UU75681

0545681 23CT22430MB

3765

☐ Marsy's Law invoked - CVI present

ARREST / NOTICE TO APPEAR

O. On-View 3. Request for Warrant S. Summons T. Taken into Custody

O | JUVENILE ☐

ADMINISTRATION

OBTS Number	Agency ORI Number	Agency Name	Agency Report Number (N.T.A.'s only)
	0500800	West Palm Beach Police Department	9 4 2023-0021501

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: UNARMED

Multiple Clearance Indicator:

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
200 S QUADRILLE BLVD, WPB, FL 33401	200 S QUADRILLE BLVD, WEST PALM BEACH, FL 33401

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
12/16/2023	02:21	12/16/2023	02:31			

DEFENDANT

Name (Last, First, Middle): KOLEK, MATTHEW JAMES

Alias: Alias (Name, DOB, Soc. Sec. #, Etc.)

Race (W - White, B - Black, I - American Indian, A - Asian)	Sex	Date of Birth	Height	Weight	Eye Color	Hair Color	Complexion	Build
W	M	11/09/1977	5'09	180	BROWN	BROWN	LIGHT	Medium

Scars, Marks, Tatoos, Unique Physical Features (Location, Type, Description):

Marital Status: M | Religion:

Indication of: Alcohol Influence ☒ Yes ☐ No ☐ Unk. Drug Influence ☐ Yes ☒ No ☐ Unk.

Local Address (Street, Apt. Number)	(City)	(State)	(Zip)	Home Phone	Residence Type: 1. City 2. County 3. Florida 4. Out of State	
20062 SE GALLBERRY DRIVE, JUPITER, FL 33458						1
Permanent Address (Street, Apt. Number)	**(City)**	**(State)**	**(Zip)**	**Mobile Phone**	**Address Source**	
20062 SE GALLBERRY DRIVE, JUPITER, FL 33458					DL	
Business Address (Name, Street)	**(City)**	**(State)**	**(Zip)**	**Work Phone**	**Occupation**	

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
K420550774090 / FL	[redacted]		POLAND, Poland	US

CO-DEF

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

JUVENILE

☐ Parent ☐ Other: ☐ Legal Custodian | 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 Department and Released 2. TOT JAC 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 355-2526) informed of any change of address.
☐ Yes, by: ☐ No:

School Attended | Grade

CODE

Drug Activity: N. N/A P. Possess S. Sell B. Buy T. Traffic R. Smuggle D. Deliver E. Use K. Disperse/ 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	Statute Violation Number	Violation of ORD #
DUI-DAMAGE TO PERSON/PROPERTY	316.193(3C1)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
	N	/		1	☐ Y ☒ N	23-21501	

Property Crime? ☒ Yes ☐ No | Description of Property: HONDA CIVIC | Value of Property: $5,000

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
		/			☐ Y ☐ N		

CHARGE

Charge Description	Statute Violation Number	Violation of ORD #

Drug Activity	Drug Type	Amount / Unit	Offense #	Counts	Domestic Violence	Warrant / Capias Number	Bond
		/			☐ Y ☐ N		

INTAKE

Health / Apparent Physical Condition of Defendant:

Any knowledge of the following: ☐ Mental ☐ Escape Risk ☐ Medication ☐ Deformities ☐ Injuries
Explain:

Check which applies: ☐ Released O.R. ☐ Released to Parent/Guardian ☐ T.O.T. County Jail ☐ Posted Bond ☐ South County Mental Health

PROPERTY - Received By | Released By | Released To

Transported By | Date Transported | Time Transported | Other

NOTICE TO APPEAR

☒ INSTRUCTION NO. 1 - Mandatory appearance in court
☐ INSTRUCTION NO. 2 - You need not appear in Court but must comply with instructions on Page 2.

Location (Court, Room): Criminal Justice — CRIMINAL JUSTICE COMPLEX
Court Date and Time: 01/16/2024 08:30:00 — 3228 GUN CLUB ROAD

No Photo Available

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.

