Marsy's Law CVI FL. Const. Art.1 § 16(b) 0541359 23MM 4983 2097 ☐ 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

OBTS Number | | Juvenile: 1 | N

ADMINISTRATIVE

Agency ORI Number	Agency Name	Agency Report Number
FLO 5 0 0 0 0 0	PALM BEACH COUNTY SHERIFF'S OFFICE	0 6 - 23-080516 ( )

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: 0 1

Location of Arrest (Including Name of Business)	Location of Offense (Business Name, Address)
Boynton Beach Blvd and Sun Valley East Dr, Boynton Beach, FL 33473	Boynton Beach Blvd and Sun Valley East Dr, Boynton Beach, FL 33473

Date of Arrest	Time of Arrest	Booking Date	Booking Time	Jail Date	Jail Time	Location of Vehicle
06/19/2023	2129					Priority Towing

DEFENDANT

Name (Last, First, Middle): Nullman, Michael , H

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	1/2/1980	5'11	230	Bro	Bro	Med	Med

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

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

Local Address (Street, Apt. Number) (City) (State) (Zip): 8575 Breezy OAk Way, Boynton Beach, fL 33473

Mobile Phone: (954) 734-0200

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

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

Phone: ( )

Address Source: FL DL

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

Phone: ( )

Occupation: Lawyer

D/L Number, State	Soc. Sec. Number	INS Number	Place of Birth (City, State)	Citizenship
N455-548-80-062-0, FL	[redacted]		Miami, 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 ( )

(19 OK (21 OR

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 #
Driving Under the Influence	01	☐ Y ☒ N	316.193(1A)	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
N	N		23-080516		

CHARGE

Charge Description	Counts	Domestic Violence	Statute Violation Number	Violation of ORD #
Resist Without Violence	01	☐ Y ☒ N	843.02	

Drug Activity	Drug Type	Amount / Unit	Offense #	Warrant / Capias Number	Bond
N	N		23-080516		

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): Criminal Justice Complex, 3228 Gun Club Road, West Palm Beach, FL 33406 - Ph: (561) 688-4600

FILED PBC - GUN CLUB
'23 JUN 20 AM 7:33

Court Date and Time: Month July | Day 13 | Year 2023 | 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

I agree to appear. I do not agree to these charges — 06/19/2023

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

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 ☐ Suicidal ☐ Resisted Arrest ☐ Other:

Intake Deputy: J. Montreal I.D. # 7209 Pouch #

Signature of Arresting Officer

Name of Arresting Officer (Print): Inv. C. Ward I.D. # 16305

Transporting Officer: Inv. C. Ward I.D. # 16305 Agency: PBSO

Name Verification (Printed by Arrestee) (PRINT)

Witness here if subject signed with an "X"

PAGE 1 OF 1

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AB

PROBABLE CAUSE AFFIDAVIT

OBTS Number:

1 Arrest 2 NTA 3 Request for Warrant 4 Request for Capias

Juvenile

ADMIN

Agency ORI Number	Agency Name	Agency Report Number
FLO 5 0 0 0 0 0	PALM BEACH COUNTY SHERIFF'S OFFICE	23-080516

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

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
Nullman, Micheal,		W	M	2/22/1998

CHARGES

Charge Description	Charge Description
DUI 316.193(1)	
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 19 day of 6 20 23 at 2045 ☐ A.M ☒ P.M (Specifically include facts constituting cause for arrest.)

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

I responded to 8575 Breezy Oak Ln. in reference to a complaint of a subject who just left the residence who was possibly impaired and driving a Gray BMW bearing FL tag KVCM78. Upon my arrival, I observed this vehicle traveling westbound on Canyon Lakes Dr. The vehicle then made a right and began traveling northbound on Lyons Road. The vehicle was traveling in excess of 60 MPH in a posted 50 MPH zone. I pace clocked the vehicle speed using my PBSO vehicle #81958. The vehicle then made a right turn onto Boynton Beach Blvd. and began traveling eastbound. When the vehicle made the right turn, it did not turn onto the right lane, it turned onto the middle lane. The vehicle was traveling at 62mph in a posted 45 MPH zone on Boynton Beach Blvd. I pace clocked the vehicle using my PBSO vehicle #81958.

I conducted a traffic stop on this vehicle and made contact with the driver and sole occupant, Michael Nullman, who was identified by his FL DL.

