(24-039615) 24CT3792 1469

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

☐ Check if Supplement is Attached

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

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

1

Juvenile: N

ADMINISTRATIVE

OBTS Number

Agency ORI Number: FL0 5 0 0 0 0 0

Agency Name: PALM BEACH COUNTY SHERIFF'S OFFICE

Agency Report Number: 06-24-039615

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: 1

Location of Arrest (including Name of Business): HYPOLUXO RD (E) OF RIVERMILL RD BOYNTON BEACH FL

Location of Offense (Business Name. Address): HYPOLUXO RD (E) OF RIVERMILL RD, BOYNTON BEACH FL

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
03/02/2024	0050					PRIORITY TOWING

DEFENDANT

Name (Last, First, Middle): Kemp, Kelly, Thomas

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	9/1/1996	5'09	190	BLU	BRO	FAIR	MED

Scars, Marks, Tattoos, Unique Physical Features (Location, Type, Description): NONE

Marital Status: Single

Religion: CHRISTIAN

Indication of: Alcohol Influence ☐ Y ☐ N ☐ Unk; Drug Influence ☐ Y ☐ N ☐ Unk

Local Address (Street, Apt. Number) (City) (State) (Zip): 617 Nw 7th Ter, Boca Raton, FL 33486

Mobile Phone: (561) 350 3782

Residence Type: 1. City 2. County 3. Florida 4. Out of State: 2

Permanent Address (Street, Apt. Number) (City) (State) (Zip): 7153 COLONY CLUB DR, BOYNTON BEACH FL 33432

Phone: ( )

Address Source: DEFENDANT

Business Address (Name, Street) (City) (State) (Zip)

Phone: ( )

Occupation: MANAGER CAR RENTAL

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
K510518963210, FL	[redacted]		BOCA RATON FL	US

CO-DEF

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

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

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) 355-6511) 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. Barbiturate, 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	1	☐ Y ☒ N	316.193(1)A	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
		N/A	24-039615		

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐ Y ☐ N		

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

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐ Y ☐ N		

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

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
		☐ Y ☐ N		

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

NOTICE TO APPEAR

Location (Court, Room Number, Address): 3228 GUN CLUB RD WEST PALM BEACH FL 33406

Court Date and Time: Month MARCH Day 21 Year 2024 Time 0800 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: 03/02/2024

I consent to receive text reminders of court date(s) and times for this case by automated technology to the mobile number identified above. I understand that standard text message rates may apply, and that I may revoke this consent via the text message system if I choose. Signature

ADMIN

HOLD for other agency

☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other:

Signature of Arresting Officer: X

Name of Arresting Officer (Print): INV. E.K. WHITE — I.D. #: 7209

Name Verification (Printed by Arrestee) (PRINT)

Witness here if subject signed with an "X"

Intake Deputy — I.D. # 18342 — Pouch #

Transporting Officer: INV. E.K. WHITE — I.D. #: 7209 — Agency: PBSO

PAGE 1 OF 1

PBSO #0148 REV. 11/22 DISTRIBUTION: COURT COPY STATE ATTORNEY AGENCY AGENCY DEFENDANT (N.T.A.'s ONLY)

NOT A CERTIFIED COPY

PROBABLE CAUSE AFFIDAVIT

OBTS Number:

1 Arrest 2 NTA 3 Request for Warrant 4 Request for Capias | 1 | Juvenile: N

ADMIN

Agency ORI Number: FLO 5 0 0 0 0 0 | Agency Name: PALM BEACH COUNTY SHERIFF'S OFFICE | Agency Report Number: 24-039615

Charge Type (Check as many as apply): ☐ 1 Felony ☐ 3 Misdemeanor ☐ 5 Ordinance ☐ 2 Traffic Felony ☒ 4 Traffic Misdemeanor ☐ 6 Other

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
Kemp, Kelly, Thomas		W	M	9/1/1996

CHARGES

Charge Description	Charge Description
DUI 316.193(1)A	
Charge Description	Charge Description

VICTIM

Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth
, ,			

Local Address (Street, Apt Number) (City) (State) (Zip)	Phone	Address Source
,	( )	
Business Address (Name, Street) (City) (State) (Zip)	Phone	Occupation
	( )	

PROBABLE CAUSE STATEMENT

The undersigned certifies and swears that I have just and reasonable grounds to believe, and do believe that the above named Defendant committed the listed violation(s) of law.
The Person taken into custody:

☐ committed the below acts in my presence.
☐ was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.
☐ confessed to _____ admitting to the below facts.
☒ was found to have committed the below acts, resulting from my (described) investigation.

