23CT 11642 SB

05541614

3928

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

☐ Check if Supplement is Attached

ARREST / NOTICE TO APPEAR
Juvenile Referral Report

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

Juvenile: 1 — N

ADMINISTRATIVE

OBTS Number

Agency ORI Number: FLO 5 0 0 0 0 0 0

Agency Name: PALM BEACH COUNTY SHERIFF'S OFFICE

Agency Report Number: 06-23084974

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 01

Multiple Clearance Indicator: 1

Location of Arrest (including Name of Business): 9655 W BOYNTON BEACH BLVD Boynton Beach, FL 33425

Location of Offense (Business Name, Address): BOYNTON BEACH BLVD & HAGEN RANCH RD Boynton Beach, FL 33425

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
07/02/23	2228					

DEFENDANT

Name (Last, First, Middle): BENNETT MAXWELL

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	11/20~~1979~~ 1997	603	200	BROWN	BROWN	MEDIUM	MED

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

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

Local Address (Street, Apt. Number) (City) (State) (Zip): 6242 TERRA ROSE CIR BOYNTON BEACH, FL 33472

Mobile Phone: 5613743536

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

Permanent Address (Street, Apt. Number) (City) (State) (Zip): SAME

Phone: SAME

Address Source: DL/DEF

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

Phone: UNKNOWN

Occupation: UNKNOWN

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
B530552974200	[redacted]	N/A	FL BOYNTON	usa

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 #	Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
D.U.I. PROPERTY DAMAGE	1	☐ Y ☒ N	316.193(3C1)		N	N				OR

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #	Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
Willfully Refusing to sign citation	1	☐ Y ☒ N	318.14(3)							OR

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #	Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
	n/a	☐ Y ☐ N	n/a	n/a						

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #	Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
		☐ Y ☐ N								

NOTICE TO APPEAR

Location (Court, Room Number, Address): South County Courthouse, 200 W. Atlantic Avenue, Courtroom #1, Delray Beach, FL 33444

Court Date and Time: Month AUGUST Day 3 Year 2023 Time 0830 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: 07/02/23

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:

Intake Deputy J. DUNN 38/162 I.D. # Pouch #

Signature of Arresting Officer: X

Name of Arresting Officer (Print): Raymond D Thomas Jr I.D. # 42088

Transporting Officer: Raymond D Thomas Jr I.D. # 42088 Agency PBSO

Name Verification (Printed by Arrestee) (PRINT)

Witness here if subject signed with an "X"

PAGE 1 OF 1

PBSO #0148 REV. 01/23 DISTRIBUTION: COURT COPY STATE ATTORNEY AGENCY AGENCY DEFENDANT (N.T.A.'s ONLY)

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FILED PBC - GUN CLUB
23 JUL 3 AM 8:20

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

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PBSO CASE # **23084974** PBSO ZONE **6-42**

AGENCY CASE # _____ CRASH CASE # **23-084966**

TIME OF STOP/CRASH **2134** DATE **07/02/2023** DAY **Sunday**

SUBJECT'S NAME **BENNETT** (LAST) **MAXWELL** (FIRST) _____ (MID)

DOB **11/20/1979** HGT **603** WGT **200** RACE **W** SEX **M**

LOCATION **BOYNTON BEACH BLVD & HAGEN RANCH RD** **Boynton Beach, FL 33425**

ARRESTING OFFICER'S NAME & ID **Raymond D Thomas Jr** **42088** **Palm Beach County Sheriff's Office** (AGENCY)

DIVISION: **Road Patrol**

NOTIFIED BY COMMO **YES**

ARRIVAL AT FACILITY **2257**

ARREST TIME **2228**

BREATH RESULTS:

1) **REFUSED**
2) _____
3) _____
4) _____

Shari O'Neal **#6212**
BAT TECH. OFFICER NAME & ID

_____
PBSO VIDEOTAPE #

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 2 DAY OF JULY 20 23 , AT 2134 ☐ AM ☒ PM

SUBJECT: BENNETT MAXWELL CASE NUMBER: 23084974

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: Raymond D Thomas Jr 42088

PERSONAL CONTACT

DRIVING PATTERN: ACTUAL PHYSICAL CONTROL (PHYSICAL EVIDENCE OR STATEMENTS PUTTING DEF. BEHIND WHEEL OF VEHICLE)

I RESPONDED TO THE AREA OF Hagen Ranch Rd and Boynton Beach Blvd. IN PALM BEACH COUNTY , FLORIDA, IN REFERENCE TO A TRAFFIC ACCIDENT WITH INJURIES.