In speaking with the driver, I observed his eyes to be red and glassy, there was an obvious odor of an unknown alcoholic beverage coming from his breath of which intensified as he spoke. The driver stated he was coming from home and did not consume any alcohol today. He later stated he drank one White Claw. Inv. C Ward was on scene and conducted a DUI investigation.

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ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

Sgt A Soloway 8586
(Signature of Arresting /Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this _____ day of _____ 20 23 by Sgt A Soloway 8586

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

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

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: 23-080516

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

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
Nullman, Michael , H		W	M	1/2/1980

CHARGES

Charge Description		Charge Description	
Driving Under the Influence	316.193(1A)	Resist Without Violence	843.02
Charge Description		Charge Description	

VICTIM

Victim s Name (Last, First, Middle)	Race	Sex	Date of Birth
State of Floirda, ,	--	--	--

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 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 19 day of June 20 23 at 2043 ☒ A.M ☐ P.M (Specifically include facts constituting cause for arrest.)

PROBABLE CAUSE STATEMENT

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

I was able to catch up to Sgt. Soloway who was behind the vehicle. My calibrated vehicle (PBSO Asset # 69640 Vin 1FM5K8AR6FGA09681) showed we were following the defendant at 62 mph in a 45 mph zone. Sgt. Soloway activated his lights and stopped the vehicle on Boynton Beach Blvd at Sun Valley East Dr. Once stopped I approached the vehicle on the driver side as Sgt. Soloway approached on the driver side. I could smell the odor of an unknown alcoholic beverage, based on my training and life experinces, that came from inside the vehicle. Sgt. Soloway advised the defendant of the reason for the stop. Sgt. Soloway asked the defendant if he had anything to drink and the defendant stated that he did not. Sgt. Soloway asked the defendant to exit the vehicle.

The complainant, Jennifer Nullman, completed a written sworn statement which stated the following:

She stated that her husband, Michael Nullman, was sending her nasty messages which is a trait of when he is intoxicated. She stated that the defendant had yelled at her daughter over the phone so she called him and he sounded "off." She stated that he returned home, and quickly left again and then a short time later returned home. She stated that when he came in the residence she observed what she belevied to be signs of imapirment, eyes, voice, sell. (See written sworn statement for further).

The defendant was walked back to the front of my PBSO patrol vehicle to complete the task which were recorded on my in car video system as well as my body worn camera. The area was flat and even tot he naked eye and clear of any large debris. The weather was hot with some gust of wind during the task. The roadway was dry. The Area was lit and was illuminated by my PBSO patrol vehicle as well. I confirmed with the defendant that he did not have any medical issues and he stated that he did not have any that he was aware of.

Horizontal Gaze Nystagmus (HGN)

The defendant was placed with their feet together and hands down by their side. The defendant was instructed to await the completion of the instructions prior to beginning the task. The defendant acknowledged that they clearly understood my instructions. I then instructed the defendant on the task. The defendant stated that they clearly understood my instructions for the task. I placed my stimulus in front of the defendant and ask the defendant if they could see it to which he said "yes." I asked the defendant what color the stimulus was to which they answered. "red.". Upon commencing the task the defendant moved their head side to side instead of following with their eyes only, anticipated the stimulus, and did not follow the stimulus as instructed. During the task, I observed that the defendant had equal pupil size and did not exhibit resting nystagmus. The defendant's eyes tracked equally. I observed a lack of smooth pursuit in both of the defendant's left and right eyes. I observed a distinct and sustained nystagmus, a quivering/jerking from side to side, while the stimulus was held at maximum deviation in both of the defendant's left and right eyes. I observed the onset of nystagmus with the stimulus held at/or prior to 45 degrees in both of the defendant's left and right eyes.

NOT A CERTIFIED COPY

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

Inv. C. Ward 16305
(Signature of Arresting /Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 19 day of June 20 23 by Inv. C. Ward

(Print name of Arresting/Investigative Officer), who is personally known to me [illegible] type of identification produced Known LEO

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

SHARI L. O'NEAL
Notary Public - State of Florida
Commission # GG 972010
My Comm. Expires Jun 23, 2024
Bonded through National Notary Assn.