On the 2 day of MARCH 20 24 at 0015 ☒ A.M ☐ P.M (Specifically include facts constituting cause for arrest.)

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

On Saturday, March 2, 2024 at approximately 0019 hours, I responded to Hypoluxo Rd, east of Rivermill Rd, Boynton Beach (Palm Beach County) Florida to assist Deputy Joshua White with a traffic stop with the driver possibly being impaired. Upon my arrival I noticed a white vehicle stopped in the west left turn lane on Hypoluxo Rd. A white male was leaning against the white vehicle. D/S White's patrol vehicle was stopped behind the white vehicle with his emergency lights activated. I spoke with D/S White who wrote the following sworn witness statement on a probable cause affidavit: On 03/02/2024 at approximately 0015 hours, I observed a White KIA K5 (FL Tag- LKWK98) traveling Eastbound on Hypoluxo Rd, approaching Military Trail. The KIA was going approximately 70 Mph (Verified by Pace Asset 70090 02/28/2024). I observed the vehicle continue to fluctuate between 60-70 mph despite my vehicle being position directly behind him.

After conducting a traffic stop, I approached the driver side of the vehicle, and identified Kelly Kemp as the driver and sole occupant of the vehicle. Upon inspection of Kemp, I observed glossy eyes, slurred speech, and an odor of an unknown alcoholic beverage. Kemp utilized the vehicle to maintain balance when asked to stand outside of the vehicle.
Kemp made statements that he was at a friends house, originally stating that he had nothing to drink prior to the stop, however when asked by another Deputy on scene, he stated [redacted]

Based on my observations, I contacted DUI Investigator White (7209):
I made contact with the driver who was currently leaning against his vehicle. He was later identified as Kelly Thomas Kemp by his Florida driver license. His face was flushed, eyes were red, watery and glossy, lips were dried and chapped and I could smell a strong odor of an unknown alcoholic beverage emanating from his breath. He was wearing gray pants, a green shirt and brown shoes. The laces on his left shoe was untied and hanging off it.

NOT A CERTIFIED COPY

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

INV. E.K. WHITE
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 2 day of MARCH 20 24 by INV. E.K. WHITE

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

Notary Public, Clerk of Court, Officer (F.S.S). 117, 10)

THOMAS HENRY LEAHEY
Notary Public - State of Florida
Commission # HH 408332
My Comm. Expires Feb 20, 2027
Bonded through National Notary Assn.

PAGE 1 OF 2

PBSO #0004 REV. 12/22 DISTRIBUTION: STATE ATTORNEY, OFFICE OF AGENCY (FOR OFFICIAL USE ONLY)

PROBABLE CAUSE AFFIDAVIT

OBTS Number | 1 Arrest 2 NTA 3 Request for Warrant 4 Request for Capias | 1 | Juvenile N

ADMIN

Agency ORI Number: FLO 5 0 0 0 0 0 | Agency Name: PALM BEACH COUNTY SHERIFF'S OFFICE | Agency Report Number: 24-039615

Charge Type (Check as many as apply): ☐ 1 Felony ☐ 3 Misdemeanor ☐ 5 Ordinance ☐ 2 Traffic Felony ☒ 4 Traffic Misdemeanor ☐ 6 Other | Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
Kemp, Kelly, Thomas		W	M	9/1/1996

CHARGES

Charge Description	Charge Description
DUI 316.193(1)A	
Charge Description	Charge Description

VICTIM

Victim's Name (Last, First, Middle)	Race	Sex	Date of Birth
, ,			

Local Address (Street, Apt Number) (City) (State) (Zip)	Phone	Address Source
,	( )	
Business Address (Name, Street) (City) (State) (Zip)	**Phone**	**Occupation**
	( )	

PROBABLE CAUSE STATEMENT

The undersigned certifies and swears that I have just and reasonable grounds to believe, and do believe that the above named Defendant committed the listed violation(s) of law.
The Person taken into custody:

☐ committed the below acts in my presence.
☐ was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.
☐ confessed to _____ admitting to the below facts.
☒ was found to have committed the below acts, resulting from my (described) investigation.

