and dry surface. James stated he had no medical/physical condition.

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HORIZONTAL GAZE NYSTAGMUS:

☒ Left eye does not follow smoothly
☒ Left eye prior to 45 degrees
☒ Right eye does not follow smoothly
☒ Right eye prior to 45 degrees

☒ Distinct jerking in left eye at maximum deviation
☐ Vertical Nystagmus in left eye

☒ Distinct jerking in right eye at maximum deviation
☐ Vertical Nystagmus in right eye

WALK AND TURN:
The exercise was explained and demonstrated to James, who stated he understood. James could not maintain his balance while listening to the instructions. During the exercise, James:

- used his arms for balance by holding on to his pants for support
- stopped during the exercise
- steeped of the line
- took 12 steps on the first (9)
- made an improper turn
- took 14 more steps on the retiring (9)

ONE LEG STAND:
The exercise was explained and demonstrated to James, who stated he understood. During the exercise, James:

- swayed while balancing
- used his arms for balance
- hopping
- and put his foot down.

FINGER TO NOSE:

The exercise was explained and demonstrated to James, who stated he understood. James touched the side of his nose on the first two calls and did not immediately returned his hands to his side.

ROMBERG/ALPHABET:
James had difficulty reciting the English alphabet. He made multiple attempts but kept going between MNOP, Z, and other letters. On BWC

Based on my investigation, James was arrested for driving/being in physical control of his vehicle while under the influence of alcohol at 21:31 hours.

James was then transported to the Boynton Beach PD Booking/BAT room, where I conducted a 20-minute observation from 21:46 to 22:06 hours. Once completed, James was asked to provide a sample of his breath to determine the alcohol content, and he agreed.

James provided the first breath sample at 22:11 hrs.; the result was .170 g/210 L of breath. James provided the second breath sample at 22:14 hrs.; the result was .172 g/210 L of breath. James declined to answer the Q/A's

JAMES DANIEL SCHMIDT was charged with DUI .150 or Higher, according to FSS 316.193(4). James was processed and booked at the Palm Beach County Jail. Beck's towing company towed the vehicle.

The following instrument was sworn to before me this 22 day of March 2024

By: OFC. V. ALEXIS

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Sgt. C. Kickingstallwoodsims
Notary/Police Officer (F.S.S. 117.10)

1105
Signature of Arresting Officer

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TESTING FACILITY TASK REPORT

CASE #: 24-004736 **DEFENDANT:** SCHMIDT, JAMES DANIEL
Date: 3/22/24 **Video Tape #:**

BREATH TEST RESULTS: PROVIDED

1. .170 g/210L Time 22:11 ☐ a.m. ☒ p.m.
2. .172 g/210L Time 22:14 ☐ a.m. ☒ p.m.
3. ____ g/210L Time ____ ☐ a.m. ☐ p.m.
4. ____ g/210L Time ____ ☐ a.m. ☐ p.m.

BREATH OPERATOR: OFC VLADIMIR ALEXIS
MAINTENANCE TECHNICIAN: DET. B DRURY

TESTING OFFICER'S OBSERVATIONS

SPEECH: THICK.
ATTITUDE: NORMAL
CLOTHING: GREEN SHIRT, BLUE JEANS, BROWN SHOES
MEDICAL CONDITIONS: NONE
MEDICATIONS: NONE
OTHER: BLOODSHOT , GLASSY EYES, STRONG ODOR OF ALCOHOL FROM MOUTH

COMMENTS:

AGREED TO SFST
AGREED TO BREATH TEST
MIRANDA WARNING READ ON BWC
DEFENDANT DECLINED TO ANSWER Q/A'S

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FLORIDA DEPARTMENT OF LAW ENFORCEMENT
ALCOHOL TESTING PROGRAM
BREATH ALCOHOL TEST AFFIDAVIT

Instrument Type: Intoxilyzer 8000
Instrument Registered To: BOYNTON BEACH PD
Instrument Serial Number: 80-001190 Software: 8100.27
Date of Test: 03/22/2024

Date of Last Agency Inspection: 02/28/2024
Observation Period Began: 21:46
Subject's Name: JAMES D SCHMIDT DOB: 09/30/1988 Sex: M

The subject was observed for at least twenty-minutes prior to the administration of the breath test to ensure that the subject did not take anything orally and did not regurgitate.

Results:

Test	g/210L	Time
Diagnostics Check	OK	22:08
Air Blank	0.000	22:09
Control Test	0.082	22:09
Air Blank	0.000	22:10
Subject Sample #1	0.170	22:11
Air Blank	0.000	22:11
Air Blank	0.000	22:13
Subject Sample #2	0.172	22:14
Air Blank	0.000	22:15
Control Test	0.081	22:15
Air Blank	0.000	22:16
Diagnostics Check	OK	22:16

Cylinder Lot: 40235/111
Exp: 02/10/2025

State of Florida, County of Palm Beach.