PBSO #0004 REV. 12/22

DISTRIBUTION: STATE ATTORNEY AGENCY AGENCY DEFENDANT (N.T.A.'s ONLY)

PROBABLE CAUSE AFFIDAVIT

OBTS Number:

1 Arrest, 2 NTA, 3 Request for Warrant, 4 Request for Copies: 1

Juvenile: N

ADMIN

Agency ORI Number	Agency Name	Agency Report Number
FLO 5 0 0 0 0 0	PALM BEACH COUNTY SHERIFF'S OFFICE	23-080516

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

Special Notes:

DEF

Name (Last, First, Middle)	Alias	Race	Sex	Date of Birth
Nullman, Michael , H		W	M	1/2/1980

CHARGES

Charge Description		Charge Description	
Driving Under the Influence	316.193(1A)	Resist Without Violence	843.02
Charge Description		Charge Description	

VICTIM

Victim s Name (Last, First, Middle)	Race	Sex	Date of Birth
State of Floirda, ,	–	–	–

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.

☐ confessed to _____ admitting to the below facts.

☐ was observed by _____ who told _____ that he/she saw the arrested person commit the below acts.

☒ was found to have committed the below acts, resulting from my (described) investigation.

On the 19 day of June 20 23 at 2043 ☒ A.M ☐ P.M (Specifically include facts constituting cause for arrest.)

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

At this time I found probable cause to believe that the defendant was impaired for the purposes of operating and/or being in actual physical control of a motor vehicle pursuant to Florida State Statute 316.193(1a). I advised the defendant that he was underarrest as I took his hand to handcuff him. The defendant turned and pulled his arms forward in an attempt to not be handcuffed. The defendant had to be leverage against the vehicle while being ordered to put his hand behind his back. The defendant continued to pull his hands forward and was eventually handcuffed. I handcuffed the defendant to the rear using two sets of handcuffs due to the defendants size. . I checked the handcuffs for proper fit and double locked them. I then placed the defendant in the rear of my PBSO patrol vehicle. At this time I found I had probable cause to charge the defendant with resisiting without violence pursuant to Florida State Statute 343.02

An inventory search of the vehicle was conducted prior to tow per PBSO policy. There was nothing to mention inside of the vehicle. The vehicle was towed by rotation by Priority Towing to their impound lot.

While in the back east of my patrol vehicle the defendant who had previously asked for a lawyer rengaged with e and begain asking questions. Due to the defendant stated that he wanted a lawyer previously the defendant was read his Miranda rights from a pre printed Miranda Rights card. The defendant stated he understood his rights and did not want to waive said rights. No more incriminating questions were asked. He asked for a lawyer multiple time during the trip to and at the bat and expressed his feelings that he felt he was being illegally detained.

Without being asked any questions the defendant would spontaneously ask what parts of the past he failed or did not pass. The defendant multiple times was explained that they were not pass fail but were deterministic.

I transported the Defendant to the Palm Beach County Jail Breath Alcohol Testing (B.A.T.) center.

Once at the Breath Alcohol Testing Center I placed the defendant in a centrally located position where they could be easily monitored. I observed the defendant for 20 uninterrupted minutes during which time they did not ingest anything and/or regurgitate. After the 20 minute observation period the defendant was escorted into and isolated testing room which was video recorded. Once inside the room I requested a lawful sample of the defendant's breath for the purposes of determining its blood alcohol content. The defendant refused to give a lawful sample of their breath. The defendant was then read implied consent from a pre-printed PBSO implied consent form. The defendant stated that they understand and that he wanted a lawyer. He was explained implied consent and I again read to him from the bottom of his license that, "operation of a motor vehicle constitutes consent to any sobriety test required by law." The defendant was again asked if he would give a lawful sample of his breath. The defendant would not answer the questions and was repeating that he wanted a lawyer and that he didn't agree with the implied conset. The defendant was explained that it was a yes or no question and that any answer other than yes would be taken as a refusal to give a lawful sample. The defendant was again requested to give a lawful sample of his breath and he continued not answer the question. This was taken as a refusal at 2237 hours.

ADMINISTRATIVE

STATE OF FLORIDA
COUNTY OF PALM BEACH

Inv. C. Ward 16305
(Signature of Arresting /Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 19 day of June 20 23 by Inv. C. Ward

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

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

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

PAGE 2 OF 2

PBSO #0004 REV. 12/22

DISTRIBUTION: STATE ATTORNEY AGENCY AGENCY DEFENDANT (N.T.A.'s ONLY)

NOT A CERTIFIED COPY

D.U.I. PROBABLE CAUSE AFFIDAVIT

ON THE 19 DAY OF June 20 23, AT 2043 ✓ AM PM

SUBJECT: Nullman, Michael , H CASE NUMBER: 23-080516

AGENCY: PALM BEACH COUNTY SHERIFF'S OFFICE ARRESTING OFFICER: Inv. C. Ward 16305

PERSONAL CONTACT

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

I responded to the area of 8575 Breezy Oak Ln, unincorporated Boynton Beach, in reference to a welfare check in which the complainant, Jennifer Nullman, believed that her husband, the defendant, Michael Nullman, was impaired and was driving a motor vhicle. She advised dispatch that the defendant had used a protrable breath test prior to leaving the residence and had a result of 0.12. She stated that he was driving a Gray BMW bearing Florida Tag KVCM78.