On the 2 day of MARCH 20 24 at 0015 ☒ A.M ☐ P.M *(Specifically include facts constituting cause for arrest.)*

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

I told him he was stopped for excessive speed. The stopping deputy suspected him to had been drinking an unspecified amount of alcoholic beverages. He told me he was visiting a friend for about four hours. I explained I shared the deputy's suspicion of his alcoholic beverage consumption. My suspicion was prompted by the previous indicators of impairment mentioned. Based on my suspicion I asked if he would perform Standardized Field Sobriety Tasks to determined if he was impaired while operating his vehicle. He obliged. Prior to his performance I asked if he had any physical issues with his body. I also asked if he was taking medication. He reported he neither has anything wrong with him physically, nor is he taking medication. I escorted him to a level surface that was smooth and free from any obstruction and debris. This area was well illuminated by ambient lighting and from the headlights of my patrol vehicle. I placed a yellow strip of tape on the surface that formed a line. The defendant identified the tape by announcing its color and placing his left foot on it when prompted to do so. The following tasks were explained, demonstrated and acknowledged by him prior to his performance: HGN, THE WALK AND TURN, ONE LEG STAND, FINGER TO NOSE AND THE ROMBERG ALPHABET RECITATION. His deficiencies were recorded on another form on this work packet. At the conclusion of the tasks, coupled with the deputy's observation of the defendant's vehicle in motion and my observation of personal indicators of impairment exhibited by the defendant, probable cause was established for DUI. I told the defendant he was being placed under lawful arrest for the charge. He was handcuffed (checked for proper fit) prior to being seated into the rear of my patrol vehicle. Priority Towing responded on a rotation request and impounded the defendant's vehicle to their lot. Meanwhile I began transport to the main jail's breath analysis facility for further processing. Upon our arrival I escorted the defendant into the facility and began a 20 minute observation period. During this time the defendant did not ingest anything into his body orally or otherwise. Neither did he regurgitate. Afterward I escorted him into the testing room and asked him to provide breath samples for the purpose of detecting his alcohol content. He refused. I read him implied consent and he told me he understood it. I asked if he would reconsider and provide breath samples and he refused again. He was deemed a "refusal" afterward. I advised him of his Constitutional Rights in which he acknowledged. I asked if he would consent to an interview and he obliged. After the interview he was booked into the main jail.

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

INV. E.K. WHITE
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 2 day of MARCH 20 24 by INV. E.K. WHITE

(Print name of Arresting/Investigative Officer) who is personally known to me and/or produced identification. Type of identification produced KNOWN

Notary Public, Clerk of Court, Officer (F.S.S). 117.10)

THOMAS HENRY LEAHEY
Notary Public - State of Florida
Commission # HH 408332
My Comm. Expires Jun 20, 2027
Bonded through National Notary Assn.

PAGE 2 OF 2

PBSO #0004 REV. 12/22 DISTRIBUTION: STATE ATTORNEY AGENCY AGENCY DEFENDANT (WHITE's ONLY)

NOT A CERTIFIED COPY

PROBABLE CAUSE AFFIDAVIT

OBTS Number

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

ADMIN

Agency ORI Number	Agency Name	Agency Report Number
FLO 500000	PALM BEACH COUNTY SHERIFF'S OFFICE	06- 24039615

Charge Type: Check as many as apply — 1 Felony; 2 Traffic Felony; 3 Misdemeanor; [x] 4 Traffic Misdemeanor; 5 Ordinance; 6 Other

Special Notes: **PC SUPP**

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
KEMP KELLY		W	M	09/01/1996

CHARGES

D.U.I.	316.193(1)

VICTIM

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

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

- [ ] committed the below acts in my presence
- [ ] confessed to _____ admitting to the below facts
- [ ] was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.
- [x] was found to have commited the below acts, resulting from my (described) investigation

On the 2ND day of FEBRUARY 20 24 at 0050 [x] A.M. [ ] P.M. (Specifically include facts constituting cause for arrest.)

PROBABLE CAUSE STATEMENT

[ ] Marsy's Law Cvl
FL Const. Art.1 § 16(b)

On 03/02/2024 at approximately 0015 hours, I observed a White KIA K5 (FL Tag- LKWK98) traveling Eastbound on Hypoluxo Rd, approaching Military Trail. The KIA was going approximately 70 Mph (Verified by Pace Asset 70090 02/28/2024). I observed the vehicle continue to fluctuate between 60-70 mph despite my vehicle being position directly behind him.