Personally appeared before me the undersigned authority, who (✓) is personally known to me or (__) produced _____ as identification, and who after being placed under oath, states:

I VLADIMIR ALEXIS, hold a valid Breath Test Operator permit issued by the Florida Department of Law Enforcement, I administered the above breath test to the subject named above in accordance with Chapter 11D-8, Florida Administrative Code, and this form is a true and accurate report of that breath test.

Breath Test Operator: _____ Date: 3/22/2024
Signature

Sworn to (or affirmed) before me this 22 day of March, 2024

Sgt C. KickingstallionSIMS
Signature of Notary Public-State of Florida

SGT C. KickingstallionSIMS
Printed Name of Notary Public-State of Florida

Note: Pursuant to section 117.10, Florida Statutes, law enforcement officers, correctional officers, traffic accident investigation officers and traffic infraction enforcement officers are notaries public when engaged in the performance of official duties. In accordance with section 316.1934(5), F.S., this completed form is admissible without further authentication and is presumptive proof of the results herein. To be used in accordance with Section 316.1934(5), F.S., and in administrative proceedings pursuant to 322.2615, F.S.

FDLE/ATP FORM 38 - MARCH 2004, Ref. 11D-8.007

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SUBJECT: ,, _____ CASE NUMBER: 24-004736

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.

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) On BnC

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

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CASE #: 24-004736 **DEFENDANT:** SCHMIDT, JAMES DANIEL

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.

Where you operating a motor vehicle at the time of the stop/Accident? _____
Where were you going? _____
What Street or Highway were you on? _____
What was you direction of travel? _____
Where did you start from? _____
What time did you start? _____
What time is it now? _____
What is today's date? _____
What day of the week is it? _____
What City and County 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 have you been drinking? _____
How much? _____
With whom? _____
When did you have your first drink? _____
When did you have your last drink? _____
Can you feel the effects of the alcohol? _____
Are you under the influence? _____
Have you consumed any alcohol since the stop/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? _____
Where 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 you eyes that are not corrected by glasses? _____
Do you take insulin? _____ If so, when was your last injection? _____
Have you ever gad a driver's license in any other state? _____
Where? _____
Interviewer: _____

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CASE #: 24-004736 **DEFENDANT:** SCHMIDT, JAMES DANIEL

Arresting Officer: V. ALEXIS, 1105
Address: 2100 HIGH RIDGE ROAD, BOYNTON BEACH, FL 33426
Phone Numbers: Home: _____ **Work:** (561) 742-6100

Name: OFC HICKMAN
Address: 2100 HIGH RIDGE RD, BOYNTON BEACH FL
Phone Numbers: Home: _____ **Work:** _____
Can testify to: _____

Name: OFC BURKE
Address: 2100 HIGH RIDGE RD,
Phone Numbers: Home: _____ **Work:** _____
Can testify to: _____

Name: FARIDIND KHAN
Address: 1419 SUNSET RD, WEST PALM BEACH, FL, 33406
Phone Numbers: Home: 561-317-3422 **Work:** _____
Can testify to: _____

Name: _____
Address: _____
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: _____

Name: _____
Address: _____
Phone Numbers: Home: _____ **Work:** _____
Can testify to: _____

Name: _____
Address: _____
Phone Numbers: Home: _____ **Work:** _____
Can testify to: _____

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Palm Beach County Sheriff's Office

Florida State Statute Exemption Sheet

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	☐	119.071(4)(c)	Undercover personnel	
	☐	119.071(2)(e)	Confession	
Public Info. Exemptions	☐	FL Const. Art. I, s. 16(b)(5)	Marsy's Law – victim information shall be redacted. The term "victim" also includes the victim's lawful representative, the parent or guardian of a minor, or the next of kin of a homicide victim. The term "victim" does not include the accused (ref. page 99 of the CRTM for additional information)	
	☐	119.071(2)(j)	Home/employment telephone number, home/employment address, or personal assets of a person who has been the victim of sexual battery, aggravated child abuse, aggravated stalking, harassment, aggravated battery or domestic violence	
	☐	119.0712(2)	Personal information contained in a motor vehicle record	
	☐	316.650(11)	Driver information contained in a uniform traffic citation	
	☐	119.071(4)(d)2.a.	Home addresses, telephone numbers, dates of birth, and photographs of active/former LE personnel, spouses, and children	
Florida Rules of Judicial Administration 2.420	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers	2
	☒	(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	☐			
	☐			
	☐			
	☐			

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REVIEW COMPLETED BY

Booking Number: 2024007788	**Date:** 3/23/2024
	Specialist Name/ID#: T.HOWARD/7185