While checking the area Sgt. A Soloway # 8586 stated that he was behind the vehicle traveling eastbound on Boyaton Beach Blvd from the Lyons Rd area. Sgt. Soloway stated the following in a supplemental Probable cause affidavit:

[He] responded to 8575 Breezy Oak Ln. in reference to a complaint of a subject who just left the residence who was possibly impaired and driving a Gray BMW bearing FL tag KVCM78. Upon my arrival, I observed this vehicle traveling westbound on Canyon Lakes Dr. The vehicle then made a right and began traveling northbound on Lyons Road. The vehicle was traveling in excess of 60 MPH in a posted 50 MPH zone. I pace clocked the vehicle speed using my PBSO vehicle #81958. The vehicle then made a right turn onto Boyaton Beach Blvd. and began traveling ebound. When the vehicle made the right turn, it did not turn onto the right lane, it turned onto the middle lane. The vehicle was traveling at 62mph in a posted 45 MPH zone on Boyaton Beach Blvd. I pace clocked the vehicle using my PBSO vehicle #81958.

I conducted a traffic stop on this vehicle and made contact with the driver and sole occupant, Michael Nullman, who was identified by his FL DL.
In speaking with the driver, I observed his eyes to be red and glassy, there was an obvious odor of an unknown alcoholic beverage coming from his breath of which intensified as he spoke. The driver stated he was coming from home and did not consume any alcohol today. He later stated he drank one White Claw.
Inv. C Ward was on scene and conducted a DUI investigation. (See Supplemental Probable Cause Affidavit for father)

See PC page farther:

OBSERVATION OF DRIVER:

The defendant leaned on his car for balance after getting out of the vehicle. The defendant walked to the rear of his vehicle were i again made contact with the defendant, identified by their Florida Driver's License as, Michael Nullman. I observed that the defendant had red, watery, bloodshot eyes. The defendant had slowed, lethargic, speech, and the odor of an unknown alcoholic beverage, based on my training and life experiences, that came from their breath which intensified as they spoke to me.

I asked the defendant to perform voluntary field sobriety tasks. The defendant refused, so I gave the Taylor Warnings explaining that if he choose not to complete the task that I would have to base my deicision to arrest or not arrest on what I had already observed. He was advised that if he choose not to complete the task then it could be used against him in criminal court. He answered saying, "I understand that, Im asking you guys what I can do to no, im not," and trailed off. He then stated that he had a white claw before and that it was a big deal. I again explained to him his Taylor warnings and pointed out that it is printed on his license that operation of a motor vehicle constitutes consent to any sobriety test required by law. He stated that he understood and would complete the task. I again asked him to complete the field sobriety task and he stated he would.

DRIVER'S STATEMENTS:

I attempted to confirm with the defendant that he stated that he did not drink any alcohol tonight and he stated that he had a drink before he left his house. When I asked the defendant if he had anything else to drink he did not answer the question. The defendant then stated that he did not know why he was being pulled over. As I went to explained to what Sgt. Soloway had already explained to him he interrupted me stating that he understood. He then spontaneously stated that he had just had a fight with his wife. When asked where he lived he stated that he lived at 8375 Breezy Oak Way where he had a fight with his wife. He the spontaneously stated that he was a lawyer and again stated that he did not know why he was being pulled over. He apologized for if he was driving at a high rate of speed as he did not realize he was driving that fast. He stated that he drank one white claw. I asked the defendant if they had any medical problems and he stated no. I asked him if he had taken any illegal drugs and he stated no. I asked him if he smoked any marijuana and he said not. I confirmed that he stated that he drank one white claw and he stated that he did.

ODORS:

I could smell the odor of an unknown alcoholic beverage, based on my training and life experinces, which came from the defendant's breath and intensified as they spoke to me.