After conducting a traffic stop, I approached the driver side of the vehicle, and identified Kelly Kemp as the driver and sole occupant of the vehicle. Upon inspection of Kemp, I observed glossy eyes, slurred speech, and an odor of an unknown alcoholic beverage. Kemp utilized the vehicle to maintain balance when asked to stand outside of the vehicle.

Kemp made statements that he was at a friends house, originally stating that he had nothing to drink prior to the stop, however when asked by another Deputy on scene, [redacted]

Based on my observations, I contacted DUI Investigator White (7209).

This case is turned over to DUI Investigator White.

NOT A CERTIFIED COPY

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH
J. WHITE (ID #) 38632
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 2 day of FEBRUARY 20 24 by J. WHITE 38632

(Print name of Arresting/Investigative Officer), who is personally known to me and/or produced identification, type of identification produced KNOWN

INV. J.K. WHITE 7209

Notary Public, Clerk of Court, Officer (F.S.S. 117.10)

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 2 DAY OF MARCH 20 24, AT 0015 ✓AM PM

SUBJECT: Kemp, Kelly, Thomas CASE NUMBER: 24-039615

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: INV. E.K. WHITE

PERSONAL CONTACT

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

SEE PC AFFIDAVIT

OBSERVATION OF DRIVER:

SEE PC AFFIDAVIT

DRIVER'S STATEMENTS:

SAID HE WAS VISITING A FRIEND FOR FOUR HOURS. I LIVE RIGHT AROUND THE CORNER

ODORS:

STRONG ODOR OF AN UNKNOWN ALCOHOLIC BEVERAGE COMING FROM THEIR BREATH.

GENERAL OBSERVATIONS

SPEECH: **NORMAL**

ATTITUDE: **COOPERATIVE,APOLOGETIC**

CLOTHING: **LOOSE, UNTIED LACES ON SHOE**

MEDICAL/OTHER: **NONE**

NOT A CERTIFIED COPY

STATE OF FLORIDA
COUNTY OF PALM BEACH

INV. E.K. WHITE
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 2 day of MARCH 20 24 by INV. E.K. WHITE

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

Notary Public, Clerk of Court, Officer (F.S.S 117.10)

THOMAS HENRY LEAHEY
Notary Public - State of Florida
Commission # HH 408332
My Comm. Expires Jun 20, 2027
Bonded through National Notary Assn.

STATE OF FLORIDA

AFFIDAVIT OF REFUSAL TO SUBMIT TO

BREATH TEST

I, INV. E.K. WHITE, a duly certified Law Enforcement Officer or Correctional Officer,
(Person reading Implied Consent Warning)

am a member of Palm Beach County Sheriffs Office, and I do swear
(Name of enforcement agency)

or affirm that on or about the SECOND day of March, 2024, at 12:50 AM

DRIVER KELLY THOMAS KEMP,
(Type or Print) FIRST MIDDLE OR MAIDEN LAST

DL # K510518963210, state of FL, was placed under lawful arrest for

the offense of DUI by INV. E.K. WHITE and
(Name of Arresting Officer)

issued Citation # AIKV0IE.

That on or about the SECOND day of March, 2024, at 1:44 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 Corrctional Officer

THE AFFIDAVIT MUST BE NOTARIZED OR ATTESTED TO (s. 117.10, F.S.)

THOMAS HENRY LEAHEY
Notary Public - State of Florida
Commission # HH 408332
My Comm. Expires Jun 20, 2027
Bonded through National Notary Assn.

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 02 day of March, 2024, by Inv E K White #7209 who is personally known to me or who has produced Known 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.