FILED PBC - GUN CLUB
23 DEC 16 AM 9:57

Signature of Defendant (or Juvenile and Parent/Custodian) | Date Signed

I CONSENT TO RECEIVE REMINDERS OF COURT DATE(S) AND TIMES FOR THIS CASE BY TEXT MESSAGE TO THE NUMBER IDENTIFIED HERE.
I UNDERSTAND THAT STANDARD TEXT MESSAGE RATES MAY APPLY
AND THAT I MAY REVOKE THIS CONSENT VIA THE TEXT MESSAGE SYSTEM IF I CHOOSE.

INITIAL

ADMIN

HOLD for Other Agency:
☐ Dangerous ☐ Resisted Arrest ☐ Suicidal ☐ Other

Intake Deputy | I.D. # | Pouch #

Signature of Arresting Officer

Name of Arresting Officer (Print): BOGAERT, CASSANDRA | I.D. #: 02218

Transporting Officer: OFC. BOGAERT | I.D. #: 2218 | Agency: WEST

Name Verification (Printed by Arrestee) (PRINT)

Witness here if subject signed with an "X".

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DUI PROBABLE CAUSE AFFIDAVIT

On the 16 Day of December at 0018 A.M. P.M.

Subject: Kolek, Matthew Case Number: 20230021501

Agency: West Palm Beach Police Department Arresting Officer: Ofc. Bogaert

Personal Contact

Driving Pattern Actual physical control (physical evidence putting the driver behind the wheel)

On December 16, 2023, at approximately 0018 hrs. I was dispatched to the intersection of S Quadrille Blvd and Datura St. in reference to a traffic crash. Upon arrival, I observed a black Tesla S (FL 62AMTV) facing southbound on S Quadrille Blvd. and a silver Honda Civic (FL AU97CF) in the middle of S Quadrille Blvd. The sole occupant of the Tesla was identified as Matthew Kolek (11/09/1977) via Florida State Driver License.

While on scene, a sworn statement was provided by a wheel witness, Anthony Hyde (11/15/88), who advised that Kolek was the sole occupant of the vehicle. Hyde advised that he observed Kolek driving the Tesla and exiting the vehicle prior to police arrival.

Observation of Driver

Kolek was sitting on the curb of s Quadrille Blvd. slumped over. I smelled a strong odor of an unknown alcoholic beverage coming from Kolek's breath. Kolek eyes were glossy and red. Kolek could not stand on his own ability and swayed while walking. Kolek believed he was in Palm Beach Gardens, FL.

Drivers Statements:

Kolek was not able to make any coherent statements

Odors:

I smelled a strong odor of an unknown alcoholic beverage coming from Kolek's breath.

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General Observations

Speech: Slurred/Thick

Attitude: Calm

Clothing: Blue shirt, Blue Pants, and Black shoes

Medical Problems/Medications: Unknown

Other:

DUI PROBABLE CAUSE AFFIDAVIT

Subject: Kolek, Matthew **Case Number:** 20230021501

Roadside Tasks

Horizontal Gaze Nystagmus

- ☐ Left Eye Does Not Follow Smoothly
- ☐ Left Eye Jerks at 45 Degree Angle or Less
- ☐ Distinct Jerking Left Eye at Maximum Deviation
- ☐ Right Eye Does Not Follow Smoothly
- ☐ Right Eye Jerks at 45 Degree Angle or Less
- ☐ Distinct Jerking Right Eye at Maximum Deviation

Walk and Turn Task

Standardized field sobriety tasks could not be conducted, due to Kolek's extreme impairment as he could not stand on his own ability and had extreme difficulty keeping balance to the point where it would be potentially harmful for Kolek to conduct the standardized field sobriety tasks.

One Leg Stand

Standardized field sobriety tasks could not be conducted, due to Kolek's extreme impairment as he could not stand on his own ability and had extreme difficulty keeping balance to the point where it would be potentially harmful for Kolek to conduct the standardized field sobriety tasks.

Finger To Nose

Standardized field sobriety tasks could not be conducted, due to Kolek's extreme impairment as he could not stand on his own ability and had extreme difficulty keeping balance to the point where it would be potentially harmful for Kolek to conduct the standardized field sobriety tasks.