GENERAL OBSERVATIONS

SPEECH: **slowed**

ATTITUDE: **cooperative, inquisitive,**

CLOTHING: **Black Shirt, Gray Slacks, Brown Shoes**

MEDICAL/OTHER: **He apologized for if he was driving at a high rate of speed as he did not realize he was driving that fast. He stated that he drank one white claw. I asked the defendant if they had any medical problems and he stated no. I asked him if he had taken any illegal drugs and he stated no. I asked him if he smoked any marijuana and he said not. I confirmed that he stated that he drank one white claw and he stated that he did.**

TATE OF FLORIDA
'OUNTY OF PALM BEACH

Inv. C. Ward 16305
ignature of Arresting/Investigative Officer)

ne foregoing instrument was sworn to or affirmed and subscribed before me this 19 day of June 20 23 by Inv. C. Ward 16305

rint name of Arresting/Investigative Officer), who is personally known to me and/or produced identification. Type of identification produced: Known LEO

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

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

NOT A CERTIFIED COPY

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) _____

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

SUBJECT: Nullman, Michael , H CASE NUMBER 23-080516

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:
See P.C.

WALK & TURN:

I used an approximately 3" wide yellow line that was painted on the ground. I asked the defendant if they knew their left from their right which they did. I asked the defendant if they could see the line and they stated that they did. I asked the defendant what color the line was and they stated yellow. He stated that he was color blind and then confirmed that the line was yellow. The defendant was given the opportunity to take his dress shoes off if he choose to prior to completing the task and choose to leave his shoes on. I had the defendant place their left foot on the line with their right foot in front of the left, heel to toe. The defendant spontenously stated "I have *tried to do this many time." I instructed the defendant to remain in the position throughout my instructions and demonstration. The defendant was instructed not to* start the task prior to me telling them to begin. The defendant acknowledged and stated they completely understood my instructions. The defendant was then instructe on the task which I also demonstrated. The defendant swayed during my instructions. The defendant stated the he undestood and that asked me, "Can you do that?" I explained to him that I just did it by demonstrating the task. The defendant came out of the stance prior to me telling them to begin. Once the defendant was told to begin the task they missed heel to toe, stepped off the line, used their arms for balance, and made an improper turn. The defendant swayed throughout completing the task.

ONE LEG STAND:

The defendant was instructed to stand with their feet together and their hands down by their side. They were then instructed to remain in the position throughout the instructions and demonstration until instructed to begin. The defendant acknowledged and stated that they clearly understood the instructions. The defendant swayed while in the instructional position. The defendant came out of the instructional position a. After being told to begin the defendant put their foot down prior to being told to stop, used their arms for balance, and swayed. The defendant did not count in the manner instructed. The defendant did not keep their leg straight or look at their toe and had to be reminded to do so. The defendant asked for additional instructions during the task. He finished stated that he did not think that I could complete the task.

FINGER TO NOSE:

The defendant was instructed to stand with their feet together and their hands down by their side. The defendant was then instructed to remain in the position throughout the instructions and demonstration until instructed to begin. The defendant acknowledged and stated that they clearly understood these instructions. The defendant swayed while in the instructional position. I instructed the defendant on the task, the defendant interrupted the instruction stating that he did not think that I could complete the task. and demonstrated the task and that they were unfair. The defendant raised his arms coming out of the instructional position. I asked the defendant if he understood the instructions and he stated that he did not. He stated that the instructions were very difficult for somebody to follow. He stated that it was unacceptable and that he wanted a lawyer. The defendant was advised that the task were evidenarty and that he was not being asked questions. He was again asked if he was going to complete the task. He stated that he would. He was again instructed on the task which were also demonstrated. The defendant acknowledged the instructions stating that they clearly understood them. The defnedant did not tip their head back and close their eyes as instructed when told to begin and had to be reminded to do so. The defendant proceeded to miss nose with the tip of their finger, and started with the wrong hand. The defendant did not keep their head tilted back \during the task. The defendant swayed throughout the task.

ROMBERG ALPHABET:

The defendant was instructed to stand with their feet together and their hands down by their side. I asked the defendant what his highest level of education was and he stated that he was a lawyer. Stating that he had a Juris Doctor. The defendant swayed while in the instructional position.The defendant stated that they knew their English alphabet from A tc Z. I instructed them on the task and then demonstrated the task. The defendant acknowledged the instructions stating that they clearly understood them. The defendant stated that he did not believe it was fair that the task was demonstrated with my eyes open even though I explained to him multiple times that my eyes have to stay open for safety. The defendant then proceeded to misstate their alphabet, as well as stated them fast instead of the slow no rythmic cadence i instructed and demonstrated.