NOT A CERTIFIED COPY

****EFFECTIVE OCTOBER 1, 2021****

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

PBSO CASE # **24-039615** PBSO ZONE **6-21**

AGENCY CASE # _____ CRASH CASE # _____

TIME OF STOP/CRASH **0015** DATE **03/02/2024** DAY **Saturday**

SUBJECT'S NAME **Kemp, Kelly, Thomas** RACE **W** SEX **M**

HGT **5'09** WGT **190** DOB **9/1/1996**

LOCATION **HYPOLUXO RD (E) OF RIVERMILL RD BOYNTON BEACH FL**

ARRESTING OFFICER'S NAME & ID **INV. E.K. WHITE (7209)** AGENCY **Palm Beach County Sheriff's Office**

DIVISION: **TRAFFIC/DUI**

NOTIFIED BY COMMO **YES**

ARRIVAL AT FACILITY 0119

ARREST TIME **0050**

BREATH RESULTS:

1) REFUSED

2)

3)

4)

NOT A CERTIFIED COPY

TESTING OFFICER'S ID 19183 PBSO VIDEOTAPE # _____

SUBJECT: Kemp, Kelly, Thomas **CASE NUMBER** 24-039615

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

- [x] LT EYE-LACK OF SMOOTH PURSUIT
- [x] RT EYE-LACK OF SMOOTH PURSUIT
- [x] LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- [x] RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- [x] LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES
- [x] RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Other Observations:

Defendant was asked to stand erect with their feet together. They were told to remain in this position until the task was completed. They were asked to identify the stimulus that was held in front of their face. Afterward they were asked to follow the stimulus with their eyes and not to turn their head. They understood the instructions. The defendant showed equal pupil size and had no resting Nystagmus. During the tasks the defendant lacked smooth pursuit in both eyes. I saw distinct and sustained Nystagmus in both eyes. I saw an onset of Nystagmus prior to 45 degrees in both eyes. The defendant had to me reminded to keep his hands out of his pockets.

WALK & TURN:

THE DEFENDANT WAS PLACED IN THE INSTRUCTIONAL STANCE FOR THE WALK AND TURN. THIS TASK WAS EXPLAINED AND DEMONSTRATED TO THE DEFENDANT. THE DEFENDANT ACKNOWLEDGED THE INSTRUCTIONS PRIOR TO PERFORMING THIS TASK: During the walking phase subject missed heel to toe and stepped of line

ONE LEG STAND:

THE DEFENDANT WAS PLACED IN THE INSTRUCTIONAL STANCE FOR THE ONE LEG STAND. THIS TASK WAS EXPLAINED AND DEMONSTRATED TO THE DEFENDANT. THE DEFENDANT ACKNOWLEDGED THE INSTRUCTIONS PRIOR TO PERFORMING THIS TASK: During his performance he failed to look down at his elevated foot as instructed

FINGER TO NOSE:

THE DEFENDANT WAS PLACED IN THE INSTRUCTIONAL STANCE FOR THE FINGER TO NOSE. THIS TASK WAS EXPLAINED AND DEMONSTRATED TO THE DEFENDANT. THE DEFENDANT ACKNOWLEDGED THE INSTRUCTIONS PRIOR TO PERFORMING THIS TASK: Subject failed to return his arms to his side after making contact with his nose.

ROMBERG ALPHABET:

THE DEFENDANT WAS PLACED IN THE INSTRUCTIONAL STANCE FOR THE ROMBERG ALPHABET TASK. THIS TASK WAS EXPLAINED AND DEMONSTRATED TO THE DEFENDANT. THE DEFENDANT ACKNOWLEDGED THE INSTRUCTIONS PRIOR TO PERFORMING THIS TASK: Subject recited the alphabet correctly.

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

INV. E.K. WHITE
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 2 day of MARCH 2024 by INV. E.K. WHITE

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

Notary Public, Clerk of Court, Officer (F.S.S 117.10)

THOMAS HENRY LEAHEY
Notary Public - State of Florida
Commission # HH 408332
My Comm. Expires Jun 20, 2027
Bonded through National Notary Assn.

NOT A CERTIFIED COPY

WITNESS LIST

CASE NUMBER: 24-039615

ARRESTING OFFICER: INV. E.K. WHITE

ADDRESS: TRAFFIC/DUI

PHONE NUMBERS (HOME): _____ (WORK) 863 227 4287

CAN TESTIFY TO: FACTS

NAME: D/S JOSHUA WHITE

ADDRESS: DIST 6

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

CAN TESTIFY TO: STOPPING THE VEHICLE FOR A TRAFFIC VIOLATION

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: _____

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: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NOT A CERTIFIED COPY