UPON MY ARRIVAL IN THE AREA , I OBSERVED THE DRIVER MAXWELL BENNETT WHO WAS DRIVING A 2018 SILVER TOYOTA CAMRY BEARING FL TAG QXEX23. MAXWELL WAS UNSTEADY ON HIS FEET MOVING SIDE TO SIDE AND HAD A STRONG ODOR OF AN UNKNOWN ALCOHOL BEVERAGE EMITTING FROM HIS PERSON THAT GREW STRONGER AS HE SPOKE. HE WAS SLURRING HIS SPEECH AS WELL. INSIDE OF THE VEHICLE WAS AN EMPTY 12 OUNCE CAN OF COORS LITE AS WELL AS CLOSED CANS ON THE PASSENGER FLOORBOARD.

PRIOR TO MY ARRIVAL, SGT. SOLOWAY ID#8586 WAS ON SCENE AND OBSERVED MAXWELL PHYSICALLY IN CONTROL OF THE TOYOTA CAMRY (SEE SUPPLEMENT REPORT). LT. HOWELL (FAU POLICE DEPARTMENT) WAS DRIVING IN THE AREA AND HEARD THE IMPACT OF THE ACCIDENT CAUSING HIM TO PULL BEHIND THE VEHICLE. HOWELL WAS DRIVING AND OBSERVED MAXWELL BEHIND THE WHEEL.

OBSERVATION OF DRIVER:

MAXWELL WAS UNSTEADY ON HIS FEET MOVING SIDE TO SIDE AND HAD A STRONG ODOR OF AN UNKNOWN ALCOHOL BEVERAGE EMITTING FROM HIS PERSON THAT GREW STRONGER AS HE SPOKE. HE WAS SLURRING HIS SPEECH AS WELL. INSIDE OF THE VEHICLE WAS AN EMPTY 12 OUNCE CAN OF COORS LITE AS WELL AS CLOSED CANS ON THE PASSENGER FLOORBOARD

DRIVER'S STATEMENTS:

STATED THAT HE DIDN'T LIKE THE POLICE. REFUSED EVERYTHING

ODORS:

Odor of unknown alcoholic beverage

GENERAL OBSERVATIONS

SPEECH: **Slurred, Thick, Loud, Fast or slow, Rambling, Irrational, Boasting, Repetitive**

ATTITUDE: **Obnoxious, Inappropriate, Boisterous**

CLOTHING: **CLEAN AND NEAT**

MEDICAL/OTHER: **None**

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STATE OF FLORIDA
COUNTY OF PALM BEACH

Raymond D Thomas Jr 42088
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 2 day of JULY 20 23 by Raymond D Thom 42088

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

Cpl. B. Labrys #12782

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

SUBJECT: BENNETT MAXWELL CASE NUMBER 23084974

ROADSIDE TASKS

HORIZONTAL GAZE NYSTAGMUS / LIGHTED PEN STIMULUS TASK: SFST

☐ LT EYE-LACK OF SMOOTH PURSUIT

☐ RT EYE-LACK OF SMOOTH PURSUIT

☐ LT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION

☐ RT EYE-DISTINCT & SUSTAINED NYSTAGMUS AT MAX. DEVIATION

☐ LT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

☐ RT- EYE-ONSET OF NYSTAGMUS PRIOR TO 45 DEGREES

Other Observations:

DEFENDANT REFUSED TO DO THE TASK

WALK & TURN: SFST

DEFENDANT REFUSED TO DO THE TASK

ONE LEG STAND: REFUSED

Refused or Could not complete due to safety, medical or injury related reasons

FINGER TO NOSE: REFUSED

Refused or Could not complete due to safety, medical or injury related reasons

ROMBERG ALPHABET: REFUSED

Refused or Could not complete due to safety, medical or injury related reasons

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

Raymond D Thu 42088
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 2 day of JULY 20 23 by Raymond D Thu 42088

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

Cpl. B. Labrys #12782

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

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WITNESS LIST

CASE NUMBER: 23084974

ARRESTING OFFICER: RAYMOND D THOMAS

ADDRESS: PBSO 3228 GUN CLUB RD, WEST PALM BEACH, FL 33406

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

CAN TESTIFY TO: Facts of the case - DUI ARREST

NAME: SGT SOLOWAY #8586

ADDRESS: PBSO

PHONE NUMBERS (HOME) _____ (WORK) 5616883000

CAN TESTIFY TO: PUTTING DEFENDANT IN CONTROL OF VEHICLE, INDICATORS OF IMPAIRMENT

NAME: LT HOWELL

ADDRESS FAU POLICE 777 GLADES RD, BOCA RATON, FL 33431

PHONE NUMBERS (HOME) 561 297-3500 (WORK) SAME

CAN TESTIFY TO: INDICATORS OF IMPAIRMENT, DRIVER IN PHYSICAL CONTROL OF VEHICLE

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) 0

CAN TESTIFY TO: WITNESS

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

NAME: _____

ADDRESS _____

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: _____

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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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TESTING FACILITY TASK REPORT

AGENCY: PBSO D/S THOMAS #42088

SUBJECT: BENNETT, MAXWELL L.