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

STATE OF FLORIDA
COUNTY OF PALM BEACH

Inv. C. Ward 16305
(Signature of Arresting/Investigative Officer)

The foregoing instrument was sworn to or affirmed and subscribed before me this 19 day of June 20 23 by Inv. C. Ward 16305

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

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

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

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SUBJECT: [illegible] CASE NUMBER: [illegible]

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: INV. C. [illegible] #1605

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

PBSO CASE # 23-080516 PBSO ZONE 6-41

AGENCY CASE # _____ CRASH CASE # _____

TIME OF STOP/CRASH 2043 DATE 06/19/2023 DAY Monday

SUBJECT'S NAME Nullman, Michael , H RACE W SEX M

HGT 5'11 WGT 230 DOB 1/2/1980

LOCATION Boynton Beach Blvd and Sun Valley East Dr, Boynton Beach, FL 33473

ARRESTING OFFICER'S NAME & ID Inv. C. Ward 16305 (16305) AGENCY Palm Beach County Sheriff's Office

DIVISION: DUI-CID

NOTIFIED BY COMMO Yes

ARRIVAL AT FACILITY 2211

ARREST TIME 2129

BREATH RESULTS:

1) REFUSED

2)

3)

4)

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TESTING OFFICER'S ID 8656 PBSO VIDEOTAPE # N/A

WITNESS LIST

CASE NUMBER: 23-080516

ARRESTING OFFICER: Inv. C. Ward 16305

ADDRESS: 3228 Gun Cub Rd, West PAlm Beach, FL 33406

PHONE NUMBERS (HOME): _____ (WORK) 561-851-1130

CAN TESTIFY TO: DUI Investigation

NAME: Sgt. A Soloway 8306

ADDRESS: 3228 Gun Club Rd,, West Palm Beach, FL

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

CAN TESTIFY TO: Stopping deputy/Back Up

NAME: D/S J. Ramirez 26733

ADDRESS 3228 Gun Club Rd, West Palm Beach, fL

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

CAN TESTIFY TO: Back Up Office

NAME: Jennifer Nullman

ADDRESS 8575 Breezy OAk Way, Boynton Beach, FL 33473

PHONE NUMBERS (HOME) _____ (WORK) _____

CAN TESTIFY TO: Complainant, signs of imapirment

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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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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TESTING FACILITY TASK REPORT

AGENCY: PBSO

SUBJECT: NULLMAN, MICHAEL HARLEY

CASE NUMBER: 23-080516

DATE: Jun 19, 2023

VIDEO DVD NUMBER: N/A

BEGINNING TIME: 2234

ENDING TIME: 2238

BREATH TESTS RESULTS: 1) R TIME 2237 A.M.☐ P.M.☒ 2) XX TIME XX A.M.☐ P.M.☐

REFUSED 3) XX TIME XX A.M.☐ P.M.☐ 4) XX TIME XX A.M.☐ P.M.☐

BREATH OPERATOR: JOSHUA J BELL #8656

MAINTENANCE TECHNICAN: J. KARLECKE #6467

TESTING OFFICER'S OBSERVATIONS

SPEECH: SLURRED

ATTITUDE: TALKATIVE, REPETITIVE

CLOTHING: BLACK POLO SHIRT, GREY PANTS, BROWN SHOES

MEDICAL CONDITIONS: UNKNOWN

MEDICATIONS: UNKNOWN

OTHER:

EYES: BLOODSHOT, GLASSY

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COMMENTS:

A/O ARRIVED AT DUI TESTING FACILITY AND BEGAN THE 20 MINUTE OBSERVATION AT 2211 HOURS

SUBJECT STATED HE WOULD NOT TAKE BREATH TEST

A/O READ I.C AND EXPLAINED
SUBJECT STATED HE DID NOT UNDERSTAND
WHEN ASKED WHAT HE DID NOT UNDERSTAND HE SAID "I DONT AGREE WITH IT"

A/O CALLED A REFUSAL AT 2237 HOURS

A/O READ RIGHTS ON SCENE
SUBJECT STATED HE WANTED HIS LAWYER

REFUSED

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	☒	316.650(b)	Other: Driver information containted in a uniform traffic citation.	8
	☐		Other:	

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REVIEW COMPLETED BY

Booking Number: 2023016074	**Date:** 6/20/2023
	Specialist Name/ID: R.Castro/40259