TESTING FACILITY TASK REPORT

AGENCY: PBSO

SUBJECT: Kemp, Kelly T

CASE NUMBER: 24-039615

DATE: Mar 2, 2024

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 0142

ENDING TIME: 0150

BREATH TESTS RESULTS: 1) R TIME 0144 A.M. ☒ P.M. ☐ 2) n/a TIME 0 A.M. ☒ P.M. ☐

3) n/a TIME 0 A.M. ☐ P.M. ☐ 4) n/a TIME 0 A.M. ☐ P.M. ☐

BREATH OPERATOR: Thomas H Leahey #19183

MAINTENANCE TECHNICAN: Jason Karlecke #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: slurred

ATTITUDE: cooperative

CLOTHING: gray pants, blue s/s shirt, brown shoes

MEDICAL CONDITIONS: none

MEDICATIONS: none

OTHER:

eyes are glassy & bloodshot
odor of unknown alcoholic beverage on breath

COMMENTS:

arrived at center A/O conducted 20 minute observation period 0119 hrs

subject refused to perform breath test

A/O read I/C & subject understood I/C

subject refused to perform breath test

A/O called refusal @ 0144

A/O read rights & subject understood rights

A/O attempted Q&A

subject invoked right to counsel

NOT A CERTIFIED COPY

SUBJECT: Kemp, Kelly, Thomas CASE NUMBER 24-039615

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS:

- [x] LT EYE-LACK OF SMOOTH PURSUIT
- [x] RT EYE-LACK OF SMOOTH PURSUIT
- [x] LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- [x] RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION
- [x] LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES
- [x] RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Other Observations:

Defendant was asked to stand erect with their feet together. They were told to remain in this position until the task was completed. They were asked to identify the stimulus that was held in front of their face. Afterward they were asked to follow the stimulus with their eyes and not to turn their head. They understood the instructions. The defendant showed equal pupil size and had no resting Nystagmus. During the tasks the defendant lacked smooth pursuit in both eyes. I saw distinct and sustained Nystagmus in both eyes. I saw an onset of Nystagmus prior to 45 degrees in both eyes. The defendant had to me reminded to keep his hands out of his pockets.

WALK & TURN:

THE DEFENDANT WAS PLACED IN THE INSTRUCTIONAL STANCE FOR THE WALK AND TURN. THIS TASK WAS EXPLAINED AND DEMONSTRATED TO THE DEFENDANT. THE DEFENDANT ACKNOWLEDGED THE INSTRUCTIONS PRIOR TO PERFORMING THIS TASK: During the walking phase subject missed heel to toe and stepped of line

ONE LEG STAND:

THE DEFENDANT WAS PLACED IN THE INSTRUCTIONAL STANCE FOR THE ONE LEG STAND. THIS TASK WAS EXPLAINED AND DEMONSTRATED TO THE DEFENDANT. THE DEFENDANT ACKNOWLEDGED THE INSTRUCTIONS PRIOR TO PERFORMING THIS TASK: During his performance he failed to look down at his elevated foot as instructed

FINGER TO NOSE:

THE DEFENDANT WAS PLACED IN THE INSTRUCTIONAL STANCE FOR THE FINGER TO NOSE. THIS TASK WAS EXPLAINED AND DEMONSTRATED TO THE DEFENDANT. THE DEFENDANT ACKNOWLEDGED THE INSTRUCTIONS PRIOR TO PERFORMING THIS TASK: Subject failed to return his arms to his side after making contact with his nose.

ROMBERG ALPHABET:

THE DEFENDANT WAS PLACED IN THE INSTRUCTIONAL STANCE FOR THE ROMBERG ALPHABET TASK. THIS TASK WAS EXPLAINED AND DEMONSTRATED TO THE DEFENDANT. THE DEFENDANT ACKNOWLEDGED THE INSTRUCTIONS PRIOR TO PERFORMING THIS TASK: Subject recited the alphabet correctly.

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

INV. E.K. WHITE
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 2 day of MARCH 2024 by INV. E.K. WHITE

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

Notary Public, Clerk of Court, Officer (F.S.S. 117.10)

THOMAS HENRY LEAHEY
Notary Public - State of Florida
Commission # HH 408332
My Comm. Expires Jun 20, 2027
Bonded through National Notary Assn.

NOT A CERTIFIED COPY

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	3,5
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	7-8
	☐	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	☐			
	☐			
	☐			
	☐			

NOT A CERTIFIED COPY

REVIEW COMPLETED BY

Booking Number: 2024005762	**Date:** 3/2/2024
	Specialist Name/ID#: C.Daniels 30347