Romberg Balance

Standardized field sobriety tasks could not be conducted, due to Kolek's extreme impairment as he could not stand on his own ability and had extreme difficulty keeping balance to the point where it would be potentially harmful for Kolek to conduct the standardized field sobriety tasks.

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Breath Results from Instrument

1st Result	2nd Result	3rd Result (If Applicable)
.231	.237	

State of Florida

County of Palm Beach

The Following Instrument was notorized or sworn before me this 12/16/23 (DATE)

☐ Personaly Known ☐ Produced Identification ☐ Notary Public

J. Clerks #2148

Notary / Clerk of Courts / Officer (FSS: 117.10)

Signature of Arresting Officer

West Palm Beach Police Department
Breath Testing Facility Report

Defendant: Kolek, Matthew James **Case #:** 2023-0021501

Arresting Officer: C. Bogaert #2218 **Date:** 12/16/2023

Breath Test Resutls: .231 g/210L 0159 Time .237 g/210L 0201 Time

_____ g/210L _____ Time _____ g/210L _____ Time

Note: Times are in Military Time

Breath Operator: J. Charles #2148

Maintenance Technician Inv J Ingrassia #1857

Testing Officer Observations:

Speech: slurred, thick

Attitude: calm, cooperative

Clothing: blue shirt, navy blue pants, black shoes

Medical Conditions: None

Medications: None

Other: strong odor of unknown alcoholic beverage, glossy and red eyes

Arrival Time at Facility/ Time Twenty (20) Minute Observation Started: 0127

Comments:

A/O arrived at testing facility

A/O conducted 20 minute observation

A/O requested breath, defendant agreed

Defendant provided breath sample; results read

A/O read Miranda Warnings

A/O attempted Q&A; defendant refused

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

Instrument Type: Intoxilyzer 8000
Instrument Registered To: WEST PALM BEACH PD
Instrument Serial Number: 80-001235 Software: 8100.27
Date of Test: 12/16/2023

Date of Last Agency Inspection: 11/30/2023
Observation Period Began: 01:27
Subject's Name: MATTHEW J KOLEK DOB: 11/09/1977 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	01:55
Air Blank	0.000	01:56
Control Test	0.079	01:56
Air Blank	0.000	01:56
Subject Sample #1	0.231	01:59
Air Blank	0.000	01:59
Air Blank	0.000	02:01
Subject Sample #2	0.237	02:01
Air Blank	0.000	02:02
Control Test	0.077	02:02
Air Blank	0.000	02:03
Diagnostics Check	OK	02:03

Cylinder Lot: 02422080A1
Exp: 02/05/2024

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 JAMESLOO CHARLES, 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: J. Charles #2148 Date: 12/16/2023
Signature

Sworn to (or affirmed) before me this 16 day of December, 2023

Signature of Notary Public-State of Florida

C. Bogaert
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: Kolek, Matthew CASE NUMBER: 23-21501

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.

-OR-

I am now requesting that you submit to a lawful test of your BLOOD for the purpose of detecting its alcohol content and the presence of chemical or controlled substances.

NOTE: READ ONLY IF THE SUBJECT DOES NOT COMPLY WITH YOUR REQUEST.

I am PC Boyaert of the West Palm Beach Police.

If you fail to submit to the test I have requested of you, your privilege to operate a motor vehicle will be suspended for a period of one (1) year for a first refusal, or eighteen (18) months if your privilege has been previously suspended as a result of a refusal to submit to a lawful test of your breath, urine or blood. Additionally, if you refuse to submit to the test I have requested of you and if your driving privilege has been previously suspended for a prior refusal to submit to a lawful test of your breath, urine or blood, you will be committing a misdemeanor. Refusal to submit to the test I have requested of you is admissible into evidence in any criminal proceeding.

SUBJECT'S 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) Read on Camera

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SUBJECT: Kolek, Matthew CASE NUMBER: 23-21501

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? No

WHERE WERE YOU GOING? — Refused

WHAT STREET OR HIGHWAY WERE YOU ON? No

DIRECTION OF TRAVEL? No WHERE DID YOU START? No

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? Refused

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: Dpc. Bogaert

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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: 2023032907	**Date:** 12/16/2023
	Specialist Name/ID#: ANGELA PINKNEY/7796