CASE NUMBER: 23-084974

DATE: 07-02-23

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 23:16 HRS

ENDING TIME: 23:27 HRS

REFUSED

BREATH TEST RESULTS: 1) TIME 23:24 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: SLUR

ATTITUDE: AGITATED, SARCASTIC, OBNOXIOUS, UNCOOPERATIVE, DIFFICULT

CLOTHING: SHIRT-MULTI. COLORED/STRIPED PANTS- DRK GRAY

MEDICAL CONDITIONS: NONE

MEDICATIONS: NONE

OTHER:

EYES: RED, GLASSY

COMMENTS:

20 MIN. OBSERVATION CONDUCTED BY A/O THOMAS #42088

D WAS UNCOOPERATIVE ON AND OFF CAMERA, D WOULD NOT ANSWER BASIC FORMAT QUESTIONS.
A/O REQUESTED THE BREATH TEST.
D REFUSED THE REQUEST.
A/O READ THE IMPLIED CONSENT ON CAMERA SEVERAL TIMES.
D WAS BEING DIFFICULT, STATING HE DID NOT UNDERSTAND.
TAKING AS A REFUSAL.
C/W READ ON CAMERA TO THE D 2X'S.
Q&A REFUSED.

NOT A CERTIFIED COPY

STATE OF FLORIDA

AFFIDAVIT OF REFUSAL TO SUBMIT TO

BREATH TEST

I, Deputy RAYMOND THOMAS, 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 July, 2023, at 10:28 PM

DRIVER (Type or Print) MAXWELL (FIRST) LOGAN (MIDDLE OR MAIDEN) BENNETT (LAST),

DL # B530552974200, state of FL, was placed under lawful arrest for

the offense of DUI by Deputy RAYMOND THOMAS and
(Name of Arresting Officer)

issued Citation # AGY7VDE.

That on or about the SECOND day of July, 2023, at 11:24 PM

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.)

SHARI L. O'NEAL
Notary Public - State of Florida
Commission # GG 972080
My Comm. Expires Jun 25, 2024
Bonded through National Notary Assn.

(AFFIX SEAL)

The foregoing instrument was sworn and subscribed before me this 02 day of July, 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.

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

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PALM BEACH COUNTY
SHERIFF'S OFFICE
Florida State Statute Exemption Sheet

Palm Beach County Sheriff's Office – Arrests Only

	X	Florida State Statute	Description	Page Number(s)
L/E Exemptions	☐	119.071(2)(d)	Surveillance techniques, procedures and personnel; inventory of law enforcement resources, policies or plans pertaining to mobilization deployment or tactical operations.	
	☐	943.053, 943.0525	NCIC/FCIC/FBI and in-state FDLE/DOC.	
	☐	119.071(4)(c)	Undercover personnel.	
	☐	119.071(2)(f)	Confidential informants (CIs).	
	☐	119.071(2)(e)	Confession.	
Public Info. Exemptions	☐	985.04(1)	Juvenile offender records.	
	☐	119.071(h)(i)	Assets of a crime victim.	
	☐	395.3025(7)(a), 456.057(7)(a)	Medical information.	
	☐	394.4615(7)	Mental health information.	
	☐	119.071(4)(d)(2)(a)	Home address, telephone, Social Security number, date of birth, or photos of active/former LE personnel, spouses, and children.	
Florida Rules of Judicial Administration 2.420 (Rule of 23)	☒	(iii) 119.0714(1)(i)-(j), (2)(a)-(e)	Social Security, bank account, charge, debit, and credit card numbers.	2
	☐	(viii) 394.4615(7)	Clinical records under the Baker Act.	
	☐	(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	☐	119.071 (2)(J)	Other: The Victim's address in a Domestic Violence action on petitioner's request.	
	☐		Other:	

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REVIEW COMPLETED BY

Booking Number: 2023017247	**Date:** 7/3/2023
	Specialist Name/ID: M. Tooks #8557